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***Bahtsul Masāil* at a Traditional Islamic Educational Institution in Aceh:  
Teungku Dayah's Contribution to the Development of Islamic Law**

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**Abstract:** The global world has implications for the emergence of various contemporary problems and demands legal certainty for every Islamic legal issue. This research aims to examine *Bahtsul Masāil* in Dayah as a traditional Islamic educational institution in Aceh, especially its contribution in responding to developments in contemporary Islamic law. This research uses a qualitative-normative method with a sociological approach to Islamic law. Data was obtained through interviews, observation and document study. The informants interviewed were Teungku Dayah in Aceh, observing the activities of *Bahtsul Masāil* and the documents studied were journal articles, textbooks and books. The research results show that teungku dayah is able to answer contemporary Islamic law problems through *Bahtsul Masāil*. This activity took the form of a focus group discussion involving professional staff from Islamic boarding schools and discussed various current issues from a legal perspective. In *Bahtsul Masāil* uses the method of *ilhaq* and contextualization of the *turats* text. *Ilhaq* is achieved by equating law with problems that have not been answered by Islamic texts with problems that have been answered by Islamic texts, while contextualization of Islamic texts is achieved by interpreting Islamic texts in a contemporary context. The results of *Bahtsul Masāil* are then disseminated to the community through community learning processes, recitations, or religious lectures. Thus, in terms of the sociology of Islamic law, Teungku Dayah and Dayah educational institutions as actors are able to contribute to contemporary Islamic problems and the problem of the vacuum of Islamic law in society can be overcome.

**Keywords:** *Bahtsul Masāil*, learning process, traditional educational institutions, teungku Dayah, sociology of Islamic law

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**Abstrak:** Dunia global berimplikasi pada munculnya berbagai permasalahan kontemporer serta menuntut adanya kepastian hukum bagi setiap persoalan hukum Islam. Penelitian ini bertujuan mengkaji tentang Bahtsul Masāil di Dayah sebagai lembaga pendidikan Islam tradisional di Aceh khususnya kontribusinya dalam menjawab perkembangan hukum Islam kontemporer. Penelitian tersebut menggunakan metode kualitatif-normatif dengan pendekatan sosiologi hukum Islam. Data diperoleh melalui wawancara, observasi dan studi dokumen. Informan yang diwawancarai adalah tengku dayah di Aceh, observasi pada kegiatan Bahtsul Masāil dan dokumen yang dikaji adalah artikel jurnal, kitab turas dan buku. Hasil penelitian menunjukkan bahwa teungku dayah mampu menjawab permasalahan hukum Islam kontemporer melalui Bahtsul Masāil. Kegiatan tersebut berupa focus group discussion yang melibatkan tenaga profesional dari pondok pesantren dan membahas berbagai isu kekinian dari perspektif hukum. Dalam Bahtsul Masāil menggunakan metode ilhaq dan kontekstualisasi teks turats. Ilhaq ditempuh dengan menyamakan hukum dengan masalah yang belum terjawab oleh teks teks Islam dengan masalah yang telah dijawab oleh teks-teks Islam, sedangkan kontekstualisasi teks Islam ditempuh dengan menafsirkan teks Islam dalam konteks kontemporer. Hasil Bahtsul Masāil kemudian disebarluaskan kepada masyarakat melalui proses belajar masyarakat, pengajian, atau ceramah agama. Dengan demikian, secara sosiologi hukum Islam, teungku dayah dan lembaga pendidikan dayah sebagai aktor mampu memberikan kontribusi terhadap problematika Islam kontemporer dan masalah kekosongan hukum Islam dalam masyarakat dapat diatasi.

**Kata Kunci:** Bahtsul Masāil, proses pembelajaran, lembaga pendidikan tradisional, teungku Dayah, sosiologi hukum Islam

## Introduction

Islamic law today is generally the result of the *ijtihad* of previous scholars who lived from the beginning of the second century to the middle of the fourth century of the Hijriyah.<sup>1</sup> The scholars who lived after that period were satisfied with the results of the *ijtihad* of the previous scholars so that they felt they no longer needed new *ijtihad* and simply applied the results of the existing *ijtihad*.<sup>2</sup> But along with the times, changes in social conditions and advances in science

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<sup>1</sup> Abdulla Galadari, "Ijtihād Holds Supremacy in Islamic Law: Muslim Communities and the Evolution of Law," *Religions* 13, No. 4 (2022), p. 369. Asmawi Asmawi, "Murūnah Ijtihād Jam'iyah Nahḍah Al-'Ulama: Min Fiqh Al-Ḥaḍārah Ilā Dīn Al-'Ishrīn," *Journal of Indonesian Islam* 17, No. 1 (2023).

<sup>2</sup> Iskandar Usman, *Istihsan dan Pembaharuan Hukum Islam*, Jakarta: Grafindo Persada, 1994, p. 171. Moh. Dahlan, et.al., "Gus Dur's Ijtihād Paradigm of Contemporary Fiqh in Indonesia," *Ahkam* 29, No. 2 (2019).

and technology always occur.<sup>3</sup> The ever-changing and developing condition of society always gives rise to new problems that require answers and legal status.<sup>4</sup> A quote in Arabic reads "*an-Nusus Tantahi, al Waqi' lan Tantahi*" that is, the verses of the Koran have stopped being revealed, but actual problems have not stopped appearing and will continue to occur. In the midst of these changes and developments, Islamic law is required to be present to answer various new problems. It happens as the texts of the Qur'an and al-Hadith do not only apply at certain times but are also intended for the whole community until the Day of Judgment.<sup>5</sup>

As part of the global world, Aceh, which is a province in Indonesia, also experienced something similar. Moreover, in this Province, Islamic law has become formal legal since the issuance of Law Number 44 of 1999 concerning the implementation of the privileges of the Province of the Special Region of Aceh. This law accommodates Aceh's interests in the fields of religion, and customs and places the role of the *ulama* in an honorable position in the life of society, nation, and state.<sup>6</sup>

As an initial effort to implement Islamic law as a whole and as a response to the birth of this law, Aceh issued regional regulation Number 5 of 2000 concerning the implementation of Islamic law. Furthermore, the implementation of *Shari'ah* demands answers to all issues of Islamic law that continue to arise in society. In addition, not all needs for Islamic law are fulfilled through regulations made by the government, including by the Indonesian Ulema Council (*Majelis Ulama Indonesia*/MUI) at the central level or the Ulema Consultative Council (*Majelis Permusyawaratan Ulama*/MPU) at the Aceh level. In this context, Teungku Dayah plays a role in answering various problems that arise in society. For this purpose, they carry out *Bahtsul Masāil* as an effort to fill the legal vacuum in society.

