

Fiqh Across Madhhabs: An Alternative to Pesantren Students' School of Thought Exclusivism in the Post-Truth Era

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Abstract

The schools of thought (madhhabs) within fiqh (Islamic jurisprudence) are one of the ijihad products explored by qualified Muslim jurists by using a particular methodology to produce Islamic laws, which Muslims then follow. The problem with established madhhabs in Islamic law is when a madhhab follower becomes exclusive and does not want to accept the differences of opinion. Islamic boarding schools (Pesantren) are a medium for developing a deep understanding of Islam and, thus, play an important role in reconstructing the learning of inclusive fiqh. This article aims to explain the meaning of the school of Islamic law exclusivism, solutions, and their impact in the post-truth era. It indicates that the school of Islamic law exclusivism is a form of madhhab fanaticism that only teaches and applies certain madhhab to influence the self-justification of their madhhab and considers those who are different from it are wrong. Hence, this article argues that fiqh-across-madhhab learning is the solution since students are taught all schools of Islamic law, the causes of their differences, and the basis for the arguments used by each eponymous madhhab (Imam). As a result, there will be developed an inclusive understanding in accepting the truth and does not make individuals fanatical and radical in religion.

Keywords: Fiqh across madhhabs; pesantren students; schools of thought exclusivism.

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Introduction

Islam is a religion that has comprehensive teachings that govern all lines of human life.² Generally, Islamic teachings are divided into three aspects; aspects of Aqedah, aspects of worship and transaction (*muamalah*), and aspects of morals. Primarily for worship and *muamalah*, it is written into Islamic law whose product is Fiqh. However, in reality, there are differences of understanding in the issue of Fiqh so that it affects the resulting law.

Differences of understanding are common, and in Islam, this is a historical inevitability.³ This difference is also as explained in Surah Hud verses 118-119, which means: “And if thy Lord had willed, He verily would have made humankind one nation, yet they cease not differing. Save him on whom thy Lord hath mercy, and for that, He did create them. And the Word of thy Lord hath been fulfilled: Verily I shall fill hell with the jinn and humankind together.” However, what becomes a problem is when the existing differences become a trigger for conflict, breaking the peace and harmony in a society. As happened in Aceh, recently, there have been rampant attacks and seizures of mosques⁴ and even a “coup” at the mosque’s podium due

² Zakiul Fuady Muhammad Daud, “Menyoal rekonstruksi maqasid dalam pembaharuan hukum kewarisan Islam,” *Jurnal Ilmiah Islam Futura* 18, no. 1 (Agustus 2018): 1.

³ Al-Chaidar, “Benturan antar mazhab di Aceh: Studi tentang konflik internal antara penganut aliran keagamaan Islam mazhab Syafii dan Wahabi” (Steemit, September 20, 2018),

<https://steemit.com/mazhab/@alchaidar/benturan-antar-mazhab-di-aceh-studi-tentang-konflik-internal-antara-penganut-aliran-keagamaan-islam-mazhab-syafii-dan-wahabi>.

⁴ Like the incident at the Muhammad mosque, Juli sub-district, Bireuen District, Aceh, a group of people tried to break through to echo the call to prayer and forcibly take over the mosque rituals. In contrast, there was already a schedule for officers to carry out the five daily prayers in the mosque. In the end, a scuffle broke out between the mosque management and the newcomer so that they had to be rushed to the hospital. The trigger for this conflict was that tarawih prayers were held 8 cycles instead of 20 cycles at the mosque. Pozan Matang, “Maraknya Penyerangan Terhadap Masjid Di Aceh,” *Pikiran Merdeka*, June 15, 2016,

to different fiqh schools of thought.⁵ Even Khoirul Asfiyak stated that school fanaticism in fiqh is the most extensive disease in this archipelago which causes this nation to be left far behind with other countries.⁶

According to Mustafa Sa'id al-Khin (1922-2008), different schools of thought were derived from differences of opinion on *usul fiqh*. This difference is due to 4 causes are: 1) general differences, which include differences in *qirā'at* (reading), ignorance of the hadith in a problem, understanding in interpreting the text, the existence of *musytarak* word, and the existence of contradictory arguments (*ta'ārud al-Adillah*). 2) Differences in rules for understanding al-Qur'an and Hadith, 3) differences in rules in terms of differences in *ijma'* and *qiyas*, and 4) differences in rules regarding the taking of arguments (both sources and methods).⁷ Therefore, differences in schools of thought cannot be avoided.

The siding in the school of thought in an Islamic boarding school is not conveyed explicitly. However, what schools of thought embraced by the Islamic boarding school can implicitly be known through the books learned

<https://www.pikiranmerdeka.co/news/maraknya-penyerangan-terhadap-masjid-aceh>.

