

# The Paradox of Pesantren Education in the Implementation of Islamic Law: Study of Pesantren Kyai Notion in Mojokerto

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## **Abstract**

*The teaching of classical books (Kitab Kuning) is a tradition of pesantren education that has lasted a long time. The teaching aims so that students and Muslims can implement the teachings contained in classical books in everyday life. The purpose of this study is to reveal the paradoxical problems faced by santri and Muslims regarding the differences between the content of classical books and their daily application. This research focuses on pesantren Kyai in Mojokerto regarding this paradoxical problem, which is a determining factor in the style and variety of pesantren education management. This study used qualitative methods. Data were collected using interviews, observation, and documentation techniques. This study's results indicate that Kyai pesantren's notions in Mojokerto can be categorized in the textual-moderate category with the characteristics that they cannot accept the contextual interpretation of Islamic law and tend to be textual. However, this attitude does not encourage Kyai to impose Islamic law and does not force the form of an Islamic state. The education style that results from this notion is that pesantren education tends to be closed and does not accept religious values changes. However, it is open and accepts changes in general education by opening formal educational institutions. This study provides an overview of the style of pesantren education and the factors that influence it.*

**Keywords:** *Pesantren Education, Implementation of Islamic law, Typology of Kyai's Notion*

### **Abstrak**

*Pengajaran kitab-kitab klasik (kitab kuning) merupakan suatu tradisi pendidikan pesantren yang telah berlangsung lama sampai hari ini. Pengajaran tersebut bertujuan agar santri dan umat Islam pada umumnya dapat mengimplementasikan ajaran yang terkandung dalam kitab-kitab klasik di kehidupan sehari-hari. Tujuan penelitian ini untuk mengungkap problem paradoksal yang dihadapi santri dan umat Islam terkait perbedaan antara konten kitab klasik dengan penerapan kesehariannya. Fokus dalam penelitian ini adalah pemikiran Kyai pesantren di Mojokerto terhadap problem paradoksal tersebut yang menjadi faktor penentu corak dan ragam pengelolaan pendidikan pesantren. Penelitian ini menggunakan metode kualitatif, data dikumpulkan dengan menggunakan teknik wawancara, observasi, dan dokumentasi. Hasil dari penelitian ini menunjukkan bahwa pemikiran Kyai pesantren di Mojokerto dapat dikategorikan dalam kategori tekstualis-moderat dengan ciri-ciri bahwa tidak dapat menerima penafsiran hukum Islam secara kontekstual dan cenderung tekstual, akan tetapi sikap tersebut tidak mendorong Kyai untuk memaksakan penerapan hukum Islam dan tidak memaksakan bentuk negara Islam. Corak pendidikan yang dihasilkan dari pemikiran tersebut adalah pendidikan pesantren cenderung tertutup dan tidak menerima perubahan dari segi nilai keagamaan, namun terbuka dan menerima perubahan pada aspek pendidikan umum dengan membuka lembaga pendidikan formal. Penelitian ini memberikan gambaran tentang corak pendidikan pesantren dan faktor-faktor yang mempengaruhinya.*

**Kata Kunci:** *Pendidikan Pesantren, Penerapan Hukum Islam, Tipologi Pemikiran Kyai*

### **Introduction**

As an educational, social, and religious institution, pesantren (Islamic boarding school) have historically been heavily involved in the Indonesian nation's Islamization process. Even Pesantren functions as platforms for disseminating Islam's dissemination and socialization in Indonesia and Java in particular<sup>1</sup>. Pesantren has also become one of the leading media for Indonesian nations' moral development because of their contribution to educating students in religious, spiritual mental appreciation and tafaqquh fi ad-din community development<sup>2</sup>.

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<sup>1</sup> Hasan Muarif Ambary, *Menemukan peradaban: jejak arkeologis dan historis Islam Indonesia* (Pusat Penelitian Arkeologi Nasional, 1998), 318–19.

<sup>2</sup> Nur Syam, *Bukan dunia berbeda: sosiologi komunitas Islam* (Pustaka Eureka, 2005), 132.

The teaching of Islamic law in pesantren through classical books (*Kitab Kuning*) is a tradition that has lasted a long time and continues to this day. Even the *Kitab Kuning* teaching that contains Islamic laws has been preserved in the pesantren for centuries to become one of the main elements that build the pesantren subculture and the leadership patterns and value systems<sup>3</sup>.

The *Kitab Kuning* contains various Islamic law issues such as worship, muamalah, and jinayah and is taught by the Kyai. Of course, the end goal is for students and Muslims to apply it in their daily lives. However, it is well known that not all Islamic laws can be applied in Muslims' lives, especially in Indonesia.