So far, many researchers have looked into how legal practitioners deal with problems of contemporary Islamic law. La jamaa, for instance, addresses the contributions of *fatwas* issued by the Indonesian Council of Ulama (MUI) to the transformation of contemporary Islamic law and the development of Islamic law

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<sup>3</sup> Kudrat Abdillah, et.al., "Kontribusi Bahtsul Masāil Pesantren Di Madura Dalam Menghadapi Perkembangan Hukum Islam Kontemporer", *Perada: Jurnal Studi Islam Kawasan Melayu* 2, No. 1, (2019), p. 68.

<sup>4</sup> Yusuf Al-Qardhawy, *Ijtihad Dalam Syari'at Islam, Beberapa Pandangan Analisis Tentang Ijtihad Kontemporer*, Translation by Ahmad Syathori, Jakarta: Bulan Bintang, 1987, p. 132.

<sup>5</sup> Ahmad Munir, "Tantangan Hukum Islam Di Abad Modern," *Jurnal Mimbar* 18, No. 2 (2002).

<sup>6</sup> Misran, "Pelaksanaan Syariat Islam di Aceh: Analisis Kajian Sosiologi Hukum", *Legitimasi* 1, No. 2 (2012), p. 155.

in Indonesia from 1975 to 2011.<sup>7</sup> Muhammad Adib examined three aspects of scientific modality in *Bahtsul Masāil* and proposed a multidisciplinary *Bahtsul Masāil* as a methodological renewal of NU's collective *ijtihad* forum.<sup>8</sup> Another researcher, Arif Sugitanata investigated the factors that contribute to the need for family law renewal products in Indonesia.<sup>9</sup> Muzawwir also examined the influence of the NU *Bahtsul Masāil* institution fatwa on the development of national law and found that the *fatwa* is very influential on the development of national law.<sup>10</sup>

Unfortunately, research on how *teungku dayah* answers the problems of contemporary Islamic law, especially through *Bahtsul Masāil*, is still void. In fact, *Bahtsul Masāil* activities have been practiced for a long time and have even been widely practiced by *teungku dayah* lately in Aceh. *Bahtsul Masāil* activities organized by *teungku dayah* are also interesting to study because the results of these *Bahtsul Masāil* activities influence the attitudes and lives of the Acehnese people. Therefore, to cover these deficiencies, this study seeks to investigate the process of implementing *Bahtsul Masāil* in Aceh and the contribution of *teungku dayah* in responding to various problems of contemporary Islamic law. The results of this study will enrich legal and educational science references as well as become a model for the discovery of contemporary Islamic law in the future.

This research was conducted in Aceh, Indonesia, from 2020 to 2022. This research used a qualitative-normative approach which was analyzed using the sociological theory of Islamic law.<sup>11</sup> Data collection was carried out in three ways, namely interviews, observation and document study. Semi-structured interviews with *Dayah Teungku* who regularly take part in *Bahtsul Masāil* activities from the Council for the Study of Tasauf, Tawhid and Fiqh (TASTAFI), the *Dayah Aceh Education Service*, *Nahdlatul Ulama (NU)*, and the *Dayah Aceh Ulama Association (Himpunan Ulama Dayah/HUDA)*. To complete the information, data collection was also carried out through observations of the implementation of *Bahtsul Masāil* carried out by *Teungku Dayah*. Checklists and field notes accompany observations. Researchers attended *Bahtsul Masāil* activities and

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<sup>7</sup> La Jamaa, "Fatwas of the Indonesian Council of Ulama and Its Contributions to the Development of Contemporary Islamic Law in Indonesia," *Indonesian Journal of Islam and Muslim Societies* 8, no. 1 (2018), p. 29.

<sup>8</sup> Muhammad Adib, "Bahtsul Masail Multidisipliner," *Maqashid: Jurnal Hukum Islam* 5, no. 1 (2022), p. 16-29.

<sup>9</sup> Arif Sugitanata, "Product Renewal in the Field of Family Law in Indonesia," *Law and Justice* 6, no. 1 (2021), p. 62-79.

<sup>10</sup> Muzawwir, "Pengaruh Fatwa Lembaga Bahtsul Masail NU Terhadap Pembangunan Hukum Nasional," *Al-Irfan: Journal of Arabic Literature and Islamic Studies* 4, no. 2 (2021), p. 254-264.

<sup>11</sup> Salim and Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Disertasi dan Tesis*, Jakarta: Rajagrafindo Persada, 2013. Arisman, et.al., *Sosiologi dan Antropologi Hukum Islam*, Yogyakarta: Kalimedia, 2022.

observed and documented important events that occurred at the location of Bahtsul Masāil activities. Then the study documents analyzed are journal articles, books and related documents. Data from the three data collection instruments was then collected and linked. Data collection was then analyzed descriptively including data compression, presentation and drawing conclusions.<sup>12</sup>

### **Dayah and Teungku Dayah Educational Institutions, *Bahtsul Masāil* and Islamic Law**

Initially, *Bahtsul Masāil* activities were carried out independently by each dayah in Aceh. A number of dayah such as Dayah Ma'hadal Ulum Diniyah Islamiyah Mesjid Raya (MUDI Mesra) Samalanga, Dayah Darul Munawwarah Kuta Krueng, and Dayah Raudhatul Ma'arif Cot Trueng have been carrying out *Bahtsul Masāil* activities for a long time. These dayahs have carried out *Bahtsul Masāil* actively which is participated by the Teungku dayah in their respective internal institutions. Even the results of the *Bahtsul Masāil* Dayah Raudhatul Ma'arif Cot Trueng which is held every Friday night have answered 40 issues of the Islamic law that have arisen in society. The implementation of *Bahtsul Masāil* progressed and developed when it was implemented by organizations related to dayah such as the Tasauf, Tauhid, and Fiqh Study Council (TASTAFI), the Aceh Dayah Education Office, Nahdlatul Ulama (NU) and the Aceh Dayah Ulama Association (HUDA).

The *Bahtsul Masāil* activity begins with determining the theme that will be the topic of discussion. The theme adapts to actual and developing issues in society and demands an answer to Islamic law. The theme covers the fields of fiqh, aqidah, and morals. Teungku Dayah then wrote papers about the theme and the paper was then discussed by the presenters and participants of *Bahtsul Masāil*. They were all invited to convey their opinions and suggestions regarding the issues being discussed. They are guided to follow and understand the techniques stipulated in the deliberation activities so that coachman debates are avoided. They were also asked to deliver arguments and references originating from the *turats* book. In the final part of the *Bahtsul Masāil* activity, the speakers consisting of senior clerics then examined and concluded the answers to the problems discussed.

