

# **The contestation of Islamic legal thought: Dayah's jurists and PTKIN's jurists in responding to global issues**

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This study aims to understand the contestation of Islamic legal thought between the scientific tradition of Dayah (Islamic boarding school) and the State Islamic Higher Education Institutions (PTKIN) in responding to global issues. The main data sources in this research are words and actions, the rest are additional data such as documents. Methods of data collection included interviews, observation, and documentation. All data obtained were analyzed by data reduction, analysis, and interpretation. Based on the objectives and research methods above, it was found that there were three factors causing the emergence of contestation between the two Islamic educational institutions, namely, (1) the different methodologies and approaches to Islamic law used; (2) the difference in the spirit of fiction between Dayah and PTKIN. Dayah has the spirit of preserving fiqh, while PTKIN's spirit is fiqh renewal; (3) Political background. The contestation between Dayah and PTKIN occurred in two areas, namely the area of worship and non-worship. Based on the references, methods of reasoning, approach, and spirit possessed by these two Islamic educational institutions, it can be understood that the two models of Islamic legal thought have the potential to be integrated. Such integration may include; integration of foundations, sources, methods, approaches, and reasoning models.

Penelitian ini bertujuan untuk memahami kontestasi pemikiran hukum Islam antara tradisi keilmuan Dayah (pesantren) dan Perguruan Tinggi Keagamaan Islam Negeri (PTKIN) dalam merespon isu-isu global. Sumber data utama dalam penelitian ini adalah kata-kata dan tindakan, selebihnya adalah data tambahan dokumen. Metode pengumpulan data dilakukan melalui wawancara, observasi dan dokumentasi. Semua data yang diperoleh dianalisa dengan reduksi data, analisis data, dan interpretasi data. Berdasarkan tujuan dan metode penelitian di atas ditemukan bahwa faktor penyebab munculnya kontestasi antara kedua lembaga pendidikan Islam ini dilatarbelakangi oleh 3 (tiga) faktor, yaitu; (1)

perbedaan metodologi dan pendekatan hukum Islam yang digunakan; (2) perbedaan spirit kefikihan antara Dayah dan PTKIN. Dayah memiliki spirit melestarikan fikih, sedangkan PTKIN spiritnya adalah pembaruan fikih; (3) Latar belakang politik. Kontestasi antara Dayah dan PTKIN terjadi di dua wilayah, yaitu wilayah ibadah dan bukan ibadah. Terakhir berdasarkan rujukan, metode penalaran, pendekatan, dan spirit yang dimiliki kedua institusi pendidikan Islam ini, dapat dipahami bahwa kedua model pemikiran hukum Islam keduanya berpotensi diintegrasikan. Integrasi tersebut dapat meliputi; integrasi landasan, sumber, metode, pendekatan, dan model penalaran.

**Keywords:** *Contestation; Global Issues; Islamic law*

## **Introduction**

The rapid development of society today has presented various issues and problems that must be answered with definite legal provisions. The presence of legal experts in responding to various issues both locally and globally is necessary as a moral responsibility to religion and society. In other words, people should not be left in legal uncertainty because it can cause chaos and instability in the order of life (Usman, 2017, p. 1).

In accordance with its function, law is a tool for social control so that people do not fall into misdeed. On the other hand, law is also a tool to manage a positive moral system for people's lives to be better, safer, and more prosperous. As such, the law is the main means to direct people's lives according to the paths of religion and humanity (Rahardjo, 2000, p. 35).

The presence of various Islamic educational institutions, both *Dayah* (Islamic boarding schools) and State Islamic Higher Education Institutions (*PTKIN*), is one of the efforts to answer today's various challenges. Through these two Islamic educational institutions, the dynamics of people's lives are studied and researched. Experts use various approaches and methods in studying social problems to find a common thread of positive and negative values from a problem. The existence of *Dayah* (Islamic boarding schools) and State Islamic Higher Education Institutions (*PTKIN*) in the contestation of thought in various aspects of life is inevitable since both are institutions that observe emerging problems in the society, including contestations in the field of Islamic law.

*Dayah* is the first and oldest educational institution for Muslims in Aceh as well as a place to study classical books (Dholfier, 2001, p. 50). On the other hand, *Dayah* is also a

place to study and develop knowledge and culture (Silahuddin, 2016, p. 350). The role of the *Dayah* is to teach, understand, appreciate, and practice religious teachings in daily life by emphasizing the importance of religious morals as a way of life (Mastuhu, 2004, p. 6).

