ISTINBĀṬ METHOD OF TABLIGHI STUDENTS IN PESANTREN TEMBORO: TEXTUAL AND CONTEXTUAL MATTER

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Abstract: This article discusses istinbāṭ (the way to absorb law from the main sources) of fiqh (Islamic law) by Tablighi students (santri) at Pesantren Temboro, Magetan, East Java in baḥth al-masāʾil forum that is a forum for discussing Islamic law problems. The interesting thing of this study is Temboro Tablighi students as a traditionalist group known as the Islamic traditional community and the followers of Jamaah Tabligh. The questions are: What are the types of Islamic thought and the kinds of istinbāṭ used by Tablighi students? Is the istinbāṭ in the baḥth al-masāʾil forum the same as that of other students of traditional Pesantrens in Indonesia or not? This article answers those research questions not only to analyze how Tablighi students apply the istinbāṭ model in their forum but also to analyze the baḥth al-masāʾil products. This study is based on scoped library research i.e. the results of baḥth al-masāʾil published in Tablighi students’ magazines during 2018, such as Al-Madinah, Al-Maktabah, Humairo, and Tranqil. One of the teachers involved in the forum is interviewed to clarify and get more detailed information. The results of the study show that the istinbāṭ method of Tablighi students, in general, is as same as other traditional students in other pesantrens which only apply qauliyyah method (using ulemas’ arguments written in classical books called Kitab Kuning). This study contributes significantly on how Tablighi santri of the Pesantren Temboro remain conserving a traditional scholarship knowledge (turats) with contextualization limitedly on some cases.


Keywords: Bahîth al-masā’il; Istinbât; Islamic students of Tablighi.

INTRODUCTION

The tradition of fiqh thought at pesantren is generally dominated by Shafi’i school of thought. This domination can be seen from the efforts made to solve fiqh-related problems (masā’il fiqhiyyat) which tend to refer to the opinions of Shafi’i school. One of the Islamic law models commonly applied at pesantren is the bahîth al-masā’il forum, namely a discussion forum specifically addressing Islamic law-related matters that arise amid the community. The bahîth al-masâ’il forum has become a tradition that is almost inseparable to the life of pesantren and traditional Islamic students in Indonesia. Broadly speaking, this forum is very effective in providing solutions to various problems to Islamic law existing in the community of pesantren and society in general.

The problem lies in the Islamic legal istinbât which tends to be textual, wherein it only bases the answers to problems based on the texts of fiqh books or ulemas’ qaul (opinions) contained in the fiqh books. Students are confined to ulemas’ opinions without doing ‘ijtihad’ by themselves. This case is reasonable because ijtihad, for students, is difficult to do considering the scientific capacity and complexities which must be fulfilled for conducting ijtihad. Alternatively, it is to do taqlid reasonably because the foregoing is close to the model of caution instead of carelessly doing istinbât al-hûkm directly from the texts, either al-Qur’an or Hadith.

Nonetheless, this assumption seems to be shifting in the tradition of bahîth al-masâ’il. Students begin to conduct ijtihad by applying the istinbât manhaji method,
or they even carry out legal *istinbāt* directly pursuant to texts, both al-Qur'an and Hadith. One example that can be presented is as conducted by students of Salafiyah Pesantren in Sukorejo, Situbondo, East Java. The method used by such Ma’had Aly students no longer revolves around the texts of *kitab kuning* (Islamic fiqh books), but it is shifted to the method of manhaji. Lajnah Bahtsul Masail (LBM), The Nahdlatul Ulama Executive Board (PBNU), has also begun to move to the method of manhaji, especially in terms of thematic or contemporary issues.

Hence, do all traditional Pesantrens also experience development like a progressive Pesantren as shown by Ma’had Aly students of Situbondo? This issue is interesting to be analyzed to see the development of Islamic legal thoughts among traditional pesantren such as Pondok Pesantren Al-Fatah of Temboro (hereafter as Pesantren Temboro), Magetan, East Java, as one of the traditional Sunni Pesantrens anchored in Shafi’i-governed school of thought.

Today, Pesantren Temboro is more popularly known as pesantren Jamaah Tabligh because this Pesantren has adopted the method of Islamic missionary and religious culture proximate to Jamaah Tabligh. This Pesantren has several students not fewer than 13,000 people coming from various regions in Indonesia, and even ones from abroad. This pesantren also has many other pesantren affiliated with tablighi ideology in various regions in Indonesia. This shows that Pesantren Temboro and Jamaah Tabligh have a strong influence.

