

# Two Sides Moderation of Islamic Religiosity and Education in High Pesantren Education (*Ma'had Aly*) in Indonesia

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**Abstract.** This paper wants to describe the phenomenon of Islamic moderation carried out by the Pesantren (Islamic Boarding School) Education at high level which is called *Ma'had Aly* in Indonesia. The main question in this paper is how *Ma'had Aly* as the latest phenomenon of the development of Pesantren Education in Indonesia plays a role in maintaining and guarding Islamic moderation which is the identity of the teachings of Islam itself, amidst the large number of universities outside of Pesantren Education, exposed to radicalism. Using historical and phenomenological approaches and methods, the study in this paper concludes that; 1). As a tertiary institution of Pesantren Education in Indonesia, *Ma'had Aly* maintains and institutionalizes the pesantren scientific tradition; 2) *Ma'had Aly* embodies Islamic moderation not only on religiosity, but also on institutions, management and content as well as the educational process; and 3) *Ma'had Aly* also implements Islamic moderation not only between tradition and modernity, but also between various elements in the tradition itself.

**Keywords:** Boarding School, Moderation, Islamic Religiosity, Education

## A. Introduction

After the reformation marked by the opening of democratization taps has become fertile ground for the growth of radical Islamic groups. The phenomenon of radicalism among Muslims is often based on religious understanding, even though the originator of radicalism can be born from various axes, such as economics, politics, social, education, and so on. In the political constellation in Indonesia, the problem of Islamic radicalism has become even greater because its supporters are also increasing. However, these radical movements sometimes have different views and goals, so they do not have a uniform pattern. Radicalism which leads to terrorism is an important issue for Indonesian Muslims today. These two issues have caused Islam to be branded as a religion of terror and Muslims are considered to like the path of holy violence to spread their religion.

The issue of Islamic radicalism has become a serious concern by many people since 2011. The survey results of the Institute for Islamic Studies and Peace (LaKIP)<sup>1</sup> with PAI teacher respondents and Sejadobotabek Middle School students show a strong radical potential among teachers and lecturers as well as students and students with indications of resistance weak against violence in the name of religion, intolerance, exclusive attitudes and doubts about

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<sup>1</sup>Result of Survey of "Lembaga Kajian Islam dan Perdamaian (LKIP)", Jakarta, 2011

the ideology of Pancasila.

In 2015 the Setara Institute<sup>2</sup> survey of students from 114 Public High Schools (SMU) in Jakarta and Bandung. In this survey, 75.3% claimed to know about ISIS. As many as 36.2 respondents said ISIS was a sadistic terror group, 30.2% of respondents rated perpetrators of violence in the name of religion, and 16.9% stated that ISIS were fighters who wanted to establish Islam. A survey of radicalism carried out in 100 high schools in Jakarta and its surroundings shows that nearly 50% of students support hard ways to deal with issues of morality and religious conflict. In fact, dozens of students approve suicide bombings.

In the past few decades, there has been a lot of awareness and concern among Islamic scholars and thinkers in Indonesia, regarding the social development of society and Islamic scholarship. This is very much felt in the boarding school community, especially traditional boarding schools scattered throughout the country. This awareness and concern is motivated by, among other reasons, the surrounding developments. *First*, the diminishing number of Ulama or Kyai was felt that truly mastered the religious sciences, such as Tafseer, Hadith, Fiqh, and Tashawuf. *Secondly*, the rise of Islamic da'wah activities from some groups calling themselves Islamic reform movements or Islamic purification movements in the midst of society, which often causes a commotion in the Islamic community. Whereas the problem which is triggering disputes and commotion is no more than the problems of khilafiyah-madzhabiyah (difference in schools), whose status is furu'iyah (branch) not ushuliyah (principal). In such an atmosphere it turns out that not many parties can clarify the issue because of their limited understanding of *usul-fiqh*, *al-qawa'id al-fiqhiyah*, *asbab al-ikhtilaf al-madzahibi*, and *ikhtilaf al-madzahib al-arba'ah*. *Third*, Islamic scholars graduating from IAIN or Islamic Higher Education outside the pesantren are also many who are quite scientifically qualified, namely mastering various kinds of shari'ah sciences. However, for whatever reason, they are less close to the grassroots and less able to adjust to ordinary people's lives, less intimate with grass-roots. They prefer the bureaucratic style over the populist. These religious scholars are more interested in bureaucratic positions, for example being civil servants, rather than being leaders of the community in the community. *Fourth*, the attractiveness of the political life of power with all its facilities has turned many young scholars (including the pesantren family Gus-Gus) from acting to enlighten the people and guide them to empowerment amidst the dynamics of modern society which is full of competition and shifts. *Fifth*, the effects of globalization and advances in information technology have begun to be felt, both from the positive and negative sides.

