Reconstructing Islamic Legal Epistemology: The Performative Logic of *Ijtihād Irshādī* in the *Lajnah Bahtsul Masā'il* of Pesantren Lirboyo

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Abstract: This article examines the epistemological and performative construction of *Ijtihād irshādi* at the Lajnah Bahtsul Masail (LBM) of Pesantren Lirboyo as a paradigm that repositions fatwa not merely as juridical determination, but as ethical discourse shaped through communicative, pedagogical, and socially embedded reasoning. Responding to contemporary socio-religious issues such as domestic violence, interfaith marriage, and digital era household needs, this research argues that *Ijtihād irshādi* emphasises moral orientation, dialogical clarification, and contextual sensitivity while remaining grounded in maqasid al-shariah and the pesantren tradition. Using a qualitative phenomenological case study combined with Foucauldian archaeological discourse analysis, this study examines LBM documents, in-depth interviews with kiai and senior students, and participant observation in *bahtsul masail* sessions to map the epistemic formation of *irshādi* fatwas. The findings demonstrate that Irshadi reasoning works through nonimperative ethical guidance, performative enunciation of authority, and flexible interpretive mechanisms that integrate classical texts with lived realities. The study contributes conceptually by clarifying the epistemic structure of *irshādi* fatwas, methodologically through the synthesis of phenomenology and archaeological analysis, and practically by showing how pesantren-based jurisprudence can guide Muslims through evolving ethical challenges.

Keywords: *Ijtihād irshādi;* Islamic legal epistemology; Lirboyo; Foucauldian discourse.

Abstrak: Artikel ini mengkaji konstruksi epistemologis dan performatif *Ijtihād irshādi* pada Lajnah Bahtsul Masail (LBM) Pesantren Lirboyo sebagai paradigma yang menempatkan fatwa bukan sekadar sebagai ketetapan hukum tetapi sebagai

wacana etis yang dibentuk melalui komunikasi, pedagogi, dan penalaran kontekstual berbasis pengalaman sosial. Dalam merespons persoalan kontemporer seperti kekerasan dalam rumah tangga, pernikahan beda agama, dan kebutuhan rumah tangga di era digital, ijtihad irshadi menekankan orientasi moral, penjelasan dialogis, dan kepekaan terhadap konteks dengan tetap berpijak pada *maqasid al-shariah* dan tradisi pesantren. Melalui metode kualitatif studi kasus fenomenologis yang dipadukan dengan analisis arkeologi wacana Foucauldian, penelitian ini menelaah dokumen LBM, wawancara mendalam dengan kiai dan santri senior, serta observasi forum bahtsul masail untuk memetakan formasi epistemik fatwa *irshādi*. Temuan menunjukkan bahwa fatwa Irshadi bekerja melalui bimbingan etis nonimperatif, performativitas otoritas, dan mekanisme interpretasi yang lentur antara teks klasik dan realitas sosial. Studi ini berkontribusi secara konseptual dengan memperjelas struktur epistemik fatwa *irshādi*, secara metodologis melalui sintesis fenomenologi dan arkeologi wacana, serta secara praktis dalam menunjukkan bagaimana hukum pesantren dapat membimbing umat menghadapi tantangan etis masa kini.

Kata Kunci: *Ijtihād irshādi*; epistemologi hukum Islam; Lirboyo; wacana Foucault.

Introduction

In the face of modern changes in Indonesian society, concerns about new ethical and societal conditions affecting Indonesian Islamic law are rising.[1] To better meet the moral demands of Indonesian Muslims, Indonesian ulama are striving to elevate the importance of *irshādī* beyond the Indonesian legal framework, in light of the emergence of digital culture, changes in family relations, and a growing diversity of ethical viewpoints.[2] In this context, Indonesian *faqihs* see their fatwa production not only within the established framework of Indonesian jurisprudence but also as a form of communication intended to help Indonesian Muslims navigate the ethical challenges posed by society's evolving moral landscape.[3]

Such an impasse appears in the literature of *maqāṣid al-sharīah* and the requirement for ethical renewal in the jurisprudential aspect of Islam. Scholars

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[1] R. Michael Feener et al., eds., *Islamic Law in Contemporary Indonesia: Ideas and Institutions*, Harvard Series in Islamic Law 5 (Cambridge, Mass: Harvard University Press, 2007); Sukron Mamun and Ilyya Muhsin, "Istinbath Method of Tablighi Students In Pesantren Temboro: Textual and Contextual Matter," *Justicia Islamica* 17, no. 2 (October 2020): 185–204, https://doi.org/10.21154/justicia.v17i2.2003.

[2] Aula Damayanti, "Contribution of Islamic Law to Legal Development in Indonesia," *MILRev: Metro Islamic Law Review* 1, no. 1 (December 2022): 17–33, https://doi.org/10.32332/milrev.v1i1.6188.

[3] Benjamin Wormald, "The Future of World Religions: Population Growth Projections, 2010-2050," in *Pew Research Center*, preprint, September 8, 2015.

such as Abdullahi An-Na'im[4], Jasser Auda[5], and Mohammad Hashim Kamali[6] argued the imperative for Islamic jurisprudence to not only be a rules-based framework, but also a force for ethical justice and ethical transformation in society. Their intellectual contributions have inspired numerous *pesantren* scholars who wish to integrate their classical reasoning techniques and opinions into the contemporary complexity of society. Yet the imperative for transformation within the rules of modern jurisprudence confronts resistance from the literal approach, as Khaled Abou El Fadl points out.[7] In the midst of this intellectual negotiation, the technique of *ijtihād irshādī* appears as a philosophical alternative for thought rather than a mere exercise in legal obligation or decision-making.

In this context, the Nahdlatul Ulama (NU), the most significant Islamist movement in Indonesia, plays a prominent role in the transformation through the Lajnah Bahtsul Masail (LBM). In this forum, scholars discuss new socio-legal issues arising in contemporary society. Scholars such as Ismail Jaili contend that the Lajnah Bahtsul Masail offers more than a mere setting for the reproduction of traditional jurisprudence; it serves as a forum for dialogue among texts, experiences, and societal issues.[8] In the given institutional context, the LBM Lirboyo represents an example of *ijtihād irshādī* in its development into a socially engaged form of interpretation grounded in *pesantren* epistemology.

In contrast, despite the subject's growing relevance, little research has been conducted on the epistemological and performative aspects of the practice of *ijtihād irshādī*.[9] Instead, the existing literature appears to focus only on the procedural elements and the resultant *fatwas*. By introducing the archaeological approach of Michel Foucault to the analysis of the subject, the current inquiry aims to contextualise the *ijtihād* within the frameworks of power and historical conditions, based on the ideas of Anshorand Bisyri's thought, according to which the

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[4] Abdullahi Ahmed An-Na'im, *Islam and the Secular State* (Harvard University Press, 2008), 3–4.

[5] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought, 2008), 18–20.

[6] Mohammad Hashim Kamali, *Maqasid Al-Shariah Made Simple* (International Institute of Islamic Thought, 2008), 18.

[7] Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Bloomsbury Publishing PLC, 2014), 41.