Historically, this Pesantren evolved within the strong tradition of *nahdliyin* and the fiqh of Shafi’iyyah. The tradition of fiqh teaching is even strongly influenced by the tradition of Shafi’i school of thought. Kyai (Islamic grand teachers), ustad (Islamic teachers), and students still firmly hold to the Shafi’iyyah fiqh tradition, but also adopt the missionary tradition of Jamaah Tabligh. Tablighi students at Pesantren Temboro also have the *baḥth al-masā’il* tradition as found in other Pesantrens in general. Departing from this point, this article is directed to discuss two following things. How is the *istinbāt* method of Islamic law carried

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out by Tablighi students in Pesantren Temboro in making decisions on problems? How is the application of the istinbāt method?

To elaborate on the problems, this article used a qualitative analysis using a normative approach, oriented on the study towards viewing the process of Islamic legal istinbāt undertaken by the community of the Tablighi students. In the meantime, data collection applied library research was combined with limited interviews. In such a way, the data obtained were referred to library data and those are garnered from interviews with one of the Temboro’s Islamic teachers. The library data were sourced from magazines published by Temboro’s students that contained the results of students’ baḥṭ al-masā’il in the 2018’s edition. Those magazines comprised Tranqil, Al-Maktabah, Al-Madinah, and Al-Humairoh magazines. Besides library data, interviews were also conducted with an Islamic teacher who understood and comprehended the baḥṭ al-masā’il processed at Pesantren Temboro.

This study is also motivated by the absence of specific studies on students’ tradition of Islamic legal thoughts at Temboro Pesantren. Thus far, studies concerning Pesantren Temboro have been oriented towards the issues of the pesantren education, leadership, and educational transformation from Sunni nahdīyyah to Sunni Tablighi. Several studies at the Pesantren Temboro were conducted by Arifin⁶ who investigated the leadership model of the Pesantren Temboro in shaping the character of society and students, Munir⁷ who discussed the da’wah of Jamaah Tabligh in Temboro originated from religious spirit, Al Hasyimi⁸ who analyzed the impact of an ideological change from nahdīyyin to tablighi on the educational system of Pesantren Temboro, Yusuf⁹ who analyzed the impact of khuruj on the character building of Temboro’s community, and the Romlah¹⁰ who discussed the role of Jamaah Tabligh’s religious education for the community of Temboro.

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Apart from the above studies, this article provides a special focus on the tradition of students’ fiqh istinbāt/thoughts in the bahṣ al-masā’il forum whose results were published in Temboro students’ journals. The discussion of this article is compiled systematically, starting from the theoretical study of ijtihad and taqlīd, a description of legal istinbāt in the bahṣ al-masā’il of Tablighi students, application in several issues, to the textuality of Tabligh students’ Islamic legal istinbāt.

**IJTIHAD AND TAQLĪD**

At the end of the Abbasid Caliphate, ijtihad\(^{11}\) began to be rarely carried out, and taqlīd gradually began to appear and infect Muslims. Taqlīd era was a period of ulemas’ weak enthusiasm for doing ijtihad by referring to the Qur’an and Sunnah and then doing istinbāt on a case with no legal explanation\(^{12}\). Muslims limited themselves in the circles of schools of thoughts, such as Abu Hanifa, Malik, Shafi’i, or Ahmad bin Hanbal. Their seriousness focused on studying and understanding the words of the Imams (great ulemas), but not understanding nāṣ (texts) directly by doing ijtihad\(^{13}\). Therefore, stagnation in terms of Islamic legal guidance occurred. As a matter of fact, changes and progress in various fields always take place\(^{14}\).

According to Khalil, at that time, it was found that the spirit of fuqahas’ independence already died and turned to taqlīd, without any enthusiasm to look for breakthroughs of enthusiasm. They positioned themselves in a narrower space, namely Islamic schools of thought that might not be passed over or skipped over. Enthusiasm only arose for taqlīd to follow the existing schools of thought\(^{15}\).