Many pesantren sons and daughters continue their education abroad, both in Middle Eastern Islamic countries such as Saudi Arabia or Iraq, which have Hanbali or Hanafi schools, or in North Africa and Central Africa, such as Libya, Morocco and Sudan, which are generally bermadzhah Maliki, as well as in Turkey and Syria, the Hanafi ones, giving them a broader and more varied "horizon of *fiqh*" and more or less influencing them in understanding the nature of *fiqh* as one of the sources of *shari'ah* arguments, in addition to giving more ability to understand *fiqh muqaranah* (comparative jurisprudence). Some of the above concerns have contributed to the establishment of Ma'had Aly in Indonesia as an Pesantren Education Institution at high level which is projected to be a *candradimuka* (galvanized place) to produce moderate Islamic scholars and thinkers.

## **B. Approaches And Methods of Study**

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<sup>2</sup>Result of Survey of "Setara Institute", Jakarta, 2015

This type of research is descriptive-qualitative research in the form of field studies and also library research on the two sides of religious moderation and Islamic education in high-level Islamic boarding schools called Ma'had Aly in Indonesia. For this purpose, the data collection techniques used in this article include; *first*, participatory observations of some Ma'had Aly in Indonesia; *second*, unstructured and in-depth interviews (dept interveuw garde) to some of Ma'had Aly's managers and activists in Indonesia; *third*, examine documentation in the form of journals, books and bulletins as well as photos related to the activities of some Ma'had Aly in Indonesia.

The steps taken by the author at an early stage include; the writer made preliminary observations on a portion of Ma'had Aly in Indonesia; determine the location chosen as the location of the study; identify and qualify prospective speakers in providing information about moderation in both religion and Islamic education.

The method of analysis used in this study is direct analysis, meaning that the process of collecting data and analyzing data is carried out simultaneously when researchers collect field data, both when conducting observations, interviews, and reviewing document data. Thus, the results of the study will be more accurate and valid because the data is easier to process directly on site, without pausing the information accumulation period which sometimes results in losing aspects of renewal.

## **C. Discussion And Finding**

### **1. History of the establishment of Ma'had Aly**

The phenomena of science and society as mentioned above made some Islamic scholars and thinkers aware in Indonesia to find the right steps so that the dynamics of Islamic scholarship and the needs of the increasingly dynamic community could be adequately served without damaging the culture and character of the pesantren world which had been a place for development Islamic scholarship and place to prepare Kyai as scholars and religious figures who are close and familiar with grass-roots society. In this context, KH. As'ad Syamsul Arifin as an influential cleric at the time, had a high sensitivity and concern for the above phenomenon.

The process of establishing Ma'had Aly began with an intense meeting between several ulama and national figures, such as KH. Ahmad Shiddiq, Gus Dur, dr. Fahmi Djakfar Saifuddin, KH. M. Tholhah Hasan, KH. Imron Hamzah, KH. A. Wahid Zaini, KH. A. Muchith Muzadi, Masdar Farid Mas'udi, KH. Ali Yafie, KH Yusuf Muhammad, KH. A. Aziz Masyhuri, KH. Hasan Bashri, and others with KH. As'ad Syamsul Arifin to prepare the NU Ulim Ulama National Conference in 1983 to the NU Congress in 1984 at the Salafiyah Syafi'iyah Sukorejo Islamic Boarding School in Situbondo. The issue of Ma'had Aly has become a topic that is always discussed in these meetings, until finally crystallized and followed up in a Seminar at the Salafiyah Syafi'iyah Sukorejo Islamic Boarding School in Situbondo. Finally, Ma'had 'Aly was declared opened in 1990 AD, a few months before Kiai As'ad died, and he himself served as al-Mudir al-mAm (Managing Director), accompanied by KH. Drs. A. Wahid Zaini, KH. Drs. Hasan Bashri, and KH. A. Hariri Abdul Adhim.

In its stipulation, Ma'had 'Aly took the takhashus in the field of Fiqh and Usul Fiqh, with studies of the jurisprudence of Qauliy and Manhajiy, because they were aware of the imbalance of understanding of the Kyais in Indonesia in general, between the studies of Fiqh as

a product of *ijtihad* for the *Fuqaha*, with *Usul Fiqh* and *Qawa'id al- Fiqhiyah* as *manhaj* (methodology) *istinbath* or *ijtihad*.

Thus, *Ma'had 'Aly* Situbondo or more officially is "*al-Ma'had al-'Aly li al-Ulum al-Islamiyah Qism al-Fiqh*" initiated by *Kyai As'ad* is the pioneer of *Ma'had Aly* in the middle -the middle of the *pesantren* community in Indonesia. The establishment of *Ma'had Aly* Situbondo is also an achievement of the activities of *Rabithah al-Ma'ahid al-Islamiyah (RMI)*, one of the autonomous bodies in the development of *pesantren* in the *Jam'iyah NU*.