Meanwhile, higher education according to Law Number 20 of 2003 Article 19 paragraph 1 is a level of education after secondary education, which includes diploma, bachelor, master, specialist, and doctoral education programs organized by universities. Basir Barthos added that higher education is an educational institution at a higher level than secondary education in the school education system. Higher education in this context is a university level consisting of a number of faculties that provide academic and/or professional education in a number of specific disciplines (Barthos, 2007, p. 25).

It can be understood that *Dayah* and *PTKIN* are two institutions that both exist in the development of Islamic knowledge and thoughts in various fields, including the field of Islamic law. However, these two institutions operate independently in terms of Islamic studies, and quite often have conflicting ideas on an issue that is difficult to reconcile. This shows that there is no strong collaboration, connection, and integration between *Dayah* and *PTKIN* in terms of Islamic scholarships. However, if these two institutions unite and cooperate with each other in the field of Islamic law studies, it is potential that they will bring more comprehensive outputs. Both institutions are rich in scientific or intellectual scholarships, especially in the field of Islamic studies, including Islamic law.

This study aims to find the intersection between *Dayah's* and *PTKIN's* scientific traditions in Aceh in order to understand the disparity in understanding and the approaches used by each institution in responding to global issues. This study also explores solutions to bring them together in an integrated scientific tradition. This initiative is imperative to eliminate the gap between *Dayah* and *PTKIN* in the realm of Islamic studies. It is hoped that these two institutions can collaborate with each other in investigating various global issues that continue to emerge.

## **Method**

This study is descriptive research with a normative-empirical approach, or also called normative-sociological research. This approach is used to see the law in a real sense in the

minds of the people or to see how the legal process works in the community (Ahmadi and Arifin, 2010, pp. 17-18). The sources of data in this study were seven academics from UIN Ar-Raniry, IAIN Lhokseumawe and IAIN Langsa. Those selected as participants in this study were academics with doctoral qualifications who have produced some work in the field of Islamic law. In addition to the seven academics, this study also involved eight participants from *Dayah*. They were specifically *Dayah* leaders or senior teachers from several *Dayah* in Aceh such as MUDI *Dayah* of the Samalanga Biruen Grand Mosque, Raudhatul Mua'rif Al-Aziziyah North Aceh, Babussalam Al-Aziziyah Bireuen, Mahyal Ulum Al-Aziziyah Aceh Besar, *Dayah* Tengku Aceh North, and *Dayah* Ulumuddin Lhokseumawe.

Since this study is a qualitative one, data collection was done through interviews, observation, and documentation. Researchers were required to present real evidence from the field. The main data collection techniques in qualitative research are participatory observation, in-depth interviews, and documentation (Djaelani, 2013, p. 84). Data analysis techniques used in this study included interview transcripts, data reduction, data analysis, and data interpretation. From the results of data analysis, conclusions could then be drawn.

### **Forms and causes of contestation**

The dynamics of Islamic legal thought in Aceh often involve two groups that equally contribute to various legal cases, namely *Dayah's fukaha'* (jurists) and *PTKIN's fukaha'* (jurists). These two groups play an important role in the discourse of Islamic law in Aceh, and both seek a platform in society to gain legitimacy. However, it is inevitable that these two groups often have dissenting opinions in concluding the law, which in turn divides the community into two major groups. One group adheres to the opinion of *Dayah's* jurists, and the other group adheres to the opinion of *PTKIN's* jurists.

Dissenting opinions between *Dayah's* jurists and *PTKIN's* jurists are not new phenomenon in Aceh. The development of Islamic legal thought in Aceh sociologically does not take place linearly in the sense that it continues to develop forward, but it is more like a thread or a circle. For example, clove *zakat* (alms) was proposed by Ali Muhammad, one of the jurists of UIN Ar-Raniry, in the 80s when the price of clove was high. This proposal received opposition from the jurists of *Dayah*. Likewise, the idea of paying *zakat fitrah* (alms) with

money, which has recently been supported by *PTKIN's* jurists, is also opposed by *Dayah's* jurists. This shows that the differences in the views of *Dayah's* jurists and *PTKIN's* jurists continue to recur from time to time.