Many things cause Ijtihad to stop. In the book titled *Ikhtisār Tārīkh al-Tashri’* by Khon\(^{16}\), it is written that there are four factors making ijtihad stopped according to Khalil. First, the divisions of Islamic state into several kingdoms that were against one another. Such a situation and condition gave rise to a crisis that weakened science and art enthusiasm. Second, the divisions of mujtahid imams were divided into several groups; each group had its own law. There were times

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\(^{14}\) Khon, *Ikhtisār Tārīkh al-Tashri’*, 118.


that for the sake of defending their schools of thought, each group argued against one another in a way that put forward other schools’ mistakes. In so doing, the personality of an ulema became shattered and the enthusiasm of thinking became short. Hence, an alim could be just like a Muslim layman. Third, Muslims ignored the legal system. At the end of the fourth century of Hijri, they were also unable to formulate regulations that could guarantee that only were those skilled in the field involved in doing ijtihad. Finally, the ulemas were struck by characters such as envy, selfishness, and arrogance. Accordingly, they could not reach the level of mujtahid.

Such conditions made Muslims only doing taqlīd to the results of previous ulemas’ ijtihad. Khalil mentioned four factors leading to the rise of taqlīd. First was bookkeeping of schools of thought, wherein Islamic fiqh had been written and used as a reference to answer problems occurring in the community. Therefore, it is easy to know the solutions quickly from the books of Islamic schools of thought. Besides, almost all problems have been written in the books. Second was a fanaticism of schools of thought, wherein in that day Islamic scholars mostly devoted their propaganda to spread the teachings and opinions of the Imams’ schools of thought. Recently, it even reaches the level whereby someone does not dare to have different opinions from the Imam’s thought that he adheres to. Third was the position of judges, wherein in that day leaders preferred the judges who can only do taqlīd on certain schools of thought. Fourth, the door to ijtihad has been closed. It relates to the case that at the end of the fourth century of Hijri, there were people who made fatwa and dug up Islamic laws, while they were far from understanding of the rules and bases of fiqh, leading them to talk about religion without knowledge. This condition raised an appeal to close the door of ijtihad so that those who claimed themselves as mujtahid did not act freely, and this way could save the public from misleading fatwas. Nevertheless, this case has a negative effect on Islamic fiqh that make it becomes old-fashioned and under-developed.

Subsequently, according to Khon, the era of taqlīd was marked by the appearance of various taqlīd ulemas. There were at least five levels. The first was ahl al-ijtihād fī al-madhhab. This group did ijtihad in dealing with new problems by holding on to the opinions set by the mujtahid imams in an absolute way. The second was ahl al-ijtihād fī al-masā’il. This group did ijtihad in terms of matters that have not been previously studied in ijtihad ways by referring to the bases of tashrī’ or ijtihad bases held by the imams, and this group analogized the branches of those bases. The third was ahl al–tarjih. This group only compared different

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17 Khalil, *Tarih Tashrī’,* 120–21.
18 Khon, *Ihtisar Tarih Tashrī’.*
narrations narrated by an imam, and then they took one of them as the strongest basis, in terms of both riwāyat and dirāyat. The fourth was ahl al-takhirj. This group did not do istinbāţ but explained the ‘illat of law studied by their imam in a way of istinbāţ. They determined what was intended by the imam form the law which had two meanings. Then, they conducted ijtihad to explain the points taken by the imam in istinbāţ. Lastly, the fifth was ahl al-taqlid. This group contained pure taqlid experts. They cannot do the previous experts’ work such as takhrīj, tarjīh, and others. However, they still have superiority, namely the ability to distinguish between odd and clear riwāyat, and between strong and weak bases.

PESANTREN TEMBORO AND THE TRADITION OF FIQH
Pesantren Temboro is a traditional pesantren (salaf) established before the independence of Indonesia by Kyai Shiddiq. This Pesantren’s pioneering period has already begun since 1939, when Kyai Shiddiq built a mosque later on named Al-Fatah on May 1st, 1939. This Pesantren constantly developed although the number of students was not so large yet. However, the students’ development gained an increase considerably since the leadership of Pesantren shifted to Kyai Shiddiq’s son, named Kyai Mahmud. He began to move the Pesantren education system by adding the learning system. Gradually, the Pesantren began to develop well. Finally, Kyai Mahmud expanded the reach of Pesantren education by establishing Islamic junior high school, Junior high school, religious teacher education, Islamic senior high school, senior high school, madrasa khufadz, and others.