⁵ This incident occurred at the Baiturrahman Grand Mosque in Banda Aceh, where when Friday prayers were about to begin, several groups consisting of the Aceh Islamic boarding Scholar Association (HUDA), the Islamic Defenders Front (FPI), and the Aceh scholar Council (MUNA) took over the management of the system. The orderly implementation of Friday prayers where they usually do not use the Syafi'i school of thought asks that Friday prayers be performed following the Syafi'i school of thought. Al-Chaidar, "Menyoal Benturan Antarmazhab Di Aceh," *Serambi News*, June 26, 2015, <http://aceh.tribunnews.com/2015/06/26/menyoal-benturan-antarmazhab-di-aceh>.

⁶ Khoirul Asfiyak, "Memelihara turats fiqh Islam di dunia pesantren (Merambah fiqh lokal-tradisional menuju hukum Islam yang universal)," *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)* 1, no. 2 (December 30, 2019): 75, <https://doi.org/10.33474/jas.v1i2.4911>.

⁷ Mustafa Sa'id al-Khin, *Asar Al-Ikhtilaf Fi al-Qawa'id al-Usuliyah Fi Ikhtilaf al-Fuqaha'*, 6th ed. (Beirut: Mu'assasah al-Risalah, 1996), 38.

and the implementation of religious practice, which is executed daily.⁸ Moreover, the school of thought of Islamic boarding school usually does not apply simultaneously but only uses one school of thought. In this case, there is no ban, and this is a natural thing.

In this regard, Kharlie, one of the researchers stated that most of the Muslims in Indonesia apply the Shafi'i school so that the books used in Islamic boarding school are books from Shafi'iyyah scholars and usually Islamic boarding school that uses this tradition is referred to as Islamic traditional boarding school (*salaf pesantren*). Islamic traditional boarding school is an Islamic boarding school that still maintains the teaching of classical Islamic books as the core of education in Islamic boarding school.

Therefore, if we examine more deeply the existence of the school of thought in Islamic boarding school; based on the reference books and applications of religious experience, mostly Islamic boarding school in Indonesia tends to use the products of fiqh of Shafi'i school of thought merely⁹ without any attempt to make comparisons with other schools of thought.¹⁰ The use of fiqh products of Shafi'i school is also widely used in Southeast Asia, such as Brunei Darussalam, Malaysia,¹¹ and Singapore. This fiqh prevalence happened not without reason, but it is due to in the early days of converting to Islam in this region, the books that were used as references in Islamic teaching were the derivative books of the Imam Shafi'i, and most scholars who spread Islam had the Shafi'i school of

⁸ al-Khin, 31.

⁹ Rijal Mumazziq, "Peta Pemikiran Fiqh Di Kalangan Pesantren," *Al-Ahwal* 7, no. 1 (April 2015): 64.

¹⁰ Habibullah Bahwi, "Menggugat nalar fiqh pesantren," *Al-Ihkam* 6, no. 2 (Desember 2011): 218; Didik Kusno Aji, "Mazhab kaum santri (Implementasi mazhab Syafi'i di pondok pesantren Roudhotuth Tholibin Seputih Surabaya Lampung Tengah)," *Nizam* 4, no. 01 (2014): 33.

¹¹ Luqman Haji Abdullah and Nima Jihatea, "Bermadzhab Dan Fanatic Madzhab: Satu Sorotan Dalam Kerangka Amalan Bermadzhab Syafi'i Masyarakat Melayu," *Jurnal Fiqh* 4 (2007): 104.

thought.¹² This phenomenon will result in the embedded fanaticism of school of thought in the students where the students are expected to be able to transmit their knowledge to the community but instead spread the disease of fanaticism in a school of thought (*al ta'assub fi al madhhab*) and be exclusive in the school of thought which ultimately leads to conflict and dispute.

Therefore, it is time for Islamic boarding schools to provide fiqh learning inter-schools of thought, especially in the post-truth era. The post-truth era is the word chosen by the Oxford dictionaries editor as the “word of the year” in 2016 because, in this era, objective truth is less influential in shaping public opinion than emotions and personal beliefs.¹³ This situation is because, in this era, the truth is no longer objective because people believe in the truth based on their emotions and subjective personal beliefs. This condition, of course, will make individuals fanatic only to the opinions they hold and do not accept the truth from others. Even though the Islamic boarding school tends towards one of the schools of thought only, the existence of cross-school of thought in fiqh learning in Islamic boarding school will open the horizons of the students’ thinking so that their thinking becomes open, inclusive, and can tolerate differences in religious practice. In addition, Islamic boarding school is a forum for developing religious moderation for its students.¹⁴

This paper fills the existing gaps in many kinds of research investigating fiqh in an Islamic boarding school. However, their research focuses on applying fiqh learning in Islamic boarding schools, as Athoillah is one of the researchers who compare fiqh learning in an Islamic

¹² Bahwi, “Menggugat nalar fiqh pesantren,” 33–34.

¹³ Wisu Prasetyo Utomo, “Post-Truth Frequency,” *Remotivi* (blog), January 4, 2017, <http://www.remotivi.or.id/kabar/345/Selamat-Datang-di-Era-Post-Truth>.