The law of inheritance regulates who can be someone's heir. The law of heritage often governs how often it may be awarded, and hereditary men are governed in the pesantren's fiqh text. However, in practice, it is rarely or hardly found in Muslim communities in Indonesia. Likewise, the law on jinayat, which regulates the execution of the punishment of cutting off hands for thieves, the punishment of flogging and stoning for adulterers, or the death penalty for murderers, were also not practiced. Although in Aceh the implementation of Islamic law has been established, its implementation is not precisely described in the book of fiqh. It is a paradox—on the one hand, a particular norm is taught, but on the other hand, what is applied is not the norm being taught.

It has become a tradition of Pesantren to teach the *Kitab Kuning* from one generation to another with the principle of the continuation of sanad and diploma. Sanad connection is a form of continuity or connection between teacher to student without breaking up from the time the compiler taught the books to the teachers who are now teaching by using the book. However, the diploma principle means that every student who later teaches the book to their students when they become teachers has first been declared passed and received their teacher's blessing to teach the book. This practice aims to preserve the validity and sense of the *Kitab Kuning* text, increasing the world's responsibility and the hereafter for the actions centered on the books taught and a form of hope through their teachers to obtain blessings.

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<sup>3</sup> Sudarnoto Abdul Hakim, "Bunga Rampai Pemikiran Islam Kebangsaan," 2008, 9.

Even though it is required and can master or teach it, this tradition's power can never substitute teaching a book with another book for students who have become caregivers or teachers of the pesantren. It was done because they did not have the sanad and did not get a diploma. The dilemma is when the text of the book being taught is no longer in line with the context of contemporary life, they still do not have the desire and courage to replace the book with another book. An example is the teaching of safar, or taking a long journey, where the form of safar in ancient times is no longer found in today's life. Therefore, the fiqh laws regarding safar seem unnecessary and need not be taught. However, safar material is still taught as part of the book's contents, which is the reference, without any attempt to replace it with teaching material following the safar form in the present context.

Examples of other book contents that are now being challenged, especially by orientalist and human rights activists, are the teaching texts within the books that are considered contrary to human rights. The death penalty, cutting hands, and stoning in the books taught in the pesantren, are considered by some Muslim intellectual circles to be no longer valid, but they are still taught. Contemporary Muslim intellectuals such as Fazlur Rahman, Muhammad Arkoun, Muhammad Syahrur, Abdullah Ahmad An-Naim, Amin Abdullah, and others have encouraged Muslims to not only adhere to the text of the book that has been formulated by previous scholars but also to principles or values or the values contained in the text that is derived from Revelation.

Criticism launched by contemporary intellectuals against Muslims' behavior is an act of sanctifying religious notions (taqdis al-fikr al-din). Of course, it is not allowed in religion because it is only Allah (and His Word) who have the right to be sanctified/prejudiced. For contemporary Muslim intellectuals, the proper view is to position the ulama's notion in a book as a notion or interpretation of Revelation that can be wrong and changed (qabilun li an-niqas, qabilun li al-taghyir). However, this criticism seems unheard of in pesantren, and the existing traditions continue as usual. Observing this phenomenon, the authors are interested in conducting an in-depth study through research on the thinking behind the preservation of the above traditions and exploring the solutions offered by pesantren to the complexities of applying specific fiqh laws for Indonesian Muslims.

The study was carried out to answer the formulation of the following problems: (a) How does the Kyai think about the paradoxical problems faced by the difference between the content of classical books and their daily application? (b) Why does the pesantren not replace the classical books taught to students with new books? Is it still relevant to the content of these classic books in the context of contemporary life?

This study uses qualitative methods, using interview instruments, observation, and documentation to get the data and facts needed, which is done by the researcher. In-depth interviews were carried out by always questioning the informant's answers, sometimes even contesting the answers given. However, the researchers still maintained that they were not considered part of the opposing group, so that informants did not have the reluctance to disclose research data. Meanwhile, the observation instrument is used to see teaching the book and its application in everyday life. The subjects of this study were the Kyai who cared for the pesantren in Mojokerto. The number of which could not be limited according to the snowball sampling principle, which continuously met from one informant to another, ended when the data was saturated.

The data analysis was done deductively and inductively through the steps recommended by Miles and Huberman, i.e., collecting, coding or reduction, display, and concluding<sup>4</sup>. In more detail, researchers also use the Spradley model in reading data, i.e., by applying domain analysis, taxonomy, components, and cultural themes to form typologies<sup>5</sup>. The triangulation of methods, sources, or theories was carried out to ensure the data's validity or validity. Meanwhile, the researcher's analysis of negative cases and the research time extension will be carried out whenever the data is found with questionable reliability or consistency. Researchers also conducted a Forum Group Discussion (FGD) to test and discuss research findings with colleagues from the Faculty of Islamic Studies, Islamic University of Majapahit Mojokerto.