In subsequent developments, there were several other boarding schools that opened *Ma'had 'Aly*, such as the *Tebuireng Jombang* boarding school, *Pesantren al-Munawwir Krapyak Yogyakarta*, and the *Cipasung Tasikmalaya* boarding school, the *Pesantren al-Hikmah*, *Sirampong Brebes*, *Manbaul Ma'arif Denanyar Jombang*, *Dar at Tauhid Arjowinangun*, *Cirebon*, *al- Ihya 'Kesugihan Cilacap* or *Darussalam Ciamis*, and other large *pesantren* both in *Java* and outside *Java*. But of all the *Ma'had Aly* in various *pesantren* who survived and then obtained the *Ma'had Aly Operational Permit Decree* from the Indonesian Ministry of Religion in 2016 to 2018 consisting of 35 *Ma'had Aly* undergraduate programs and one *Ma'had Aly* program master. *Ma'had Aly- Ma'had Aly* has the same formal status as other universities in Indonesia. The difference with other tertiary institutions is that each *Ma'had Aly* conducts a study of a set of Islamic sciences from a set of Islamic knowledge groups specified in *PMA* number 71 of 2015.

## 2. The *Wasathiyyah* as the Philosophical Base of *Ma'had Aly*

*Wasathiyyah* (moderate), which is the middle ground between two opposing extremes, is the basis of philosophy in organizing *Ma'had Aly* and developing its learning system. *Khalid Abu al- Walid*, a contemporary Islamic thinker from *Kuwait*, defines moderate in Islam by illustrating a Muslim who does not treat their religion like a frozen monument, but does so more into an active and dynamic framework of faith, so that a moderate Muslim truly values various achievements obtained from fellow Muslims in the past, but they also live in the present.

*Wasathiyyah* in Islam has a theological basis for the following verse: "And likewise we make you (Muslims) as mediators (just and chosen), so that you will be above all human beings and that the Apostle (Muhammad SAW) be a witness to your actions." (*Al-Baqarah* 143). Some other verses that can be used as theological foundation for Islamic moderation include *al-Qr'an* *surah al-Furqan*, verse 67, *surah al- Isra*, verse 29, and *surah al-Isra* ', 110. *Wasathiyah* also found his theological foundation on the word Prophet, "The best problem is the middle way.", And the words of the Prophet, "The best deeds are middle, and the religion of God is between the frozen and boiling."

Thus, *wasathiyyah* means the middle way or balance between two different or opposite things, such as the balance between the spirit and the body, between the world and the hereafter, between the individual and society, between ideality and reality, between the new and the old, between *'aql* and *naql*, between science and charity, between proposal and *furu* ', between means and ends, between pessimism and optimism, and so on. The path between two different things, for example between *A* and *B*, contains two meanings. First, moderate can mean neither *A* nor *B*. Not the Islamic concept of *infaq*, for example, is the middle way between miser (*taqtir*) and extravagant (*israf*), meaning that Islam teaches that the provider of income is neither stingy nor wasteful, but lies between both . Another example is the Islamic concept of understanding which is the middle ground between liberalism and concertphatism, this means that neither teaches liberalism nor conservatism. Second, moderate can also mean not only *A* and also not only *B*, or in other words yes *A* and also yes *B*. Islam, for example, is a religion that not only deals with things that are spiritual and also not only deal with things which is physical, but takes care of both, takes care of things that are spiritual and also takes care of things that are

physical.<sup>3</sup>

Wasathiyyah, as explained above, colors the teachings of akidah, the teachings of akhlaq- tasawwuf, and the teachings of shari'ah, as well as the methodology (manhaj) of each. Moderation in the teachings of Islamic faith can be seen in the understanding of the monotheism of God (understand one god). At the level of praxis, moderate form or middle ground in Islam can be classified into four areas of language, moderate in matters of 'aqeedah, moderate in matters of worship, moderate in matters of temperament and character, and moderate in matters of tasyri' (shari'ah formation)

In Islamic aqeedah we know the doctrine of belief in supernatural objects (abstract), as implied by QS Al-Baqarah: 3. But the principle of trust in supernatural things is projected in the form of balance at certain limits. Islam is not like its mystical system of mysticism which tends to over-believe in supernatural objects. They can believe in metaphysical existence to the extent beyond the scope of the proposition that can be justified in a syar'i or 'aqli. As a result of excessive beliefs like this they then simply ignore the elements of physical reality in the real world.

