

THE AMBIVALENCE AND SOCIAL ENFORCEMENT OF WIDOWER ‘IDDAH NORMS IN MADURA (A Critical Islamic Law Perspective on Living Fiqh And The Limits Of ‘Urf)

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ABSTRACT

This article examines the socio-legal construction of widower's iddah in Madura from an Islamic law perspective. It focuses on how widower mourning, although not formally codified in detail in the Kompilasi Hukum Islam, becomes a socially recognized and enforced norm in local Muslim communities. The study aims to analyze the ambivalence and social enforcement of widower's iddah and to assess whether it constitutes a legitimate expression of 'urf and living fiqh or an excessive form of communal moral control. This research employed an empirical socio-legal design with a qualitative case study approach in Banyuwates and Ketapang, Sampang Regency. Data were collected through in-depth interviews, observation, and field notes with 42 informants, including widowers, younger and older community members, religious leaders, and community leaders. The findings show that a widower's iddah functions as a morally binding norm shaped by kinship relations, communal morality, and local religious reasoning. Its enforcement is supported by Madurese values such as *tengka*, *malo*, *todus*, and *ajhina abhâ*, as well as informal sanctions such as gossip, labeling, distancing, and reputational pressure. The study concludes that a widower's iddah may be accepted as a valid 'urf only when it remains proportional, ethical, and consistent with *maqasid al-shari'ah*; otherwise, it risks becoming unjustifiable social coercion. Its legitimacy collapses when social enforcement turns that framework into excessive communal control that negates the widower's legally permissible right to remarry.

Keywords : *widower iddah; living fiqh; 'urf; Madura; Islamic family law*

ABSTRAK

Artikel ini mengkaji konstruksi sosio-legal *iddah* duda di Madura dalam perspektif hukum Islam. Fokus kajian ini adalah mengenai masa berkabung duda, yang tidak dikodifikasi secara rinci dalam *Kompilasi Hukum Islam*, justru hidup sebagai norma sosial yang diakui dan ditegakkan dalam masyarakat muslim. Artikel ini bertujuan untuk menganalisis ambivalensi dan penegakan sosial *iddah* bagi duda serta menilai apakah praktik tersebut merupakan ekspresi *'urf* dan *living fiqh* yang sah atau justru bentuk kontrol moral komunal yang berlebihan. Penelitian ini menggunakan desain sosio-legal empiris dengan pendekatan studi kasus kualitatif di Banyuwates dan Ketapang, Kabupaten Sampang. Data dikumpulkan melalui wawancara mendalam, observasi, dan catatan lapangan terhadap 42 informan yang terdiri atas duda, kalangan muda dan tua, tokoh agama, serta tokoh masyarakat. Hasil penelitian menunjukkan bahwa *iddah* duda berfungsi sebagai norma moral yang mengikat dan dibentuk oleh relasi kekerabatan, moralitas komunal, dan nalar keagamaan lokal. Penegakannya ditopang oleh nilai-nilai Madura seperti *tengka*, *malo*, *todus*, dan *ajhina abhâ*, serta sanksi informal berupa gosip, pelabelan, penajuhan sosial, dan tekanan reputasional. Penelitian ini menyimpulkan bahwa *iddah* duda dapat diterima sebagai *'urf* yang sah hanya jika dijalankan secara proporsional, etis, dan selaras dengan *maqasid al-shari'ah*; jika tidak, ia berisiko berubah menjadi paksaan sosial yang sulit dibenarkan. Legitimasi tersebut runtuh ketika penegakan sosial mengubah kerangka *iddah* menjadi kontrol komunal yang berlebihan yang meniadakan hak duda yang secara hukum Islam diperbolehkan untuk menikah lagi.

Kata Kunci : *iddah duda; living fiqh; 'urf; Madura; hukum keluarga Islam*

INTRODUCTION

The discourse of *'iddah* in Islamic law has long been cantered on women, especially in relation to divorce and widowhood. This orientation is also reflected in the Indonesian *Kompilasi Hukum Islam* (KHI), which regulates the waiting period for wives in considerable detail (article 153). By contrast, the legal position of a husband after the death of his wife is not elaborated with the same degree of precision. Article 170 paragraph (2) of the KHI only states that a husband whose wife dies should observe a mourning period “according to propriety” (*menurut kepatutan*) (Ditjen Pembinaan Kelembagaan Islam, 1991). This provision is normatively meaningful but juridically open-ended. It acknowledges that a widower is not entirely outside the moral framework of bereavement, yet it does not clearly define the duration, scope, or concrete consequences of such mourning.

