Didaktika Religia: Journal of Islamic Education Volume 10, Issue 1 (June 2022), 188-211 P-ISSN: 2337-7305; E-ISSN: 2549-631X https://doi.org/10.30762/didaktika.v10i1.13.

ISLAMIC RELIGIOUS EDUCATION TEACHER'S VIEW AND LEARNING ACTION ON PURITAN FIQH IN MADRASA

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Article history: Received: September 03, 2021 | Revised: April 10, 2022 | Available online: June 18, 2022

How to cite this article: Rozi, Syaikhu, and Ainul Yaqin. "Islamic Religious Education Teacher's View and Learning Action on Puritan Fiqh in Madrasa". *Didaktika Religia: Journal of Islamic Education* 10, no. 1 (2022): 188-211. https://doi.org/10.30762/didaktika.v10i1.13.

Abstract: The objective of this research is to analyse the views, attitudes and approaches of PAI teachers in the teaching of figh materials in madrasas. The research was conducted using a qualitative approach based on a phenomenological research design. The data was collected through in-depth interviews with Figh teachers at Madrasah Alivah. Moreover, the researchers employed the utilisation of documented textbooks utilised by the teaching staff. Additionally, questionnaires were distributed via Google Form. It was therefore concluded that the majority of Figh teachers in Mojokerto adhere to a moderate religious outlook. The teachers employed three distinct approaches in the teaching of puritan figh. Firstly, the contextual approach was assumed to be effective in fostering a moderate character and a liberal outlook in students. Secondly, the textual approach may result in students developing a fundamentalist perspective. Thirdly, the integration of textual and contextual approaches can influence students' perspectives to be moderate based on wasathiyah principles. By having moderate views and attitudes and supported by the integration of contextual and textual approaches, a moderate perspective can be formed in students. Furthermore, this research rejected the hypothesis that Islamic Religious Education can create puritanical Islamic teaching. It also rejected the claim that the radicalisation process was carried out through madrasa.

Keywords: Learning Action, Puritanical Figh, Views.

Introduction

The discrepancies in attitudes and comprehension of Islam and its tenets, derived from the primary sources, namely the Qur'an and as-Sunnah, result in Muslims occupying a spectrum of positions within the Islamic movement. These positions range from liberal, moderate, to puritanical. Islamic movements, which are typically divided into three forms, exhibit distinct characteristics in their thoughts, attitudes, and actions in response to the challenges they encounter. However, for a nation that has established Pancasila as an ideology (the Indonesian Nation), Islam with a puritanical or liberal character is not a suitable choice. Instead, the most appropriate and beneficial approach is that of moderate Islam, given the multicultural and religious character of the Indonesian nation.¹

However, given that moderate Islam is a product of ijtihad that has yet to establish a standardised operational procedure (SOP) to guide its implementation in everyday life, it is evident that the teaching of moderate Islam through Islamic Religious Education (PAI) in schools or madrassas cannot run as expected. Furthermore, there is concern that Islamic Religious Education, when conducted by PAI teachers in madrasas, may result in the propagation of liberal and even puritanical Islamic teachings. Such concerns are justified, as some textbooks used by PAI teachers in madrassas present Islamic law in a puritanical manner. For example, textbooks on figh subjects contain discussions about capital punishment, qishah, rajam, jihad and even the establishment of an Islamic State (caliphate). It is noteworthy that the discussion of these issues is not followed by an explanation of how these laws are contextualised within the framework of Indonesian Islam, which is modern and multicultural, Furthermore, the discussion of this problem does not provide suggestions for alternative laws that could be employed as effective implementation strategies based on the principles of Islamic morality.

A further issue is the phenomenon of the infiltration of Wahabi-Salafi teachings into Islamic religious textbooks, including Fiqh.² This is corroborated by the content of Islamic religious education textbooks, which include the terms "kafir," "murtad,"

¹ Moh. Mahfudz MD, "Penguatan Moderasi Islam dalam Konteks Berbangsa dan Bernegara; Tinjauan Aspek Hukum Dan Konstitusi." *2nd Annual Conference For Muslim Scholerss (AnCoMS)* (Surabaya: Kopertais Wilayah 4, 2018).