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<sup>4</sup> Matthew B Miles and A Michel Huberman, *Analisis Data Kualitatif: Buku Sumber Tentang Metode-Metode Baru* (Jakarta: UI Press, 1992), 20.

<sup>5</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif Dan R&D* (Bandung: Alfabeta, 2012), 249.

## The Dilemmas of Teaching Islamic Law in Pesantren

In general, Pesantren education, like Islamic education, has the aim that students in their daily life can apply the Islamic teachings contained in the *Kitab Kuning*—not only in the individual sphere but also in society. Even Islam's teachings can become legal norms and state laws and cultural norms whose implementation is always upheld. Because it is a legal norm and state law, its implementation needs to be accompanied by a sanction instrument enforced by the state apparatus to ensure these provisions' implementation.

In reality, however, the santri who is part of the citizenry cannot fully implement the Islamic teachings they have learned from the *Kitab Kuning* for several reasons. One of which is that the Indonesian State is not an Islamic state or a state based on religion, so it cannot use Islamic law as state law. The implication is that there are Islamic teachings that cannot be fully implemented as it was being taught in pesantren education through these books.

Some Islamic law written in religious texts taught in Pesantren has been adopted by state law to stipulate the Islamic Law Compilation. However, this only covers problems in the field of marriage and the distribution of inheritance. Meanwhile, the laws regarding jinayat issues, such as cutting off hands for thieves, caning, and stoning (stoning to death) for adulterers, the death penalty for murderers (qishas), are not included in the provisions of the legislation in Indonesia.

However, the aspects of Islamic law are believed by most Muslims to cover all areas of life. Therefore, the implementation of Islamic law, which is only carried out in the field of marriage and the distribution of inheritance, is considered to have not implemented Islamic law in a kaffah manner because the Islamic law taught in pesantren through the study of *Kitab Kuning* covers the fields of ibadah (worship), munakahat, jinayat, mawaris. It causes some Muslims, including some pesantren alumni, not to feel that they are fully carrying out their religious teachings.

It is where problems arise for pesantren alumni and Muslims in general. The problems in question include that they receive teaching at the pesantren to implement Islamic teachings that they have learned, but on the other hand, state legislation does not use Islamic law as validated and used law. Penalties

for thieves, adulterers, and murderers, for example, are not given the punishment as found in the books of fiqh but are replaced by imprisonment.

This problem is a problem encountered by the Muslim community and students, especially today. However, it can be seen that the Kyai who care for the pesantren have the view that the scriptural texts these laws convey these laws must still be carried out without the need to replace them. It is because God's law has been the best law since ancient times. If a person or group is trying to replace it, then this is considered something that is not right and can even be considered to have changed the Sharia. Kyai Dar expressed this view in his statement as follows:

"That is not true (replacing laws derived from the Al-Qur'an and hadiths as taught in the *Kitab Kuning* in Pesantren) because it changes the Sharia. The best is God's law. The best is the past<sup>6</sup>."

Gus Dar explained that people or groups who consider Islamic laws as contained in the holy book are irrelevant to certain situations also consider that Islamic law is odd. As for those who think that what is in the Qur'an is odd, they have apostatized from Islam. About this, Gus Dar stated:

"Thinking what is odd in the Al-Qur'an is an apostasy. In the previous bahtsul masail, when I was a student in Lirboyo, it was stated that Munawir Sajjali had apostatized because he thought that the inheritance verse had to be replaced. It is not true because it changes the law. The best is the law of Allah. The best is the past<sup>7</sup>."

The Views of the Kyai Pesantren on Paradoxical Problems in Text Content and the Context of the Enforcement of Islamic Law

Kyai and the pesantren community have accepted an Indonesian state even though it is not an Islamic state. The acceptance of the Kyai and the pesantren residents is oriented toward KH. The Kyai and pesantren caretakers believe Hasyim Asyari as not rejecting the Indonesian State's form that has been agreed by the State's founders. Kyai pesantren generally has a sanad (scientific geneology) to KH. Hasyim Asy'ari. They share the view that KH.

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<sup>6</sup> Interview with Kyai Dar the Caretaker of PP Mambaul Ulum Awang-awang Mojosari, Saturday, 8 December 2018.