The results of *Bahtsul Masāil* are then disseminated to the public through various activities and media such as social media, community learning processes and public lectures. The respondents of this study explained that the Teungku dayah who was involved in *Bahtsul Masāil* activities did not only teach at the dayah but also taught the community in various places. In the community learning process, they often asked about religious issues and that's the time when the

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<sup>12</sup> Matthew B. Miles, A. M. Huberman, and Saldaña Johnny, *Qualitative Data Analysis: A Methods Sourcebook* (Los Angeles: SAGE, 2020).

Teungku Dayah provide answers including answers based on the results of the *Bahtsul Masāil* study they have conducted.

Teungku is an Acehese degree for an *ulama* or teacher at a *dayah*, an educational institution that focuses on the study of *turats*, namely books written by scholars in the early days of the development of Islam. The Acehese call this teungku with various calls. There are teungku who are called Teungku Chiek, Teungku Sheikh, Sheikh, Ayah, Abu, Abon, Abi, Abah, Tu, Walid, Buya, Abiya and Abuya.<sup>13</sup> The various calls for the teungku dayah are influenced by the customs of the local community and are also based on the teungku's own agreement regarding who exactly he is called. Although it varies, all these calls essentially have the same meaning, namely "our parents". The calling means they are the elders and become the community's reference center on various issues.<sup>14</sup> Teungku is also an influential figure in Acehese society both in terms of religious teaching as well as social and political aspects. Some teungku also lead the dayah so that these teungku have a higher structural existence compared to the other teungku.<sup>15</sup>

Teungku Dayah is a charismatic owner and has high respect. They are people who are followed in every word and deed by the people of Aceh. Because of the strength of this charismatic charm, a teungku dayah is a lifelong leader in the dayah and in his community. With such a sociological reality, it can be understood that the teungku dayah's statements are the final conclusions to various problems which are then taken for granted by the people of Aceh. The absolute obedience and loyalty of the Acehese people to teungku dayah are influenced by two mutually synergistic elements. First, the text of religious normativity and the reproduction of their own interpretations. These various interpretations of religious teachings were mobilized by the teungku dayah and his students to frame and justify the existence of the teungku dayah as a special figure compared to other actors in society. Second, the fact that the Acehese are fanatical adherents of Islam. This provides energy and at the same time a symbiotic partner for the legitimacy of their power which comes from Islamic religious norms.<sup>16</sup>

Meanwhile, dayah is a non-formal educational institution in Aceh, a province where students forge their identity to gain membership in the teungku community. Semantically, the word "dayah" comes from the Arabic word, "*zāwiyah*" which means "pond of study" or "circle". Dayah upholds a curriculum that focuses on Islamic studies and uses formal Arabic as the language of

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<sup>13</sup> Mannan Nur, *Studi Tentang Dayah di Samalanga* (Banda Aceh: Pusat Latihan Penelitian Ilmu-Ilmu Sosial, 1975), p. 3.

<sup>14</sup> Nirzalin Armia, "Teungku Dayah dan Kekuasaan Panoptik", *Jurnal Substantia* 16, No. 1, (2014), p. 20.

<sup>15</sup> M.Hasbi Amirudin, *The Response of the Ulama Dayah to the Modernization of Islamic Law in Aceh* (Malaysia: UKM, 2005), p. 119.

<sup>16</sup> Nirzalin Armia, "Teungku Dayah...", p. 20-21

instruction. In other provinces in Indonesia, educational institutions similar to dayah are often referred to as pesantren. On this basis, some people in Aceh call it a dayah or pesantren interchangeably.<sup>17</sup>

In general, Aceh currently has two types of dayah, namely dayah salafi and dayah modern. At the dayah salafi, the acceptance of students is open to all ages and is open throughout the year.<sup>18</sup> They generally refer to *turats* books to study the Qur'an, fiqh, aqidah, Arabic, morals, history, and others. Another characteristic of this dayah is the separation between male and female students.<sup>19</sup> The tengku dayah referred to in this study are the teacher and the leader of the dayah of this type of dayah.

Since the late 19th century, pesantren tradition-based education has been considered marginal in the mainstream of Indonesian education. Even after Indonesian independence in 1945, these systems were considered non-formal education unless they were modernized under the madrasah system.<sup>20</sup> It changed after the birth of the Islamic Boarding Schools Law which raised the status of pesantren to become formal educational institutions with the presence of the Formal Diniyah Education program for Islamic boarding schools.

In contrast to dayah *salafi*, dayah modern only accepts students at certain times based on the educational calendar set by the government. Dayah modern also doesn't focus too much on the study of *turats* books. The dayah modern learning curriculum contains a combination of the dayah salafi curriculum and the national education curriculum. The dynamics of Islamic law in Indonesia cannot be separated from the social life of Muslims. The development of the era and the dynamics of society have an impact on the emergence of changes in the pattern of human social interaction which results in the emergence of various social problems.<sup>21</sup> Islam as a universal religion whose validity transcends the boundaries of space and time faces major challenges when dealing with modernity. Various new problems that arise make the legal problems that must be faced by Islam become increasingly complex and require answers that are not easy. Many efforts have been made by contemporary Islamic intellectuals in response to this challenge.<sup>22</sup> In this case, there are at least two epistemologies that are currently

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<sup>17</sup> Jarjani Usman, et.al., "Teungku Identity Development: The Role of Dayah Community of Practice," *Sage Journal*, (2021), p. 2.

<sup>18</sup> Jarjani Usman, et.al., "Teungku Identity Development...", p. 1–10.

<sup>19</sup> Jarjani Usman, et.al., "Teungku Identity Development...", p. 1–10.

<sup>20</sup> Eryan Nurtawab and Dedi Wahyudi, "Restructuring Traditional Islamic Education in Indonesia: Challenges for Pesantren Institution", *Studia Islamika* 29, No. 1, 2022, p. 60.

<sup>21</sup> Aris and Muhammad Sabir, "Hukum Islam Dan Problematika Sosial: Telaah Terhadap Beberapa Hukum Perdata Islam Dalam Kompilasi Hukum Islam di Indonesia," *Diktum: Jurnal Syariah dan Hukum* 18, No. 2 (2020), p. 288.

<sup>22</sup> Ahmad Khoirul Fata, "Pembaharuan Hukum Islam Dan Problem Otentisitas Agama," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 13, No. 2, (2013), p. 163.

developing, namely the contextualization of Islamic teachings and an emphasis on the benefit aspect.<sup>23</sup>

Islamic law and the contemporary period are a series of words that imply that Islamic law will always be in the present and present.<sup>24</sup> Contemporary itself is understood as the same time, during, when, now, and today.<sup>25</sup> Therefore, if the series of words are related to contemporary problems, it means that there are two types, classes, or groups of aspects of life that are strung together in a sentence structure, namely Islamic law and contemporary problems. In this case, the reference in this research is how the response and methodology of Islamic law in providing answers to contemporary problems.<sup>26</sup> In the context of Aceh, among others, the *teungku dayah* have chased out these issues through the lively implementation of the *Bahtsul Masāil* recently.