² A. Jauhar Fuad, "Inflitrasi Salafi Wahabi Pada Buku Teks Di Madrasah Dan Respon Warga Nahdliyin." *Maraji: Jurnal Studi Keislaman* 1, no. 2 (2015): 361–392.

"dhalim," and "ta>ghut," which are directed towards other groups. Such terms are frequently deployed by Wahhabi-Salafi groups in their attacks on non-Muslims and other Muslim groups holding divergent views. This infiltration is exemplified by Fuad with the inclusion of the Wahhabi version of monotheism in the Amanah textbooks for the Aqidah Akhlak Madrasah Aliyah (MA) class X and the al-Fattah textbooks for the Tsanawiyah (MTs) class VII. The rationale behind categorising monotheism into three distinct levels is to assess an individual's degree of faith, which can potentially lead to accusations and even condemnation.

following conclusions The can be drawn from aforementioned division of monotheism: (1) The conclusion of monotheism rubûbîyah is that Abû Jahal and Abû Lahab and other polytheists are monotheistic rubûbîyah. According to this perspective, even those who do not adhere to the Islamic faith are believed to believe in Allah as the creator of the universe. Consequently, those who place their trust in others, engage in practices such as tabarruk, and make supplications to prophets and saints are regarded as polytheists, as they are perceived to engage in acts of worship. (3) The conclusion of Asma>' wa al-Sifa>t's monotheism is that individuals who interpret the verse of the mutasyabihat character in a way that differs from the established interpretation have engaged in ta'twîl (denying the nature of Allah), which is considered an infidel act. The concept of monotheism will lead students to form a rigid, inflexible understanding that is prone to attributing blame to others for their own shortcomings and to justifying the use of violence against those who hold opposing views.

The aforementioned textbooks contravene the provisions set forth in the Decree of the Minister of Religion of the Republic of Indonesia Number 183 of 2019 concerning the Islamic Education Curriculum and Arabic Language in Madrasa. In KMA RI 2019 Number 183, it was stated that PAI learning must equip students with a religious perspective that is moderate, inclusive, tolerant, and religiously integrative, holistic, oriented towards world welfare as well as the happiness of the spiritual realm in the context of national and state life based on Pancasila, UUD 1945 and Bhineka Tunggal Ika.

Furthermore, the textbook is a cause for concern in the context of Madrasah Aliyah education, given the heightened risk of radicalisation and involvement in terrorism among adolescents. This is because the abilities and challenges faced during adolescence increase rapidly, resulting in the formation of a new personal and ethnic identity that will remain with the individual throughout adulthood. Consequently, various interests, including those pertaining to religion, emerge during this period. The peak period of youth interest in religion often leads to teenagers becoming involved in religious beliefs.³

It can be observed that groups espousing religious radicalism tend to exert a strong appeal to teenagers. Consequently, a number of university students have been implicated in terrorist activities.⁴ Two such incidents involved the detonation of explosives at the JW Marriott and Ritz Carlton Hotels, with the perpetrator in the latter case being 18-year-old Dani Dwi Permana.⁵ It is noteworthy that adolescents can become involved in terrorist activities in the name of religion, despite being raised in families that espouse Islamic values in their upbringing.⁶

The radical understanding outlined above has the potential to permeate the educational environment through three distinct channels. Primarily, the educator serves as a model for understanding and attitude. Secondly, the curriculum is characterised by a dogmatic and doctrinal approach, with a paucity of opportunities for dynamic discussion. Thirdly, extra-curricular activities are frequently monopolised by specific ideologies.⁷ In the context of the curriculum as a core component of the educational process, ideological transformation can be incorporated into the hidden curriculum. In essence, the hidden curriculum can be associated with the majority of subjects. Furthermore, the hidden curriculum can be transferred to various extracurricular routines and activities. In implementing the hidden curriculum, puritan groups apply an exclusive-protective

³ Elizabeth B Hurlock, *Psikologi Perkembangan; Suatu Pendekatan Sepanjang Rentang Kehidupan* (Jakarta: Penerbit Airlangga, 2005), 59.