<sup>7</sup> Interview with Kyai Dar the Caretaker of PP Mambaul Ulum Awang-awang Mojosari, Saturday, 8 December 2018.

Hasyim Asy'ari is a great scholar who has the breadth of Islamic knowledge so that the Kyai and other students believed that it was impossible for KH. Hasyim Asy'ari accepting an Indonesian state's establishment was a decision contrary to Islamic teachings even though it was not an Islamic state. Related to this belief, the Kyai and the caretakers of the Pesantren in Mojosari stated:<sup>8</sup>

"Mbah Hasyim used to think about this problem. If Indonesia is forced to become an Islamic state, then war and damage would have happened, and we cannot observe our worship peacefully. Indeed, in upholding an Islamic state, there is a masalah in the form of an opportunity to apply Islamic law. However, the damage is greater, so it is not done. The rule of ushul fiqh says, "dar'ul mafaasid muqaddamun ala jalbi al-mashalih."

These beliefs are also reinforced by the tradition of "sami'na wa atha'na" owned by santri to their Kyai. Because their Kyai can accept the form of the Indonesian State instead of a state based on Islamic law, automatically the santri have this samikna wa atokna santri with the Kyai's decision and adhere to follow it<sup>9</sup>. About this belief, Gus Zuhri, the caretaker of PP Majmaal Bahroin Mojogeneng, stated:

The Kyai "sam'an wa thata'an" to their teacher, so they do not teach anything more than their teacher. Even though they can read and understand other books and even the kutub al-muashir (contemporary books), they do not want to teach anything other than what their teacher has taught them. Many Kyai study Shahih Muslim or Shahih bukhori, but because their teacher has never been taught, they also do not teach these hadith books to their students. Sometimes the students may be much smarter than the teacher. However, in front of the teacher, the knowledge they have is "lost," or it can be stated that their obedience to the teacher "overwhelmed" the knowledge they have (there is a story about a Kyai who only gave al-mazkur meaning to one of the alfyah verses as his teacher used to explain to him, one of his pious students felt less satisfied when his Kyai only provide that one meaning, immediately the Kyai stated that a person who cannot understand something that is in dhamir, then basically that person does not have dhamir, at that moment the pious student knelt and apologized to the Kyai)<sup>10</sup>.

<sup>8</sup> Interview with Kyai Dar the Caretaker of PP Mambaul Ulum Awang-awang Mojosari, Saturday, 8 December 2018.

<sup>9</sup> Interview with Kyai Zuhri the Caretaker of PP Majmaal Bahroin Mojogeneng, 1 October 2018

<sup>10</sup> Interview with Kyai Dar the Caretaker of PP Mambaul Ulum Awang-awang Mojosari, Saturday, 8 December 2018.



The obligations as an Islamic nation and the enforcement of its regulations in Indonesia depend on the Islamic faith's instruction, which allows compromises, which is the pesantren's Kyai-Kyai agreement. The obligations as an Islamic nation and the enforcement of its regulations in Indonesia depend on the Islamic faith's instruction, which allows compromises, which is the pesantren's Kyai-Kyai agreement. For, e.g., Kyai Dar, Pesantren's caretaker at Mojosari, clarified that when they taught Islamic lessons and gave lectures to keep away from acts forbidden by Islam, Muslim's duty is waived (not considered a sin), so there is no need for Jinayat laws (cutting off hands, stoning, death penalties), which involve the establishment of an Islamic State<sup>11</sup>.

Kyai Rozaq's explanation also strengthened kyai Dar's opinion. For Kyai Rozaq, the obligation to strive for the Sharia is waived by the individual's efforts to give knowledge or teach Allah's provisions, for example, through recitation, education, or sermons. According to Kyai Rozaq, the struggle to establish an Islamic state is beyond Muslims' capacity in Indonesia because the impact (madharat) is excellent, i.e., bloodshed between Muslims and other people. It is security and peace that must be fought first to ensure solace and comfort in worship. This notion is considered in line with the rule of "dar'u al-mafaasid muqaddam ala dr jalb al-mashalih<sup>12</sup>."

Even in the view of Kyai Zuhri, Caretaker of Pesantren in Mojogeneng Village, Mojokerto Regency, the implementation of these laws (jinayat) is undesirable because Muslims should not commit acts prohibited by Allah. By not carrying out Allah's prohibitions, which can be subject to jinayat punishment, there will be no application of these laws, so there is no need for the presence of an Islamic state. Therefore, according to Kyai Zuhri, HTI groups and the like have made a mistake and are too hasty to form an Islamic state. It should be the people who are Islamized first, not the country. Because the HTI group and the like are wrong, Muslims do not need to follow the movements of those who consider the Indonesian State to be kafir or taghut<sup>13</sup>.