### **The Purpose of Implementation of *Bahtsul Masāil***

*Bahtsul Masāil* is a forum that discusses problems for which there is no evidence, law, or unknown solution. These problems include all religious, economic, political, cultural, and other problems that develop in society. The problem is studied and a solution is sought by referring to trusted books.<sup>27</sup> *Bahtsul Masāil* is an interactive discussion media between *pesantren* scholars. Scholars write down problems that are problematic for society to then discuss with reference to the books of the four schools of thought, namely the Hanafi, Maliki, Shafi'i, and Hanbali.<sup>28</sup>

Within the NU, a familiar Islamic organization in Indonesia, *Bahtsul Masāil* has become an intellectual tradition that has existed for a long time.<sup>29</sup> The existence of NU and the *Bahtsul Masāil* institution is very strategic for the struggle for Islamic thought in order to answer the problems of Indonesian society. Thus, as a large organization that has a forum for legal *istinbat* or NU calls it *Bahtsul Masāil*, seeing this relationship is certainly an interesting issue to

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<sup>23</sup> Asni, *Pembaharuan Hukum Islam di Indonesia; Telaah Epistemologis Kedudukan Perempuan dalam Hukum Keluarga*. (Jakarta: Dirjen Pendis Kemenag RI., 2012), p. 153.

<sup>24</sup> Abd. Wahed, "Aktualisasi Hukum Islam Terhadap Masalah-Masalah Kontemporer," *Al-Hukama: The Indonesian Journal of Islamic Family Law* 3, No. 2, (2013), p.157

<sup>25</sup> Tim Penyusun, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 1996), p. 522.

<sup>26</sup> Abd. Wahed, "Aktualisasi Hukum Islam...", p.157.

<sup>27</sup> M. Ali Haidar, *Nahdlatul Ulama dan Islam Indonesia Pendekatan Fikih dalam Politik*, (Jakarta: Gramedia Pustaka Utama, 1998), p. 41-42.

<sup>28</sup> Joko Hadi Purnomo and Niswatin Nurul Hidayati, "Legal Dynamics of Bank Interest from Lajnah Bahtsul Masāil Nahdlatul Ulama (NU) Perspective", *Jurnal Qawanin* 5, no. 1 (2021), p. 59.

<sup>29</sup> Kudrat Abdillah, Maylissabet dan M. Taufiq, "Kontribusi Bahtsul Masāil Pesantren Di Madura Dalam Menghadapi Perkembangan Hukum Islam Kontemporer", *Perada: Jurnal Studi Islam Kawasan Melayu* 2, No. 1, (2019), p. 68.



study.<sup>30</sup> The *Bahtsul Masāil* referred to in this research is a scientific study forum where the *salafī* scholars in Aceh gather and discuss various issues of contemporary Islamic law and seek answers based on references to the *turats* books.

According to respondents, the implementation of *Bahtsul Masāil* aims to fill the legal void created by new cases in society. HI, one of the respondents, stated that non-dayah people had previously suspected that the dayah in Aceh was unable to fill the void in contemporary Islamic law. According to him, Teungku dayah demonstrates through *Bahtsul Masāil* that dayah able to find solutions to contemporary problems in Islamic law.<sup>31</sup>

According to the respondent, teungku dayah views that the religious fatwa issued by the Aceh Ulema Consultative Council (*Majelis Permusyawaratan Ulama*/MPU) helps answer problems that arise in society. However, not all problems in Islamic law in Aceh can be covered by the MPU. Therefore, the results of *Bahtsul Masāil* serve to complement the MPU's fatwa, and some people even view the results of *Bahtsul Masāil* have the same status as a fatwa. It happened because the MPU had not responded to the problem so the community considered the results of *Bahtsul Masāil* as a *fatwa*.

Respondents in this study emphasized that the implementation of *Bahtsul Masāil* was also intended to address differences while providing accommodative solutions and unifying diversity. One of the respondents, SF, emphasized, "*Bahtsul Masāil* prepares cadres of teungku dayah who are able to accommodate the diversity of differences to then provide the best solutions wisely."<sup>32</sup> Another respondent, HI also explained that scientific work in the activities of *Bahtsul Masāil* is an effort to find legal equality amidst the different views that have developed.<sup>33</sup>

Moreover, the implementation of *Bahtsul Masāil* is also a medium for cultivating a critical soul, forging skills, creativity, and the intellectual quality of the teungku dayah. *Bahtsul Masāil* is also intended as a medium for socializing new ideas of Islamic teachings to the public. Implementation of *Bahtsul Masāil* is also an effort by the Teungku Dayah to carry out their role as Muslim scientists.

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<sup>30</sup> Asrizal Saiin, et.al., "Islamic Law in Indonesia: Bahtsul Masāil Ijtihad and the Production of Knowledge", *Advances in Social Science, Education and Humanities Research, Proceedings of the International Conference on Environmental and Energy Policy (ICEEP 2021)*, p. 27

<sup>31</sup>Interview with HI, Tengku Dayah Mudi Mesra Samalanga, Bireuen, December 15, 2020.

<sup>32</sup>Interview with SF, Tengku Dayah Raudhatul Ma'arif, Aceh Utara, July 20, 2022.

<sup>33</sup>Interview with HI, Tengku Dayah Mudi Mesra Samalanga, Bireuen, December 15, 2020.

**Position and Impact of *Bahtsul Masāil* in Aceh**

*Bahtsul Masāil's* activities seek to answer contemporary Islamic law problems. To achieve this goal, the teungku dayah uses *Qawa'id fiqhyyah* to carry out *Ilhaq Hukum*. The way of working is pursued by seeking legal answers from the texts of the *turats*, then combined with *qawa'id fiqhyyah* and refined with the texts of the Qur'an and hadith. *Bahtsul Masāil's* activities refer to the texts of *turats* books and contemporary books as primary references and are limited to trusted books in the Shafi'i school of thought.<sup>34</sup> If necessary, the teungku dayah also refers to trusted books from other schools of thought, namely the Hanafi School, the Maliki School, and the Hambali School.

Respondents in this study said that *Ilhaq Hukum* was adopted from the thoughts of Imam Tajussubki who lived in the 8th century Hijriyah when he equated law as a problem that has not been answered by the text of the book with a problem that has been answered by the text of the book. This method is only applied when there is no text of the *turats* book which explicitly answers contemporary problems. This method is also only carried out by experts together. They also noticed similarities between contemporary problems and problems explicitly stated in the *turats* books.