[8] Ismail Jalili, Fadillah Ulfa, and Mualimin Mochammad Sahid, "Nahdlatul Ulama's Ijtihad Method in Fatwa: Analysis of the Content of Legal Decisions and Their Validity in Indonesia," *Justicia Islamica* 20, no. 2 (September 2023): 341–60, https://doi.org/10.21154/justicia.v20i2.5971.

[9] Afridawati Afridawati, "History, Typology, and Implementation of Islamic Law in Indonesia: Combination of Sharia and Fiqh or the Result of Historical Evolution?," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (June 2021): 33–47, https://doi.org/10.30631/alrisalah.v21i1.676.

dynamism of the thought of Islam's jurisprudence could only be achieved through methodological renewal according to historical circumstances.[10]

The relevance of the LBM Lirboyo as the focus case lies in its ability to harmonise traditional scholarship with the needs of the contemporary period. Its organisational form facilitates the implementation of an *ijtihād irshādī*-based approach to maqasid, fiqih, and the ethics of society within a practical, context-adaptable framework.

However, the rise of the *ijtihād irshādī* in the context of the LBM at Pondok Lirboyo cannot be viewed in abstraction from the internal dynamics within the forum itself. As Agus Ridlwan Sa'id observes, the early years of the forum's operation posed the risk of stagnation in the judicial process, where *ijtihād irshādī* could very easily be characterised by the condition of *mauqūf* (suspended judicial decisions).[11]

To break this stagnation, younger scholars such as Zahrowardi and Azizi Chasbullah, together with progressive elders such as Kyai Atho', moved to introduce reforms at the *ijtihād irshādī* forum to produce a culture of intellectual openness.[12] In fact, during the period of Azizi Chasbullah's leadership, the *ijtihād irshādī* was accorded autonomy within *Pondok Pesantren* (Islamic Boarding School) Lirboyo in 2011, where the *ijtihād irshādī* reference frame came to be extended to other modern sources other than *madzhābs*, such as *Istihsān* references and contemporary references.[13] Against the backdrop of the intellectual predisposition for renewal within traditional *pesantren* scholarship, this shift marked a reorientation from purely doctrinal fiqh discussions and toward a more dialogical and ethically grounded legal reasoning. Under this renewed atmosphere, *ijtihād irshādī* emerged not as a replacement for *ijtihād tashrī'ī*, but as its ethical complement—emphasising moral consciousness, communicative pedagogy, and social responsibility as integral components of Islamic legal reasoning.[14]

In the Indonesian context, over the last decade, the discourse of *ijtihād* among other aspects of being an Indonesian Muslim, particularly the world view andbehavior of the umma, undergraduates, and scholars, has witnessed a

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[10] Ahmad Muhtadi Anshor, *Bahth Al-Masail Nahdlatul Ulama: Melacak Dinamika Pemikiran Mazhab Kaum Tradisionalis* (Yogyakarta: Teras, 2012), 131–44.

[11] Agus Said Ridlwan, *Interview,* preprint, 7 September 2023.

[12] Zahrowardi, *Interview,* preprint, 28 April 2023.

[13] Azizi Chasbulloh, *Interview*, preprint, 15 May 2023.

[14] LBM Lirboyo, *Fikih Kebangsaan* (Kediri: LBM Lirboyo, 2019); LBM Lirboyo, *Fikih Lingkungan* (Kediri: LBM Lirboyo, 2020).

paradigmatic shift relating to the nature of *fatwas* from judicial statements to a broader social voice concerning the ethical-existential predicament of Muslims within the context of the modern world. According to Ichwan Indonesian Council of Ulama (MUI) exemplifies the transition from religious conservatism to moderate puritanism, in which fatwas are viewed both as tools of moral regulation within the Umma's ethical field and as icons of spiritual power within the broader symbolic dimension of religion in the public sphere. Additionally, Feener and Cammack[15] Point to the contradictory result of the Indonesian experiment and the increasing development of a shari'atic hybrid' within the country's juridical framework, characterised by a form of hybrid *ijtihād* exemplifying eclectic and context-dependent practices.

In the methodology of *ijtihādī*, the increasing weightage given to *maqāṣid al-sharīʿah* and *maṣlaḥah* has reworked the entire epistemological grounding of the practice of Islamic jurisprudence. Mashuri et al.[16] Reconsider maṣlaḥa's new resonance as an intellectual approach over an auxiliary ethical guide, placing it at the heart of juristic production. On the foundation of such a framework, Muttaqin and Nur[17] develop a "middle-path jurisprudence" that harmonises the idealism of *maqāṣid* with empirical contexts, thereby overcoming the binary between textualism and contextualism that has historically constrained *ijtihād* continuity.

Such intellectual redirection roughly corresponds to the development of the *manhaj* in the NU movement as well. According to Wafi[18] and Mustofa,[19] the *manhajī* model evolved from procedural formalism to an epistemology of *wasathiyah* (moderation), contextual sensitivity, and collective rationality. In the process, the Lajnah Bahtsul Masail (LBM) functions not only as a venue for deliberative jurisdiction, but also as a location for the enunciation of the values of *Islam Nusantara*.

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15 R Michael Feener, *Muslim Legal Thought in Modern Indonesia* (Cambridge University Press, 2007), 12.

16 Mashuri Mashuri, Iffatin Nur, and Muhammad Ngizzul Muttaqin, "Maqāṣid Sharīʿah Flexibility to Overcome COVID-19 in Indonesia: From Government Policies to Fatwā of Council of Indonesian Ulema (MUI), Nahdlatul Ulama (NU), and Muhammadiyah," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 2 (September 2021): 240–63, https://doi.org/10.18860/j-fsh.v13i2.13280.

17 Iffatin Nur and Muhammad Ngizzul Muttaqin, "Reformulating The Concept of Maslahah: From A Textual Confinement Towards A Logic Determination," *Justicia Islamica* 17, no. 1 (September 2020): 73–91, https://doi.org/10.21154/justicia.v17i1.1807.

18 Abdul Wafi, *Reformasi bermazhab dalam nu studi pergeseran metode bahtsul masail dari qauli ke manhaji* (Duta Media Publishing, 2022).

19 Abdul Halim Mustofa, "Rekonstruksi Mazdhab Manhaji Nahdlatul Ulama Menuju Ijtihad Saintifik Modern," *Tribakti: Jurnal Pemikiran Keislaman* 20, no. 2 (September 2009), https://doi.org/10.33367/tribakti.v20i2.99.

The study of ijtihād in Indonesia has grown over the last two decades, with a focus on contemporary issues in society and ethics. These studies include the analysis of the *fatwas* as a tool for securing women's rights in cases of family violence,[20] the significance of group ijtihād in the contemporary biomedical dilemma of egg freezing, and the role of women ulama through KUPI in advancing gender justice.[21] Other studies re-examined traditional approaches articulated by Imam Nawawi's *tarjī tarji*, [22]and the maqāṣid and *maṣlaḥah* remain the central paradigm for the approach to religiosity and adaptation to socio-political changes.[23]

In the above developments, however, contemporary studies still lack consistency in their themes and broader conceptual framework. In fact, modern studies now concentrate on isolated instances, persons, and institutional processes without establishing an integral epistemological framework for the process of *ijtihād* in Islam. Current studies are diverse, including science-based *ijtihād* during the COVID-19 pandemic,[24] progressive re-understanding of gender texts,[25] local understandings based on *maqāṣid* guidelines, such as the redefinition of *nusyūz* in Ternate,[26] Studies based on the LBM of Lirboyo school led by Foucault-inspired ideas, and comparative studies of maṣlaḥah in *fiqh awlawiyyāt* schools.[27]

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[20] Iffaty Nasyiah, "Urgency of Fatwa on Domestic Psychological Violence in Indonesia as an Effort to Protect Women's Rights," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (September 2024): 118–40, https://doi.org/10.18860/j-fsh.v16i1.26403.