From the perspective of Islamic family law, this open-endedness raises an important question: how does a norm with minimal formal regulation become socially binding in Muslim society? This issue becomes especially significant when Islamic law is understood not merely as a body of statutory rules, but also as a living normative order. Ehrlich (Fuchs, 2021) argued that the centre of gravity of law lies in the norms embedded in social life. Likewise, Moore demonstrated that communities may generate and enforce their own binding norms within what she called semi-autonomous social fields (Lemons et al., 2025). In Islamic legal studies, this social vitality can be approached through the notion of *living fiqh*, namely the ways in which fiqh-based values are interpreted, localized, embodied, and enforced in everyday life (Wimra et al., 2023). However, Islamic law does not accept custom uncritically. The validity of *'urf* depends on its compatibility with broader Sharī'ah principles and objectives, including justice, benefit, dignity, and social balance (Auda, 2008; Kamali, 2008).

The Madurese case is particularly important because it presents a socio-legal paradox. Madura is often associated with strong patriarchal values and male-cantered authority structures (Anhary, 2023; Dartiningsih, 2022). However, this study finds the opposite in an important moral domain: in some Madurese Muslim communities, a widower who remarries too soon after his wife's death is not necessarily regarded as exercising a normal male privilege, but may instead be seen as improper, insensitive, or even taboo. This paradox is analytically significant because it shows that patriarchy does not automatically translate into unlimited male autonomy.

In practice, a widower's *iddah* in Madura functions not merely as a private expression of grief, but as a socially recognized and socially enforced norm. A widower may be expected to postpone remarriage, maintain public restraint, and avoid conduct deemed inappropriate after his wife's death. These expectations are tied to local moral values concerning shame, propriety, and family honour, and may be reinforced through gossip, rebuke, kinship pressure, social distancing, and other informal sanctions. The legal issue, therefore, is not simply whether widower mourning exists, but whether its authority and enforcement can be justified within Islamic law as a valid *'urf* that supports *maqasid al-shari'ah*.

Previous studies have provided important insights, but they have not fully addressed this problem. Much of the literature on *'iddah* and *ihdād* remains cantered on women, both in classical fiqh and in modern Islamic family law (Azzulfa & Cahya A., 2021; Sofian & Abdi, 2023). In the Indonesian context, discussions on male mourning have generally focused on doctrinal reciprocity, legal reform, or the implementation of KHI Article 170(2) (Abdullah et al., 2023; Ahmad, 2023; Asiyah et al., 2023). Existing work shows that the KHI recognizes a mourning period for husbands, yet its social application remains uneven and highly dependent on local interpretation. Other studies on Madurese society discuss patriarchy, moral order, and kinship-based authority (Sa'diyah & Nurhayati, 2024). However, they do not specifically examine how widower mourning becomes socially binding through informal sanctions, nor do they critically test its validity through the doctrine of *'urf*. As a result, a widower's *iddah* remains insufficiently positioned as a serious issue of Islamic family law in its own right.

Accordingly, at least three gaps remain. First, a widower's *iddah* is still often treated as a derivative issue within broader debates on women's *iddah*. Second, the mechanism of social enforcement remains under-theorized. Third, the norm's ambivalence has not been adequately examined. The unresolved Islamic law question is whether a widower's *iddah* in Madura qualifies as *'urf sahib* that supports Sharī'ah objectives, or whether, in certain circumstances, it becomes excessive moral control expressed in religious language.

This article addresses that gap by offering a critical Islamic law reading of widower's *iddah* norms in Madura. The state of the art of this study lies in connecting three analytical layers that are often discussed separately: widower mourning as an empirical social norm, its operation as *living fiqh* through communal recognition and sanction, and its evaluation through the framework of *'urf* and *maqasid al-shari'ah*. The originality of this article is therefore both empirical and theoretical. Empirically, it shifts attention from the formal regulation of

widowhood to the social life of Islamic family norms affecting widowers. Theoretically, it argues that the validity of custom must be assessed in relation to Shari'ah purposes, proportionality, justice, and the balance between collective moral order and personal dignity.