### 1. Forms of contestation

In this section the author will explore the forms of contestation of Islamic legal thought between *Dayah's* jurists and *PTKIN's* jurists in Aceh when responding to various global issues. There are three sample issues that are raised, namely the use of the MR Vaccine (Measles and Rubella Vaccine) which allegedly contains pork essence, the caliphate system, and women's leadership.

#### a. The use of the MR Vaccine (Measles and Rubella Vaccine)

Regarding the use of the Rubella Vaccine, allegedly containing pork essence, Tgk Safriadi who is one of *Dayah's* jurists firmly rejected it. He argued that the vaccine contained *najis mughalladhab* (heavily unclean elements). He added that as long as there was no urgent harm, and there were other alternatives to use as a vaccine, the use of pork essence in medicine could not be justified. This argument refers to the fiqh of the Shafe'i school which forbids the consumption of pork if there is no immediate harm. Additionally, there has not been an urgent condition found that requires children to be given the Rubella Vaccine to avoid measles since because cases caused by measles are rare in Aceh.

In understanding the prohibition of the Rubella Vaccine, the *ilbaq* method was carried out to compare this case with a similar case regarding cheese containing pork essence which was commonly consumed by the people of Medina before Islam. When the cheese was served to the Prophet Muhammad, he refused to eat it and said that it was not permissible to eat cheese that contained pork essence. This case becomes the basis that it is not permissible to mix pork essence in food or medicine. In fiqh, the permissibility of consuming pork can be justified when there is an emergency situation to save lives and there is no other alternative that can be used.

Tgk. Faisal M. Ali, another *Dayah's* jurist, stated that it was necessary to differentiate whether a medical treatment used objects that were unclean in substance or just unclean (*mutanajjis*). If the object was intrinsically unclean, then it was forbidden (*haram*). In other

words, if Allah forbids a medical treatment with items that are intrinsically unclean, it shows that intrinsically unclean items cannot be used as medicine. This is in line with the hadith of the Prophet Muhammad: “*Indeed, Allah does not make your healing in what He has forbidden you*” (Narrated by Bukhari).

The Ulama Consultative Council (MPU) of Aceh Province conducted a survey on the making process of Rubella Vaccine. It turned out that the vaccine was not made of pork fat, but it was made of an object that became unclean due to pork essence. In other words, the vaccine was *mutanajjis* and not unclean in substance. Thus, the vaccine was not *haram* because its ingredients were not intrinsically unclean.

Most *PTKIN*'s jurists also agree on the prohibition of the MR Vaccine because it allegedly contains pork. However, they argue that the vaccine can be used when there is an extraordinary situation, and a *halal* (clean) vaccine is not available. This argument was reflected on the statement made by Alyasa' Abubakar, a jurist at UIN Ar-Raniry. The government needs to be encouraged to consider religious aspects in providing vaccines for the community. As such, the provision of *halal* vaccines for Muslims is necessary. To conclude, *PTKIN*'s jurists are more open in responding to the use of the MR Vaccine as long as a *halal* vaccine is not yet available.

b. The caliphate system

Regarding the issue of caliphate system, the jurists of *Dayah* did not agree that the concept was implemented through violence and demonstrations because in a democratic government system such aspirations could be conveyed in a constitutional way. The mistake made by the caliphate group was that they despised the democratic government system and boycotted elections. Thus, it was difficult for them to move and realize their aspirations. Their organization was even banned by the government. They did not understand that the democratic principles in Indonesia could become a means for them to accomplish their goals without having to violate the basic ideology of the state.

Tgk Faisal Ali said that there was one Islamic movement that succeeded in carrying out their mission constitutionally, a case reflected by the Prosperous Justice Party (PKS). Through a democratic government system that provides opportunities for the establishment of political parties, PKS successfully channeled their aspirations. Through

a political party, PKS was able to gain control of the executive and legislative seats. Consequently, some areas such as Padang and North Sumatra, which were controlled by PKS, implemented several Islamic policies constitutionally. The principle of democracy clearly provides opportunities for citizens to express their beliefs as long as they do not conflict with the state ideology.

