

ABSTRACT

Hasanah, Rofiatul, 11210118, 2015. *Ihdad Implementation of The Husband That his Wife Died*: (socio-cultural study concept decency in the village of Banjarejo Pagelaran Malang), Thesis, Al-Ahwal Al-Syakhshiyah Department, Shari'ah Faculty, The State Islamic University Maulana Malik Ibrahim of Malang.

Supervisor: Dr.H.M. Fauzan Zenrif, M. Ag.

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Compilation of Islamic Law (KHI) Article 170 paragraph (2) formulates that (2) “A husband whose wife has just been died, does a mourning period for propriety”. The Islamic Law Compilation (KHI) has actually set up the importance of the mourning period (*ihdad*) not only for the wife, but the husband as well. The notion of Islamic Law Compilation (KHI) really progresses beyond the provisions of *fiqh*. However, that provision has not been implemented concretely in the society because people still refer to the provision of *fiqh* which only mentions *ihdad* for the wife, not the husband.

Related to the information contained in the Compilation of Islamic Law (KHI) Article 170 paragraph (2), the researcher was interested to examine how the implementation and society perceptions about the husband's *ihdad*, with the aims: (1) To find the concept of propriety in public culture that already carries *ihdad* in Banjarejo Pagelaran District of Malang. (2) To know the views of the community and the husbands whose wives have just been died related to the value and the concept of decency in *ihdad* implementation as stated in the Compilation of Islamic Law Article 170 (2).

The type of this research was a field research that used qualitative descriptive approach , as well as the use of documentation, observation and interviews as the data collection method. While the method of data processing was conducted through several stages to produce accurate data, ie : *editing, classifying, verifying, analyzing*.

The result of this study showed that in Banjarejo, although the Islamic law does not regulate the *ihdad* for the husband, they whose wives have just been died indirectly did the mourning period by not going out of the house for several days, leaving his job for a while, and not thinking immediately of getting marriage again. These were all done to keep the child's feelings, his wife's family in honor of his wife's death. In addition, the husband as the member of the community also maintained the values embedded in the community. This was to avoid any negative assumptions that will probably come to him or his family. Regarding to the propriety as stated in the KHI Article 170 paragraph (2), the public figures assumed that this was considered as a normative value. This meant that *Ihdad* or mourning period was done for the purpose of maintaining the family harmony and comfort of the people around or avoiding the negative claims against the husband whose wife has already been died. In the eyes of the husbands about the mourning period, it was found two groups. The first group considered that it was necessary to do the mourning period to maintain family harmony and avoid libel. Meanwhile, the second group thought it was not necessary because it was not contained in the provisions of Islamic law.