⁴ M. Redha Helmi. n.d, "Antara Terorime Dan Dakwah Kampus." http://www.blogger.com.

⁵ Abdurrohman, and Huldiya Syamsiar, "Pembelajaran Pendidikan Agama Islam (PAI) Model Keberagamaan Inklusif Untuk Mencegah Radikalisme Beragama." *Fenomena* 9, no. 2 (2017): 105–22.

⁶ Achmad Aflus Mapparessa, *Jalur Psikologis Teroris: Mengungkap Misteri Pelaku Bom Bunuh Diri di Indonesia.* (Jakarta: Pustaka Harakatuna, 2019), 84.

Nashudin, "Aktualisasi Nilai-Nilai Pendidikan Islam Dalam Merevitalisasi Pemahaman Moderasi Pada Lembaga Pendidikan Di Indonesia; Analisis Praksis Dan Kebijakan." *Jurnal Schemata 9, no. 1* (2020): 126-147.

learning approach, which can be observed in their efforts to internalise values that are considered to be in accordance with Islamic law in learning activities at school, both in formal learning activities and extracurricular activities. Therefore, learning activities can be identified as containing an understanding that tends to be fundamentalist.⁸

Furthermore, the educational interactions established by Puritan groups are typically exclusive in nature. The Puritan community also maintains strict control over the behaviour of its members, limiting their external interactions and enforcing strict behavioural norms. The objective of this approach is to foster commitment and cohesion within the group and the wider community. An exclusive attitude, instilled in students, can result in the formation of a mindset that distances them from individuals outside their community. This can lead to a rigid and suspicious attitude, characterised by a distinction between friends and enemies, Muslims and non-Muslims. In other words, a subjective boundary is created between "us" (minna) and "them" (minhum).

In the context of religious education, the focus is on the teaching of religious law and belief (aqidah) as a subject matter. These two aspects are susceptible to the influence of exclusivism and fundamentalism. Consequently, when viewed through the lens of the aforementioned contexts, the educational approach adopted by teachers can potentially result in the propagation of puritanical Islamic teachings, thereby substantiating the assertion that religious radicalisation processes are not uncommon within educational institutions.⁹

In the context of the teacher's role, which determines the success of educational goals, ¹⁰ their efforts to radicalise students through the learning process will have a high probability of success, given the appropriate resources, namely the existence of puritan fiqh material. It may be reasonably assumed that radical PAI teachers will

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⁸ Husnatul Mahmudah, "Transmisi Ideologi Fundamentalisme Dalam Pendidikan." *TAJDID: Jurnal Pemikiran KeIslaman Dan Kemanusiaan 1, no. 2* (2017): 200–216.

⁹ Zuzy Aryanti, "Persepsi dan Ketahanan Aktivis Muslim Kampus Terhadap Paham dan Gerakan Islam Radikal: Studi Pada Perguruan Tinggi Di Propinsi Lampung." *Islam Realitas; Penjelajahan Paradigma Keumatan Dan Sosial* (Jakarta: Kementerian Agama RI, 2014): 53.

¹⁰ Mujamil Qomar, Manajemen Pendidikan Islam, Strategi Baru Pengelolaan Lembaga Pendidikan Islam. (Jakarta: Erlangga, 2008), 62.

adopt an indoctrinating approach in the teaching of puritanical fiqh materials, with the objective of fostering belief and encouraging the practice of these teachings in students' daily lives. Additionally, they may encourage students to join radical Islamic organisations, thereby facilitating their involvement in the ideological revolution movement for the establishment of the Khilafah Islamiyah, which would allow for the puritanical implementation of Islamic laws.¹¹ If this assumption is indeed valid, then the concern that the process of religious radicalisation is occurring within educational institutions will be substantiated.¹²