The Pesantren Temboro, like other traditional Pesantren, is Sunni-based Pesantren resting upon Shafi‘i school of thought. It is just that the Pesantren has added the style of Jamaah Tablighi Da’wah system since the arrival of the Jamaah Tablighi group from Pakistan led by Professor Abduusobur Khan in 1984. It was from the late 1980s that Tablighi dominance began to strengthen and made the Pesantren to become the largest Tablighi education center in Indonesia. Many

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20 Khummaini and Mamun, “Jodoh dan Perjodohan Santri Jamaah Tabligh di Pesantren Temboro.”
students were sent to India to study religion alongside learning about religious propaganda in the style of Tablighi.

At present, Pesantren Temboro is a large Pesantren having no fewer than 13,000 students, both settlers and non-settlers. The detailed number of settler students is as many as 10,450 people, and those of non-settlers mean that they live around the Pesantren, and they are 1,935 people. The number of Islamic teachers reaches 810 people, the total number is 13,155 people. Not to mention the students scattered in the branches of the Pesantren that reach the number of 6,409 students. The Pesantren now has no fewer than 60 branches in Indonesia spread across various regions. The total number of all Temboro students both living in Temboro or in the branches of Pesantren Temboro reach the number around 19,604 people. Of that number, 646 students are from abroad.

In the field of education, especially fiqh teaching, the majority of curriculum used is kitab kuning by Shafi‘i school of thought such as al-Mabādi‘ al-Fiqhiyyat (Umar Abdul Jabar), Fath al-Qarib (Shaykh Muhammad ibn Qasim Al-Ghazi), Fath al-Mu‘in (Sheikh Zainudin ibn Abd al-Aziz al-Malaibary), Fath al-Wahhab (Sheikh Zakariya al-Ansory), Al-Salam (Abd al-Hamid Hakim), Sharah al-Waraqat fi ‘Ilmi Usūl al-Fiqh (Jalaludin Muhammad bin Ahmad al-Mahali al-Syafi‘i), and Minhaj al-Talibin (Imam Yahya bin Syarifuddin al-Nawawi)24. Looking at the fiqh curriculum, it can be understood that the Islamic legal thoughts of Tablighi students in Temboro are dominated by the Fiqh of Shafi‘i school.

**ISLAMIC LEGAL ISTINBĀṬ METHOD OF TABLIGHI STUDENTS**

Istinbāṭ means to find or to create. This word also has the meaning for water that comes out of the well which is excavated for the first time. Aligned with the foregoing, Hilal states that the word means making water out of the ground. The common ground of this word is something just obtained from the source.

In the context of Islamic legal istinbāṭ, the term istinbāṭ might be understood as an attempt to find out the law from its source, namely the Qur’an and Sunnah. This is in line with what is expressed by Sanu that istinbāṭ means the effort to get meanings from texts concerning difficult and important things by making use

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26 Khalil bin Ahmad Farahidi, Kitāb Al-‘Ain (Beirut: Dar al-Kutub al-Ilmiyah, 2003), 184.
27 Haitsam Hilal, Mu’jam Muṣṭalḥah Usūl (Beirut: Dar al-Jael, 2003), 27.
of reasoning power and optimal abilities. Such meaning still represents quite broad understanding because the meanings obtained from the texts, both the Qur’an and Hadith, are not necessarily about the law. However, the Usūl al-Fiqh ulamas tended to give an understanding that istinbāt inclines to be on the legal aspect. Thus, istinbāt is a serious attempt to find law extracted directly from the Qur’an and hadiths.

The term istinbāt certainly tends to be or more proximate to the meaning of ijtihad. However, looking at the requirement and mechanism of ijtihad, it is of course very difficult to be conducted by the Islamic community in general, likewise for students who are in the process of studying religious knowledge. It is because legal istinbāt is ideally conducted by people who have complete knowledge. Therefore, the term istinbāt here is more interpreted as a serious effort to find Islamic law.

Tablighi students are alike other salaf students of nahdliyyin traditional pesantren. They have a tradition of learning to explore Islamic law traditionally. They have discussion forums that are sometimes held weekly on a small scale or monthly to learn to find Islamic law on various issues that arise. Such forums are called baḥṭ al-masā’il, which is a discussion of various problems that arise in society. The terminology of baḥṭ al-masā’il is commonly known in various traditional pesantren of nahdliyyin.