This research is situated in Madura, particularly in Muslim communities where widowers' *iddah* norms continue to function as socially recognized standards after a wife's death. Madura is selected because it provides an analytically significant socio-legal setting in which Islamic values, kinship honor, communal morality, patriarchy, and informal sanctions intersect visibly and durably. Accordingly, the objective of this study is to analyze the ambivalence and social enforcement of widower's *iddah* norms in Madura and to formulate a critical Islamic law assessment of whether such norms represent a legitimate customary embodiment of Shari'ah values or an excessive form of communal moral control.

RESEARCH METHOD

This study employed an empirical socio-legal design with a qualitative case study approach. It was conducted in Banyuwates and Ketapang, Sampang Regency, because in these two settings widowers' *iddah* norms remained socially meaningful and were enforced through kinship relations, communal morality, and local religious authority. The researcher served as the primary research instrument in the field. The research subjects consisted of individuals and social actors who possessed direct experience, knowledge, or authority regarding widower mourning practices. A total of 42 informants participated in this study, comprising widowers as the main actors, younger and older community members, community leaders, and religious leaders. They were selected purposively based on their relevance to the research problem.

The data consisted of both primary and secondary sources. Primary data were collected through in-depth interviews, observation, and field notes. The interviews were conducted to explore how widowers' *iddah* norms were understood, justified, enforced, and negotiated in everyday social life. Observation was used to capture social responses to widower remarriage, including communal expectations, moral judgment, and forms of informal sanction. Secondary data were obtained from the *Kompilasi Hukum Islam*, classical and contemporary literature on *'iddah*, *ihdad*, *'urf*, and *maqasid al-shari'ah*, as well as relevant socio-legal studies. These materials were used to provide the normative and analytical framework for interpreting the empirical findings.

The data were analysed qualitatively through data reduction, categorization, thematic interpretation, and critical Islamic law analysis. Field data were first organized into major themes, including the social construction of widower's *iddah*, mechanisms of informal sanction, and the local moral values underlying the norm. These themes were then interpreted through a socio-legal perspective to explain how widower mourning functioned as *living fiqh*. In the final stage, the findings were examined through the doctrines of *'urf* and *maqasid al-shari'ah* in order to assess whether widower's *iddah* in Madura operated as a valid customary embodiment of Islamic legal values or as an excessive form of communal moral control. To enhance the credibility of the findings, the study employed source triangulation and continuous comparison between field data and legal analysis.

FINDINGS AND DISCUSSION

The Social Construction of Widower 'Iddah: Strength, Flexibility, and Local Norm

Field findings showed that a widower's *iddah* in Banyuwates and Ketapang was not understood as a formal legal obligation in the same sense as a woman's *iddah* in classical *fiqh* or in the *Kompilasi Hukum Islam*. Rather, it was socially constructed as a morally binding norm governing a husband's conduct after the death of his wife. In both locations, the norm was transmitted through family advice, kinship expectations, religious discourse, and everyday communal interaction. Informants generally understood that a widower should not remarry immediately after his wife's death. Although no single uniform legal formula was invoked, social understandings of a "proper" waiting period were clearly ((some informants mentioned 40 days, 100 days, 1 year, or even 1,000 days) 40 days, 100 days, 1 year, and even 1000 days) recognized, and remarriage considered too close to the wife's death was widely viewed as improper. widower's *iddah* functioned less as a codified rule than as a socially reproduced moral expectation embedded in communal life.

Local standards of appropriateness shaped the practical content of this norm. In both sites, widowers were expected to maintain restraint, avoid hastily arranging a new marriage, and display conduct considered fitting to bereavement. The exact time limit was defined through social judgment about whether a widower had shown sufficient respect for his deceased wife and her family. In some accounts, the issue was not merely the number of days or months, but whether the widower was seen as "too quick," "not yet proper," or insufficiently attentive to the emotional and social consequences of remarriage. This indicates

that the widower's iddah was constructed through moral timing. Its force lay in a shared communal sense of when remarriage ceased to be interpreted as disrespectful.