Nevertheless, should PAI teachers at madrasas espouse a moderate or liberal perspective, the presence of puritanical fiqh material would present a significant challenge. This is because the material is not aligned with their beliefs and they are compelled to teach something they are reluctant to do. Furthermore, the learning process will also lack meaning as the knowledge taught will not be contextualised in life. One of the long-standing issues in the learning process is learning that is not contextualised, and these problems require a solution.¹³

The objective of this research is to substantiate the hypotheses pertaining to the perceptions and dispositions of PAI teachers with respect to Puritan Fiqh instructional materials in madrasas and the methodology they employ in conveying these materials to their students. This research was conducted qualitatively, employing interviews and document analysis as data collection techniques. These methods were employed directly by the researchers to obtain the necessary data. In-depth interviews were conducted with research informants, with questioning of the answers given throughout. The documentation technique was used to study the textbooks used by teachers. The informants of this study were teachers of the Fiqh Madrasah Aliyah subject in Mojokerto, with an unlimited number. However, the research continued with interaction until the data collection needs were met and the data was considered saturated.

¹¹ Tamim Ansary, *Dari Puncak Bagdad; Sejarah Dunia Versi Islam* (Jakarta: Zaman, 2010), 89.

¹² Aryanti, Persepsi, 67.

¹³ Nurhadi, *Pembelajaran Kontektual Dan Penerapannya Dalam KBK* (Malang: UM Press, 2003), 76.

Teacher's View of Puritan Fiqh Materials

Some Islamic religious education books taught in madrasas contain materials that espouse a puritanical worldview. One example is a set of fiqh textbooks published by the Directorate of KSKK Madrasah, Directorate General of Islamic Education, Ministry of Religion of the Republic of Indonesia in 2020. The puritanical nature of the fiqh textbook is evident from its discussion of the law of qishah, cutting hands, rajam, jihad and other legal provisions. However, these materials lack a contextualisation within the framework of modern, multicultural Indonesia.

Furthermore, the discussion of these issues does not present alternative legal solutions that are consistent with Islamic moral principles, namely rahmatan lil alamin. Accordingly, the textbook is regarded as puritanical in light of Khaled Abou El Fadl's assertion that the puritan Islamic movement is distinguished by a set of defining characteristics pertaining to belief. These individuals adhere to an absolutist ideology and are unwilling to compromise, exhibiting a purist orientation. This disposition renders them intolerant of differences, which they perceive as a potential contamination of the unadulterated truth of Islam.¹⁴

This puritanical perspective is congruent with the group identified by Bassam Tibi as Islamists who seek to purify Islam. Tibi asserts that the concept of puritanical Islam and Islamic teachings that are not influenced by cultural factors can be traced back to Sayyid Qutub's work and expressed in more straightforward language by his successor, Yusuf Qardawi, who became a leader of the Muslim Brotherhood. Qardawi challenges any cultural borrowing from non-Muslims, especially Western culture. He accuses Muslim leaders who are considered liberal of being infected by foreign viruses and no longer authentic Muslims.¹⁵

The rejection of alternative perspectives in Islamic education textbooks by those with a puritanical outlook on Islamic thought, on the grounds that they may compromise the purity of Islam, represents a significant challenge to the development of Islamic moderation education. It would be optimal for figh textbooks to encompass a

¹⁴ Khaled Abou El-Fadl, *Selamatakan Islam Dari Muslim Puritan* (Jakarta: PT. Serambi Ilmu Semesta, 2006), 39.