PTKIN's jurists also rejected the caliphate system implemented in Indonesia. According to Dr. Wildan, M. Pem. I, one of the jurists of IAIN Langsa, the caliphate group was very extreme in carrying out its mission by condemning the democratic system to be heretical and thus must be destroyed. This kind of understanding is very dangerous for the unity of the Republic of Indonesia. Thus, it is reasonable that the government banned organizations that supported the caliphate system. The Islamic aspirations can be fought constitutionally through the formalization of laws and regulations. This way is wide open and justified by the constitution without having to change the basic ideology of the state.

In relation to the issue of caliphate system, both *Dayah's* jurists and *PTKIN's* jurists shared a similar view, namely refusing this system to be implemented in Indonesia because it is against the constitution. Both showed a rather moderate view and rejected the establishment of an Islamic state in Indonesia. If there were some *Dayah's* cadres or *PTKIN's* members supporting the caliphate system, it could be said that this was their personal choice, and this was not caused by the educational curriculum implemented in these two institutions.

c. Women's Leadership

Tgk. Zulkifli Ibrahim, a *Dayah's* jurist, viewed women's leadership as unjustifiable. He argued that women who became public leaders would find it difficult to avoid interaction with men who were not *mabram* (a member of one's family with whom marriage is considered unlawful). Meanwhile, the law of *ikhtilat* (meeting) for women with non-*mabram* was *haram*. He added that a public leader would have many activities to carry out such as attending meetings, receiving guests, official visits, and others. With the condition of women who must always be accompanied by a *mabram* when traveling and at the office, it would be very inconvenient for a women leader in carrying out their duties.

Tgk Safriadi, another *Dayah's* jurist, stated that women being leaders were not ideal due to the limitations of women in their activities and their obligations to serve their husbands. In other words, it would be a sin for women if their status as public leaders prevented them from serving their husbands. He added that leadership criteria more dominantly belonged to men, as also stated in the Qur'an that men were leaders for women. He contended that regarding managerial ability and mobilization, men were more flexible to move in public spaces. In his defense, leaders were required to always be present in front of their people anytime and anywhere. Such a high mobilization of leaders was very suitable for men. Meanwhile, women were more suitable to stay at home and to devote themselves to their husbands.

Tgk. M Jafar, a *Dayah's* jurist, argued that women's leadership in fiqh had caused pros and cons. Nevertheless, he was fond on the opinion that women should not be leaders. He based his reasoning on the Qur'an QS. An-Nisa': 34. This verse talks about leadership in the family. Embarking on this verse, he insisted that if women were not allowed to be leaders in the family, even more so to be public leaders. Although Islamic scholars had different interpretations regarding the prefix "al" in the word *al-rijal*, some interpreted it as *al lil jins*, which referred to gender. As such, all men were considered as leaders for women although it was possible that there were individuals who had the potential to become leaders, including women. Other Islamic scholars viewed that the prefix "al" in the word *al-rijal* was *istighbra'*, meaning that all men were leaders for women without exception.

Meanwhile, *PTKIN's* jurists tended to view women's leadership as a common reality and there was no prohibition in Islam. As stated by Dr. Mahli, M. Ag, one of the jurists from IAIN Lhokseumawe, women also had the ability to lead. He added that Indonesia was also once led by a woman, namely Megawati Sukarno Putri, and various other strategic positions had also been occupied by women. In the context of Aceh, there were historical traces of women's leadership during the Sultanate of Aceh Darussalam. There were four queens who ruled the Sultanate, namely Sultanah Safiatuddin (1641-1688), Sultanah Nurul Alam Naqiatuddin Syah (1675-1677), Sultanah Inayah Zakiatuddin Syah (1677-1688) and Sultanah Kamal Zainatuddin Syah (1688-



1699). These Sultanahs were able to lead the Aceh Sultanate for more than half a century.

## 2. Causes of Contestation

The contestation of Islamic legal thought between *Dayah's* jurists and *PTKIN's* jurists regarding the MR Vaccine, the caliphate system, and women's leadership is due to several factors, such as:

### a. Methodological Difference

There are different methodologies or approaches for each *Dayah's* jurist and *PTKIN's* jurist in concluding the law regarding the three issues above. Tgk. Faizin, one of the senior teachers at *Dayah* Babussalam Bireuen, stated that *Dayah's* jurists fully referred to the opinions of traditional Islamic scholars written in various *turast* (classical) books in concluding the law. *Dayah's* jurists viewed those traditional Islamic scholars had clearly explained the provisions related to the three issues above. As such, *Dayah's* jurists unanimously accepted the provisions that had been explained by traditional Islamic scholars in the *turast* books. In understanding the law related to these three issues, *Dayah's* jurists used *bayani* reasoning patterns, that is understanding what has been written in the *turast* books.