For students of traditional pesantren, they know this forum both on small and large scales. The small scale is usually held in a class by involving all class members. Usually, students regularly hold this forum weekly according to mutual agreement. The larger forum is usually held by all students at various levels or classes. They hold such a forum once a month, per semester, or once a year.

The baḥṭ al-masā’il implementation is coordinated by students independently, and it sometimes becomes the official agenda of learning activities. This forum is essentially an effort to learn alongside trying to solve problems they face in daily life or society. Likewise, the students of Pesantren Temboro also undertake baḥṭ al-masā’il as students’ routine agenda on both small and large scales. The results of their baḥṭ al-masā’il are even also written and distributed through journals owned by students.

The Pesantren Temboro has a firm baḥṭ al-masā’il forum held every Friday night. The baḥṭ al-masā’il activities of Temboro students are carried out at every madrasah. Even, according to Ustadz Imron, one of the teachers at the Pesantren Temboro, the number of baḥṭ al-masā’il forums reaches 50 assemblies.

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“Students undertake bahṣth al-masā’il every Friday night. They discuss problems that arise amid students and the community asking. The forums are attended by students who have already been in the takhassṣus (special) class. The students are commonly those who almost graduate.”

In general, the method of Islamic legal istinbāt applied by Jamaah Tablighi students of Temboro is the same as other traditional pesantren students. They refer to the books written by the Shafi‘i school of thought which are mu’tabarrah, classic books that can be scientifically verified. Essentially, these mu’tabarrah books are anchored in the fiqh book written by one of the four schools of thoughts.

As common to the tradition of salaf pesantren, Jamaah Tabligh students of Temboro also refer to the majority of Shafi‘iyah books such as Sharah al-Nawawi, I‘anat al-Ṭālibīn, Fatḥ al-Bārī, Fatḥ al-Mu‘īn, Fatḥ al-Qārīb, al-Majmū‘, Bugḥyat al-Mustarshīdīn, Kifāyat al-Akhīyār, Minhāj al-Ṭālibīn, and others. These books are not only used as references for various religious matters but are also studied by students.

An interesting matter found in the tradition of istinbāt amid the Tablighi students are most of them only using the books grounded in Shafi‘i school. If the law is not found in the Shafi‘iyah books, they will refer to the al-Maktabat al-Shāmilat, a collection of books consisting of various scientific insights from several schools of thought. Al-Maktabat al-Shāmilat contains the books of Fiqh, Hadith, Tafsir, Aqidah, Adab, general knowledge of Islam, and Fihris (index). This is also applied by the traditional group of nahdliyyin. They almost refer to Shafi‘i school although it does not rule out the possibility that they refer to other schools of thought as well. However, the intensity is very low. This way cannot be avoided because the Shafi‘iyah books are those widely studied. Consequently, their knowledge pertinent to the fiqh of other schools of thought is very limited.

“Book references used as the materials to search for Islamic law are the books of Shafi‘i school of thought. Usually, if the students do not or have not yet found the law in the books they refer to, this case will become their homework. They will look for it in al-Maktabat al-Shāmilat. Later, when they have got it, they will discuss it in the next bahṣth al-masā’il meeting.”

Generally, the process of making legal decisions in the forum of students’ bahṣth al-masā’il can be described through several processes. First, there is a problem proposed. The problem can be one directly experienced by students or people outside the Pesantren, or one asked by the community. Second, the raised problem is identified to be used as a discussion material in an agreed forum. At some point, the problem becomes a priority that needs to be answered; maybe it has

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30 Ustadz Imron, a personal interview, August 2019.
31 Imron.
already been discussed, or it has not been answered. Third, the *bahth al-masā’il* forum consists of special students who have sufficient knowledge to read books or have studied many fiqh books. Fourth, the results of the discussion are noted by writing the answers and *maraji’* or book references.

Although the majority of the students refer to Shafi’iyyah books, it seems that there are no official rules regarding the classification of books based on their hierarchies. The students more likely refer to books that are known as long as the validity of books is not questioned by academicians at pesantren. It is different from Lajnah Bahtsul Masail of NU (LBMNU), which suggests prioritizing certain books if there is a counterargument. In the decree of LBMNU agreed in the 1st Congress in Surabaya in 1926, it was stipulated that the opinion hierarchy was decided if counterarguments existed.