¹⁵Bassam Tibi, *Islamism and Islam*, trans. Alfathri Adlin (Bandung: Mizan Pustaka, 2016), 237.

range of perspectives on the implementation of Islamic laws, as proposed by both classical and contemporary moderate figh experts. This is a crucial aspect in fostering a more moderate character among Muslim students, as the development of such character can also be achieved through a combination of curricular, co-curricular and extracurricular activities, conducted both within and beyond the classroom.16

The strengthening of the character of moderate students through the use of moderate figh textbooks is in accordance with the mandate of the Minister of Religion of the Republic of Indonesia, as stated in the Introduction Chapter of the Decree of the Minister of Religion of the Republic of Indonesia Number 183 of 2019 about the Islamic Education Curriculum and Arabic Language in Madrasa. In principle, the objective is to educate students to adopt a moderate, inclusive, tolerant and integrative religious-holistic attitude that is oriented towards worldly welfare as well as ukhrawi happiness in the context of national and state life, based on Pancasila, UUD 1945 and Bhinneka Tunggal Eka.

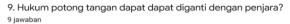
It is therefore imperative that textbooks do not exhibit a puritan character, as this can result in the process of indoctrination occurring within the learning environment of the madrasa. An indoctrinating approach to learning may be reinforced by a teacher who espouses fundamental attitudes and views. This is because teachers who adopt a fundamentalist outlook will display their identity and symbols. Furthermore, they will endeavour to develop their own thinking in the context of their work.¹⁷ However, in light of the information provided by the research subject, Mr MS, it can be argued that PAI teachers in Mojokerto Regency adopt a moderate religious outlook, given that they have graduated from universities with a moderate ethos.

The moderate views of Figh teachers at Madrasah Aliyah can also be demonstrated by their opinions on the implementation of Islamic law in Indonesia. The Figh teacher representing SB stated

¹⁶ Mardliyah, Asih Andriyati, and Syaikhu Rozi, "Karakter Anak Muslim Moderat; Deskripsi, Ciri-Ciri Dan Pengembangannya di Lembaga Pendidikan Anak Usia Dini." Tarbiya Islamia: Jurnal Pendidikan Dan Keislaman 8, no. 2 (.2019): 231–246.

¹⁷ Syaikhu Rozi, "Resolusi Konflik Ideologis Dan Upaya Mendorong Konversi Keberagamaan Islam Fundamental Melalui Kepemimpinan Dan Manajemen Pendidikan." 2nd Annual Conference For Muslim Scholars (Surabaya: Kopertais Wilayah IV, 2018).

that, in general, teachers would not object to the Indonesian state applying Islamic law, provided that it was accompanied by a note indicating that these laws could potentially benefit humanity and had been agreed upon by all Indonesian citizens. The moderate views of Fiqh teachers in the Mojokerto district can also be observed with regard to the law of cutting hands, which can be replaced by imprisonment. The views on the law are illustrated in the following graph, which presents the responses of 19 informants to questionnaires distributed via Google Form.

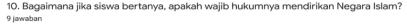


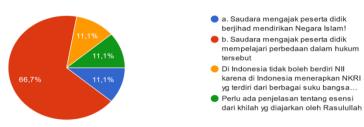


In consideration of the diagram above, it can be posited that the perspective of the Fiqh Madrasah Aliyah instructor in the Mojokerto district on the subject of whether the law of cutting hands can be superseded by imprisonment is as follows:

- 1. 77, 8% thought they would explain that the legal context has changed, so it should not be practiced.
- 2. 11.1% hase the view that it is necessary to explain the review from various argument of the scholars' opinions.
- 3. 11.1% have the view that the appropriate law in Indonesia is not Islamic law, so there is no need to apply Islamic law.

Similarly, the opinions of teachers on the establishment of an Islamic State can be described as follows, in general, with regard to the views of Fiqh Madrasah Aliyah teachers in the Mojokerto district:





Based on the diagram, it can be stated that the teacher's views on the issue of establishing an Islamic State are as follows:

- 1. 66.7% of teachers will invite students to study different opinions in the law.
- 2. 11.1% of teachers have the view that Indonesia should not apply Islamic law because Indonesia is the Unitary State of the Republic of Indonesia.
- 3. 11.1% of teachers have the view that there is a need for an explanation to students about the essence of the caliphate at the time of the Prophet.
- 4. 11.1% of teachers have the view that they must invite students to jihad in establishing an Islamic State.