In comparison to the above Kyai notion, Kyai Muhammad Nizar's above notion, Islamic rule was applied in our lives in the pesantren by the *Kitab*

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<sup>11</sup> Interview with Kyai Dar the Caretaker of PP Mambaul Ulum Awang-awang Mojosari, Saturday, 8 December 2018.

<sup>12</sup> Interview with Kyai Rozaq the Caretaker of PP Masyitoh Ngoro,

<sup>13</sup> Interview with Kyai Zuhri the Caretaker of PP Majmaal Bahroin Mojogeneng, 1 October 2018.

*Kuning*, but some are not. According to him, Hudud and cutting off hands for the pesantren community were not implemented but were replaced with ta'zir. The community cannot accept the law enforcement, and the Indonesian State is not a state-managed based on Islamic law. The implementation of ta'zir punishment by the Kyai in the pesantren is practically a contextualization of the law. However, the Kyai have not contextualized writing ideas, except for Kyai Sahal with his social and society fiqh. Kyai Sahal also initiated to present Indonesia's New Fiqh, but it does not seem to have materialized to this day<sup>14</sup>.

The next arising problem is that some students can accept the situation that makes the laws they have learned not applied and make an effort to join forces with Islamic groups fighting for an Islamic state to ensure Islamic law implementation. It can happen because it is common in all religions to have teachings that require their followers to apply their religious laws in everyday life, including Islam—not only the law of marriage but also other laws such as jinayat. However, the concern that students after leaving the pesantren education will join groups fighting for an Islamic state or caliphate is not shared by some pesantren caretakers, because according to them, the santri must follow the views and behaviors of their Kyai, including in terms of determining the shape of the State. One pesantren caretaker stated:<sup>15</sup>

Santri, when they find impossible things (problems) in their life, will return to us and ask (Kyai), so they will not join any hardline groups or intolerant groups. There are many examples, such as the case of Amalillah with their gold coin MLM business. Santri, who was initially interested in doing gold coin business because they were promised big profits, when they returned to consult us they were explained to that it is not easy to work for profit, at most only 5%. If the profits are far from average, then it is a fraud. Receiving this explanation, the santri finally canceled their participation in the gold coin MLM business.

Kyai Rozaq addressed the concern that pesantren alumni would join Islamic groups fighting to establish an Islamic state or caliphate such as Hizbut Tahrir by guarding his students' continuity of education not to enter educational institutions with a different understanding. Kyai Rozaq always advised the students and guardians of the santri that after graduating from the

<sup>14</sup> Interview with Kyai Nizar the Caretaker of PP An-Nahdliyah Mengelo Sooko, 16 AKyaitus 2018.

<sup>15</sup> Interview with Kyai Dar the Caretaker of PP Mambaul Ulum Awang-awang Mojosari, Saturday, 8 December 2018.

pesantren education at PP Masyitoh, they would continue their education in educational institutions that teach Wasathiyah Islam. Sometimes Kyai Rozaq also accompanies students who want to continue to other pesantren, to ensure that they are taking the appropriate education<sup>16</sup>.

The various notions above can be understood as an attempt to bridge the text's demands and context. Muslims are expected to personally practice the Islamic teachings in our text—the books taught in Pesantren—without having to fight for the establishment of an Islamic state. Even if they cannot apply some teachings, such as the law of cutting off hands for thieves because they need state instruments to enforce them, at least Muslims have tried to prevent Muslims from stealing by advising them or teaching them to prohibit these actions so that they did not sin.

Kyai Dar stated that as a caretaker or an educator, a Kyai is no longer sinful and is no longer held accountable in the hereafter because he has invited his students to follow orders and stay away from Allah's prohibitions. Are Kyai and Muslims in general innocent when they do not fight for the implementation of Islamic law through the formation of an Islamic state to carry out the obligations of Amar ma'ruf? Kyai Dar explained:<sup>17</sup>

No, because we have taught and invited others to implement it. If the community or students still committed violations, then they are held responsible, not us anymore. Even if the law is not implemented, it will be applied hereafter because this is not an Islamic state.

A person might violate Allah's prohibitions, but in this world, they do not receive the punishment as stipulated in Islamic law. For these people, the Kyai believe that in the afterlife, the punishment will be fulfilled. Therefore, students or Muslims do not need to worry when Islamic law cannot be implemented. Therefore, based on this notion, the Kyai can understand their students to be still able to accept Islamic teachings/laws in the *Kitab Kuning* text taught in Pesantren, but at the same time still have loyalty to the Republic of Indonesia.