¹⁴ Neny Muthi’atul Awwaliyah, “Pondok pesantren sebagai wadah moderasi Islam di era generasi milenial,” *Islamic Review: Jurnal Riset dan Kajian Keislaman* VIII, no. 1 (2019): 51.

boarding school with Senior High School and Islamic Senior High School (madrassa). In the Islamic boarding school, fiqh learning is carried out in a variety of ways, from *sorogan* (coming one by one to the teacher), *bandongan* (classical lecture), to *muzakarah* (discussion). Likewise, Fiqh learning in Senior High School and madrassa also uses the same method but with different terms. What distinguishes fiqh learning in the three institutions is that the fiqh curriculum in Islamic boarding schools is not regulated in a programmed syllabus, only mastering one fiqh book then moving to another book. Meanwhile, Fiqh in Senior high school is integrated with Islamic education subjects, but in a madrassa, fiqh subject stands alone with a curriculum that the ministry of religion has regulated.¹⁵

In contrast, Sabri and Gusmaneli examined the use of media in learning Fiqh in universities. The results of their research indicate that the use of media in learning Fiqh can make it easier for students to understand the materials conveyed by the lecturers. The media often used are blackboards and electronic media due to the limited media in the Islamic education faculty of IAIN Imam Bonjol.¹⁶ Meanwhile, Ruslan and Juddah investigated the role of Fiqh teachers in improving the discipline of students for praying in the congregation. The results of his research show that there are still some students who do not pray in congregation, so what the Fiqh teachers do is explaining the privilege of congregational prayer and implementing several strategies to apply discipline in congregational prayer such as cooperation, motivating, setting examples, providing sanctions and punishments.¹⁷

¹⁵ M. Athoillah, "The Methods of Teaching and Learning Fiqh in Islamic School and Public School," *Jurnal Pendidikan Islam* 2, no. 1 (Desember 2015): 127, <https://doi.org/10.15575/jpi.v2i1.697>.

¹⁶ Ahmad Sabri and Gusmaneli, "The Using of Media in Learning Fiqh to the Islamic Education Department of Education and Teacher Faculty of IAIN Imam Bonjol Padang," *Al-Ta Lim Journal* 22, no. 2 (October 21, 2015): 192, <https://doi.org/10.15548/jt.v22i2.145>.

¹⁷ Wahidah Ruslan and Abu Bakar Juddah, "The Role of Fiqh Teachers in Improving Discipline in Congregational Prayers for Santri in the

Latif and Nurainah have conducted research on Fiqh learning at the public elementary school level in Aceh regarding the implementation of prayers. Their research shows that most elementary schools still do not understand the concept of prayer and do not memorize the prayer, which was caused by the limited hours of religious subjects and the absence of parental guidance.¹⁸

While learning Fiqh in the millennial era, Rusydiyah and Praja have researched vlogs in learning fiqh. The results of their research show that learning Fiqh through vlogs in the form of videos on the internet is fun for students and able to improve their learning outcomes. In addition, learning fiqh through vlog is an appropriate tool in this era of revolution 4.0.¹⁹

Because of the large number of fiqh studies related to learning, while learning fiqh, which aims to reduce exclusivism in the school of thought, has not been studied, this paper aims to explain how the exclusivism of the students' school of thought, what is the solution and what is the impact of this solution in the post-truth era.

If students learn fiqh inter-schools, they will not be fanatic to one school and will not easily blame others when they are different from others so the religious tolerance in society can be reached. In addition, by studying fiqh inter-schools of thought, they become open-minded that will not make them exclusive where they only justify their schools and blame other schools of thought and can make them easy to adapt in a new environment.

New Normal Era," *Al-Iftah: Journal of Islamic Studies and Society* 1, no. 2 (December 30, 2020): 46.

¹⁸ Umar Latif and Nurainah, "Fiqh Learning For Elementary School Students in Kutamakmur North Aceh: A Study on Students' Ability in Learning Shalat," *Al-Ta Lim Journal* 25, no. 1 (March 1, 2018): 45, <https://doi.org/10.15548/jt.v25i1.399>.

¹⁹ Evi Fatimatur Rusydiyah and Tatag Stria Praja, "Joyfull Learning in Fiqh Lesson Using Vlog: A Case Study at 26 Muhammadiyah Kalitengah Islamic Junior High School Lamongan," *TADRIS Jurnal Pendidikan Islam* 14, no. 2 (2019): 147, <https://doi.org/10.19105/tjpi.v14i2.2750>.

The Conception of the Schools of Islamic Law (*Madhhabs*)

Etymologically, the school of thought (*madhhab*) is a place noun (*ism makan*) derived from the verb *dzahaba yadzhabu*, which means to go or walk.²⁰ Therefore, *madhhab* means a place to go or a way. Meanwhile, the more familiar terms are *tariqah*, *maslak*, and *sabil*, which means pathway or a way.²¹ Thus, *madhhab* also means theory, ideology, opinions, beliefs, teachings, doctrines, understandings, and schools.²² In this case, Ibn Manzbur defines it as a thought or opinion used as a guide.²³

Terminologically, according to the Indonesia dictionary, schools of thought are defined as the genre of fiqh law, followed by Muslims and groups of like-minded thinkers in specific theories, teachings, or streams in science, arts, and arts other branches that seek to advance this.²⁴ Meanwhile, according to the scholars, the school of thought is a *manhaj* (method) formed after going through research and thought, which is built on certain principles and rules, and then the people who follow it make it a clear guideline for its parts and limitations.²⁵ Sa'id Ramadhan al-Buthi (1929-2013) defines the school of thought as a way of thinking that imam mujtahid takes in establishing a law based on al-Qur'an and hadith.²⁶ Meanwhile, Cik

²⁰ Ahmad Warson Munawwir and Muhammad Fairuz, *Al Munawwir: kamus Indonesia-Arab* (Surabaya: Pustaka Progressif, 2007), 453.