[21] Nur Faizah et al., "The Role of Indonesian Women Ulama Congress (KUPI) in the Search for Gender Equality-Based Islamic Law," *Al-'Adalah* 21, no. 2 (September 2024): 323–46, https://doi.org/10.24042/adalah.v21i2.23698.

[22] Abd Manaf et al., "The Tarjīḥ Method of Imām Nawāwi in Resolving Differences of Opinion in the Shāfi'ī School of Thought," *Al-'Adalah* 21, no. 2 (September 2024): 299–322, https://doi.org/10.24042/adalah.v21i2.23333.

[23] Moh Mukri et al., "The Implementation of the Maslahah Principle in Cultivating Religious Moderation in the State Islamic Universities," *Al-'Adalah* 21, no. 2 (September 2024): 371–400, https://doi.org/10.24042/adalah.v21i2.23953.

[24] Ali Sodiqin, "Science-Based Ijtihad: Religious and Scientific Dialectic on Fatwas Regarding Congregational Worships amid the Covid-19 Pandemic," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 1 (August 2021): 79–98, https://doi.org/10.18326/ijtihad.v21i1.79-98.

[25] Deri Rizal et al., "Reinterpreting Religious Texts on Gender Equality: The Perspective of Ahmad Syafii Maarif," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (September 2024): 327–36, https://doi.org/10.31958/juris.v23i2.10233.

[26] Hani Sholihah, Nani Nani Widiawati2, and Mohd Khairul Nazif bin Hj Awang Damit, "Reinterpretation of Justice in Islamic Inheritance Rights Based on Gender," *Al-'Adalah* 21, no. 1 (September 2024): 101–24, https://doi.org/10.24042/adalah.v21i1.21256; Harwis Alimuddin et al., "Reconstruction of the Concept of Nusyūz in Islamic Law: Perspectives of Religious Figures in Ternate, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (September 2025): 26–49, https://doi.org/10.22373/07a9hd02.

[27] Nailal Muna, Irgi Ahmad Vahrezi, and Dwita Nurulita, "Michel Foucault's Genealogical Analysis in Lajnah Bahtsul Masail Lirboyo's National Text Discourse in 1980," *Islamika Inside: Jurnal Keislaman Dan Humaniora* 10, no. 1 (August 2024): 78–98, https://doi.org/10.35719/islamikainside.v10i1.248.

In this intellectual setting, the current article offers a new insight into the existing literature by analysing the concept of *ijtihād irshādi* of Lirboyo as both an epistemological and a performance paradigm. In contrast to other studies that focused on the fiqhi aspect and historical achievements, this analysis approaches *fatwas* as discourses embedded in artefacts, reflecting their production within the nexus of texts, ulama, and *pesantren* socio-cultural contexts. According to the theoretical framework of the archaeology of knowledge proposed by French intellectual Michel Foucault, *ijtihād irshādi* refers to non-*ḥukmī*, ethical orientation, and communicative reasoning in the context of the interface between traditional schools of thought and contemporary ethics cases.

Methodologically, this study takes a critical approach, grounded in a qualitative phenomenological case study. The choice of the former approach may be attributed to the philosophy of phenomenology, whose concern is the discovery of the experiences embodied by the actors in the bahtsul masā'il forum. This provides insight into the underlying knowledge of *ijtihād irshādī* practice.

In fact, the philosophy of phenomenology may be cautiously employed where the objective of the inquiry is to understand the essence of the group's experience in the context of society, given the fact that the philosophy centres on the description of the experiences underlying the meanings of practice and discourse.[28]

Additionally, the paper's crucial qualitative approach is implemented through Michel Foucault's discourse analysis framework. In this analysis, the approach advocated for examining the power/knowledge relationship in the epistemic practice of the bahtsulmasā'il forum, especially within the procedures for generating the *irshādī fatwas*. The approach encouraged the examination of texts and epistemic practice not only at the representational level as normative representations, but also in a historical context as products embedded in power mechanisms, discursive rules, and epistemic exclusions within the social space. In this approach, the generation of epistemological categories, such as the *tasyrī'ī* and *irshādī fatwa categories, is examined not only through the phenomenology of the actors' experience but also through the products within the truth regime in* the social space of LBM.[29]

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[28] John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (SAGE Publications, 2017), 75.

[29] Michel Foucault, *Archaeology of Knowledge*, 2nd ed. (London: Routledge, 2013), 27–29.

In this investigation, the category of *irshādī* was constructed based on an evident epistemological mapping. In the operational aspect, the characteristics of the *'irshādī' fatwas* are distinguished from *tasyrī'ī* in their non-imperative, educative, and contextual approach, whereas *tasyrī'ī* is normative. A category was constructed using a triangulation technique based on formal documents from the LBM, key interviews with high-ranking kiai and santri participants, and observation of *bahtsul masā'il* forum activity sessions to enhance validity and authenticity. In this process, the construction of the *irshādī* category might not be purely a researcher's construction; it reflects the collective key actor's conception within the forum context, reflecting Clarkson Moustakas's support for phenomenology, where categories need to be constructed based on participant-defined meanings rather than purely theoretical importations into the situation's context.[30]

In the analysis, the process used combinations of reduction, coding, and triangulation. Unrefined data from minutes, interviews, and observations were first reduced to focus on themes concerning the epistemology of *irshādī*. Open coding was used sequentially to identify themes, followed by axial coding to build connections among the themes from epistemological, performative, and social perspectives. The validity of the analysis was enhanced by both source triangulation (documents, interviews, and observation) and a third dimension from expert consultants in Islamic law for author/researcher verification. As a result, the study's findings not only empirically describe meaning but also have the potential to form a theoretical construct grounded in a methodologically precise and valid foundational epistemology.

The significance of this study comes from three aspects: conceptual, methodological, and practical. From a conceptual perspective, the importance of the study lies in providing a clear conceptual framework for *ijtihād irshādī*, which has previously been overlooked in academic writings. The study's methodological significance comes from the fact that the combination of *maqāṣid, maṣlaḥah*, and the sociological context may expand the limits of the *pesantren*-based *ijtihād* approach from the traditional limits to produce a new, realistic approach in combating the stagnation condition within the thought processes of the ideal Islamist school of law, Islamic law. From a practical perspective, the significance lies in the fact that it

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[30] Clark Moustakas, *Phenomenological Research Methods* (SAGE Publications, Inc., 1994).

may open a new opportunity for the development of a socially contextualised fatwa thought pattern for conflicts within the diverse society context.

Therefore, the proposed research not only fills a crucial conceptual gap within the contemporary discourses of *ijtihād*, but also develops a paradigm for building a traditional yet contextual approach for legal methodology.