In addition to the *Ilhaq Hukum* method, Teungku dayah also contextualizes the text of the *turats* books by interpreting the text of the *turats* books in a contemporary context. The word "*al-markub*" for instance is not interpreted as "a camel" but is interpreted as "vehicle" so that the text of the *turats* book will be in line with understanding in the contemporary context.

In carrying out *Bahtsul Masāil*, the participants also pay attention to morals. The results of the observations of the researchers showed that they started *Bahtsul Masāil* with prayer. They were also asked to straighten their intentions, namely to carry out *Bahtsul Masāil* to help find answers to community problems and stay away from showing off and love of material things. *Bahtsul Masāil* participants are also required to prepare themselves by studying the issues that will be discussed. They are also asked to bring written references either in hardcopy or softcopy. Participants were also asked to focus on the topic of discussion and not convey things that were off-topic. They were also asked to deliver opinions politely and respect differences of opinion. They are also asked to comply with the rules set by the moderator as a regulator of discussion traffic.

In the researcher's observation, *Bahtsul Masāil* participants only deliver their opinions after being invited by the moderator. It makes it easier for the note-

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<sup>34</sup>Teuku Zulkhairi and Ibnu Hajar, "How Jawi Script Influences Religious Attitudes: An Evidence from Aceh," *Jurnal Ilmiah Peuradeun* 11, No. 2 (2023). Teuku Zulkhairi, "Paradigma Islam Wasatiah Ulama Aceh: Studi Pemikiran Tu Sop Jeunieb," *Dayah: Journal of Islamic Education* 5, No. 2 (2022).

taker to record the opinions delivered by the participants. They can also approve of differences and not demean the opinions of other participants. The participants also paid attention to the order and cleanliness of the *Bahtsul Masāil* location. The *Bahtsul Masāil* activity was finally closed with a prayer.

*Bahtsul Masāil* which is organized by the *teungku dayah* always refers to the Qur'an and Hadith. Furthermore, in the field of jurisprudence, the *teungku dayah* adhere to the Shafi'i School, in the field of monotheism they adhere to the Abu Hasan al-Asy'ari and Abu Mansur Al-Maturidi Schools and in the field of Sufism they adhere to Imam Junaid al-Baghdadi and Imam al-Ghazali.<sup>35</sup> In the *Bahtsul Masāil*, the *teungku dayah* agree on this scope so that whatever issues are discussed will strengthen and stick to these boundaries. Methodologically, *Teungku dayah* takes the text of the fiqh book by referring to the system that has been commonly followed among the Syafi'iyah scholars. However, there are special periods to note as explained by SF, one of the respondents; "Books written before the seventh century Hijriah (before Imam al-Nawawi and Imam al-Rafi'i) should not be used as a guide before their contents are examined in depth. This is in accordance with the statement of Shaykh Ibn Hajar al-Haitami which is written in the book *Tuhfah al-Muhtaj*.<sup>36</sup>

The books that are used as the main reference for *Bahtsul Masāil* are books written by earlier scholars. *Teungku dayahs* refer to *turats* books such as the *Kanz al-Raghibin* by Jalaluddin al-Mahalli, the *Tuhfat al-Muhtaj* by Ibn Hajar Al-Haitami, the *Fawa'id al-Janiyyah* by Shaykh Yasin Fadani, the *Al-Ahkam al-Sulthaniyyah* by Imam Mawardi, *Asna al-Mathalib Fi Syarh Raudhah al-Thalibin* by Shaykh Zakaria Al-Anshari and so on. The books written by contemporary scholars are only supporting references as contemporary scholars also quote the books of earlier scholars so the books of earlier scholars are the initial source of reference.

In the implementation of *Bahtsul Masāil*, if there are differences of opinion among the participants, the *teungku dayah* will choose the opinion agreed upon by the two main scholars in the Shafi'i school, namely Imam al-Nawawi and Imam al-Rafi'i. Imam al-Nawawi's opinion is in first place followed by Imam al-Rafi'i's opinion. The following opinions sequentially are the opinion of Imam al-Subki, the opinion of Ibn al-Subki, the opinion of Azra'i, the opinion of Asnawi, the opinion of Ibn 'Imad, the opinion of al-Bulqini, and the opinion of al-Zarkasyi. The opinion of the *ulama* is used as a reference if the opinion has been selected

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<sup>35</sup>Mansoureh Ebrahimi, et.al., "Al-Ghazali's Ma'rifah and Mahabbah's Relations," *International Journal of Islamic Thought* 20, (2021). Mohd Haidhar Kamarzaman, "Continuity of al-Ash'ari's Creed to the Salaf's Approaches in Divine Attributes," *International Journal of Islamic Thought* 16, (2019).

<sup>36</sup>Interview with SF, *Tengku Dayah Raudhatul Ma'arif*, Aceh Utara, July 20, 2022.

by *mutaakhirin* scholars. If it has not been selected by the *mutaakhirin* scholars, the opinion will not be used as a reference in the order.<sup>37</sup>

If there are still differences of opinion among the *Bahtsul Masail* participants, the participants will refer to the opinions agreed upon by Sheikh Zakaria al-Anshari, Ibn Hajar Haitami, Imam Syihab Ar-Ramli, and Khathib Syarbini. Furthermore, they referred to the opinion agreed upon by Imam Ibn Hajar al-Haitami and Imam Shams ar-Ramli. In the last sequence, the Teungku dayah refers to the opinion supported by the majority of *Mutaakhhirin* Syafi'iyyah's scholars.

Teungku dayah does not see that the process of finding answers to Islamic law through the implementation of *Bahtsul Masāil* is a process of *ijtihad*. *Bahtsul Masāil* is solely a scientific study and the position of *Bahtsul Masāil* is under *fatwa* and *fatwa* is under *ijtihad*. According to Teungku dayah, only those who are allowed to perform *ijtihad* are clerics with the capacity as a *mujtahid*, while *fatwas* are issued by authorized *fatwa* institutions. One of the respondents, TF, emphasized “*Bahtsul Masāil* is not *ijtihad*, only scientific studies. The product produced by *Bahtsul Masāil*'s activities is also not a legal *fatwa* as it is only issued by authorized institutions recognized by the government such as the Indonesian Ulema Council (MUI) or the Aceh Ulema Consultative Council (MPU).”<sup>38</sup>

To use the book as a reference, the teungku dayah also follows the order of the books that apply in fiqh, monotheism, and tasawuf. In the field of fiqh, for instance, the order of books used in *Bahtsul Masāil* activities is shown in table 1.