²¹ M. Said Ramadhan Al-Buthi, *Al-Mazhabiyah Akhturu Bid'atin Tuhaddidu al-Syari'ah al-Islamiyyah*, trans. Gazira Abdi Ummah (Jakarta: Pustaka Al Kautsar, 2001), 17.

²² M. Hasbi Ash Shiddieqy, *Pengantar hukum Islam*, vol. 1 (Jakarta: Bulan Bintang, 1980), 87-92.

²³ Jamal al-Din Muhammad Ibn Manzbur, *Lisan Al-'Arab*, vol. 1 (Cairo: Dar al-Misriyyah, n.d.), 394.

²⁴ Pusat Pembinaan dan Pengembangan Bahasa, ed., *Kamus Besar Bahasa Indonesia*, Edisi 1 (Jakarta: Departemen Pendidikan dan Kebudayaan, Republik Indonesia, 1988), 931.

²⁵ M Hasbiyallah, *Perbandingan Madzhab* (Jakarta: UIN Syarif Hidayatullah, 2013), 20.

²⁶ Al-Buthi, *Al-Mazhabiyah Akhturu Bid'atin Tuhaddidu al-Syari'ah al-Islamiyyah*, 17.

Hasan Bisri detailed what should be in the school of thought is the imam mujtahid, the method of legal taking (*istinbath*) used, the material, the group of followers, the legal terms used, and the works produced by the Imam.²⁷ According to A. Qodry Azizy, the school of thought is a person's opinion regarding understanding texts by using specific methods as an effort of legal discovery against a current event (*waqi'iyah*). This opinion is then followed by other people or students whose numbers increase to become a standardized thing.²⁸

From the various opinions above, it can be concluded that the school of thought is the opinion of a mujtahid in determining the law of an event based on the al-Quran and hadith using specific rules and methods which are then adopted by many as his students so that it becomes standard and straightforward guidelines.

Responding to the existence of this school of thought, according to Muhammad Sa'id Ramadhan al Buthi, there are at least two classifications of Muslims, are those who are followers of the school of the thought (*al-mazhabiyyah*) and those who are not followers of the school of thought (*la mazhabiyyah*). *Al-mazhabiyyah* is the attitude of ordinary people or incompetent people to do ijtiḥad to imitate an imam of a school of thought or a mujtahid, both towards specific issues they move to other schools of thought. At the same time, *la mazhabiyyah* is the attitude of the ordinary people or incompetent people who do ijtiḥad but do not imitate the imam mujtahid permanently.²⁹

There are two differences of opinion among *ushul* scholars regarding the rule in following the schools of thought.³⁰ First, scholars who forbid the school of thought

²⁷ Cik Hasan Bisri, *Model Peneliti Fiqh Jilid I: Paradigma Penelitian Fiqh Dan Fiqh Penelitian* (Jakarta: Prenada Media, 2003), 40.

²⁸ A. Qodry Azizy, *Refomasi Bermazhab; Sebuah Ikhtiar Menuju Ijtihad Sesuai Saintifik Modern* (Jakarta: Teraju, 2003), 17.

²⁹ Al-Buthi, *Al-Mazhabiyyah Akhturu Bid'atin Tuhaddidu al-Syari'ah al-Islamiyyah*, 17.

³⁰ M Saleh, "Eksistensi madzhab dalam hukum Islam masa kontemporer," *Jurnal Hukum* 13, no. 1 (2016): 159.

but obligate refer directly to the al-Qur'an and hadith. Those with this view include contemporary fiqh scholar Sheikh Khajandi, hadith scholar Syeikh Nashiruddin Albani (1914-1999), and fiqh scholar in middle age Ibn Hazm (994-1064). In this case, Ibn Hazm said that a Muslim is not allowed to follow the mujtahid; even every Muslim is obliged to perform ijtihad according to his abilities.³¹ A. Hassan, an Indonesian scholar, equates the school of thought with imitation (taqlid), forbidden by Allah, the Messenger, and the Imams who are imitated.³² Thus, according to A. Hassan, it is mandatory to leave the school of thought; on the other hand, it is proscribed (haram) to follow the school of thought.