The findings also revealed that a combination of religious sensibility and social pressure drove compliance with widower's iddah norms. Informants referred to respect for the deceased wife, consideration for the feelings of her family, the preservation of family honor, and the avoidance of gossip or moral suspicion as major reasons for compliance. A widower was therefore not viewed merely as an individual managing personal grief, but as a social actor whose conduct reflected upon the dignity of the deceased and the moral standing of both families. In this sense, a widower's iddah emerged as a fusion of Islamic moral sensibility and customary reasoning. The open-ended formulation of mourning "according to propriety" was effectively filled by communal expectations, which gave the norm practical force even without detailed legal codification.

Important local variation nevertheless appeared between the two research sites. In Banyuwates, widower's iddah operated as a stronger and more collectively guarded norm: social expectations were more explicit, kinship monitoring was tighter, and early remarriage was more likely to be judged as disrespectful or taboo. In Ketapang, by contrast, the norm remained socially meaningful but was applied more flexibly and was more open to contextual negotiation. Although restraint after a wife's death was still expected, the threshold of what counted as "too soon" appeared more elastic and dependent on social circumstances. From a socio-legal perspective, these findings indicate that widower's iddah in both Banyuwates and Ketapang functioned as a form of living fiqh sustained through communal recognition rather than state-centered enforcement. At the same time, the comparison shows that such living fiqh was not uniform; its force depended on local configurations of kinship, morality, and religious interpretation.

Patriarchy and Paradox: Why Widower Remarriage Becomes Taboo

Field data revealed a clear distinction between what is considered legally permissible and what is socially appropriate. Informants in Banyuwates and Ketapang generally did not deny that a widower is permitted to remarry under Islamic law. However, they repeatedly emphasized that remarriage so soon after a wife's death is "improper," "too soon," or "socially inappropriate." This phenomenon suggests that the issue is not the legality of remarriage per se, but the moral timing of remarriage. In socio-legal terms, this pattern reflects a form of moral regulation, in which societal norms do not prohibit an act in principle

but rather prescribe the conditions under which it can be considered acceptable in practice (Barkan, 2023; Oorschot, 2021). Thus, a legal act is filtered through standards of propriety, self-control, and respect for the deceased wife.

This finding becomes even more significant when placed within the broader gender order of Madurese society. Patriarchy is generally understood not only as a system of male domination but also as a structure that regulates authority, obligation, and symbolic expectations surrounding gender roles (Sanauddin, 2025). Similarly, Connel shows that gender order not only privileges men but also disciplines them through socially valued models of masculinity. In this study, widowers do not have unlimited freedom after their wives die (Jablonka, 2022).

A widower who remarries too soon may be judged as insensitive, disrespectful, or lacking moral seriousness. Furthermore, this relates to the *tengka*, *malo*, and *ajhina abha'* (obligatory values) held in high regard by Madurese society. Widowers show respect to their deceased wives, to protect the feelings of their wives' families, and to maintain their personal and family reputations. Violating these norms threatens potential conflict, with *carok* (a worst-case scenario), demonstrating that social control operates through reputational vulnerability and moral internalization. In Black's terms, sanctions here are informal and not state-centered (Syahrudin, 2023), while in Bourdieu's sense, they also involve symbolic pressures that shape actions through honor, shame, and social recognition (Fáber, 2025).

Viewed through the lens of living law and living *fiqh* (Islamic jurisprudence), this paradox becomes clearer. Ehrlich argued that law lives in social practice before it emerges in formal doctrine (Fuchs, 2021), while Moore demonstrated that communities can enforce norms in semi-autonomous social spheres (Yunus et al., 2026). In the context of Islamic law, this means that rights recognized in doctrine can still be socially mediated through local norms of propriety, mourning, and respect within the community. Therefore, the taboo against widower remarriage limits the exercise of legal rights through socially expected obligations. Widowers often comply with these rules even without formal legal coercion. The paradox lies not in the absence of patriarchy. However, in its ambivalent operation, the same social order that grants men privileges in many spheres also subjects them to moral discipline to maintain their dignity, honor, and societal legitimacy.