The data presented allows the conclusion to be drawn that, in general, the Figh teachers of Madrasah Aliyah in Mojokerto Regency may be characterised as moderate. The results of this study align with Zada's findings that MA teachers in Indonesia who do not impose the implementation of gisas and hudud demonstrate tolerance. MA teachers do not impose immediate application of qisas and udūd through violent means. Instead, they educate students on the nuances of these situations. 18

This study refutes the assertion that Islamic Religious Education conducted by PAI teachers espouses a puritanical

¹⁸ Khamami Zada, "Radikalisme dalam Paham Keagamaan Guru dan Mata Pelajaran Fikih di Madrasah Aliyah." Penamas: Jurnal Penelitian Keagamaan Dan Kemasyarakatan 28, no. 1 (2015): 75–90.

interpretation of Islam.¹⁹ Furthermore, the hypothesis that religious radicalisation occurs as a result of educational institutions, including schools and madrassas, can also be refuted.²⁰ With regard to the fiqh textbooks, which are perceived to be puritanical, Mr. MS identifies these materials as a significant concern, as they have the potential to encourage students to become radicalised and to seek the establishment of an Islamic State and the enforcement of Islamic law based on their interpretation. Furthermore, they will endeavour to construct a conceptual framework that divides the world into two distinct categories: dar al-Islam and dar al-Harb.²¹ Dar al-Islam refers to a country ruled by Muslims and governed according to the Shari'ah. In contrast, Dar al-Harb represents a part of the world that is distinct from Dar al-Islam and is regarded as an enemy state (Dar al-Harb) and a war zone, given that Dar al-Harb is under non-Muslim control.²²

In the context of the learning system, the use of puritanical textbooks presents a challenge to the contextualisation of learning in madrasa. The uncompromising nature of these textbooks may prompt many students to question the relevance of the teaching materials to their real-life implementation. This issue can be seen as a paradox inherent to the field of fiqh, as Ainul Yaqin has also observed. The focus of textual learning is on teaching the contents of classical books (kitab kuning) with the aim of enabling students and Muslims to apply these contents in their everyday lives. However, this approach may lead to the emergence of paradoxical problems faced by students and Muslims. The paradox pertains to discrepancies between the content of the book and its practical application, rendering the latter unfeasible in real-life situations.²³

It can be reasonably proposed that one potential solution to the paradoxical problems inherent to the study of figh is the

Syaikhu Rozi, "Pendidikan Moderasi Islam KH. Asep Saifuddin Chalim; Mencegah Radikalisme Agama Dan Mewujudkan Masyarakat Madani Indonesia." *Tarbiya Islamia: Jurnal Pendidikan Dan Keislaman* 8, no. 1 (2019): 26–43.

²⁰ Aryanti, Persepsi, 71.

²¹ Rozi, Resolusi Konflik.

²² Mustafa Akyol, *Islam Tanpa Ekstremisme: Potret Seorang Muslim Untuk Kebebasan* (Jakarta: PT. Elex Media Komputindo, 2014), 89.

²³ Ainul Yaqin, Syaikhu Rozi, and Fariza Md Sham, "The Paradox of Pesantren Education in the Implementation of Islamic Law: Study of Pesantren Kyai Notion in Mojokerto." *Jurnal Pendidikan Islam* 9 (June, 2020): 129–48. https://doi.org/10.14421/jpi.2020.91.129-148.

incorporation of creative traditions within the pedagogical framework of Islamic disciplines. One potential strategy for addressing these issues is to combine classical figh material, which is widely studied in Islamic universities, madrasas, and pesantren, with contemporary figh material. It would be reasonable to posit that there are numerous references in Islamic texts that could provide a basis for the development of moderate Islamic thought (wasatiyah) in textbooks. As stated in *Tafsir al-Munir*, a text that provides a basis for tolerance in religious attitudes, such that harmony may be fostered in society.²⁴ It should be noted that there are numerous additional sources that could be utilised in the compilation of textbooks with a wasathiyah orientation.