Second, scholars who allow and even oblige them to practice the school of thought, especially for pure ordinary people, are the opinion of the majority of *ushul* scholars. There is no difference between imitator (taqlid) or follower (ittiba'); both have the meaning of practice the school of thought. In this case, they believe that Muslims who do not yet have the competency to become a mujtahid must practice schools of thought. This conclusion is based on Surah al-Nahl verse 43, which means "Ask the followers of the Remembrance if ye know not!" and agreement of scholars (*ijma' ulama*) where ordinary people who lived during the times of companions of the prophet and *tabi'in*, before the opposing groups appeared, always asked for fatwas to the mujtahid and followed his fatwa even though the mujtahid did not state his arguments.³³

In this regard, Sukarni, one of the researchers, classified a person's attitude in the school of thought into four groups.³⁴ First, a person follows certain schools of

³¹ Ibn Hazm, *Al-Muhalla* (Beirut: Maktabah Tijariyah, 1965), 66.

³² A Hassan, *Risalah Al-Madzhab* (Bangil: Pustaka Abdul Muis, 1980), 12.

³³ Al-Amidi, *Al-Ihkam Fi Usul Al-Ahkam* (Kairo: Muassat al-Halabi Wa Syurakauh, 1955), 198.

³⁴ Sukarni, "Paradigma Bermazhab Pondok Pesantren Di Kalimantan Selatan," *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 39, no. 1 (June 9, 2015): 83–84, <https://doi.org/10.30821/miqot.v39i1.40>.

thought in all aspects of his life relating to Islamic law. For example, most of the Malay community is affiliated with the Shafi'i school of law in implementing Islamic law in their daily lives; even this school of thought is also the law in government. For the ulama, this is a form of caution in taking opinions in the context of legal taking (*istinbath*). As for ordinary people, following certain schools of thought is a practical way to apply fiqh without exploring the sources and methods of using an argument (*istidlal*). However, sometimes it is found that it is difficult to practice certain schools of thought entirely because it is forced to use other schools of thought in some instances.

Regarding practice certain schools of thought, scholars oblige one to follow one of the four Imamate schools. However, some scholars do not oblige or even forbid certain schools of thought, especially adhering to one of the four imams.³⁵ This position is due to worried there is a cult of one of the Imams so that it does not refer to the primary Islamic sources are the al-Qur'an and hadith.

Second, someone follows a particular school of thought "formally" but possibly uses the opinion of another school of thought. This group felt the need to take one of the schools of thought due to their inability to carry out *ijtihad*. These typical adherents assume that Muslims today do not have sufficient competence to become a *mujtahid* proportional to previous scholars, so they need to follow the opinion of the Imam of the school of thought. However, this second characteristic respects the differences of opinion in the schools of thought as a manifestation of Islam as a mercy to all of nature (*Islam rahmatan lil 'alamin*).³⁶

Third, someone who does not have schools of thought and is not bounded to or free a particular school of thought.

³⁵ See about this e.g., Alfitri, "Pemahaman Konsep Mazhab Hukum dan Implikasinya terhadap Persoalan Tertutupnya Pintu Ijtihad," *Mimbar Hukum* 10, no. 48 (2004): 13-18, 19-21.

³⁶ Alfitri, "Pemahaman Konsep Mazhab Hukum," 13-18, 19-21.

In taking a law, this group tried to trace the opinions of previous scholars and then combine those opinions. This attitude raises a tolerant attitude towards differences of opinion but provides an opportunity for them to the law taking that conforms to their “taste.” Someone who refers directly to the Qur’an and Hadith in the process of taking the law includes in this group. This group holds on to the traditions of the previous righteous people (*salafus shalih*) who return directly to the Qur’an and the Sunnah when there are problems that require definite law.³⁷

Fourth, someone who formally does not follow a particular school of thought but tries to choose one of the opinions of a particular school of thought that is considered the strongest and the closest to the truth. This group believes that following certain schools of thought is not an obligation because the Prophet never established it. However, the existence of schools of thought by previous scholars is beneficial for Muslims as a reference and comparison in law taking (*istinbath*), which is not found in the Qur’an and hadith explicitly. In Indonesia, the Muhammadiyah organization and its *tarjih* assemblies adhere to this model.

The Exclusivism of the Students’ School of Thought

Most Islamic boarding schools in Indonesia adheres to the Shafi’i school of thought, especially the Islamic traditional boarding school. The majority of Islamic traditional boarding schools still exist in the classical books (*kitab turats*), especially the works of Imam Shafi’i followers, and highly uphold the manuscript of the previous Imam. The school of thought’s exclusivism of

³⁷ For example in Indonesian context, especially in incorporating sharia into the national legal system, see Alfitri, “Whose Authority? Contesting and Negotiating the Idea of a Legitimate Interpretation of Islamic Law in Indonesia,” *Asian Journal of Comparative Law* 10, no. 2 (2015): 191-212, <https://doi.org/10.1017/asjcl.2016.1>.

students can be identified by comprehending follow factors, namely:³⁸

1. The Teacher Factor

The role of the teacher is very substantial in transmitting the school of thought that he adheres to be taught to his students and the surrounding community. In most Islamic boarding schools in Aceh, those who conveyed the first Islamic teachings in Aceh were scholars with the Shafi'i school of thought, so their students also followed the same school of thought. Then his pupils taught the teaching to the next generation as they previously accepted. This school of thought has been passed down from generation to generation. Consequently, it has been rooted in Acehnese society.