The term worship in Islam is perceived as sacred practices in the form of religious rites. This kind of practice is intentionally projected as a symbol of the servant's identity of a human being before the creator. What is called worship is actually not limited to the vertical practice regarding the relationship of the servant with his god alone. Instead the notion of worship can also reach the types of horizontal practice among fellow servants as long as the practice is transcended to human values and virtues with humane and wise pretensions (intentions).<sup>4</sup>

Therefore in Islam it is prescribed the types of implementation of daily worship such as prayer at least 5 times a day overnight (al-shalawaat al-mafruudlah) by QS. Al- 'Ankabuut: 45 is said to have the function of preventing evil deeds; annual worship such as Ramadan fasting which is very effective for improving the quality of faith and piety (Surah Al- Baqarah: 183); zakat payment in order to support the upholding of economic justice in the midst of social inequality due to obstruction of the distribution system distribution; as well as a number of other religious ritual practices both those with mandatory and sunnah laws are practiced.<sup>5</sup>

Among the many types and varieties of God's creations, humans are positioned as the most good and noble creatures.<sup>6</sup> Why not, in human anatomy there are not only two complementary components: physical (body) and spiritual (soul), but more than that in the second component (spiritual) God embeds two more elements as symbols of human perfection: mind and lust.<sup>7</sup> The balance of components inherent in human beings at the same time fosters a balance also in human behavior and behavior in daily social interactions. The essence of teaching, in this context, is how the components of passion that exist in every human being can be conquered under the component of reason. So that the potential for lust boils down to *muthmainnah* lust that invites virtue, not lust for *ammarah* that invites destruction.

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<sup>3</sup>Afifuddin Muhajir, *Membangun Nalar Islam Moderat*, (Situbondo : Tanwirul Afkar, 2018), p. 5.

<sup>4</sup>In a **word** of wisdom is mentioned:

كم من عمل يتصور من أعمال الدنيا ثم يصير بحسن النية من أعمال الآخرة. وكم من عمل يتصور من أعمال الآخرة ثم يصير من أعمال الدنيا بسوء النية.

<sup>5</sup>QS. Al-Jumu'ah : 9-10,

<sup>6</sup>QS Al-Isra' : 70, dan QS Al-tiin: 4

<sup>7</sup>QS. Al-Syams : 7-10

What can be captured as *tasyri* 'balance in Islam is the determination of halal and haram which always refers to the principle of benefit-mudlarat, holy-unclean, and clean-dirty.<sup>8</sup> In other words, the only benchmark used by Islam in determining halal and haram is the *mashlahah* of the *ummah* or in its *fiqhiyyah* language: جلب المصالح ودء المفساد (efforts to bring benefit and prevent damage).

Realities like this are not the same, for example, with Jewish Shari'ah which tends to be excessive in prohibiting something. Even as the *adzab* of God from this excessive attitude of Allah, as implied by the Koran, forbid them also things that should be lawful.<sup>9</sup> The scattering attitude of Judaism is also reflected, for example, in applying women. They consider women who are menstruating as unclean people who should be ostracized. Likewise with women giving birth. For them, women who give birth to baby boys are punished unclean for a week and those who give birth to baby girls are considered unclean for two weeks.<sup>10</sup>

On the opposite side, the balance of Islam is also different from the shari'ah of Christians who tend to overdo it to justify something to the limits of the legal issues contained in the forbidden text in the Old Testament Bible (Torah). Even though the gospel as a guideline of the scriptures of the Christian religions is a refinement of the book of the law without changing the slightest bit of the teachings of the law, as it was proclaimed by the gospel itself.<sup>11</sup> Thus the reality of this striking cross between Jewish and Christian teachings contradicts diametrically with the idealism of the two teachings of the religion itself

A more concrete example of the balance of *tasyri* ' in Islam is the shari'ah of polygamy (تعدد الزوجة). In terms of regulating the marriage system, Islam stands tall between those who forbid polygamy in any form and those who allow polygamy without any restrictions and provisions. The latter group even tends to justify the practice of free sex without marital ties that not only violates religious norms, but also leads to deprivation of the system of regulating descent from religious roots. Islam allows polygamy to the limit of four wives, with the moral and ethical preconditions that the husband is able to be fair to his wives, for example, in terms of giving birth and spiritual support.<sup>12</sup>

### 3. Balance the Mindset of Fiqh and Usul Fiqh

Fiqh and Usul Fiqh are two disciplines that cannot be separated from one another. If the first (fiqh) is the result of creativity of the 'Ulama' *istinbath* in an effort to respond to various problems that arise in the middle of society then the second (ushul fiqh) is a methodological tool. Usul fiqh can be defined as a standard *aqliyyah* method for formulating operational laws based on their fairness. Officially, Ma'had Aly since its establishment two years ago took the concentration of fiqh studies. However, because fiqh cannot be separated from the study of fiqh,

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<sup>8</sup>QS. Al-'A'raaf: 157

<sup>9</sup>QS. Al-Nisaa': 160-161

<sup>10</sup>*al-Kitab Al-Muqaddas*, Sifr Lawiyyin, Ashhah 12 Ayat 2-5.