Tradition, Discourse, and Epistemic Schema: Constructing the Foundations of Thought

The practice of *ijtihād* within the Islamic intellectual tradition remains a key enabling device in the relationship between the text and the context, as it represents an ideological, epistemological, and sociocultural space that is constantly redefined by local context. In the Indonesian context, the practice of reminiscence takes place in the most peculiar of settings within the intellectual tradition of the NU school of thought, which relies on pesantrens, particularly the one at Lirboyo, as breeding grounds for the development of the peculiar approach to the law branded *manhāj*.[31]

NU, rooted in the *pesantren* network, institutionalises the group *ijtihād* through the *Lajnah Bahtsul Masail* (LBM), which serves not only as a procedural, judicial forum but also as an epistemological arena where *ijtihād* credentials, sanads, and socio-cultural facts are articulated. Azizah[32] Yacoub emphasises that the dominant qawli approach within the LBM framework represents not only stagnation in the process of ijtihaadi thought, but also a mediator between the old qawli approach and the new manhaji approach, supported by the collective weight of the *pesantrèn* and the symbolic centre of the *kiai*.

Since it is one of the most prominent *pesantren*, the commitment to *kitab kuning* studies and *sanad*-based scholarship at Lirboyo actually accomplishes the task of engaging both the traditional setting and the modern context simultaneously. Sulaiman[33] contends that the intellectual hegemony of the organisational setting in NU is achieved not only through the powers of textual reason but also through the performance of culture, such as the politeness of the

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[31] Syaiful Bahri, Syamsul Anwar, and Mochamad Sodik, "Pancasila, Piagam Madinah, dan Konstruksi Fikih Kebangsaan Ala Pesantren: Studi Hasil Bahth al-Masail Forum Musyawarah Pondok Pesantren (FMPP) XXX Tahun 2016," *Justicia Islamica* 20, no. 1 (July 2023): 115–34, https://doi.org/10.21154/justicia.v20i1.5934.

[32] Andar Nur Azizah, *NU, Lajnah Bahtsul Masa'il, Dan Metode Istinbath Hukumnya*, September 8, 2023.

[33] Akhmad Sulaiman, *Kritik Epistemologis Terhadap Bahtsul Masail: Menggugat Hegemoni Kitab Fikih*, September 8, 2025.

fatwa, the kiai's attractiveness, and the symbolic topology of the *pesantren* order. Therefore, the NU's practice of ijtihad becomes not only an intellectual endeavour, but also the practice of symbolic hegemony, with a commitment to the ideal for "moderate traditional Islam," according to Saenong.[34]

A transformation within the LBM NU represents a significant epistemological change from textual taqlid to contextual *istinbat*. Azizah[35] highlights the increasing importance of *maqāṣid al-sharīah* and *maṣlaḥah* within the framework of fatwa reasoning to the point where these two aspects have become the determining criteria for the validity of textual interpretations. Iswahyudi[36] points out that the contemporary *fatwas* of the LBM NU on various contemporary issues, such as smoking, vaccination, and Islamic economics, are increasingly grounded in considerations of public benefit rather than rigid textual proofs.

In fact, this conversation revolves within the broader framework of *Fiqh Nusantara*, a concept coined by Kasdi.[37] That effectively reframes the correlation between Islam and indigenous culture. In the context, the sense of custom (*'urf*) and practice is introduced as an essential component for reasoning in jurisprudence. In this context, the role of the Lirboyo is not just to produce law, but also to reflect culture by appropriately expressing Islamic law within the Indonesian framework. Wafi[38] argues that the transition between the conventional *qauli* approach and the *manhāji* approach represents not only technical changes, but also an epistemic transformation from representing the law as a textual unfolding to a social response to the law.

In practice, the LBM forum serves as a power negotiation arena. The *mushāwarah* (assemble for deliberative purposes) process signifies not only the procedural signification process, but also the symbolic formation of the power of interpretation in the context of the social network formation of society's truths.

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[34] Faried F Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam," *Handbook of Islamic Sects and Movements*, September 8, 2021, 129–50.

[35] Azizah, *NU, Lajnah Bahtsul Masa'il, Dan Metode Istinbath Hukumnya*.

[36] Iswahyudi Iswahyudi, "The Maslahat Epistemology in Cigarette Law: Study on The Fatwa Law on Cigarettes," *Justicia Islamica* 17, no. 2 (September 2020): 243–60, https://doi.org/10.21154/justicia.v17i2.1970.

[37] Abdurrohman Kasdi, "Reconstruction of Fiqh Nusantara: Developing the Ijtihad Methodology in Formulating Fiqh from Indonesian Perspective," *QIJIS (Qudus International Journal of Islamic Studies)* 7, no. 2 (September 2019): 239–66, https://doi.org/10.21043/qijis.v7i2.4797.

[38] Wafi, *Reformasi bermazhab dalam nu studi pergeseran metode bahtsul masail dari qauli ke manhaji*, 155.

Maemonah et al.[39] Argue that the reception of the fatwa in public culture remains primarily foregrounded by the distributor of the fatwa, the context, and the lineages through which the legitimation takes place. Therefore, the process of *ijtihad* encompasses both the content and the social-epistemic process of the production of truths.

The importance of recognising the local context as a valid source of law has gained relevance over the years. Sobirin and Khasanah[40] Press observe that the *fatwas* issued by *pesantren* scholars on climate change demonstrate a 'paradigm shift' from legalistic texts to universal ethical values. This paradigm shift encompasses the *maqāṣid al-sharīʿah* within the global realm, where *ijtihād irshādī* signifies ecological liberation rather than normative texts.

On the theoretical level, the archaeology of knowledge proposed by Michel Foucault provides a practical approach for studying the production of knowledge in the context of ijtihad based on Foucault's[41] Refutation of the neutrality of expertise, argued to be produced through power relations, which define who speaks, how the truth should be constructed, and what should be stated. In the context of NU-LBM, the production of knowledge could be determined by the deliberative structure, the religious power structure, and the legitimation process using classical texts, thus establishing "the regime of truth" in fiqh literature.

Kendall and Wickham[42] describe how Foucault's approach allows for the analysis of religious texts as parts of a discursive formation, the formation of power and society's interlinkages of power and society's structures. In the context of the LBM NU, the classic texts are more than just rhetorical points; they also serve as legitimation processes through symbols and signs, and the tools of symbolic legitimation are the instruments of the legal discourses in themselves. For example, according to Saenong,[43] the NU's moderate Islam signifies more than just a historical identity; it is a discursive formation grounded in institutionalisation.

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[39] Maemonah Maemonah et al., "Contestation of Islamic Educational Institutions in Indonesia: Content Analysis on Social Media," *Cogent Education* 10, no. 1 (September 2023): 2164019, https://doi.org/10.1080/2331186X.2022.2164019.

[40] Mohamad Sobirin and Karimatul Khasanah, "The Pesantren Scholars' Fatwa on Global Warming and Climate Change: An Integrative Analysis of Islamic Law, Theology, and Environmental Sciences on the Practice of Multidisciplinary Ijtihad," *Cogent Arts & Humanities* 10, no. 1 (September 2023): 2193023, https://doi.org/10.1080/23311983.2023.2193023.