2. The Books Factor

To find out a particular Islamic boarding school follows schools of thought, it can be traced through the books used as references in the Islamic boarding schools. There are 13 books of fiqh Shafi'iyah which are often used as references, are 1) *Bugyāt al-mustarsyidīn* by Husein al Baklawi, 2) *al-Farā'idh* by al-Syamsuri, 3) *Fathu al-Mu'īn* by al-Maly Bary, 4) *al-Fiqh 'alā al-Madzāhib al-Arba'ah* by al-Jaziri, 5) *Fathu al-Wahhāb* by al-Ansari, 6) *Hasiyah Kifāyatu al-Akhyār* by al-Bajuri, 7) *Mughnī al-Muhtāj* by al-Syarbini, 8) *Qawānin al-Syar'iyah li al-Jazāir al-Indunisiyyah al-Musammā Irsyād Jāwī al-Arhām Wājibāt al-Qudāt wa al-Ahkām* (A type of procedural law) by Sayid Shadaqan San 'an, 9) *Qawānin al-Syar'iyah* by Sayid Usman bin Yahya, 10) *Qalyubī Mahalli wa Syarhihi* by Jalaluddin al-Mahalli, 11) *Zarqawiy' alā Tahrīr* by Syarqawi, 12) *Targhib al-Musytaq*, 13) *Tuhfāt al-Muhtāj* by Ahmad Ibn Hajar al-

³⁸ Muhammad Zukhdi, "Dinamika Perbedaan Madzhab Dalam Islam (Studi Terhadap Pengamalan Madzhab Di Aceh)," *Jurnal Ilmiah Islam Futura* 17, no. 1 (August 1, 2017): 135-36, <https://doi.org/10.22373/jiif.v17i1.1024>.

Haitami. These thirteen books are considered *al-kutub al-Mu'tabarrah* (*Bughyat al-Mustarsyidīn, Hāsyiyat I'ānat al-Tālibīn, Majmū'at Sab'at Kutub Mufidah*, section *al-Fawā'id al-Makkiyyah fī mā Yahtājuh Talabat al-Syāfi'iyyah min al-Masā'il wa al-Dhawābith wa al-Qawā'id al-Kulliyyah*).³⁹ These books were used as the primary reference books in the Religious Courts in Indonesia in 1953. Thus, in 1953, the Shafi'i school of thought became the official state school of thought.⁴⁰

3. The Institution Factor

What is meant by the institutional factor here is that students in an Islamic boarding school develop the knowledge they have obtained from their teachers so that they can establish their Islamic boarding school by orienting towards their previous Islamic boarding school. Thus, this new Islamic boarding school also holds the same school of thought. In addition, because most Muslims in Indonesia adheres to the Shafi'i school of thought, it affects using the Shafi'i school of thought in implementing the religious practice in Islamic education institutions, both formal and non-formal, from kindergarten to higher level as well.

4. The Community Organization Factor

The existence of community organizations also shows the exclusivism of the school of thought because some of the organizations enact certain schools of thought as primary references in practicing religious applications in the organization. This factor can be exemplified in several mass organizations in Aceh, such as HUDA (the Association of Aceh Islamic scholar), which follow the Shafi'i school of thought and hopes that the

³⁹ Zulkarnain, "Dinamika Mazhab Shafi'i Dengan Cara Aceh: Studi Tentang Praktik Mazhab Di Kalangan Tokoh Agama," *IJTIHAD Jurnal Wacana Hukum Islam Dan Kemanusiaan* 15, no. 2 (2015): 162, <https://doi.org/10.18326/ijtihad.v15i2.159-176>.

⁴⁰ Jamil Latif, *Kedudukan Dan Kekuasaan Peradilan Agama Di Indonesia* (Jakarta: Bulan Bintang, 1983), 79.

Aceh government will make it the official school of thought in government.

From these factors, it can be seen that the exclusivism of the Shafi'i school of thought is deeply rooted in Indonesian society, especially the Acehnese, so that it wants to make this school of thought in government.

Talking about the school of thought, most scholars allow or even oblige ordinary people who do not reach the level of the mujtahid, which is used as a guide for groups that obligate certain schools of thought towards certain schools of thought. However, even though they have a particular school of thought, it should not be considered that their position is the most valid, whereas others who have different views are wrong. This stance is called the exclusivism of the school of thought, which also means the fanaticism of the school of thought. The fanaticism of the school of thought is to think that the adopted school of thought is the only true school, while the others are only half correct, or a quarter or less.⁴¹

The exclusivism of this school of thought occurs systematically, whether planned or not, through several factors are teachers, books, institutions, and community organizations. Of these four factors, the teacher is the main factor that can cause students to have an attitude of exclusivism in the school of thought. The teachers' knowledge will be carried by the student and will be passed down from generation to generation. Hence, it becomes an inheritance from the ancestors that cannot be left behind. This situation happens in Acehnese society, where the scholars who first spread Islamic teachings in Aceh adopted the Shafi'i school of thought so that all kingdoms in Aceh and the Islamic boarding school in Aceh also inherited this school of thought. This school of thought has been a tradition passed down in Acehnese society until