Similarly, Tgk. Safriadi, the Director of Ma'had Ali Dayah Raudhatul Mu'arif North Aceh, stated that *Dayah's* jurists did not change the law that had been decided by previous Islamic scholars written in the *turast* books. These legal decisions were blindly accepted without any attempt to criticize or change them. In this case, reconceptualization of Islamic law was not necessary since previous Islamic scholars had discussed it comprehensively. If there was an emerging problem for which there was no legal provision, they would proceed to the *ilbaq masail bin nazairiba* method, that is to compare the emerging problem to a similar old problem that already had legal provisions in the *turast* books.

A relatively different opinion was stated by *Dayah's* jurists, namely Tgk. H. Helmi Imran, MA and Tgk. Zulkifli Ibrahim. Both of them argued that *Dayah's* jurists did not only use *bayani* reasoning patterns, but to some extent also used *ta'llili* and *istislahi* reasonings. In understanding the law of a certain case, *Dayah's* jurists had to go through

various stages of reasonings. The first stage was to use the *bayani* reasoning patterns by looking for the text regarding the case from the *turast* books that belonged to the Shafi'i school, then from the Hanafi, Maliki and Hanbali schools if no legal answer could be located in the Shafi'i school. If no texts that directly explained the case were found, the second step was to use the *ilhaq* method, which was one aspect of *ta'lili* reasoning, namely looking for similarities in *'illat* (cause) from two similar cases. If the case was completely new and had no comparison in the *turast* books, *Dayab's* jurists would then employ the rules of fiqh and *ushul* (origin) fiqh to understand the law.

In contrast to *Dayab's* jurists, *PTKIN's* jurists viewed that Islamic laws should be adaptive to the ever-changing conditions and times. Prof. Alyasa' Abubakar, MA, a jurist at UIN Ar-Raniry, argued that classical fiqh was composed during the era of agrarian society, while now is an industrial era where there have been many changes in the structure, needs, and habits of the people. Therefore, classical fiqh needs to be adapted to today's era. Regarding the issue of the MR Vaccine, the caliphate system, and women's leadership, it is unlikely to fully accept the classical fiqh logic to be applied today. To a certain extent, adjustments need to be made. Thus, the use of the MR Vaccine can be accepted if there is no *halal* vaccine available. The same principle applies to women's leadership issue where in Indonesia women being leaders are quite common and women's roles in the public sphere are quite open.

*PTKIN's* jurists used not only *bayani* reasoning but also *ta'lili* and *istislahi* reasoning methods in understanding Islamic law. They tended to employ a benefit approach in responding to various problems that emerged. They generally viewed that Islamic law in various fields needed to be reformed to make it adaptive and responsive to the ever-changing conditions and times. The fiqh compiled by traditional Islamic scholars was no longer adequate to respond to today's issues, the changing dynamics of people's lives, and the increasingly rapid industrial revolution. While previous scholars' legal products deserved to be maintained, their legal products should also be criticized, revised, and even replaced with the more relevant ones.

#### b. Thinking Paradigm

The contestation of Islamic legal thought between *Dayab's* jurists and *PTKIN's* jurists

is partly caused by different thinking paradigms embraced by these two groups. *Dayah's* jurists, who represent a traditional group, tend to use a conservative paradigm which focuses on preserving the scholarship tradition of classical scholars. Meanwhile, *PTKIN's* jurists adhere to the modernist-reformist paradigm which views fiqh as the field of Islamic studies that must be modernized and adapted from time to time.

Dr. Jabbar Sabil, MA, one of the jurists at UIN Ar-Raniry, stated that such contestation cannot be separated from the different paradigms of thinking, where in general there were two extreme points, namely theocentric thinking such as Shia and anthropocentric thinking such as the Salafi group. The latter spread massively in campuses that adhered to a positivistic-scientific pattern. However, if the contestation was mapped between *Dayah* and *PTKIN*, it was rather difficult to compare since the level of extremity between these two institutions was less than that of the Shia and Salafi groups. Nevertheless, the contestation between *PTKIN* and *Dayah* was inevitable at UIN Ar-Raniry, especially when responding to contemporary issues.