Actors and Social Enforcement Mechanisms

Field data indicates that the widower's 'iddah' norm in Banyuwates and Ketapang is enforced by a network of social actors operating through everyday moral policing. The

primary actors involved are the deceased wife's family, the widower's family, older community members, neighbors, religious leaders, and community leaders. However, their roles are not identical. Family members, especially the wife's side, are often the first and most emotional evaluators of the widower's behavior after the loss of his wife. Elderly community members and neighbors act as everyday observers who interpret and disseminate judgments about whether the widower's behavior remains within the bounds of propriety. Community leaders determine the level of punishment and the measures to be applied against mourners who violate the rules. In contrast, religious leaders issue statements that define what constitutes appropriate mourning behavior. In this context, the enforcement of the widower's 'iddah' operates as a semi-autonomous social sphere, where norms are generated, interpreted, and enforced through communal interaction rather than state coercion (Atadjanov, 2026).

This enforcement process is supported by a local moral vocabulary that provides cultural legitimacy to social judgments. Informants refer, explicitly or implicitly, to values such as *tengka* (modesty), *malo* and *todus* (shame), and *ajhina abhâ'* (family honor) when evaluating the behavior of widowers. These values serve as a moral grammar for interpreting remarriage after a wife's death. A widower who remarries too soon is seen not only as making a personal decision, but also as acting without sufficient propriety, without proper shame, and in a way that could damage the honor of his deceased wife's family. In this context, compliance is driven not only by fear of punishment in the narrow sense but also by a desire to avoid being morally classified as lacking *tengko* or *malo*. This compliance reflects a form of social control in which communal norms shape behavior through shame, reputation, and symbolic recognition rather than through formal law (Karibandi, 2021; Momen et al., 2025).

The enforcement mechanisms themselves are generally informal, gradual, and relational. The data show that widowers are rarely confronted with explicit prohibitions. Instead, control is exerted through advice, reminders, teasing, gossip, moral reprimands, reputational labeling, and subtle forms of social exclusion. A widower who is perceived to have remarried "too soon" may become the object of negative talk, be judged shameless, be socially neglected, or lose moral standing in the community. In more serious cases, the consequences can extend beyond gossip to social ostracism or deterioration of relations within kin groups. This pattern suggests that the norm derives much of its power from reputational vulnerability: the widower complies with the norm not only because it is considered morally correct, but because violating it would subject him to social consequences

that could affect his everyday standing. As Black argues, informal sanctions may be particularly effective precisely because they are embedded in ordinary social relationships and difficult to avoid (As-Suvi & Zainullah, 2022).

The findings also suggest that the intensity of enforcement differs between the two locations. In Banyuwates, moral judgments circulate more quickly, kinship surveillance is more stringent, and early remarriage is more readily perceived as a serious issue of propriety and family honor. In Ketapang, the enforcement process is relatively more flexible and more mediated by circumstances. Although social disapproval persists, a widower's actions are considered a grave affront to the dignity of his deceased wife's family, and this disapproval can escalate into open hostility between families. Thus, the widower's iddah functions as a living form of fiqh (Islamic jurisprudence), whose practical authority depends on the ability of local actors to transform moral opinion into social pressure. These norms are effective not because they are codified in detail, but because they are supported by a culturally resonant system of community values of shame, honor, and judgment.

The Social Functions and Ambivalence of Widower 'Iddah

Field findings indicate that the widower's iddah period in Banyuwates and Ketapang is maintained because it is believed to serve an important social function. The iddah period is understood as a moral instrument that prevents remarriage from appearing abrupt, insensitive, or socially offensive. It also serves as a transitional period during which the widower's status shifts from husband to bereaved before he can be socially accepted as entering a new marital relationship. The findings suggest that this norm is valued because it symbolically regulates grief, kinship sensitivity, and public decorum.