[41] Foucault, *Archaeology of Knowledge*, 2nd ed., 27–28.

[42] Gavin Kendall and Gary M Wickham, *Using Foucault's Methods*, September 8, 1998, 34.

[43] Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam," 151.

Moreover, Foucault identifies the concept of the archive as the birth of the discourse. In the context of the LBM NU, the minutes of the gathering, the scripts, and the kitab constitute a non-neutral archive. They encircle, create, and contextualise meaning within the limits of the knowledge arena. Mills[44] identifies this as the practice of exclusion, the non-written/unquoted gets fixed in the realm of the non-discourse. In this manner, bahtsulmasail becomes not only an exegetical activity but also an activity of knowledge exclusion.

Wael B. Hallaq's[45] Observation in *The Impossible State,* an Islamist society's lack of capability for codifying its Sharia according to positivism, is yet another aspect that highlights the importance of considering fatwa forums such as LBM NU as discursive spaces. These are spaces where tradition and modernity, text and context, take place. According to Kamali's[46] Observation, *maqāṣid al-sharīʿah* is neither a process nor an approach, but rather the transformation of discursive logics in LBM forums. It refers to the process of restructuring the logics mentioned above based on textual to ethical foundations.

Such an aspect can be seen in the development of pesantren fatwas on environmental issues. In their analysis, it appears that the values of conservation and society's needs take pole position over the traditional approach to law, as seen in the context of climate change debates, as suggested by Sobirin and Khasanah.[47]

However, as pointed out by Al-Azmeh,[48] every exegetical approach to Islam remains historically embedded. In the archaeological approach, a fatwa represents neither an antecedent business statement used for mere record-keeping nor the result of historical encounters among texts, authorities, and discourses. Maemounah et al.[49] Demonstrate that the *pesantren*s are utilising the online platform to circulate their *fatwas*, redefining religious power and knowledgeable infrastructure as paradigm shifts embedded in the infrastructural new power base of the electronic age.

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[44] Sara Mills, *Michel Foucault* (Psychology Press, 2003), 49.

[45] Wael B Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (Columbia University Press, 2013), 56.

[46] Kamali, *Maqasid Al-Shariah Made Simple*, 12.

[47] Sobirin and Khasanah, "The Pesantren Scholars' Fatwa on Global Warming and Climate Change: An Integrative Analysis of Islamic Law, Theology, and Environmental Sciences on the Practice of Multidisciplinary Ijtihad."

[48] ʿAzīz ʿAẓmah, *Islams and Modernities* (Verso, 1993), 28.

[49] Maemonah et al., "Contestation of Islamic Educational Institutions in Indonesia: Content Analysis on Social Media."

The conceptual framework for the study will be established based on this archaeological approach to archaeology. The meaning of *ijtihād irshādī* ir knows neither from the outcome of the operation of the rules of qiyās, nor from the operation of the regulations of *istiḥsān*, but from the combination of other participants such as the actors (*kiai, santri*), the texts (*fatwas*, old books), the knowledge-building tools (*manhāj, maqāṣid, qawāʿid*), and the discursive spaces (*bahtsul masail* forums), which are having an interconnected relationship in acollectively constitutes the discursive field in which *ijtihad* operates as a social product.

Mahfudz[50] stresses the fact that the Kiai's power lies neither wholly in reason nor in reason alone, charismatic authority and intellectual genealogy. In this regard, texts are elevated from the status of documents to discursive artefacts characterised by their legitimating, symbolic, and traditional affiliations. In this context, the work of Nurand Muttaqin[51] highlights that the interaction between texts and LBM encompasses the epistemic selection dimension of citations.

Fadillah et al.[52] Argue that the NU's *manhāji* method facilitates the combination of *maqāṣid al-sharīʿah*, and the reality of society in such a way as to provide an epistemic framework functioning as a filter within the methodology process concerning the verification of jurisprudential opinions. As Anshor[53] mentioned, the zone of LBM functions as a realm where the authority of power is challenged, thus serving as an arena for the production of rightful religious meaning.

In diagrammatic form, this theoretical framework may be conceptualised as a dynamic cycle between actors, texts, structures, and spaces, as shown below. Through the interaction of the above elements, the discursive field in which the production of ijtihād as a social object takes shape. Saenong[54] and Sobirin, and Khasanah[55] support the above point by clarifying the significance of the fatwa in

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[50] Asmawi Mahfudz and Diky Mohamad Fauzi, *Fiqh Pesantren: Literasi Santri Pondok Pesantren al-Kamal* (Tulungagung: Akademia Pustaka, 2019), 74.

[51] Nur and Muttaqin, "Reformulating The Concept of Maslahah: From A Textual Confinement Towards A Logic Determination."

[52] Jidan Ahmad Fadillah et al., "Mazhab dan Istimbath Hukum," *Al-Hikmah: Jurnal studi Agama-Agama* 7, no. 2 (September 2021): 235–45, https://doi.org/10.30651/ah.v7i2.8087.

[53] Anshor, *Bahth Al-Masail Nahdlatul Ulama: Melacak Dinamika Pemikiran Mazhab Kaum Tradisionalis*, 67.

[54] Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam," 151–70.

[55] Sobirin and Khasanah, "The Pesantren Scholars' Fatwa on Global Warming and Climate Change: An Integrative Analysis of Islamic Law, Theology, and Environmental Sciences on the Practice of Multidisciplinary Ijtihad."

the context of the NU movement, where it represents more than mere law; it is the discursive construction of identity and a sociocultural strategy.

Anshor and Muttaqin's[56] Essays are also mentioned for their presentation of the concept of narrative ijtihad in the broader context of the process of evolving a new Islamic approach to the law, where the power of narrative outweighs the rigour of formulation. On the other hand, the archaeology - according to these essays - should be reconceived not only as an analytical tool for the analysis of structure, but also as an entrance for the reconstruction of an Islamic epistemology based on the *pesantren* tradition.

Using this approach, the current research aims to decode the underlying processes of epistemic formation that support the practice of ijtihād irshādī, rather than merely investigating the texts themselves. Therefore, the archaeological approach proves to be a theoretical and methodological device for studying the meaning-saturated phenomenon of *ijtihād*.

Mapping the Epistemic Formation in the Practice of *IjtihādIrshādī* at LBM Lirboyo

Within Indonesia's evolving landscape of Islamic legal reasoning, *ijtihād irshādī* emerges as a distinct epistemic formation—one that prioritises ethical orientation over juridical obligation. In the Nahdlatul Ulama (NU) context, especially within the *Lajnah Bahtsul Masail* (LBM) of *Pesantren* Lirboyo, this form of *ijtihād* does not merely signify a procedural alternative to istinbāţ, but reflects an epistemological renewal grounded in turāth, communal deliberation, and local moral sensibilities. Its formulation responds directly to the practical needs of *pesantren* communities facing new socio-religious dilemmas such as bioethical, digital, and gender-related issues while preserving normative authority through the integration of *maqāṣid al-sharīʿah* and the *pesantren*'s collective ʿulamāʾstructure. In this sense, *ijtihād irshādi* operates as a value-guided model of reasoning: interpretive rather than prescriptive, dialogical rather than doctrinal.[57]

LBM Lirboyo is not just a judicial council; it is a living epistemic arena in which fatwas are produced through a discursive matrix involving actors and texts,

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56 Ahmad Muhtadi Anshor and Muhammad Ngizzul Muttaqin, "Fiqih Emansipasi: Menguatkan Kembali Posisi Perempuan dalam Keluarga," *Islamadina : Jurnal Pemikiran Islam* 24, no. 2 (September 2023): 217–31, https://doi.org/10.30595/islamadina.v24i2.13001.