**Table 1: The Order of Books in the Fiqh of the Shafi'i School**

No	Book Name	Author Name
1	<i>Al-tahqiq, al-Majmu' Syarh al-Muhadzab, al-Tanqih, Raudhah al-Thalibin, al-Minhaj al-Thalibin, Fatawa, Syarah Shahih al-Muslim, Tashhih al-Tanbih and Nuqat al-Tanbih</i>	Imam al-Nawawi
2	<i>Al- 'Aziz (Syarh al-Kabir) and al-Muharrar</i>	Imam al-Rafi'i
3	<i>Kanzu al-Raghibin</i>	Jalal al-Din al-Mahalli
4	<i>Tuhfatul Muhtaj 'Ala Syarh al-Minhaj, Fath al-Jawad, al-Imdad, Syarh al-Mukhtashar Bafadhal, Syarh al-'Ubab, and Fatawa.</i>	Ibnu Hajar al-Haytami
5	<i>Nihayah al-Muhtaj, Ghayat al-Bayan and Fatawa</i>	Imam Muhammad al-Ramli

<sup>37</sup> Interview with TY, Teungku Dayah Babussalam, Aceh Utara, March 12, 2021.

<sup>38</sup> Interview with TF, Tengku Dayah Nura, Pidie, April 12, 2022

6	<i>Syarh al-Bahjah, Asna al-Mathalib, Manhaj al-Tullab, Syarh Tahrir</i>	Syeikh Zakaria al-Anshary
7	<i>Mugni al-Muhtaj, Syarh al-Tanbih, al-Iqna'</i>	Khathib Syarbini
8	<i>Hasyiah al-Bajuri, Hasyiah az-Ziyady, Hasyiah Ibnu Qasim al-'Abbad, Hasyiah Ahmad 'Amirah al-Burullusi, Hasyiah 'Ali al-Syabra Mallisi, Hasyiah al-Jalabi, Hasyiah al-Syaubari, Hasyiah al-'Inan and Hasyiah i'annah al-Thalibin</i> with the condition that as long as he does not understand the basics of the Madhhab.	
9	Other <i>Hasyiyah</i> recognized by later period scholars.	

Since it is not a *fatwa* or result of *ijtihad*, the legal product of *Bahtsul Masāil* may be different from the *fatwa*, result of *ijtihad*, or other results of *Bahtsul Masāil*. TF asserted that Teungku dayah are welcome and approves these differences. They view the results of *Bahtsul Masāil* in a moderate way and provide opportunities for differences in the results of *Bahtsul Masāil* issued elsewhere in different contexts. This makes Islamic law remain flexible and in line with the demands of the times.<sup>39</sup> Furthermore, the activities of *Bahtsul Masāil* actually narrow the gaps in differences. Before *Bahtsul Masāil* was held, the text of the same book could be understood differently. Through *Bahtsul Masāil*, teungku dayah can exchange opinions and knowledge so that they find common ground and produce a conclusion.

Even though *Bahtsul Masāil* is only a scientific study, the results of this activity are considered very effective in filling the void in Islamic law in the midst of society, especially the people of Aceh who incidentally attach great importance to Islamic answers in all dimensions of life. The results of *Bahtsul Masāil* are a guide for the community because these results are produced by common people. According to TF, one of the respondents, so far the results of *Bahtsul Masāil*'s study have been used by the people of Aceh, especially those who face problems as discussed in *Bahtsul Masāil*. Furthermore, the results of *Bahtsul Masāil*'s study were also conveyed easily to the public as teungku dayah jointly helped convey the results of *Bahtsul Masāil* to the community through lectures and the community learning process.<sup>40</sup> So, teungku dayah not only produces answers to problems of contemporary Islamic law but also acts as a communicator for the

<sup>39</sup> Interview with TF, Interview with TF, Tengku Dayah Nura, Pidie, April 12, 2022

<sup>40</sup> Interview with TF, Tengku Dayah Nura, Pidie, April 12, 2022

results of *Bahtsul Masāil* to the community so that the problem of the vacuum of Islamic law in society can be resolved.

### ***Bahtsul Masāil* Responds to Islamic Law Problems**

Through *Bahtsul Masāil* activities, the Teungku Dayah have played a role in answering various problems in Islamic law, both problems in the local context of Aceh and problems in the Islamic world in general. For example, on March 16 to 19 2022, Teungku Dayah held a *Bahtsul Masāil* activity facilitated by the Aceh Dayah Education Office. *Bahtsul Masāil* which was attended by 200 Teungku dayahs from various dayahs in Aceh raised the theme of the legality of buying and selling transactions using a dropship scheme from the perspective of Islamic law.<sup>41</sup> The theme was raised because the development of technology and information led to the emergence of various forms of buying and selling.

The results of the study by *Bahtsul Masāil* stipulate that dropship buying and selling schemes include *bai' dain bid dain* (debt-to-debt trading), including *fasid* contracts, and must be avoided. However, *Bahtsul Masāil* also provides a solution that the dropship buying and selling scheme is permissible if the customer makes an agreement with the drop shipper verbally or in writing after the item is received and seen directly by the customer. If this mechanism is implemented, buying and selling via the dropship scheme will avoid prohibited buying and selling.

From 21 to 23 January 2022, the teungku dayah also held *Bahtsul Masāil* at Panton Labu, North Aceh through the committee of the Tastafi Study Council. The *Bahtsul Masāil* discusses the phenomenon of changing Qibla in the implementation of worship. This theme was chosen because there were many cases of commotion in society due to Qibla's issues. The condition triggers various problems among the congregation of the mosque.<sup>42</sup>

The results of *Bahtsul Masāil* which was attended by 150 teungku from various dayahs in Aceh explained, First, in the Shafi'i school, everyone is obliged to face the Qibla when praying. Second, the new Qibla search tool is no different from the old Qibla search tool. Third, knowledge of the Qiblah comes from the knowledge of the doer praying himself, information from trusted people resulting from knowledge, *ijtihad*, or *taqlid*. Fourth, the *mihrab* which is used as a common ground (*mu'tamad*) may not be *ijtihad* in the direction but may be *ijtihad* in a slight shift to the left or right. Fifth, it is not permissible to repeat *ijtihad* on the Prophet's *mihrab* even if it is in the left or right direction.

Another *Bahtsul Masāil* was held by the Aceh Dayah Education Office from 12 to 15 March 2021 and took place in Banda Aceh. *Bahtsul Masāil*, which was attended by 200 Teungku dayahs from various dayahs in Aceh, raised the

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<sup>41</sup> Observation at *Bahtsul Masāil*, in Banda Aceh, March, 16-19, 2022.

<sup>42</sup> Observation at *Bahtsul Masāil*, in Dayah Malikussaleh, Panton Labu, Aceh Utara, January, 21-22, 2022.

theme of the issue of customary sanctions and mass judgment against violators of Islamic Sharia in Aceh. This theme was chosen because of the many cases of customary sanctions and mass judgments against violators of Islamic Sharia in Acehese society. This case occurred because the mass judgment was considered a customary law that was permissible for the community to carry out. The results of *Bahtsul Masāil* confirm that beatings or judgments by the mob against sharia violators are included in the category of persecution that is prohibited by Islamic law.

