

**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 Tengku 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

Kata Kunci: Baḥtsul 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.¹ 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*.² But along with the times, changes in social conditions and advances in science

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and technology always occur. The ever-changing and developing condition of society always gives rise to new problems that require answers and legal status. 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.

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.

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

Unfortunately, research on how teungku dayah answers the problems of contemporary Islamic law, especially through *Bahtsul Masâil*, is still void. In fact, *Bahtsul Masâil* activities have been practiced for a long time and have even been widely practiced by tengku dayah lately in Aceh. *Bahtsul Masâil* activities organized by teungku dayah are also interesting to study because the results of these *Bahtsul Masâil* 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 Masâil* 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. 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 Masâil* 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 Masâil* carried out by Teungku Dayah. Checklists and field notes accompany observations. Researchers attended *Bahtsul Masâil* activities and

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observed and documented important events that occurred at the location of Baḥtsul 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.\textsuperscript{12}

**Dayah and Teungku Dayah Educational Institutions, Baḥtsul Masāil and Islamic Law**

Initially, *Baḥtsul 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 *Baḥtsul Masāil* activities for a long time. These dayahs have carried out *Baḥtsul Masāil* actively which is participated by the Teungku dayah in their respective internal institutions. Even the results of the *Baḥtsul 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 *Baḥtsul 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, Nahdatul Ulama (NU) and the Aceh Dayah Ulama Association (HUDA).

The *Baḥtsul 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 *Baḥtsul 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 *Baḥtsul Masāil* activity, the speakers consisting of senior clerics then examined and concluded the answers to the problems discussed.

The results of *Baḥtsul 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 *Baḥtsul 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

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

Teungku is an Acehnese 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 Acehnese 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. 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. Teungku is also an influential figure in Acehnese 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.

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 tengku 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 Acehnese 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 Acehnese 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.

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 communication.

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16 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.\(^{17}\)

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.\(^{18}\) 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.\(^{19}\) 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.\(^{20}\) 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.\(^{21}\) 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.\(^{22}\) In this case, there are at least two epistemologies that are currently

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20 Ervan Nurtawab and Dedi Wahyudi, “Restructuring Traditional Islamic Education in Indonesia: Challenges for Pesantren Institution”, Studia Islamika 29, No. 1, 2022, p. 60.

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developing, namely the contextualization of Islamic teachings and an emphasis on the benefit aspect.\(^\)\(^\text{23}\) Islamic law and the contemporary period are a series of words that imply that Islamic law will always be in the present and present.\(^\)\(^\text{24}\) Contemporary itself is understood as the same time, during, when, now, and today.\(^\)\(^\text{25}\) 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.\(^\)\(^\text{26}\) In the context of Aceh, among others, the teungku dayah have chased out these issues through the lively implementation of the \textit{Baḥtsul Masāil} recently.

\textbf{The Purpose of Implementation of \textit{Baḥtsul Masāil}}

\textit{Baḥtsul 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.\(^\)\(^\text{27}\) \textit{Baḥtsul 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.\(^\)\(^\text{28}\)

Within the NU, a familiar Islamic organization in Indonesia, \textit{Baḥtsul Masāil} has become an intellectual tradition that has existed for a long time.\(^\)\(^\text{29}\) The existence of NU and the \textit{Baḥtsul 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 \textit{ištinbat} or NU calls it \textit{Baḥtsul Masāil}, seeing this relationship is certainly an interesting issue to


The *Bahtsul Masāil* referred to in this research is a scientific study forum where the *salafi* 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.

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." 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.

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.
**Position and Impact of Baḥtsul Masāil in Aceh**

Baḥtsul Masāil's activities seek to answer contemporary Islamic law problems. To achieve this goal, the teungku dayah uses Qawa'id fiqhiyyah 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 fiqhiyyah and refined with the texts of the Qur'an and hadith. Baḥtsul 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. 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 Baḥtsul Masāil, the participants also pay attention to morals. The results of the observations of the researchers showed that they started Baḥtsul Masāil with prayer. They were also asked to straighten their intentions, namely to carry out Baḥtsul Masāil to help find answers to community problems and stay away from showing off and love of material things. Baḥtsul 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, Baḥtsul Masāil participants only deliver their opinions after being invited by the moderator. It makes it easier for the note-
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 Baḥtsul Masāil location. The Baḥtsul Masāil activity was finally closed with a prayer.

Baḥtsul Masāil which is organized by the teungku dayah always refers to the Qur’an and Hadith. Furthermore, in the field of jurisprudence, the tengku 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-Baghdaqi and Imam al-Ghazali. In the Baḥtsul 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."

The books that are used as the main reference for Baḥtsul 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 Fawaid al-Janiiyyah 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 Baḥtsul 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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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.\(^{37}\)

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 Mutaakhirin Syafi'iyyah's scholars.