⁴¹ Abdul Hakim and Yudi Latif, *Bayang-Bayang Fanatisme; Esai-Esai Mengenang Cak Nur* (Jakarta: Paramadina, 2007), 129.

now. The Acehese scholars have practiced the Shafi'i school of thought.⁴²

Thus, the exclusivism of the school of thought is in line with Jalaluddin Rahmat's view, which states that fiqh is a religious paradigm characterized by three things;⁴³ *first*, single truth. In this case, fiqh originally came from an understanding of the mujtahid towards al-Qur'an, and hadith then became a product in the form of a fatwa, and it was taught to other people, the longer, the more followers. The truth of the mujtahid's fatwa is considered a single truth, so that it considers the other truths are not valid.

Second, the principle of a single school of thought. This means that someone who has joined himself to one school of thought considers that only their school of thought is the truest and the other schools of thought are wrong. Moreover, they assume that Muslims will unite if they are there to one school of thought. *Third*, righteousness is measured by loyalty to the school of thought. In this regard, a person's religiosity is measured by the way he applies his fiqh. A person is considered righteous if he practices religion based on the same fiqh as his and is considered not righteous if using other fiqh.

When it is related to a person's attitude model in the school of thought, the exclusivism of the school of thought is included in the first type; it is a group that adheres to a particular school of thought. The Groups having an attitude of exclusivism toward the school of thought believe that it is compulsory for people who do not have the ability of *ijtihad* to practice it. Moreover, the requirement to become a mujtahid is almost difficult to realize because they must master various religious sciences such as the

⁴² Zukhdi, "Dinamika Perbedaan Madzhab Dalam Islam (Studi Terhadap Pengamalan Madzhab Di Aceh)," 136.

⁴³ Jalaluddin Rakhmat, *Dahulukan akhlak di atas fiqih* (Bandung: Mizan, 2007), 37–38.

science of the Quran, including legal verses, the science of hadith including *rijal hadith*, Arabic, and its tools.⁴⁴

The Solution to the Exclusivism of the Students' School of Thought

To solve the exclusivism toward the school of thought is by providing a learning model of fiqh an inter-school of thought. As an institution that teaches fiqh in-depth, known for its *turats* book, Islamic boarding schools should provide an open learning model to produce professional Islamic cadres and have open insights. Although an Islamic boarding school adheres to certain schools of thought in its scientific studies and its religious practice implementations, Islamic boarding schools are also expected to teach other schools of thought as a comparison which aims to open the students' horizons of thought so that they do not consider their school of thought to be the truest while others are wrong.

This fiqh learning model inter-school of thought can be taught to students who can think analytically to know the aims and objectives of the learning. At least this fiqh learning model inter-school of thought can be provided to students at a level equivalent to Islamic senior high school (*madrassa aliyah*). This fiqh learning inter-school of thought is inappropriate for students at the junior high school level because it is worried, making them confused about many different opinions on an issue. However, if given to the Islamic senior high school level, the students will hopefully examine, analyze, and accept the differences to be exclusive to one school of thought.

Therefore, Islamic boarding school as a medium for producing qualified Islamic cadres is not feasible to teach exclusivism towards the school of thought, and the solution is the existence of fiqh learning inter-school model of thought. In reality, this learning has been applied to formal institutions but at the tertiary level. In the

⁴⁴ Zukhdi, "Dinamika Perbedaan Madzhab Dalam Islam (Studi Terhadap Pengamalan Madzhab Di Aceh)," 137.

researcher's view, it is time for teaching this learning model in Islamic boarding schools, both old and modern Islamic boarding schools, and it is taught to Islamic senior high school students and its equivalent. The students at this age are eligible to think critically and analytically, even though not in-depth analysis.

In addition, fiqh learning cross-school of thought is very important to be taught in an Islamic boarding school because Islamic boarding school is the initial foundation for students to internalize religious understanding. If the foundation has been appropriately constructed early, it will develop the students' scientific buildings and religious understanding optimally and adequately. Islamic boarding schools need to accommodate this to produce students who have open insights, tolerant of diversity, not a priori with other people different from them. They can do that because they have acquired knowledge about differences in the school of thought that have implications for religious practice to accept gracefully. In addition, they are taught the differences among the Imams regarding an issue and the legal basis used by the Imam in his viewpoint. Thus, the students know the factors that cause differences, and most importantly, they also understand that these differences have a strong foundation so that there is no place for blaming reciprocally or justification for the schools of thought they adhere to.

Conversely, if the Islamic boarding school only teaches and applies one school of thought in Fiqh, it will produce narrow-minded students, feel that what school of thought they adhere to is the only proper school of thought, cannot accept the differences not understand well why differences occur. If he dedicates himself directly to the community, he will be surprised by the existence of religious practice that differs from what he had been doing so far.