At the collective level, this norm also serves an integrative function. Informants indicated that delaying remarriage helps reduce tensions between the widower and the deceased wife's family, especially in situations where emotional vulnerability remains high. By enforcing a morally recognized grace period before remarriage, the community creates space for mourning, adjusts kinship expectations, and reduces the risk that the new marriage will be interpreted as an affront to the deceased woman's dignity. From a sociological perspective, this reflects the integrative role of norms in maintaining social balance and preventing open conflict (Mahmud et al., 2026). In this study, the widower's iddah serves as a moral regulatory mechanism that stabilizes interfamily relations and reaffirms communal standards of propriety during times of grief.

However, the same norms that create social order also reveal a strong element of ambivalence. The data indicate that the widower's iddah can maintain respect and harmony, but can also generate coercive pressure if enforced too rigidly. In some cases, the widower's restraint appears to be motivated by internal conviction and moral responsibility. However, in other cases, compliance is closely linked to fear of gossip, reputational damage, social exclusion, or prolonged family tension. This ambivalence means that the norm functions as a mechanism of symbolic domination, in which communal values are enforced through shame and social vulnerability (Stahl et al., 2024). Therefore, the ambivalence lies in the fact that the same moral language that protects dignity can also restrict individual freedom of action.

From an Islamic legal perspective, this ambivalence is analytically important. A custom may be socially beneficial and even generate some form of *maṣlaḥah*, but social utility alone does not automatically establish its normative legitimacy. The question is whether the norm remains proportionate, just, and consistent with the broader objectives of Sharia, including dignity, justice, and the avoidance of harm (Kamali, 2008; Sofian & Abdi, 2023). In this regard, the iddah of a widower in Banyuwates and Ketapang can be understood as a form of living fiqh (jurisprudence) that serves a real social function, particularly in maintaining honor and kinship harmony. However, the legitimacy of such norms cannot be accepted without criticism. When such norms facilitate respect and orderly transitions, they can support Sharia-oriented values; when they become excessive social pressure, they risk shifting from moral guidance to coercive control. This tension forms the basis of the subsequent discussion on the limits of *‘urf* in Islamic law.

The Iddah of Widowers: Between Living Fiqh and the Limits of ‘Urf in Islamic Law

The findings of this study indicate that the iddah of widowers in Banyuwates and Ketapang can be understood, at least initially, as a form of living fiqh. The iddah of widowers is not formulated as a detailed doctrinal rule like the iddah of women discussed in classical fiqh, but rather operates as a socially recognized norm grounded in Islamic moral reasoning. Informants generally consider it an appropriate way to honor a deceased wife, protect the family's dignity, and avoid behavior deemed ethically inappropriate after death. In this sense, the norm represents a social translation of Islamic values into local practices. This is consistent with the notion that Islamic law lives not only in formal texts but also in communal interpretations and customary moral actions (Yusuf et al., 2026). Thus, the iddah of widowers

in Madura can be read as living fiqh insofar as it reflects the social embodiment of resonant religious norms.

However, recognition of the iddah duda as a living fiqh does not automatically resolve the question of its legal legitimacy. In Islamic legal theory, customs (‘urf) can be considered normatively relevant, but only under certain conditions. Legal experts generally accept ‘urf when it does not conflict with clear legal texts, when it provides social benefits, and when it remains within the framework of justice and fairness (Asyur, 2005; Auda, 2008; Husain & Al-Mursi, 2009; Kamali, 2008; Zuhayliy, 1997). From this perspective, the widower’s iddah can qualify as a legitimate custom (‘urf ṣaḥīḥ) when it functions as a form of ethical control, expressing respect for the deceased wife, and maintaining harmony between families. In such cases, these norms can be linked to maqasid al-shari’ah, specifically the protection of dignity, social order, and the prevention of harm arising from behavior that is insensitive or disrupts social order (Yusril & Tanjung, 2024). Therefore, such norms cannot be ignored simply because they are not codified in detail; their legitimacy depends on whether they truly support Sharia-compliant values.