<sup>11</sup>*al-Kitab Al-Muqaddas*, Sifr Injil Matta, Ashhah 5 Ayat 17.

<sup>12</sup>The criteria for fairness here are limited to outward matters. The cause concerns very abstract abstract problems, such as the division of love 50 to 50, to discuss beyond human ability. The Messenger of Allah himself was satisfied in the matter of his intricacy divided in love for his wives :

اللهم هذا قسمي فيما أملك فلا تلمني فيما تملك ولا أملك, يعني القلب. (رواه أبو داود والدارمي  
Ya Allah! This is the part [ability] that I have. So let me not be blamed for the things you have but I cannot, the heart. (narrated from Imam Abu Daud and Imam Al-Darimi).

in practice the methodology of istinbath law is also sufficient to color the learning process at Ma'had Aly. At the very least, the material of usul fiqh is taught at Ma'had Aly in proportion to the fiqh material.

Unlike the tradition of studies in Islamic boarding schools in general which places usul fiqh as a mere introduction to methodology, Ma'had Aly appreciates this course more intensively and parallel to the fiqh itself. If Islamic boarding schools generally position usul fiqh as theories of Islamic law that do not need to be applied in daily life, Ma'had Aly places this discipline as a very strategic epistemology in an effort to provide the basis for thinking to be applied in the mechanism of taking a decisive legal decision.

As a type of concentration, fiqh and usul fiqh are given in more portions than other types of subjects. In fact, in this course the concentration is equally given in the same way between classical and contemporary studies. The consideration is none other than both fiqh and usul fiqh is an epistemology of science whose birth is inseparable from historical phenomena. Because of this, Ma'had Aly does not want to confine these two fields of study, for example, by not providing a balanced portion between the classical and the contemporary. Because, however much we can perceive the factors of modernity as a real problem that we have to deal with naturally, but we must appreciate the historical aspect with a balanced measure. With this pattern, it is hoped that the epistemological chain of science will not be broken from the beginning of its birth until now.

#### 4. Mediating Ahl al-Ra'y and Ahl al- Hadith

The policing of two points of extremism of thought, namely the ahl al-ra'y (rationalist) and ahl al-hadith (traditionalist) began to occur almost simultaneously with the emergence of Islam itself. During the Sahabat, for example, we find the fiqh of Ibn Umar (d. 73 H) in the Hijaz known as the traditionalist camp. While in Iraq we know the fiqh of Ibn Mas'ud (d. 33 H) which is rationalist. This kind of adherence continues in the tabi'in and subsequent periods up to now. During the tabi'in, ahl al-hadith was driven by Sa'id bin Musayyab (d. 93 H.) while ahl al-ra'y was continued by 'Alqamah al- Nakha'i (d. 72 H).<sup>13</sup>

In the two phases above the legal istinbath system does not yet have a complete performance in the form of an academic and systematic methodology framework. Therefore, istinbath products made by mujtahids, at that time, could not be preserved by the next generation using the same methodological approach. Only in the era of the Imam of the schools (Abu Hanifah bin Thabit, Maliki bin Anas, al-Syafi'i and Ahmad bin Hanbal) formulated the parameters of the proposition and categories of qiyas saheeh and vanity. It was in this era that the spirit of productivity of ijtihad was based on certain methodologies that were codified in a whole and systematic way. This factor later made their istinbath products easily studied anywhere and able to explore regions on earth until now.<sup>14</sup>

The method of deriving judgments above turns into a separate epistemology which is then commonly called the science of usul fiqh. It was Imam al-Syafi'i (d. 204 H) who first systematized the method of istinbath law into methods of rational- systematic thinking. On this basis al-Shafi'i was popular as the foundation stone of the science of usul fiqh. Although the previous mujtahid priests since the days of friends and tabi'in also use the method of istinbath law is almost the same.

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<sup>13</sup>Dr. H. Abu Yasid, LL.M, *Islam Akomodatif: Rekonstruksi Pemahaman Islam sebagai Agama Universal*, p. 60

<sup>14</sup>Muhammad Sa'id Ramadhan al-Buthi, *Al-La Madzhabiyah Akhtharu Bid'ah Tuhaddid al-Syari'ah al-Islamiyyah*, p. 50

In this context, Fakhr al-Din al-Razi (d. 606 H) postulated al-Syafi'i's relationship with the science of usul fiqh as Aristotle's relation to formal logic or mantiq science, or like Imam Khalil's relationship with *arudh*<sup>15</sup> science. On a more fanatical level, Ibrahim Madkur, Professor of Philosophy at Cairo University who has long studied in the West, emphasized that al-Syafi'i with his ushul fiqh was far more powerful than Aristotle's formal logic. This can be proven by the fact that Usul Fiqh is able to survive according to the rational methods of modern science.<sup>16</sup>

The attempt to systematize the istinbath methodology above is actually a response to the polarization of two schools of thought that have evolved since the two previous periods, namely: *ahlu al-ra'yi* and ahl al-hadith. With the birth of the standard istinbath methodology, the freezing of communication and the toughness of dissent, at that time, it could melt because each camp of thought then understood the essence of difference. More than that, all debate material can be traced its istidlal mechanism by each party.