The case of Farhan (one of the salafi clerics) against Abu Mudi (the leader of the MUDI *Dayah* of the Bireuen Great Mosque) and the demonstration against the salafi cleric Firanda Andirja, who came to Banda Aceh, by several *Dayahs* were examples of this contestation. According to Jabbar Sabil, *PTKIN's* mindset was based on the spirit of modernism or Harun Nasution's rationalism. While *Dayah* posed a more moderate mindset, due to the influence of Al-Ghazali's philosophy, although it became less moderate in practice. Meanwhile, state universities tended to have a positivistic mindset and embrace Salafi thought that carried the paradigm of Islamic purification (purity), namely returning to the Qur'an and Hadith.

*Dayah's* jurists with their conservative paradigm did not attempt to reform Islamic law beyond what was stated in the *turast* books. The existence of the *turast* books was sacred among *Dayah's* jurists in which these were considered as primary references in understanding Islamic law. The use of *fiqhiyyah* and *ushuliyah* rules was not done arbitrarily because such aspect fell within the domain of *mujtahid* (great lawmakers). *Dayah's* jurists believed that they did not qualify themselves as *mujtahid*, instead they would consider themselves as *mukallid* (one who follows *mujtahid*). For this reason, they

rarely used *fiqhīyyah* and *usbulīyyah* rules in understanding the law and tended to follow what was passed down by previous scholars in the form of *turast* books. If there was a problem that required an answer to Islamic law, they thought that it was adequate to refer to the *turast* books.

c. Political Identity

There has been a mutual relationship between political leaders and *Dayah* figures. For political leaders, it is not important what school of thought or contestation that occurs in Aceh. For them, what matters the most is people's votes to make them re-elected. In this context, siding with leaders of *Dayah* is more advantageous for their political agenda, rather than with leaders of *PTKIN*. Consequently, the contestation of Islamic legal thought between *Dayah* and *PTKIN* becomes more political rather than empirical. For instance, academic studies have had little impact on local governments and are often neglected. Prof. Dr. Rusydi Ali Muhammad, MA, one of the jurists at UIN Ar-Raniry, stated that access to political space became increasingly wide open for everyone.

Prof. Dr. Rusydi Ali Muhammad, MA further stated that the position of *Dayah* was closer to the people compared to *PTKIN*. Several reasons include: (1) academics and the results of their studies were mostly aimed at educated people and often did not touch the grassroot community; (2) higher education institutions were not designed for political purposes; (3) there was a substantial gap between higher education institutions and their communities as lecturers were engrossed in administrative matters such as Scopus indexed journals. Every lecturer, who aimed for a functional promotion, was mostly occupied with article writing training for Scopus, Thomson, or ICI. This could be said as a form of academic colonization. Articles published in Scopus indexed journals were unique and contextual. Thus, the entire university entities were impacted by Scopus.

To make it easier to understand the forms and causes of the contestation between *Dayah's* jurists and *PTKIN's* jurists regarding the issue of the MR Vaccine, the caliphate system, and women's leadership, see the table below:

| <b>Issues</b>        | <b><i>Dayah</i></b>  | <b><i>PTKIN</i></b>   |
|----------------------|--|---|
| The MR Vaksin        | Absolutely <i>haram</i> to use it as it refers to the hadith of the Prophet. The reasoning pattern used is <i>Bayani</i>                             | Can be used as long as there is no <i>balal</i> vaccine available due to <i>dharurab</i> (emergency). the pattern of reasoning used is <i>Istislabi</i> |
| The Caliphate System | It is <i>haram</i> to be applied in Indonesia because it violates the Pancasila ideology. The reasoning pattern used is <i>Ta'ili</i>                | It is <i>haram</i> to be applied in Indonesia because it violates the Pancasila ideology. The reasoning pattern used is <i>Ta'ili</i>                   |
| Women's Leadership   | Women should not become public leaders based on existing texts and the opinions of the Islamic scholars. The reasoning pattern used is <i>Bayani</i> | Women can be leaders based on reality. The pattern of reasoning used is <i>Ta'ili</i>   |

### 3. From Contestation to Integration

Although *Dayah's* jurists often have conflicting opinions with *PTKIN's* jurists in several legal issues, there is an opportunity to integrate their thoughts. According to Tgk. Safriadi, the integration can be achieved through friendship, compromise, and interactive and collaborative discussion between the two parties. In this way, there will be opportunities to understand each other's arguments in response to a certain problem. Agusni Yahya, one of the jurists at UIN Ar-Raniry, said that through academic discussions between the two parties, there would be an understanding on the basis and methods for understanding the law. The academic relationship between the two parties makes it possible to produce an alternative legal thought model that can be accepted by both the jurists of *Dayah* and *PTKIN*.