In the application of fiqh learning inter-school of thought, Islamic boarding school can use several choices of books as references such as the book of *Rahmatul Ummah fī Ikhtilafil A'immah*, *al-Mizānul Kubrā*, *al-Fiqh 'alā Madzāhabil Arba'ah*, *al-Mausū'ah al-Fiqhiyah al-*

Quwaitiyah, al-Fiqh al-Islāmī wa Adillatuhu, Mausū'ah Al-Fiqh Al-Islāmī wa Al-Qadhaya Al-Mu'āshirah. This study is not intended to teach *talfiq* (mixing schools of thought in religious practice). It is meant that the Islamic boarding school can still implement certain schools of thought that it adheres to and practiced by its students, but the Islamic boarding school also teaches about differences of the school of thought.

In reality, the Islamic boarding school that applies this method is the Islamic modern boarding school (*khalaf pesantren*), where the classical books used in fiqh learning do not only focus on the classical books of scholars based on the Shafi'iyyah school but also use other books than the Shafi'i school. The Islamic modern boarding school is an Islamic boarding school that makes classical books the core of its education and includes general lessons in its education system. Such as the Darul Hikmah Islamic boarding school in Banten province which uses various literatures in learning fiqh such as the *Bidayatul Mujtahid* by Ibn Rushd, *Fiqh Sunnah* by Sayid Sabiq and *Safinatun Najah* by Imam Nawawi.⁴⁵

The Expected Impact of Fiqh-Across-Madhhabs Learning

The model of fiqh learning inter-school of thought is hoped that will affect a positive impact on students at the Islamic boarding school, especially in the current post-truth era. In this era, the truth accepted/ made into public opinion is no longer based on objective truth but subjective truth following the "taste" of the individual. If this occurs, then the impact of the exclusivism towards the school of thought in performing religious practices is discrimination, self-justification, a priori with other groups, full of prejudice, which leads to conflicts and disputes.

⁴⁵ Ahmad Tholabi Kharlie, "Literatur Pembelajaran Fiqh Di Pondok Pesantren Propinsi Banten," *Tajdid* 26, no. 1 (2019): 94, <https://doi.org/10.36667/tajdid.v26i1.320>.

On the other hand, if the Islamic boarding school has taught, there are differences of viewpoint on the issues of fiqh, this will open the horizons of the students' thinking not to feel superior to others, not to blame other people implementing different religious practices from themselves, not contra with different groups, making students more open and tolerant of differences. The study of fiqh across schools of thought is not meant to teach students to be "fickle" in religious practice, but to show that there is something different from them and that different also has a robust legal foundation, so it is not required to be questioned or blamed. It does not mean teaching an indifference to what people do but teaching tolerance (*tasamuh*) in religious practice as long as they have a solid legal foundation. This attitude is critical to be taught to students considering that Indonesia is a pluralist country where the society has diversity in culture, religion, ethnicity, and race. So openness, tolerance, and mutual respect for differences are needed. This learning model also teaches students not to be exclusive by forcing schools of thought that are believed to be applied by others. In addition, this learning model also teaches students not to be confined to certain opinions.

If Islamic boarding schools in Indonesia perform this, it will positively impact them, especially in the current post-truth era. In this era, hoax news can become true because there is too much massive information on social media that makes readers unable to distinguish between accurate and incorrect information. In addition, Muslim communities are implementing different religious practices by their characteristics. Learning fiqh inter-schools of thought will make individual Muslims can accept conditions when they meet other people having different religious procedures because they have learned before. This learning can also counter radicalism because radicalism tries to impose its principles on others utilizing violence to lead to conflict.

Meanwhile, a student who studies fiqh across schools of thought possibly holds one school of thought, but he will

not impose what he adheres to on others because he thinks that other people are legitimate to have different choices from him. The important thing is that they have a strong foundation. For that reason, this model of learning can also keep students away from the exclusivism of the school of thought and discrimination against other people who differ from them. In addition, this learning model can release students from being confined to just one school of thought.

Therefore, it is not easy to distinguish between objective truths from false truths in this disclosure era. It is time for Islamic boarding schools to reconstruct fiqh learning from studying only one school of thought to inter-school of thought. The goal is that learning in Islamic boarding schools is not eroded by the massive changing time and the existence of Islamic boarding schools as institutions that galvanize students to have a deeply religious understanding that can survive and remain in demand by the Muslim community.

Conclusion

The exclusivism towards the school of thought is a different challenge for the Muslim community, especially in Indonesia, because this attitude has been instilled in most Islamic boarding schools in Indonesia. The impact of this attitude is to produce students who are *a priori* towards the truth of the other, discriminate against people who have a different viewpoint, have self-justification, and think that other people are wrong so that they must be corrected by violence. The solution to this problem is learning fiqh inter-schools of thought. This is because the students will be taught the differences of opinion among imams' schools of thought and the factors causing differences, and the basis for the arguments of each Imam. Thus, the students will know and understand these differences, which will affect honest insight, tolerance, not feeling self-righteous, and accepting the diversity that occurs around them. In this post-truth era, these attitudes are needed not to blame others easily and think of themselves as the correct ones.

Conflict of Interest:

The author declares that he has no conflict of interest.

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