From the above explanation it becomes clear that the formulation of ushul fiqh is nothing but a combination of the ratio element as widely used ahl al-ra'y and the text element as often adopted by the ahl al-hadith. It is this use of a combination of patterns, perhaps, that causes the science of fiqh to always be up to date as a matter of study and be able to explore the centuries to the present.

The role of al-Shafi'i mediates among the ahl al-ra'y and ahl al-hadith is enough to contribute to the development of Islamic thought to date. No less than figures such as Mohammad Arkoun, Liberal Muslim Thinkers born in Algeria, have stressed that after the birth of the formulation of ushul fiqh science by al-Syafi'i, the religious realm that was originally thinkable became unthinkable.<sup>17</sup>

Philosophically, Ma'had Aly's learning process is designed to integrate the ahl al-ra'y and ahl al-hadith patterns as above. In this connection, Ma'had Aly does not actually have the pretense of claiming as the al-Syafi'i generation in developing religious thought discourse. Because, besides thinking itself has a value-free dimension, also the burden that will be borne by any educational institution and then feels very heavy. However, at least Ma'had Aly has an obsession to preserve and continue what al-Syafi'i has painstakingly built in balancing the two points of extremism of religious thought. In this context, any educational institution naturally has certain ideals to be developed in the curriculum and learning system.

Ma'had Aly realized that at each time period, the isolation of two camps of thought often occurred. Under these conditions, the pattern of thought by mediating a very authoritative text with the context of reality that continues to move dynamically needs to be continuously developed throughout religious history. The role of Rasulullah SAW himself was actually nothing more than a mediator between the text of the revelation and the context of Arab society at that time. As a religion rahmatan lil'alamin, Islam certainly sent other mediators after the death of the Prophet Muhammad. The difference is, if Rasulullah SAW has ma'shum (preserved from mistakes) because of his prophetic nature, then other mediators are not. They are human, can be right and can also do wrong. However, the mistakes they might make can be tolerated by religion as a counterpart to his efforts to mediate between the sacred texts and the context of development and change.

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<sup>15</sup>Muhammad bin Idris al-Syafi'i, *Al-Risalah*, hlm. 13; Lihat juga: Manna' Khalil al-Qatthan, *Al-Tasyri' wa al-Fiqh fi al-Islam Tarikhan wa Manhajan*, p. 234.

<sup>16</sup>Dr. Nurcholish Madjid, *Keilmuan Pesantren, Antara Materi dan Metodologi* (artikel), Majalah PESANTREN, No. Perdana, 1984, p. 12.

<sup>17</sup>Mohammad Arkoun, *Islam Kontemporer*, p. xiii.

The text mediator and the current context no longer function to produce holy verses as played by Rasulullah SAW. Conversely, how can a mediator embody revelation texts with an ametaphorical interpretation approach so that the "organisms" of sacred teachings continue to throb along with the dynamics of society and the development of time.

The source of revelation in the form of religious texts, both al-Qur'an and al-Hadith, has stopped coming down after the death of Rasulullah SAW. Meanwhile the reality of the community continues to develop along with the times. In addressing issues like this, there are half parties who use the short-cut path by reconstructing all elements of the sacred teachings. This group liberalizes thinking without any form of distinction. The only reference that must be held, according to this group, is total justice in accordance with the spirit of the revival of Islam. On the other hand, not a few of them are skeptical about the dynamics of society and social change by choosing to isolate themselves from the hustle and bustle of the ongoing series of developments. The safest way, according to this group, is to carry out religious rituals as they are without responding further to what is called change. Therefore, Ma'had Aly through the developed curriculum device always seeks to mediate these two extremes in their learning activities. With mediation efforts like this, it is hoped that there will be a balance between the meaning of the sacred text and the context of reality.