57 Jalili, Ulfa, and Sahid, "Nahdlatul Ulama's Ijtihad Method in Fatwa: Analysis of the Content of Legal Decisions and Their Validity in Indonesia."

as well as institutional spaces and structures of authority.[58] Empirically, such an epistemic formation can be mapped onto three operational stages structuring knowledge production in LBM Lirboyo.

(1) *Taqdīm al-Masāʾil* (Submission of Issues): Only issues displaying social urgency (*maslaḥah ʿāmmah*) or interpretive ambiguity (*ghayrqaṭ ʿīyah*) are brought to the front for deliberation, acting as an epistemic filter that makes legal inquiry congruent with communal relevance.[59]

(2) *Istinbāṭ* Process: The *istinbāṭ* team—comprising senior *kiai, mufti,* and advanced *santri*—consults kitab*muʿtabarah*, prior *fatwas*, and socio-empirical data to formulate alternative readings. Here, the typology of *fatwas* (*taʿlīmī, tasyrīʿī,* and*Irshādī*) emerges through collective institutional judgment rather than individual reasoning.[60]

(3) Validation and Enunciation: The discursive legitimacy of each fatwa is determined through deliberative consensus (*musyāwarah*) that mirrors what Foucault terms an "enunciative field"—where truth claims derive from institutional authority, procedural ritual, and social acceptance. This structure can be visually conceptualised as an *epistemic circuit*: [Issue → Deliberation → Enunciation → Social Resonance], indicating that authority circulates through both textual expertise and performative engagement.[61]

The performative aspect of this process is evident in the LBM's semi-ritualised deliberations, which include participants seated in circles, Arabic invocations, and turn-based discussions. These gestures constitute epistemic mechanisms that regulate discourses, affirm hierarchy, and stabilise interpretive authority.[62] The resulting *fatwas* are then classified into three types as follows:

Table 1. Classification type of Fatwa

Type of Fatwa	Epistemic Function	Performative Aim
Taʿlīmī	Educational explanation	Strengthening doctrinal understanding
Tasyrīʿī	Normative-legal determination	Regulating behaviour and compliance
Irshādī	Ethical-guidance articulation	Cultivating reflective moral awareness

Source: by authors, 2025

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58 Imam Yahya and Akhmad Arif Junaidi, "Authority of Fatwa in Digital Era: Methodology and Transmission of Nahdlatul Ulama's Bahtsul Masail in Indonesia.," *Webology* 18, no. 2 (September 2021).

59 Mahfudz and Fauzi, *Fiqh Pesantren: Literasi Santri Pondok Pesantren al-Kamal*, 45.

60 Jalili, Ulfa, and Sahid, "Nahdlatul Ulama's Ijtihad Method in Fatwa: Analysis of the Content of Legal Decisions and Their Validity in Indonesia."

61 Michel Foucault, *Archaeology of Knowledge* (Psychology Press, 2002), 66–69.

62 Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Vintage Books, 1979), 27.

Among these, *ijtihād irshādī* most clearly manifests the epistemological-performative paradigm: a form of reasoning that produces meaning through communication, pedagogy, and ethical reflection. Rather than defining law in binary *ḥarām–wājib* terms, *Irshādī fatwas* invite dialogical engagement and moral self-awareness.[63] The epistemic logic underpinning them intertwines *maqāṣid al-sharīʿah, qawāʿid fiqhiyyah, and local sociocultural insights*—yielding a praxis that is principled yet adaptable.[64] Thus, *ijtihād irshādi* represents not merely a category of fatwa but a dynamic discursive project that reconstructs NU's epistemic identity: faithful to *turāth*, socially attuned, and pedagogically transformative.[65]

To clarify the position of this study within the existing scholarship, the following will present a systematic literature review. This SoTA table not only indicates the focus, approach, and contribution of each study but also pinpoints their limitations, emphasising conceptual gaps. The table thus serves as the basis for this article, establishing the novelty of Lirboyo's *ijtihād irshādī*as an epistemological-performative paradigm.

Figure 1. Ijtihad Irsyadi models
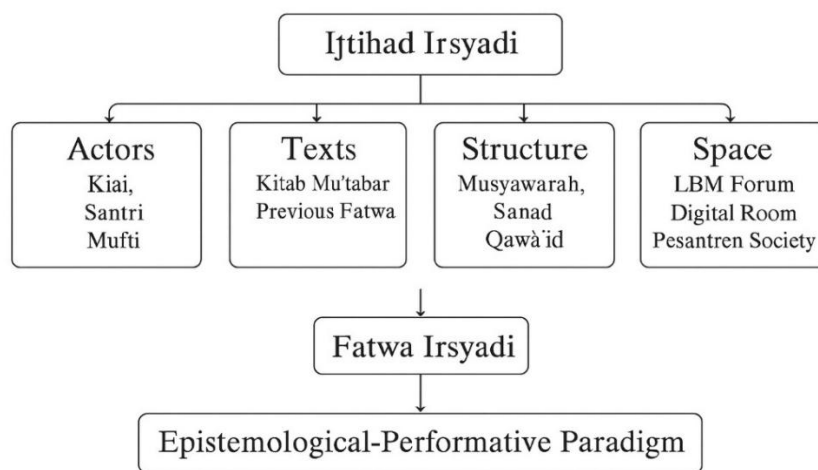
Source: by authors, 2025

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63 Anshor and Muttaqin, "Fiqih Emansipasi: Menguatkan Kembali Posisi Perempuan dalam Keluarga."

64 Kamali, *Maqasid Al-Shariah Made Simple*, 34.

65 Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam," 151; ʿAẓmah, *Islams and Modernities*, 28; Anshor and Muttaqin, "Fiqih Emansipasi: Menguatkan Kembali Posisi Perempuan dalam Keluarga."