On December 26, 2020, Teungku Dayah also held a *Bahtsul Masāil* activity to discuss the laws of the Higgs Domino Island Online Game or better known as Game Chip. This theme was chosen because this game is considered to contain elements of online gambling. The *Bahtsul Masāil* which was organized by the Aceh Nahdlatul Ulama Regional Board (PWNu) resulted in a decision, First, online games that contain elements of gambling are *haram*. Second: Higgs Domino Island Online Game is *haram* because it contains elements of gambling. Third: Other online games that do not contain elements of gambling are *haram* if they meet other criteria, namely they can cause harm both physically and mentally, contain elements of violence, insult Islamic symbols, resemble the traditions of *fasiq* people, and contain elements of immoral. Fourth: providing online gambling facilities and games that meet the criteria of *haram* is *haram*.

Teungku dayah also held a *Bahtsul Masāil* from 16 to 18 December 2020. The activity which was organized by the TASTAFI Study Council was attended by 100 teungku dayah from various dayahs in Aceh. *Bahtsul Masāil* discusses reconciliation according to Islam. This theme was chosen because Aceh has a Truth and Reconciliation Commission (TRC), an institution tasked with establishing truth-seeking, reparation, and reconciliation mechanisms.<sup>43</sup>

The results of this *Bahtsul Masāil* decide that the loss of life or property that occurs as a result of unavoidable actions in war does not oblige the perpetrator to perform *dhaman*. While the loss of life or property that occurs is not in conditions of war or occurs in war but can be avoided, it requires *dhaman*. The *dhaman* referred to here is compensation, both in the form of *qishas*, *diyāt*, *hukumah*, return of assets, and others in accordance with applicable regulations.

This *Bahtsul Masāil* activity also decided that forgiving *dhaman* obligations, either in whole or in part as an attempt at reconciliation is *sunnah muakkadah* for the victim. The perpetrators are also encouraged to provide restitution to the victims even though they have been forgiven voluntarily. In an effort to end hostilities, perpetrators or third parties are also encouraged to reconcile victims who are not willing to forgive. The perpetrators who have reconciled are still obliged to repent and specifically the perpetrators of soul disappearances, are required to pay *kafarah*.

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<sup>43</sup> Observation at *Bahtsul Masāil*, by TASTAFI in Banda Aceh, December, 16-18, 2020.

**Teungku Dayah's Contribution to Contemporary Islamic Law**

This study has found that the tengku dayah succeeded in providing answers to the problems of contemporary Islamic law in the community. Their success is inextricably linked to the social role that they are figures whose words and actions are heard and followed. In Aceh culture, Islamic values are embedded, and the ulama are at the center of the sociopolitical aspects. They have sociopolitical ties with the rulers, and dayah has played an important role in the community's education, which is deeply rooted in Acehnese history.<sup>44</sup> For Acehnese, all life problems should be addressed through custom and religion.<sup>45</sup> The people of Aceh are also fanatics which led them to regard the ulema as a figure who played an important role even during the holy war.<sup>46</sup>

Furthermore, Aceh and Islam are two inherent things so the activities and culture of the people of Aceh refer to Islam. Religion has affected many ways of the socio-political lives of the people in Aceh over time.<sup>47</sup> *Ahlusunah Wal Jamaah*, for instance, is an ideology that is strongly held by the people of Aceh and it has even existed since the days of the Aceh Sultanate, so it is deeply rooted and becomes the identity of the Acehnese people.<sup>48</sup> Religious improvement is a lifelong project for many ordinary Muslims in Aceh, thus, they also reason that pious conduct needs to be built over the life-life-course that they may therefore become more pious when they are older.<sup>49</sup>

In addition, Aceh is a part of Indonesia, and Indonesian society views religion and nationhood as inextricably linked. In Islamic countries, it is clear that social change greatly affects the policies and regulations of its legislation.<sup>50</sup> It is reasonable as Indonesia is neither a liberal nor a communist country and is significantly related to the history of Indonesia which gained independence with

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<sup>44</sup> Mieke T.A. Lopes Cardozo, et al., "Silent Struggles: Women Education Leaders' Agency for Peacebuilding in Islamic Schools in Post-Conflict Aceh," *Journal of Peace Education* 19, no. 2 (2022), p. 158-181.

<sup>45</sup> Fakhriati and Erwiza Erman, "Covid-19, Local Wisdom, and Resilience: The Case of Embroidery Artisans in Indonesia," *Cogent Arts and Humanities* 9, no. 1 (2022).

<sup>46</sup> Cut Maya Sari, et. al., "From 'Song of War' to 'Song of Peace': The Role of Hikayat Prang Sabi for Acehnese Ethnonationalism," *Cogent Arts and Humanities* 9, no. 1 (2022).

<sup>47</sup> Sehat Ihsan Shadiqin and Eka Srimulyani, "The Contested Authorities: Institution and Agency in the Enforcement of Sharia Law in Aceh, Indonesia," *Journal of Contemporary Islam and Muslim Societies* 5, no. 2 (2022).

<sup>48</sup> Nirzalin and Yogi Febriandi, "Aswaja Mobilization and Intolerance: Sub-State Ideology, Religious Vigilantism in Aceh, Indonesia," *Cogent Social Sciences* 8, no. 1 (2022).

<sup>49</sup> David Kloos, *Becoming Better Muslims: Religious Authority and Ethical Improvement in Aceh, Indonesia* (Princeton: Princeton University Press, 2018).

<sup>50</sup> Fatum Abubakar, "Islamic Family Law Reform: Early Marriage and Criminalization (a Comparative Study of Legal Law in Indonesia and Pakistan)," *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum* 4, no. 2 (2019).



the spirit of religion.<sup>51</sup> Islamic law has influenced the legal norms and values that govern the diversity of Indonesian people's lives. Indonesia also makes Pancasila with five pillars as the foundation of the state. The first pillar, which reads "*God Almighty*," clearly demonstrates that the Indonesian state was founded on divine principles derived from religious teachings.