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<sup>16</sup> Interview with Kyai Rozaq the Caretaker of PP Masyitoh Ngoro,

<sup>17</sup> Interview with Kyai Dar the Caretaker of PP Mambaul Ulum Awang-awang Mojosari, Saturday, 8 December 2018.

## Typology of Pesantren Kyai Notion

The notions and attitudes of pesantren Kyai in Mojokerto are focused on Islam's law and the previous scholars' ijtihad. This notion and attitudes are taught in *Kitab Kuning* and can be included in Islamic notion typology—whether fundamental, liberal, or moderate. It is because the notions of each Kyai have different styles and characteristics as an implication of their different understanding and attitudes toward the texts of the Qur'an and as-Sunnah.

As stated by Rozi, the different interpretations of Al-Qur'an and as-Sunnah's texts make Muslims split between three Islamic movements, fundamental, liberal, and moderate<sup>18</sup>. In several references, fundamental Islamic movements are referred to by various terms such as militants, extremists, radicals, fanatics, jihadists, Islamists, and purists. The prominent characteristic of these movements in terms of belief is that they adhere to absolutism and are uncompromising. Therefore, in many cases, they have a purist orientation or are intolerant of various competing viewpoints and view differences as they see it as a form of contamination of Islam's real truth<sup>19</sup>.

In the socio-political context, fundamentalist groups usually practice religious ed politics and politicized religion. It is in the sense of promoting a political order that is believed to emanate from Allah's will, not based on the people's sovereignty<sup>20</sup>. Their leaders used to call on Muslims to re-establish a universal Muslim society and revive a world scheme divided into dar al-Islam and dar al-Harb. Dar al-Islam, or the area of Islam/area of peace, is an area ruled by Muslims based on the principles of shari'ah (Islamic law). Meanwhile, dar al-Harb, or war zone, is an area controlled by non-Muslims, considered enemy territory.

Meanwhile, because of Islamic laws, the whole group believes that no one can regulate Islam's law. Humans are only tasked with carrying out God's laws.

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<sup>18</sup> Syaikh Rozi, "Pendidikan Moderasi Islam KH. Asep Saifuddin Chalim; Mencegah Radikalisme Agama Dan Mewujudkan Masyarakat Madani Indonesia," *TARBIYA ISLAMIA : Jurnal Pendidikan Dan Keislaman* 8, no. 1 (March 6, 2019): 26–43, doi:10.36815/tarbiya.v8i1.343.

<sup>19</sup> Khaled Abou El Fadl, *Selamatkan Islam dari Muslim puritan* (Penerbit Serambi, 2006), 29.

<sup>20</sup> Bassam Tibi, *Islam Dan Islamisme*, trans. Al-Fatthri Adlin (Bandung: Mizan, 2016), 1.

Therefore, in the whole group's view, constitutional understanding that is part of democracy is contrary to Islam<sup>21</sup>.

Unlike Fundamental Islam, liberal Islam is compatible with changing times and is oriented toward the future, not to the past,<sup>22</sup> as Islam is fundamental. In the socio-political context, liberal Islam does not agree with establishing an Islamic State or making Islam the official state religion because Islam is not the only religion globally. Islam is one of the other religions with the same position and responsibility to do good deeds. Even if Islam (and other religions), the believers are allowed to enter the public domain to become a political tool for those with interest and create discrimination against other religions<sup>23</sup>.

In line with this issue, liberal Islam rejects the caliphate as a political system. They believe that political power and state administration related issues do not fall within the sphere of divine Revelation. Hence, the Muslim Society does not have a political blueprint to follow. The caliphate system implemented by the Companions was only a temporary body made by humans according to the historical conditions of the 7th century Arabs who were accustomed to discussing what they should do, including choosing a single leader among them. If the Arabs were citizens of Athenian democracy, perhaps they would have created a democratic assembly to elect leaders and recommend what to do.

In Indonesia, the emergence of liberal Islam is rooted in the leftist intellectual network of progressive NU figures, such as Gus Dur, Masdar Farid Mas'udi, and others. This liberal Islam has five characters, i.e., 1) radical, in the sense of 'left,' not in the sense of radical Islam; 2) Critical to any phenomena outside NU or within (auto criticism), including criticism of the *Kitab Kuning* and the ability to think among scholars' and the Nahdliyin community; 3) progressive, creative, and enlightening; 4) Resistance, both to radical Islamic

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<sup>21</sup> Sukron Kamil, *Islam dan demokrasi: telaah konseptual & historis* (Gaya Media Pratama, 2002), 48.