Irshādī Ijtihād **as a Performative-epistemological Approach to Contemporary Islamic Law**

Lajnah Bahtsul Masail (LBM)—the construction of the *ijtihād irshādī*—or Lirboyo University shows that *fatwas* in the context of Nahdlatul Ulama (NU) are not only legal products, but also results of discursive practice in complex ways. For example, in the way "archaeology of knowledge" is constituted within a Foucauldian framework, this type of ijtihād is not a product of legal logic based on texts but of struggles among agents, texts, epistemic structures, and discursive spaces, in a simultaneous play of power relations.[66] In this context, *fatwas* of *irshādī* are not legal products but tools of communication that aim to construct a religious conscience contextually.[67]

In the Bahtsul Masail online forum, the *kiai* leader and the istinbāth group play pivotal roles in constructing meanings. They not only have legal matters, as indicated earlier, but also act as discursive agents wielding symbolic power that enables legal religious "truths." This is in accordance with the idea of enunciative modality introduced by Foucault, in which the power of speech within a particular regime of knowledge is a crucial factor in defining the validity of the knowledge produced.[68]

This approach's originality lies in its epistemological flexibility (*murūnah epistemik*).[69] LBM Lirboyo *fatwas*, in the form of *Irshādī fatwas*, address pressing issues in the 21st century, including ecology, gender issues, and online identities. Fatwas in this context focus on ethical steering through moral storytelling rather than dawaabs on *wājib* (binding) and *harām* (forbidden) commands. Hence, in the context of social media, Irshādī logic allows a specific realm between pesantren conservatism and the free online identities of Javanese Muslim santris. This specifically weaves together the tenets of *maqāṣid al-sharīah* in a way attuned to social structures, resonating with Nur and Ali's call to reconstruct *uṣūl al-fiqh* to better address contemporary realities.[70]

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[66] Foucault, *Archaeology of Knowledge*, 2nd ed., 12.

[67] Fathorrahman, Hijrian Angga Prihantoro, and Nyak Fadlullah, "The Role of Religious Fatwas In Indonesia: An Analysis of Self-Government and Biopolitics During The Pandemic," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (October 2024): 80–97, https://doi.org/10.22373/petita.v9i1.257.

[68] Kendall and Wickham, *Using Foucault's Methods*, 45.

[69] Asmawi Asmawi, "Murūnah Ijtihād Jam'Iyyah Nahḍah Al-'Ulama: Min Fiqh al-Ḥaḍārah ilā Dīn al-'Ishrīn," *Journal of Indonesian Islam* 17, no. 1 (September 2023): 213–37, https://doi.org/10.15642/JIIS.2023.17.1.213-237.

[70] 197301111999032001 Iffatin Nur / IN, 198404102014031002 Ahmad Muhdhor Ali / AMA, and - Ali Abdul Wakhid / AAW, "هندسةأصول الفقه: حنومقاربةإندونيسيةلالجتهاد" Handasatu Uṣūl al-Fiqih: Naḥwa Muqārabah Indūnīsiyyah Li al-Ijtihād (Initiating Uṣūl Fiqh: Towards an Indonesian Approach in Conducting Ijtihād),"

A review of LBM Lirboyo's fatwas shows that the *Irshādī* model is not only operational at the level of norms but also within the epistemology-performative paradigm. This is evident in three *fatwas*.

Firstly, in the discussion of KDRT, the fatwa states, "It is permissible for a husband or wife to report domestic violence in the form of failure to fulfill marital rights or physical or psychological abuse and any abusive behavior committed by their spouse, except if the domestic violence was committed due to the victim's fault."[71] This is not a positive imperative that treats the act of reporting as a legally obligatory duty of prohibition. It is a form of ethical discourse in values of care and accountability. This act of protection, in a Foucauldian sense, creates a regime of truth in which legitimation comes not only from scriptural truths and religious citations, but also from the enunciative power of the *pesantren* setting as a discursive field of authority. Moreover, in terms of *maqāṣid al-sharīah*, specifically *dafʿ al-Ḍarar* (harm-prevention), this fatwa presents a hermeneutic of epistemology.

Secondly, in interreligious marriages, LBM Lirboyo argues that "Basically, interfaith marriages legalized by Sharia law are limited to Muslim men and women of the Book... For women of the Book today, it is not legal to marry them because it is difficult to detect the criteria of their ancestors who meet the above requirements."[72] This performative moment is evident in the subjectification of the term "Ahlul Kitab" as something that is no longer a fixed ideological element, as in IRNA, but a notion contingent upon history. This fatwa avoids using a universal decree to question the epistemology of validity, genealogy, and certain requirements. This correlates with the theory of discourses, which holds that power structures derive from particular, tangible "conditions of possibility"[73] according to Foucault. In this instance, *maqāṣid* emphasise family continuity (*hifz al-nasl*) and religious continuity (*hifz al-dīn*).

Third, as far as expenditures in the family during the millennial generation is concerned, the fatwa observes: "Mobile credit and internet packages are not included in the maintenance obligations that must be provided to the wife. However, in the context of muʿāsyarah bil-maʿrūf (living together in a good

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Madania: Jurnal Kajian Keislaman 26, no. 1 (June 2022): 123–38; Madnur Madnur et al., "Actualization of Ijtihad and Fatwa in Indonesia from Legal Opinion to Legal Binding," *Analisis: Jurnal Studi Keislaman* 23, no. 2 (2023): 209–32.

71 L B M Lirboyo, "*Bahtsul Masail Documnet*," preprint, LBM Lirboyo, 2023.

72 Lirboyo.

73 Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (Knopf Doubleday Publishing Group, 1980).

manner), it is recommended to provide mobile credit and internet packages as long as they do not have a negative impact." Equally, it is stated: "…cosmetic items are not included in the obligation of providing for one's wife… but it is recommended if it is to please one's wife."[74] This shows how pragmatic performativity is applied in such a way that new requirements are viewed as obligatory matters within the context of harmonious relations rather than mandatory matters. As far as maqāṣid is concerned, these *fatwas* aim to maintain one's dignity (*hifz al-ʿird*) and promote ethical relations in the family. In a Foucauldian perspective, they function performatively, not as juridical commands, but as pedagogical discourses that shape subjects into ethically responsible agents.

Taken cumulatively, these instances underscore *ijtihād irshādī* not as a watering down of legal power, but as a paradigm change. The reinterpretation of *fatwas* combines epistemological rationality (linked to *maqāṣid al-fatāwa and turāth*) with performative roles as a source of ethics, social pedagogy, and discursive legitimation.

Under this paradigm, the *Irshādī* fatwa serves as public communication. It is not only a legal document, as one might first think of a fatwa, but rather a symbolic one that helps shape public perceptions of what constitutes Islamic values, as Zamhari and Han point out, under today's conditions of religious power, narrative competency in addressing the changes that come to society, such as digital environments[75]. In this sense, *Irshādī fatwas* exemplify narrative *ijtihād*—guiding not through juridical imperatives but by cultivating a contextual, dialogical, and ethically grounded social awareness.[76]

This is evident in the use of symbolic forms, performative rituals, and ethical discourses in the service of *Irshādī fatwas*. More than a strict concern with maintaining texts in accordance with their original intentions, LBM fatwas address contemporary issues related to gender equality, environmentalism, and online ethics. What is significant about LBM *fatwas* is that discursive practice is not predicated on prescriptive enactments of those *fatwas* in society in terms of obedience, coverages, proscriptions, etc., but instead on a performative-

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[74]   Lirboyo, "Hasil Bahtsul Masail."

[75]   Arif Zamhari, Muhamad Ibtissam Han, and Zulkifli, *Traditional Religious Authorities in New Media: A Study of the Cariustadz.Id Platform as an Alternative Cyber Fatwa and Da'wah Media among the Middle-Class Urban Muslims*, September 8, 2021.