1. Opinions in the agreement between Imam Nawawi and Imam Rafi’i.
2. Opinions chosen by Imam Nawawi only.
3. Opinions chosen by Imam Rafi’i only.
4. Opinions supported by many ulemas.
5. The smartest ulema’s opinions
6. Opinions of the most careful and elaborate ulema.

This hierarchy is a guide referring to the ideal Shafi’i school of thought. However, it seems that this way is not applied by the Tablighi students. Thus far, they refer to many of the most possible books if there is a problem. Nonetheless, Shafi’i school of thought still becomes a priority for the students. It is evident that if they are unable to find opinions in Shafi’iyyah books, they will refer to Maktabah Shamilah.

If there is a legal decision-making system with four levels in LBMNU, it seems that Tablighi students tend to only take one or two levels. The four levels used in LBMNU are as follows: *first*, In a case when the answer can be sufficed by ‘*ibarat*, and there is only one *qaul* or *wajah*, *qaul* or *wajah* are then used as explained in ‘*ibarat*. Second, In a case when the answer can be sufficed by ‘*ibarat* book, and there is more than one *qaul* or *wajah*, *taqrīr jamā`i* is then used to have one *qaul* or *wajah*. Third, In a case that there is no *qaul* or *wajah* at all in providing a solution, then the procedure of *ilḥāq al-masā’il bi nazā‘irihā* is carried out in a *jama‘i* way by

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the experts. Fourty, In a case that there is no qaul or wajah at all, and ilhāq is not possible to be applied, āq is not possible to be applied, istinbāt jamā‘i can be undertaken with the procedure of school of thought in a manhāji way by the experts.

Based on the results of several decisions made by Temboro students, there are three levels. First, one problem is sufficed by one qaul or wajah only. The answer tends to be concise and straightforward to the point of law without explanation because it is sufficed by qaul in the book, for example, may, may not, valid, invalid, obligatory, sunnah, haram, makruh, and others. Second, for one problem with many qauls or wajahs, the answer, however, also tends to be short and straightforward to the point of the intended law. Third, there is a problem with detailed answers and many qauls delivered. Such answers are conveyed for cases that require certain explanations, not just providing legal answers, or black-and-white answers.

THE IMPLEMENTATION OF ISTINBĀT METHOD
The qauli method dominating legal istinbāt in Tablighi students’ bah thr al-masā’il can be viewed from several Islamic legal decisions that have ever been discussed. It can be said that this method is the most dominantly applied in every legal decision in bah thr al-masā’il.

The following are a few examples of the application of qauli method used in students’ bah thr al-masā’il forum. These examples are presented according to the classification of qauli method: one qaul, a combination of qauls, and analytical qaul.

1. One qaul or one reference from ulema’s opinion

The first example is taken from the 16th edition of Al-Maktabah magazine. There is a question posed as follows ‘is someone, whose job makes him always travel long distances such as an inter-city and provincial bus driver, allowed not to fast?’ This question is answered using one opinion (qaul) taken directly from the book titled I`ānat al-Tālibīn, volume II, page 632. The answer given indicates two varied opinions; 1) It is permissible if he believes that he will have an opportunity to replace his fasting in other months excluding Ramadhan. 2) it is permissible.

The second case example is taken from the results of students’ bah thr al-masā’il published in the 2nd edition of Humairo magazine. There is a problem proposed in bah thr al-masā’il, namely ‘how is the law on female congregational prayer (salat) in the mosque where female worshipers are positioned beside male worshipers, but they are separated by fabrics?’ This case is answered that female congregational prayer is ‘valid’. This answer rests upon the Minhāj al-Tālibīn book, page 22.

The answer given based on the model of one qaul method tends to be brief without analysis by basing the answer directly on the book contents. Such an answer is given because the question is clear; there is a reference to the question, and it does not lead to different or conflicting opinions. Such a model is like the method of legal istinbāṭ in the bahtsul masail of NU at the first level, that is, if there is an adequate explanation of one qaul or opinion, the qaul is then sufficient.