In reality, the sacred text was born not in a vacuum. Instead it always appears as the sociological context continues to develop. Of course the text in this case has a broad meaning regarding the text that is integrated with the context of the historical experience of humanity. The integration of the text and this context needs to be elaborated systematically because the true law of God was not born except for the context of the welfare and benefit of mankind throughout its history. So central was the position of the context that Imam al-Qarafi, a prominent 'Ulama in the Maliki school, forbade the granting of a fatwa if the material contradicted local customs. Al-Qarafi further suggested that fatwas that did not reflect the reality of an institutionalized society could undermine the consensus order (ijma') which had been painstakingly built together by the Ulama'.<sup>18</sup>

Because of the importance of this mediator's function, Ma'had Aly included Maqashid al-syari'ah in its curriculum structure. In the scientific structure of modern Islamic jurisprudence, this course is actually a subordinate of the composition of the science of ushul fiqh as a whole. Or it could be that this scientific discipline is considered to have a complementary relationship with the science of Usul Fiqh because the content and scope of its discussion goes beyond the studies of the language of Usul Fiqh. Apart from the polemic regarding its position in the composition of Islamic jurisprudence, Maqashid al-shari'ah has a quite central role in efforts to mediate the authority of the text of revelation in the context of change.

The study of Maqashid al-shari'ah has more momentum when there is a difference in the perceptions of Islamic Jurists in criteria of mashlahah and mafsadah itself. Al-Ghazali (W. 505 H) once emphasized that the benchmarks (mi'yar) of manfa'ah and madlarrah cannot be returned to human judgment because they are very vulnerable to the influence of impulse to insaniyyah. On the contrary mi'yar benefit and disaster must be returned to the will of the shara' which is essentially summarized on the basis of the five safeguards (الخمسة المبادئ), namely: the protection of religion, soul, reason, descent and property. Then all things that contain elements of protection to the five above are called maslahah. Instead all who can deny it can be called *mafsadah*.<sup>19</sup>

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<sup>18</sup>Ahmad Ibnu Idris al-Qarafi, *al-Furuq*, Juz I, p. 45.

<sup>19</sup>Abu Hamid al-Ghazali, *Al-Mustashfa min 'Ilm al-Ushul*, juz I, p. 286.

Al-Ghazali's evaluation is actually understandable because of the criteria of good and bad by the use of benchmarks of passion actually trapped in obscure absurdity. That way, people recklessly generalize mashlahah substance without any limit. Even though mashlahah itself is often fragmented in legal events in which the level of mafsadah is also covered. This relativity of criteria mashlahah actually makes the discourse around the topic mashlahah always fresh and interesting.

In this connection, al-Syathibi made a very philosophical formula: "not found in this world a mashlahah without an accompanying mafsadah. As also does not describe a mafsadah without containing mashlahah elements in it. So to determine when a legal event is considered as mashlahah or mafsadah, returned to which shows the dominant number between the two".<sup>20</sup> Because of that, interpretations that can bring mashlahah that are more substantive in the future can not only be symbolic recognition of shara', but can instead be captured as congruent with the objectives of the sacred teachings. An example is the recitation of types of punishment in Islam, such as punishment for murderers, thieves, robbers, adulterers, and others. The sentence had a cursory negative impact (mafsadah) on the perpetrators of crime, but instead brought a more real and substantive mashlahah in the back of the day in the form of the realization of healthier, more peaceful and harmonious living arrangements.

Al-Syathibi was actually not the first person to formulate the mashlahah theory with this philosophical approach. Izzuddin bin Abd. al- Salam (W. 660 H) and his student, al-Qarafi (W. 684 H), had also previously made a similar statement regarding this theory of dunyawiyah mashlahah.<sup>21</sup> Al-Qarafi based his theory on Al-Qur'an Surat Al- Baqarah Verse 219. More transparent, Izz al-Din invites reason intervention in an effort to explore the dominant aspects between mashlahah and mafsadah in a legal event, with the exception of certain cases are deliberately projected as pure worship (mahdlah worship) by holy teachings.<sup>22</sup>

Ala kulli hal, Ma'had Aly by developing the study of Maqashid al-shari'ah contributes to efforts to mediate rationalists (ahl al-ra'y) and traditionalists (ahl al-hadith). By using the Maqashid al-shari'ah approach, the text of the revelation which the Ahl al- hadith camped was very authoritatively positioned then became liquid because it could be accessed by its philosophical aspects according to its intended objectives. On the other hand, the people of ahl al- ra'y, however appreciative of reason in a large enough amount, they also departed from the spirit of the text in an effort to trace the objectives of the Shari'ah.

## 5. Integrating Islamic Boarding School and Curriculum

As a higher education institution based on Islamic boarding schools, Ma'had Aly is very concerned about the use of the curriculum that is normally developed in Islamic boarding schools. This is reflected in the appearance of the Ma'had Aly curriculum which places a number of yellow book learning materials in fiqh, fiqh proposal, and even tashawwuf. In the structure of the fiqh curriculum, for example, the books of Fath al-Wahhab and Bidayah al-Mujtahid are seen, while in ushul fiqh there is the book Jam'u al-Jawami'. The tashawwuf book Ihya' Ulum al-Din which is very popular among Islamic boarding schools is also displayed clearly in the Ma'had Aly curriculum. The components of the classical fiqh and ushul fiqh courses are outlined in the classic manuscript study group.