Agusni Yahya further stated that there was a principal difference between *Dayah's* jurists and *PTKIN's* jurists in terms of the tradition of Islamic legal thought. *Dayah's* jurists are often identified with traditionalists who are very loyal to classical literature and will not criticize it, while jurists of *PTKIN* are considered as modernist-reformist who tend to be open to making changes and renewal of Islamic law according to emerging conditions and times. However, the opportunity for *Dayah's* jurists to accept modernist-reformist's ideas is quite open if there

is a room for academic interaction between the two parties. This can be seen from how several senior teachers and *Dayah* alumni have studied at Postgraduate Programs of UIN Ar-Raniry, both in master and doctoral programs. These *Dayah* representatives have been able to accept the modernist thoughts proposed by global Islamic scholars.

It will be a different case if *Dayah's* jurists and *PTKIN's* jurists choose their own ways without any compromise and collaboration of thought. Each party will likely assume that their thoughts are the valid one and the other party's opinion is invalid. Academic meetings and discussions will eliminate sectoral egos and they will understand each other. This is perhaps one of the lessons of friendship and discussion or exchange of ideas between schools of thought to create tolerance and mutual agreement. Theoretically, differences of opinion among Islamic scholars, including in the field of Islamic law, have existed since the era of the Prophet Muhammad. These differences must be treated as a blessing for Muslims in order to produce various alternatives in practicing religion.

Tgk. Faisal Ali said that the integration of thought of *Dayah's* jurists and *PTKIN's* jurists can be realized through a government resolution by issuing provisions relating to methods of understanding the law in Aceh. Thus, there will be an agreed *istinbath* (decision making) procedure for legal experts in Aceh from both *Dayah's* jurists and *PTKIN's* jurists. The formulation of this policy should take consideration and inputs from both parties. As such, the government's position can actually minimize differences between these two parties through regulations that provide *istinbath* guidelines in Aceh.

The integration of the thoughts of *Dayah's* jurists and *PTKIN's* jurists can also be achieved through strengthening awareness to accept differences. Each party must admit that differences are *sunnatullah* (God's will) that must be accepted gracefully. Differences of opinion are a blessing for Muslims who can have alternatives in practicing religion. When concluding the law for a certain issue, everyone has its own basis and point of view, which is sometimes different from others' views. As such, they can have different conclusions. The truth of *fiqh* is relative and anyone should not claim that their opinion is the valid one. Through the awareness to accept this difference and the unity of the *manhaj* (way) in *istinbath*, the integration of Islamic legal thought can be realized between the jurists of *Dayah* and *PTKIN*.

## Conclusion

From the description above, it can be concluded that the contestation of Islamic legal thought between *Dayah's* jurists and *PTKIN's* jurists in Aceh in response to global issues is due to differences aspects of thinking paradigms, methods of reasoning, and political views. These differences have resulted in disparities when concluding the laws regarding global issues, such as the use of the MR Vaccine, the caliphate system, and women's leadership. Related to the issue of the MR Vaccine and women's leadership, *Dayah's* jurists and *PTKIN's* jurists oppose to each other in terms of agreeing and disagreeing. Meanwhile, with regard to the issue of the caliphate system, both have a similar view, namely refusing to be enforced in Indonesia.

*Dayah's* and *PTKIN's* Islamic legal thoughts are potential to be integrated through friendship, interaction, and academic collaboration between the two parties. It is imperative that these two institutions collaborate in resolving various legal cases and do not create legal disparities that can confuse the public. This collaboration can be achieved through the creation of a legal umbrella in the form of regional regulations that regulate the pattern of *istinbath* of Islamic law in Aceh. This attempt is expected to able to unite the thoughts and views of *Dayah's* jurists and *PTKIN's* jurists in the context of the study of Islamic law.

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## **Interview**

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