Teungku dayah does not see that the process of finding answers to Islamic law through the implementation of Bahtsul Masail is a process of ijtihad. Bahtsul Masail is solely a scientific study and the position of Bahtsul Masail 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 Masail is not ijtihad, only scientific studies. The product produced by Bahtsul Masail'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).”\(^{38}\)

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 Masail activities is shown in table 1.

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<thead>
<tr>
<th>No</th>
<th>Book Name</th>
<th>Author Name</th>
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<tbody>
<tr>
<td>2</td>
<td>Al-‘Aziz (Syarh al-Kabir) and al-Muharrar</td>
<td>Imam al-Rafi’i</td>
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<tr>
<td>3</td>
<td>Kanzu al-Raghibin</td>
<td>Jalal al-Din al-Mahalli</td>
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<tr>
<td>5</td>
<td>Nihayah al-Muhtaj, Ghayat al-Bayan and Fatawa</td>
<td>Imam Muhammad al-Ramli</td>
</tr>
</tbody>
</table>

\(^{37}\) Interview with TY, Teungku Dayah Babussalam, Aceh Utara, March 12, 2021.

\(^{38}\) Interview with TF, Tengku Dayah Nura, Pidie, April 12, 2022

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### Table 1

<table>
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<th>Page</th>
<th>Authors</th>
<th>References</th>
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<tbody>
<tr>
<td>6</td>
<td>Syarh al-Bahjah, Asna al-Mathalib, Manhaj al-Tullab, Syarh Tahrir</td>
<td>Syeikh Zakaria al-Anshary</td>
</tr>
<tr>
<td>7</td>
<td>Mugni al-Muhtaj, Syarh al-Tanbih, al-Iqna’</td>
<td>Khathib Syarbini</td>
</tr>
<tr>
<td>8</td>
<td>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’anah al-Thalibin with the condition that as long as he does not understand the basics of the Madhhab.</td>
<td></td>
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<tr>
<td>9</td>
<td>Other Hasyiyah recognized by later period scholars.</td>
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</table>

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. 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. So, teungku dayah not only produces answers to problems of contemporary Islamic law but also acts as a communicator for the

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39 Interview with TF, Interview with TF, Tengku Dayah Nura, Pidie, April 12, 2022
40 Interview with TF, Tengku Dayah Nura, Pidie, April 12, 2022

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results of Baḥtsul Masā'il to the community so that the problem of the vacuum of Islamic law in society can be resolved.

**Baḥtsul Masā'il Responds to Islamic Law Problems**

Through Baḥtsul Masā'il 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 Baḥtsul Masā'il activity facilitated by the Aceh Dayah Education Office. Baḥtsul Masā'il 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. 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 Baḥtsul Masā'il stipulate that dropship buying and selling schemes include *bai' dain bid dain* (debt-to-debt trading), including *fasid* contracts, and must be avoided. However, Baḥtsul Masā'il 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 Baḥtsul Masā'il at Panton Labu, North Aceh through the committee of the Tastafi Study Council. The Baḥtsul Masā'il 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.

The results of Baḥtsul Masā'il 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 Baḥtsul Masā'il was held by the Aceh Dayah Education Office from 12 to 15 March 2021 and took place in Banda Aceh. Baḥtsul Masā'il, which was attended by 200 Teungku dayahs from various dayahs in Aceh, raised the

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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 Acehnese 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.43

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*, *diyat*, *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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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. For Acehnese, all life problems should be addressed through custom and religion. 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.

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. Ahlussunnah 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. 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.

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. 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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the spirit of religion. 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. Local culture and religion also affected Acehnese society’s interpretation of the disaster event, their perception of tsunami tourism, and even their decisions in participating in tourism during the recovery phase. 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. 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.

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. In terms of implementation, Bahtsul Masāil’s activities have become a model for formulating Islamic law in responding to contemporary problems. Bahtsul Masail’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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has been going on for a long time because Acehnese scholars always use the turats books as the main reference in answering problems and practicing law.\textsuperscript{57}

Teungku dayah also contributed to spreading the results of \textit{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 \textit{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 \textit{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.\textsuperscript{58} 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.\textsuperscript{59}

Moreover, \textit{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 \textit{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 \textit{Bahtsul Masail} results is a long-term solution to prevent conflict and prevent the mass judgment of violators of shari’ah.


\textsuperscript{59} Buhori Muslim, et. al., “The Arabic Language Contribution…, p. 224.
**Conclusion**

*Bahtsul Masā-il* 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 Masā-il* activities. Through this activity, the teungku dayah has answered contemporary Islamic law issues that continue to emerge along with the times. Through *Bahtsul Masā-il*, teungku dayah has also contributed to addressing the problems of contemporary Islamic law as well as grounding the results of *Bahtsul Masā-il* 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 Masā-il* activities. Future research may examine *Bahtsul Masā-il*’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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