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<sup>20</sup> Abu Ishaq al-Syathibi, *Al-Muwafaqat fi Ushul al-Syari'ah*, juz 2, p. 25 & 26.

<sup>21</sup> Izzuddin Ibn Abd al-Salam, *Qawaid al-Ahkam fi Mashalih al-Anam*, juz I, p. 7 dan Ahmad Ibnu Idris al-Qarafi, *Syarh Tanqih al-Fushul*, p. 38.

<sup>22</sup> Izzuddin Ibn Abd al-Salam, *Qawaid al-Ahkam fi Mashalih al-Anam*, juz I, p. 10.

In addition to the content of the pesantren curriculum above, Ma'had Aly also accommodates higher education curriculum models with thematic elaboration and academic approaches.<sup>23</sup> In this second type of curriculum, fiqh and ushul fiqh materials are classified into smaller units and focus on certain subjects. Curriculum segments like this are spelled out in the thematic study groups of fiqh and ushul fiqh. If in the study of classical texts what is presented is the content of previous Islamic jurisprudence, then in this thematic study the discussion is concerning contemporary fiqh material. Contemporary fiqh courses are divided into legislative fiqh, fiqh of international relations, Islamic economics and others.

The same thing also happened in the ushul fiqh material segment. In the thematic study of istinbath methodology (ushul fiqh), the material presented in addition to the linguistic methods and legal theories also displays the material Maqashid al-shari'ah. With this maqashid al-shari'ah material, it is hoped that the series of fiqh and ushul fiqh learning in Ma'had Aly will not be stopped in the hypotheses of previous ulama 'research. Conversely, how hypotheses that have been built using a qualitative approach can be tested again using quantitative research. Maqashid al-shari'ah, besides having the pretension of conducting the hypothesis test, is also very potential to bring up the hypothesis itself. Because the core study in maqashid al-shari'ah is to trace the intentions of Shari '(Allah SWT) in lowering the legal provisions for the benefit of His servants.

Seeing the importance of hypothesis testing in fiqh studies, the Ma'had Aly curriculum structure also places research methodology courses, both qualitative and quantitative. This material is not only projected for the benefit of thesis writing at the end of the semester, but also to appreciate fiqh itself as a concentration of Ma'had Aly's study which is very rich in research findings both created through inductive and deductive theories. Therefore, research theories will be very meaningful in searching for fiqh dictums in terms of their formation process. Variety of research findings in the terminology of jurisprudence commonly called istinbath results are then often compared with each other so that the term tarjih appears, namely the selection mechanism according to the supporting propositions of each finding.

## **D. Closing**

There are still many challenges faced by Ma'had memang Aly. Ma'had 'Aly has strengths, also has weaknesses, has opportunities, also has challenges. As a young institution, it certainly has shortcomings and limitations, but with the base of Islamic boarding school that has traveled a long journey in the history of the lives of Muslims in Indonesia and has a "local wisdom" that has been entrenched, I'm sure Ma'had 'Aly be able to face challenges challenges and turn them into opportunities for growth, so that as a tertiary institution of pesantren education in Indonesia, Ma'had Aly can maintain and institutionalize the pesantren scientific tradition

Urgent issues that need attention in an effort to preserve and develop the existence of Ma'had 'Aly everywhere are clearer educational visions and orientations. Improving the management of education must be more solid, the availability of more human resources guarantees the quality of the learning process, and the quality of the Mutakharrij (graduates) is improved, in addition to adequate facilities and infrastructure, such as standard libraries,

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<sup>23</sup>Academic Team, Statute of Ma'had Aly Pondok Pesantren Salafiyah Syafi'iyah Sukorejo Situbondo, p. 8.

supporting information technology, as well as lecture halls and spaces read enough. With the fulfillment of these matters, Ma'had 'Aly will grow into a higher education institution based on pesantren character and should be proud of amidst the changes in Indonesian society now and in the future.

The most prominent pesantren character is its moderation character. Ma'had Aly embodies Islamic moderation not only on religiosity, but also on institutions, management and content as well as the educational process Ma'had Aly also implements Islamic moderation not only between tradition and modernity, but also between various elements in the tradition itself. Tehefor, the existence of Ma'had 'Aly, in addition to being an intellectual monument "of Ulama and pesantrenan, is also a historical proof that the Kyai in Indonesia really play a creative role in social change. The kyai is able to bring the traditional view of life towards modernity of life with an emancipatory character. The success of the Kyai was not because he tried to reduce the effects and impacts of the changes that occurred, but because he spearheaded social change in his own way. This is as reported by Dr. Hiroko Horikoshi, a researcher from Japan, about the results of his research in Indonesia.

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