[76]   Mashuri Mashuri, Iffatin Nur, and Muhammad Ngizzul Muttaqin, "Maqāṣid Sharīʿah Flexibility to Overcome COVID-19 in Indonesia: From Government Policies to Fatwā of Council of Indonesian Ulema (MUI), Nahdlatul Ulama (NU), and Muhammadiyah," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 2 (December 2021): 240–63, https://doi.org/10.18860/j-fsh.v13i2.13280.

epistemology of enunciating moral sensibilities in society to generate a regime of truth as described by Foucault.[77] By doing this, *fatwas* in LBM capture the religious values of *tawassuṭ* (moderation), *tawāzun* (balance), and *iʿtidāl* (justice).

LBM Lirboyo shows that *pesantren* are not static keepers of *turāth* (Islamic scholarly heritage), but rather vibrant epistemic institutions that can recreate knowledge through the incorporation of social change. As Saenong argues, the *pesantren* today is an autopoietic institution, recreating its own legitimation in each moment through participatory practice.[78] This is evident in the example of the Bahtsul Masail discussion group, where scriptural exegesis is contextualised in terms of social praxis, rather than a fixed body of pre-existing truths. *Fatwas* on contentious questions, such as women in leadership roles, are presented as *Irshādī*-type advisories rather than commandments.[79]

This positioning emphasises the importance of the *pesantren* as a discursive laboratory, where epistemological-performative practices of refashioning Islamic law as a legal-ethical discourse continue to unfold. Furthermore, the authority of the forum not only comes from the rigidity of the texts but also from the *pesantren*'s ability to act as a mediator between tradition and modernity.

As far as the epistemology of Islam is concerned, LBM Lirboyo's *Irshādī* fatwa model is a horizon-opening one. This fatwa is not a fixed product of religious texts, as in the conventional fatwa model; rather, it is a product of discourses that contextualise religious knowledge in the social world. As conceptualised by Foucault, discourses in the social world shape the exercise of power in a particular field of inquiry by subjectifying within that field.[80] Hence, in this respect, the fatwa is no longer as rigid as that practised by conventional Islam.

Nur and Ali refer to this approach as *handasah uṣūl al-fiqh*—an epistemic re-engineering of Islamic legal methodology. Rather than limiting itself to classical *qawāʿid*, it integrates textual reasoning (*dalil naqli*), objectives of law (*maqāṣid*), and empirical social experience.[81] In practice, this allows LBM Lirboyo to address emergent issues such as digital consumption, gender ethics, and ecological awareness without breaking continuity with the normative foundations of the

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[77] Michel Foucault, *Discipline and Punish*, n.d.

[78] Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam."

[79] Encep Taufik Rahman et al., "The Dynamics of The Fatwa on the Prohibition of Interfaith Greetings: Maqasid al-Shariah and Its Implications for Multicultural Families in Indonesia," *Justicia Islamica* 22, no. 1 (September 2025): 25–48, https://doi.org/10.21154/justicia.v22i1.9661.

[80] Foucault, *Archaeology of Knowledge*, 2nd ed.

[81] Iffatin Nur / IN, Ahmad Muhdhor Ali / AMA, and Ali Abdul Wakhid / AAW, "هندسةأصول الفقه."

turāth. This epistemic synthesis frames fatwas not just as doctrinal pronouncements, but also as social pedagogical tools.

The *Irshādī* model demonstrates that the performative aspect of fatwas is not incidental, but instead constitutes them. *Fatwas* on issues such as internet data, home support, and interreligious marriages use the language of prudence and dialogicality; thus, they not only limit jurisdiction concretely but also represent a model of performative epistemology. In this process, *fatwas* represent instruments of social engineering that aim at altering the group conscience in respect to *ijtihād irshādi* as a paradigm of discernment within today's Islamic legal tradition: a legal form that is epistemologically prim and ordinarily transformative.

Through the lens of the *irshādī* model, the fatwa is revealed not only as a legal decree but as a means of social engineering. By conceiving of *fatwas* as pedagogical discourses, LBM Lirboyo sees the Islamic legal system as a means of communication that socially engineers public morality in accordance with the demands of the era. As Bisyri argues, *fatwas* in the *pesantren* sphere are not only tied to legalistic commandments; they are also tools of moral construction that help guide societies in overcoming the difficulties of the modern age.[82] This makes *fatwas* of the *Irshādī* school capable of producing moral subjectivities around issues of ecological management, media use, and coexistence among religious groups.

This is inextricably linked to *maqāṣid al-sharīah*. By highlighting *dafʿ al-ḍarar* (harm prevention), *ḥifẓ al-nasl* (preservation of the family), and *muʿāsharah bil-maʿrūf* (proper human relations), the performative aspect of *fatwas* highlights the directive role of *fatwas* in increasing people's moral conscience rather than imposing strict obedience. In this way, *Irshādī* fatwas not only safeguard normative values but also expand the epistemic space of Islamic law by embedding it in ethical practice.

Irshādī's fatwas' communicative power also allows for a trans-cultural horizon. This is particularly significant in discussions of Muslim minorities in the West,[83] as emphasised by authors such as Belhaj and Ali, who underline the importance of a participatory, contextual approach to *fatwas*. It is evident that in such a context, the *tasyrīʿī* approach will often lack dialogicity, estranging Muslim individuals and groups from the broader cultural environment in a manner

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[82] Mohammad Hasan Bisyri, "Fatwa as a Tool of Social Engineering: The Study of Fatwa of Tarjih Muhammadiyah," *Jurnal Penelitian*, September 8, 2020, 131–44.

[83] Asif Mohiuddin and Abd Hadi Bin Borham, "Muslim Minorities and Application of Islamic Law in Europe," *Journal of Muslim Minority Affairs* 42, no. 4 (September 2022): 428–49, https://doi.org/10.1080/13602004.2023.2191911.

incompatible with the full richness of sharīʿah as a set of norms. LBM Lirboyo's pedagogical approach displays Islamic rules as a dynamic, contextual discourse capable of bridging traditionalism in a diverse environment.

Conclusion

In conclusion, this paper finds that the practice of *ijtihād irshādi* at the *Lajnah Bahtsul Masā'il* (LBM), *Pondok Pesantren* Lirboyo Kediri's *Fatwas* Fatih Institute, demonstrates an epistemological and performative paradigm to redefine the role of the *Fatwas* in the *pesantren*/Islamic boarding school tradition from within the Indonesian context. The role is based on a very technical and formalistic conception of Fatwas, as a binding juridical final say, rather than on their actual new-type practice as dialogical performances and processes within turāth and *maqāṣid al-sharīah*. It has purposes in contemporary contexts, such as gender justice, the Internet, and other new digital issues. These issues include the Internet and new digital realities for the latest generation, such as digital awareness and new digital problems, as well as the need for digital ethical solutions within the ability of turāth. *Maqāṣid al-sharīah* to integrate classic and traditional and conservative religious rulings and jewelled edicts within the Indonesian context's turāth and *maqāṣid al-sharīah's Fatwas* Fatih Institute's new-type practice for *Fatwas* for Indonesian context's new-type of generation digital environments within *turāth* and *maqāṣid al-sharīah's* new digital ethical solutions for *turāth* and *maqāṣid al-sharīah's* Indonesian context digital new-type generation digital environments. Future research is suggested to expand this model through comparative analysis with transnational Muslim contexts or with digital *bahtsul masā'il* forums to explore its potential to shape adaptive, inclusive, and dialogical jurisprudence in the modern world.

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