2. A combination of qauls or some references from ulemas’ opinions
An example of the problem discussed by students has been published in the 2nd edition of Humairo magazine⁶. There is a problem concerning ‘how is the low on the prayer of someone wearing a prayer hijab decorated with cartoon pictures?’ The answer to this problem refers to two opinions cited from Minhāj al-Tālibīn on page 303 and Tulḥfat al-Muḥtāj, volume 3, page 302. The answers are very textual as provided exactly in the texts of the books, in that if the pictures are in the form of a whole living creature, the prayer is valid but haram.

This second istinbāṭ model, i.e. with two or more qaul, tends to see the legal problem that is quite complicated and requires a slightly complex answer. In addition, qauls or opinions that students found in kitab kuning that they have read is quite a lot. Therefore, opinions from one another from diverse sources tend to reinforce each other. It seems that the model of conflicting opinions has not yet been found, so it requires students to make a choice based on hierarchy or the level of knowledge depth and the ulemas’ carefulness.

3. Analytical Qauli
This third model of legal istinbāṭ is the answer to a quite detailed problem with a specific explanation. The qaul given are not merely one or two, but many references are provided. Therefore, it can be said that this istinbāṭ model is part of the effort to a quite comprehensive legal answer.

The following is an example of legal istinbāṭ using the analytical qaul model, taken from the 13th edition of Al-Madinah magazine⁷ concerning the law on praise before congregational prayer begins. In dealing with such a problem, the deliberation gives a fairly detailed answer by considering some qaul. In detail, the answer is written as follows:

“The original law on praise (shalawat between adzan and iqamah) is mubah (allowed), even recommended (sunnah). However, if some people in an area feel disturbed, and some others feel that they get benefits from the practice, the legal details are as follows:

a. If maslahat is seen as more than the mafsadat (damage), for example, there is an educational content therein such as narrating nasab or the family of the Prophet

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⁶ Ifta’, 56.
(PBUH), knowing the obligatory natures of Allah or things functioned as to give a sign that iqamah has not been echoed, then implementing such praise is made more necessary.

b. If the mafsadat (damage) is more than the benefit, then the law on praise in this context is makruh.

c. If it is conducted to the extent of hurting others, then the law is makruh.(See Bughyat al-Mustarshidin on page 84, Hawâshi al-Sharwâni Juz 5 on page 107, and Sunan Nasai juz 2 on page 48).

The above example illustrates that the answer to a problem is not just searched from qaul or ulemas’ opinions, but detailed answers are given to various possible problems. It seems that this istinbāṭ model is the most powerful type of legal effort among students, and it is undertaken by students who already have strong knowledge in understanding classical books, even studying the books of usul fiqh. It can be understood that there are several understandings grounded in fiqhiyyah rules although those understandings are taken from books. As in the example, the deliberation considers smaller mafsadat according to the rules of idhā taʿaraḍa mafsadatānī rūʾīya aʿzamuhumā ʿararan bi irtikābī akhaffihimā38.

**TEXTUALITY AND LIMITED CONTEXTUALITY**

The Tablighi students seem like the students of other traditional Pesantren in terms of bahṣ al-masā’il tradition, in which they more likely rely on the answers to problems based on the texts they know. In some of the bahṣ al-masā’il results written in Temboro students’ magazines, the answers are generally provided directly based on ulemas’ qauls (opinions) in the books they studied in the classes of madrasah diniyyah. In general, bahṣ al-masā’il forum directly quotes the qaul and makes conclusions that could provide answers to the questions posed in the forum.

The above application examples exhibit students’ textuality in providing answers. The depiction of this discussion confirms that Tablighi students hold strongly ulemas’ qaul (opinions) as stated in the books they have learnt. This textuality does not violate the rules because students seem to realize their limitations in doing ‘ijtihad’ to obtain a definite law. The way of submission to ulemas’ opinions from the fiqh books that they have learnt is not a kind of blind taqlīd, but rather to their accuracy in viewing that those matters, from the perspective of bahṣ al-masā’il forum, have fulfilled the expected answers.

Yahya39 mentioned that students’ submission to ulemas’ qaul or opinions

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38 Abdul Hamid Hakim, Mabādiʿ Awwaliyyah fi Ushul al-Fiqh wa al-Qawāʿid al-Fiqhiyyah (Kairo: Maktab, 1927), 35.

indicates two important things. First, they follow the scriptures, namely the texts of play (the rules for a game). As it is understood that the classic books in the Pesantren’s fiqh tradition are the works of classical ulemas in the 13th to 19th century AD. Although many have criticized that the books were composed in a period of stagnation or taqlīd in fiqh ulemas, they still have relevance to the community afterward. Second, traditionalism has the basic meaning of passing of beliefs or customs from one generation to the text. The inseparableness of classical texts in the discourse of Islamic law studied by Temboro students demonstrates that there is a transmission of knowledge from classical ulemas’ generation to the community of students in today’s modern life.