For the people of Aceh, the influence of the *ulama* and religion does not only apply to religious matters but also applies to matters not directly related to religion. It was discovered that the traditional authority of religious scholars in Indonesia including Aceh was a determining factor in promoting religious moderatism.<sup>52</sup> Local culture and religion also affected Acehese society's interpretation of the disaster event, their perception of tsunami tourism, and even their decisions in participating in tourism during the recovery phase.<sup>53</sup> Religion also affected vaccination acceptance in Indonesia. Understanding religious influence in a parent's decision to vaccinate their child will be important to ensure coverage rates increase and vaccine manufacturers should consider the use of *halal* products.<sup>54</sup> This finding supports the previous research that religious people are more trusted than nonreligious people because the former is viewed as slow life-history strategists.<sup>55</sup>

This research found that the *teungku dayahs* have contributed to answering the problems of contemporary Islamic law through the implementation of the *Bahtsul Masāil* and the dissemination of the results of these activities to the community. It strengthens the previous research that scholars are able to answer society's problems through *Bahtsul Masāil*.<sup>56</sup> In terms of implementation, *Bahtsul Masāil's* activities have become a model for formulating Islamic law in responding to contemporary problems. *Bahtsul Masāil's* activities also show that Islamic law is always in line with the times and the *turats* books are able to place themselves in the position needed by society. In fact, the use of the *turats* book

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<sup>51</sup> Khudzaifah Dimiyati et. al., "Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis," *Heliyon* 7, no. 8 (2021).

<sup>52</sup> Ahmad Faisal, et al., "Strengthening Religious Moderatism through the Traditional Authority of *Kiai* in Indonesia," *Cogent Social Sciences* 8, no. 1 (2022). Inayatillah, et.al., "The History of Moderate Islam in Indonesia and Its Influence on the Content of National Education," *Journal of Tamaddun* 17, No. 2 (2022).

<sup>53</sup> Bingjie Liu-Lastres, et. al., "Can Post-Disaster Tourism Development Improve Destination Livelihoods? A Case Study of Aceh, Indonesia," *Journal of Destination Marketing & Management* 18 (2020), p. 100510.

<sup>54</sup> Harapan Harapan, et. al., "Religion and Measles Vaccination in Indonesia, 1991–2017," *American Journal of Preventive Medicine* 60, no. 1 (2021).

<sup>55</sup> Jordan W. Moon, et.al., "Religious People Are Trusted Because They Are Viewed as Slow Life-History Strategists," *Psychological Science* 29, no. 6 (2018), p. 947-960.

<sup>56</sup> Eko Prasetyo, et.al., "Implementasi *Bahtsul Masa'il* Dalam Meningkatkan Kemampuan Santri Menjawab Berbagai Permasalahan Di Masyarakat." *Kurikula: Jurnal Pendidikan* 6, no. 2 (2022), p. 34-149.

has been going on for a long time because Acehese scholars always use the *turats* books as the main reference in answering problems and practicing law.<sup>57</sup>

Teungku dayah also contributed to spreading the results of *Bahtsul Masāil* to the public through various media. Apart from in the form of a soft copy, they also distribute the results of this activity in the form of a hard copy. They also conveyed the results of *Bahtsul Masāil* in various lectures, sermons, and community learning. This fact indicates that the teungku dayah plays a dynamic role in responding to contemporary Islamic law problems that arise in society. The current research also found that the result of *Bahtsul Masāil* activities involving many scholars leads to addressing differences while providing accommodative solutions and unifying diversity. The gathering of experts in various disciplines makes the ideas more convincing because they exchange ideas according to their respective areas of expertise to make decisions together.<sup>58</sup> Building a method to unite the perception of reason from various experts with their respective expertise will be very helpful in producing maximum reasoning results.<sup>59</sup>

Moreover, *Bahtsul Masāil* activities are also able to reduce potential conflicts that may occur due to certain issues. The issue of Qibla's direction, for instance, is an essential issue that at the same time almost creates conflict in society. If they don't immediately get a concrete Islamic answer, the issue may really lead to conflict, especially considering that Aceh is an area that has been plagued by prolonged conflicts. Through *Bahtsul Masāil* activities, the community gets answers so that they avoid potential conflict.

Potential conflicts can also arise due to customary sanctions and mass judgments against violators of Shari'ah in Aceh. The implementation of Islamic law always has implications for sanctions, but the imposition of sanctions in the form of mass judgments is contrary to Shari'ah itself, as in the case of perpetrators of Shari'ah violations. Mass judgments sometimes occur in the rural of Aceh where the community has not yet received complete knowledge of Shari'ah. The presence of *Bahtsul Masail* results is a long-term solution to prevent conflict and prevent the mass judgment of violators of shari'ah.

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<sup>57</sup> Buhori Muslim, et. al., "The Arabic Language Contribution to the *Istinbāt* in Islamic Law of Acehese Scholars," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022), p. 224.

<sup>58</sup> Muhammad Farhan Abdulah and Nurul Adliyah. "Produk Hukum Islam Bahsul Masail NU Dan Tarjih Muhammadiyah Sebagai Lembaga Pranata Sosial Keagamaan." *Maddika: Journal of Islamic Family Law* 2, no. 1 (2021), p. 1-6.

<sup>59</sup> Buhori Muslim, et. al., "The Arabic Language Contribution....", p. 224.

## Conclusion

*Bahtsul Masāil* has shown that the *turats* books written by earlier scholars are not outdated but are actually relevant to the times. It can be seen from the ability of the *turats* book to answer contemporary Islamic problems as what has been done by the teungku dayah through *Bahtsul Masāil* activities. Through this activity, the teungku dayah has answered contemporary Islamic law issues that continue to emerge along with the times. Through *Bahtsul Masāil*, teungku dayah has also contributed to addressing the problems of contemporary Islamic law as well as grounding the results of *Bahtsul Masāil* in society. In this way, the vacuum of Islamic law in society can be overcome. However, this research is limited to the efforts of teungku dayah in Aceh in answering contemporary Islamic law issues through *Bahtsul Masāil* activities. Future research may examine *Bahtsul Masāil*'s activities which took place in other places with different contexts. Future research may also examine how scientists or other legal practitioners respond to contemporary Islamic law issues, both for the local scope of Aceh and for the national and even global scope. Through varied research, a comprehensive understanding will be obtained. In terms of legal sociology, Dayah as an educational institution and Teungku Dayah as actors are able to make a major contribution in providing answers to contemporary Islamic legal issues.

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### **Interviews and Observations**

Interview with HI, Tengku Dayah Mudi Mesra Samalanga, Bireuen, December 15, 2020.

Interview with SF, Tengku Dayah Raudhatul Ma'arif, Aceh Utara, July 20, 2022.

Interview with TF, Tengku Dayah Nura, Pidie, April 12, 2022.

Interview with TY, Teungku Dayah Babussalam, Aceh Utara, March 12, 2021.

Observation at *Baḥtsul Masāil*, in Banda Aceh, March, 16-19, 2022.

Observation at *Baḥtsul Masāil*, in Dayah Malikussaleh, Panton Labu, Aceh Utara, January, 21-22, 2022.

Observation at *Baḥtsul Masāil*, by TASTAFI in Banda Aceh, December, 16-18, 2020.