<sup>22</sup> Adian Husaini and Nuim Hidayat, *Islam liberal: sejarah, konsepsi, penyimpangan, dan jawabannya* (Gema Insani, 2002), 2-3.

<sup>23</sup> Abdul Hamid and Yaya, *Pemikiran Modern Dalam Islam* (Bandung: Pustaka Setia, 2010), 54.

groups and NU officials; 5) open, in the sense of being accommodative to developing contemporary notions<sup>24</sup>.

In contrast to liberal Islam and Fundamental Islam, moderate Islam rejects the extreme claim that Islam is a complete religion and regulates all human affairs, including political matters. Moderate Islam is also not the same as liberal Islam, which considers Islam to have nothing to do with politics. In the notion of moderate Islam, Islam is seen as having no preference in specific political systems. Islam only provides moral and ethical principles for life, including for political life. For its implementation, Muslims are free to choose whichever system is the best,<sup>25</sup> as long as it is in line with moral goals such as justice, balance, equality, compassion, virtue, and so on.

The moderate Islamic view related to the implementation of Sharia in life is dynamic. Islamic Sharia is still sourced from the Qur'an and Sunnah. However, both need to be studied cumulatively and continuously by placing them in a central position to accommodate dynamic interpretations and <sup>26</sup>

Based on the interview results, the style of the Islamic notion of the Kyai of Mojokerto regency in responding to the paradoxical problems of teaching Islamic laws as contained in the *Kitab Kuning* seems to be more of a moderate Islamic style. Therefore, the Kyai did not try to impose Islamic laws and encourage an Islamic state's establishment. On the other hand, the Kyai still accepted democracy as a political and economic system that, according to Sukarno, aimed to seek political and economic success and national success and social welfare<sup>27</sup>. If the Kyai in Indonesia is united in expecting to establish an Islamic State, this might happen, considering that according to Rozi (2019), Kyai is an intellectual actor. He has significant power to be able to mobilize society with their charisma<sup>28</sup>.

<sup>24</sup> Budhy Munawar Rachman, *Reorientasi pembaruan Islam: sekularisme, liberalisme, dan pluralisme : paradigma baru Islam Indonesia* (Lembaga Studi Agama dan Filsafat, 2010), 30–32.

<sup>25</sup> Yaya, *Pemikiran Modern Dalam Islam*, 55.

<sup>26</sup> *Atasnama Tuhan* (Penerbit Serambi, 2004), 212.

<sup>27</sup> Sukarno, *Di Bawah Bendera Revolusi* (Jakarta: Panitia Penerbit di Bawah Bendera Revolusi, 1964), 174.

<sup>28</sup> Syaikhu Rozi et al., "Peran Politik Kyai Dalam Pengendalian Konflik Pemilihan Kepala Desa (Pilkades)," *Proceedings of Annual Conference for Muslim Scholars* 3, no. 1 (November 26, 2019): 118–28.

In addition to the fundamental, moderate, and modern Islam, the Kyai pesantren ideas and attitudes in Mojokerto Regency are also focused on the map of the Islamic textual-contextual definition's plurality. Contextual Islam, Abudin Nata (2001) explains the Islamic form, which often takes into account the space and time of the texts of the Qur'an, in its comprehension and analysis according to the condition and circumstances in which Islam was viewed and then interpreted. The goal is that Islamic teachings are always alive and relevant to the Ummah's needs at various times<sup>29</sup>.

The textual Islamic style is the opposite of contextual Islam. In Textual Islam, the understanding of scriptural texts is literal, scriptural, and more theological-normative. Textual Islam views the teachings of Islam that are written in the texts of the holy book--Qur'an and Hadith—as divine revelations that must be believed and accepted as absolute truth and should not be challenged because they can be considered as the lack of belief in God's power<sup>30</sup>.

The understanding of textual-contextual Islam is influenced by Islamic scholarship's epistemology, which according to al-Jabri, has three typologies, i.e., Bayani, irfani, and Burhani<sup>31</sup>. Bayani epistemology construction is fixated on the text or the basics that have been established as standard and permanent foundations, i.e., Qur'an, Sunnah, ijma', and qiyas, without being followed by social and historical developments (ahistorical). This type of Bayani epistemology will affect the Muslim community's understanding of the holy book's texts to become more textual.

Unlike the Bayani epistemology, the Burhani epistemology, when dealing with plural realities, will create a syllogism (qiyas Burhani) that is in line with its characteristics, i.e., obtaining definite conclusions, which do not allow any other truth or certainty. Meanwhile, with its cross-language, faith, nationality, gender, class, community, and conventional spirituality-esoteric model, irfanian epistemology recognizes the life of people, communities, or adherents of another religion, utilizing empathy, compassion, social skills, upholding

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<sup>29</sup> Moh Nurhakim, *Neomodernisme dalam Islam* (Penerbitan Universitas Muhammadiyah Malang, 2001), 14.