At the same time, data also suggests that such norms can exceed the limits of legitimate ‘urf when applied in a rigid, excessive, or humiliating manner. A custom that begins as moral guidance can lose its normative validity when it becomes disproportionately socially coercive. In some cases, widowers comply out of ethical conviction and respect; in others, they comply because the costs of violation are too high in terms of shame, ostracism, reputational damage, or lasting hostility between families. Here, the key issue is proportionality. Islamic law questions not only whether a norm is socially effective, but also whether it remains just, avoids harm, and does not impose a burden beyond what is reasonably sustainable. Suppose the widower’s iddah period is interpreted in such a way that effectively denies a widower’s legitimate right to remarry for an indefinite period or is socially punitive, the norm risks shifting from a legitimate custom to an excessive moral domination. In such circumstances, the language of propriety can conceal a form of coercion that is difficult to justify in Islamic legal terms.

Therefore, the legal status of the widower’s iddah in Madura must be understood as conditional, not absolute. This legal status can be accepted as living fiqh and as a legitimate expression of ‘urf when it functions as an ethical and proportionate norm of mourning, preserving dignity without negating legitimate rights. However, this legal status must be critically limited when it becomes socially punitive, humiliating, or oppressive. This is the

main contribution of this study to Islamic law: not all socially effective norms are automatically legitimate, and not all customary restrictions can be uncritically celebrated as compliant with Sharia. Therefore, the proper task of Islamic legal analysis is to distinguish between adat as a morally meaningful embodiment of religious values and adat as an excessive instrument of communal control. In the case of the widower's iddah, the boundary between the two becomes a crucial point in the debate about living fiqh and the limits of 'urf.

Overall, these findings suggest that the widower's iddah in Banyuwates and Ketapang is an effective social norm that sits between moral obligation, community pressure, and Islamic legal reasoning. Its strength lies precisely in its middle position between the influence of kinship, propriety, shame, and family honor, as well as the moral legitimacy of Islamic idioms of respect, self-control, and the protection of social dignity. Therefore, this study demonstrates that living fiqh cannot be understood simply as a social repetition of religious norms, but must also be critically examined in terms of how these norms are produced, enforced, and constrained. In the case of Madura, the widower's iddah can function as a meaningful ethical practice when it maintains respect for the deceased wife and harmony within the family; however, it becomes problematic when community enforcement transforms moral guidance into excessive social coercion. This article's contribution to Islamic law lies in clarifying that the validity of 'urf depends not only on its social acceptability but also on its proportionality, justice, and compatibility with the broader goals of Sharia.

CONCLUSION

This study demonstrates that the widower's iddah in Banyuwates and Ketapang, Sampang Regency, functions as a socially constructed and enforced norm, rather than a fully codified legal rule. While Islamic law does not prohibit widowers from remarrying, the exercise of this right is mediated by community standards of propriety, mourning, and family honor. In both research locations, the widower's iddah operates as a vibrant form of fiqh (Islamic jurisprudence), maintained through kinship expectations, moral judgments, and local religious reasoning. At the same time, the findings reveal important local variations: in Banyuwates, the norm is stronger and more strictly enforced, while in Ketapang, it is more flexible and context-dependent.

The study also found that the norm derives much of its strength from Madurese moral values, including *tengka*, *malo*, *todus*, and *ajhina abhâ*, as well as from informal

sanctions such as gossip, social labeling, distancing oneself, and the threat of reputational damage. The widower's iddah is enforced not through formal legal coercion, but through everyday mechanisms of social control. The paradox of this case lies in the fact that, in a social environment widely associated with patriarchy, widowers in Madura are not granted unlimited freedom to remarry. Instead, they are subject to moral discipline when remarriage is deemed to violate the deceased wife's dignity, damage the family's honor, or disturb community decency.

From an Islamic legal perspective, this article argues that the widower's iddah can be recognized as a legitimate expression of *fiqh* and *'urf* only if it remains proportionate, ethical, and oriented towards the *maqasid al-shari'ah* (obligatory legal principles), specifically the protection of dignity, harmony, and the avoidance of harm. However, its legitimacy cannot be accepted without criticism. When societal law enforcement transforms norms into excessive pressure, humiliation, or punitive exclusion, they risk going beyond legitimate custom to unjustified social coercion. Therefore, the primary contribution of this study is to demonstrate that not all socially effective norms are automatically valid under Islamic law. The relevance of *'urf* law depends not only on social acceptance but also on its justice, proportionality, and consistency with the broader objectives of *Sharia*.

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