This condition confirms Esposito’s opinion\(^\text{40}\) that makes the categorization of religious thoughts in Indonesia, namely restriction of traditionalist, modern scripturalism, and socio-historical approach. The first group is the traditionalist group that follows the strong religious traditions of its predecessors. They suffice their knowledge and understanding only based on those that already exist. The second group is a group that is still fixated on religious texts as the bases for doctrine and transformation in modern society. In the meantime, the last is a group that according to Esposito is expected to carry out a transformation of modern Muslim society that has a fundamental understanding rooted in its social and history.

Temboro students’ legal istinbāṭ still seems to be fixated on the first model, namely restriction of the traditionalist. This is an evident from the results of decisions that are very fixated on ulemas’ opinions (qaul) as found in texts. However, Temboro students’ textuality in legal matters is sometimes not rigid. There are other aspects that they have taken by paying attention to benefits without leaving the texts. It indicates that there is an effort to understand the texts more broadly, by paying attention to contexts without leaving the texts. Of problems discussed in the examples of the analytical qauli method application, the model of number three above shows the existence of text contextualization efforts. The case of praise before congregational prayer is legally categorized as \textit{mubah} (allowed) even \textit{sunnah} (recommended), but by giving some consideration. For instance, if the praise or compliments give more negative effects than the benefits, the law is then categorized as \textit{makruh}.

The contextualization in Temboro students’ \textit{bahṣ th al-masā’il} forum may exist in the model of \textit{ilḥāq}\(^\text{41}\), that is to equate a problem that does not have a direct qaul leading to an answer, but some instructions can be used as a foothold by similarity to legal ‘illat (legal reasons). An example of a case that can receive attention, in this


\(^{41}\) Ma‘mun, “Ilhaq Dalam Bahtsul Masa’il NU; Antara Ijtihad Dan Ikhtiyat.”
case, is the issue discussed as regards “how is the law on taking retirement salaries for women who remarry using sirri?” The bahth al-masā’il forum decides that it may not allowed42. This decision rests upon the qaul contained in the books of Nihāyat al-Muḥtāj, Sharḥ Minhāj (Vol. 20, p. 134, and Vol. 28, p. 432). The qaul certainly does not speak directly about taking salaries of retired governmental officials and wives who marry in a sirri way. However, this problem is made in a way of ilḥāq with people who give and who beg admitting that they arefaqir, salih, or have a relation withnasab. If it is only to confess, but the situation is different, to take it is not allowed.

This form of contextualization is quite sufficient by searching for the extent of similar problems (qiyas) in the context of qauliyah method. In several contexts of problems, Temboro students’ bahth al-masā’il forum has applied it. The contextualization of fiqh understanding as such certainly requires a set of knowledge and a shared agreement of each participant in bahth al-masā’il. It seems that the Tembboro Tablighi students can do it although it perhaps deals with some debates for the sake of acquiring the right understanding.

CONCLUSION
The istinbāt method in Tablighi students’ bahth al-masā’il forum at Temboro is not different from the bahth al-masā’il forum at other traditional pesantren, namely providing legal answers according to the classical ulemas’ qaul contained in the kitab kuning. This istinbāt effort is still limited to the model of qauliyah in a way that makes use of qaul or opinions as stated in the texts. Some problems are sufficient to be answered using one qaul, but there are also those answered using two or more qaul from different books.

In general, students are still fixated literally although there are efforts made to understand a problem with more comprehensive answers. In the meantime, the analysis efforts by analyzing texts to find legal norms have not been applied much in the bahth al-masā’il forum. The efforts of fiqh contextualization in Temboro students’ bahth al-masā’il are still limited to ilḥāq, that is to equate a case that has no direct answer from an ulema’s qaul by taking similarities to the existing ‘illat. However, this way has not been applied much so that the istinbāt is still regarded as being fixated on texts.

43 Hosen, “Nahdlatul Ulama and Collective Ijtihad.”
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