<sup>30</sup> Nurhakim, *Neomodernisme dalam Islam*.

<sup>31</sup> Mohammad Abid Al-Jabiri, *Bunyah Al-Aql al-Arabi* (Beirut: al-Markaz al-Syaqafi al-Arabi, 1993), 15.

universal-reciprocity values that contribute to a system trend and attitudes of solidarity in the universe. These two forms of epistemology will make one's understanding of the scriptures more contextual.

Theoretically, the characteristics of a person's understanding of the scriptures' textual and contextualist texts can then be intersected with a typology of Islamic attitudes and religions, whether fundamental, moderate, or liberal. The intersection resulted in four types of the typology of understanding and attitudes of Muslim society toward divine Revelation, i.e., 1) radical-textual; 2) Textualist-moderate; 3) Contextual-radical, and lastly 4) Contextual-moderate.

This type of textual-radical Muslim understanding is characterized by believing in the truth of the Qur'anic texts and hadiths as absolute truths and does not need to be replaced by other laws because they are perfect. Meanwhile, the textualist-moderate type of understanding in Muslim society can be identified based on the characteristics of believing in the truth of the Qur'an as the word of Allah, which is eternal and preserved in its purity, but allows for dynamic interpretation and has continuous relevance to various contexts of the time.

The contextual-radical perspective in the Muslim world is that the Muslim community, the Qur'an, and the Sunnah must be interpreted and viewed as the source of Islamic Rule in the sense of time and space so that it may be applied at various periods to the conditions of the Ummah. If this can be done, it means that the Qur'an and the Sunnah are perfect and ready to become a source of Islamic law, which "must" be implemented to bring benefit.

The contemporary-moderate type understands the Muslim Community, which believes in al-and Quran's hadith texts and their excellence because they can be interpreted according to their sense of time and their significance for society and times. However, it does not have to be performed formally and structurally to enforce Islamic law as State law due to these documents' reading. If Islamic law is not sufficient to make it the State's law, then Muslims do not need to force it to implement it. Any system may be used as long as it is in line with universal moral values and benefits, which are also contained in Islamic law.



Based on the results of the intersection of typologies and maps of Islamic notion described above, the notions of Kyai pesantren in Mojokerto Regency can be categorized into textual-moderate types. It can be identified from the notions and attitudes of the Kyai, who cannot accept a contextual interpretation and tend to believe in Islamic teachings textually, including in terms of jinayat. However, this notion did not contribute to the Kyai's imposing Jinayat as an Islamic kingdom.

Even the Kyai regard the implementation of the Islamic Law in Indonesia as gloomily taught by *Kitab Kuning*. However, according to the background of political laws in Indonesia, it is only by religious courts and is only as a legacy in marriage and heritage distribution<sup>32</sup>.

## Conclusion

The purpose of this study is to reveal the paradoxical problems faced by santri and Muslims regarding the differences between the content of classical books and their daily application. This study focuses on Kyai pesantren's notion in Mojokerto regarding this paradoxical problem, which is a determining factor in the style and variety of pesantren education management.

This study concludes that Kyai pesantren's notions in Mojokerto can be categorized into the textual-moderate category with the characteristics that they cannot accept contextual interpretations and tend to believe in textual Islamic teachings, including in terms of jinayat. However, it does not allow the Kyai to enforce the Jinayat in an Islamic State's shape.

The pesantren education style tends to be closed and does not accept changes from a religious perspective, although it is open to the general education style and even adopts it by establishing formal educational institutions in madrasah and schools. It is motivated by the necessity of (1) holding the continuity of knowledge (sanad), (2) following the salaf life model, which is believed to be better than the period after, (3) the doctrine of sam'an wa thaa'atan to the teacher.

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<sup>32</sup> Achmad Gunaryo, *Pergumulan Politik & Hukum Islam: Reposisi Peradilan Agama Dari Peradilan "Pupuk Bawang" Menuju Peradilan Yang Sesungguhnya* (Kerjasama Pustaka Pelajar dan Pascasarjana IAIN Walisongo, Semarang, 2006), 2.

This study provides an overview of the style of pesantren education in Mojokerto and the factors that influence this style. However, this study does not provide generalizations about the various styles of pesantren education in Indonesia. The researcher realizes that there are still many exciting things related to pesantren that have not been studied. Therefore, future researchers can conduct similar studies with more interesting topics related to pesantren education.

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