This represents a significant step forward in terms of equipping students with the tools to enhance their figh knowledge and gain deeper insights. From a technical standpoint, the discussion of the material in the textbook can be structured according to the framework proposed by Irfan and Musyarofah, which encompasses conventional jurisprudence, including topics such as gishash, jarimah (adultery), jarimah qadzaf (accusing good Muslims of adultery). The following crimes are to be considered: syurb al-khamar (drinking khamr), jarimah al-baghyu (rebellion), jarimah al-riddah (apostasy), jarimah shariqah (theft), jarimah harabah (robbery), and ta'zir sanctions. Subsequently, the discussion can move on to address contemporary issues in Islamic criminal law, including the involvement of commercial sex workers (PSK), separatist movements in the Republic of Indonesia, money laundering, drug trafficking, illegal logging (illegal felling of forests), and cyber crime.²⁵

Furthermore, textbooks on Indonesian fikh may be developed on the basis of intensive dialogues that influence each other (interactively) between contextual understanding of Islamic law (figh) and the wisdom of society and its entire culture in Indonesia, which is based on Pancasila and UUD 1945. This is also consistent with the viewpoint expressed by Marzuki Wahid.²⁶ To reinforce this assertion, it is recommended that teaching and learning processes be

²⁴ Akif Khilmiyah, and Ahmat Wahyudi, "Strengthening The Attitude of Religious Moderation Through the Study of Tolerance Values in Al-Munir's Tafsir." Didaktika Religia 9, no.2 (2021): 295–316.

²⁵ Mujamil Qomar, Pemikiran Islam Indonesia: Tradisi-Tradisi Kreatif Dan Metodologis Intelektual Muslim Di Indonesia (Malang: Madani Media, 2019).

²⁶ Qomar, Pemikiran Islam Indonesia.

implemented that are aligned with the principles and values of Islamic moderation education. The implementation of an education system based on cultural wisdom and respect for ethics, aesthetics and religious-spirituality, as recommended by Rozi,²⁷ represents an appropriate starting point for Islamic moderation education. This recommendation is of significant importance and should be implemented. It is in line with the thoughts of Khaled Abou Al-Fadl, who stated the importance of Islamic religious-humanism thinking as the basis for developing Islamic moderation education. An education should have a spiritual-religious orientation, and should embrace love, beauty, prosperity and progress as a divine responsibility to accept, maintain and protect the earth as a divine inheritance.²⁸

The Teacher's Approach to Teaching Puritan Figh Materials

In essence, the objective of learning Figh is to instill in students a profound dedication to integrating the tenets of Figh into their daily lives. In accordance with KMA RI Number 183, published in 2019, and KMA Number 184, published in the same year, which regulate the implementation of the Madrasah curriculum, the objectives of teaching Figh in Madrasah Aliyah (MA) are as follows: 1) The comprehension the methodologies employed of implementation of Islamic law, encompassing both aspects of worship and muamalah, is to be utilized as a guiding principle in personal and social conduct; 2) The accurate and proper implementation of the provisions of Islamic law is to be regarded as an expression of obedience in carrying out Islamic religious teachings encompass a range of aspects, including relations with Allah (hablum min Allah), with humans and other creatures (hablum min Annas), and with the environment (hablum min al-'alam).

This presents a challenge for those engaged in the teaching of Fiqh, namely, to encourage their students to apply these laws. Furthermore, the description of Fiqh material does not offer a plethora of Islamic legal perspectives from Fiqh scholars, thereby placing Fiqh teachers in a position where they are compelled to impart the material without providing alternatives. An examination of Islamic law from a variety of schools of thought. The material of Fiqh

²⁷ Rozi, Pendidikan Moderasi, 26–43.

²⁸ Khaled Abou El-Fadl, *The Greattheft: Wrestling Islam From The Extremist* (San Francisco: Harper san Francisco, a Division of Harper Collins publiser, 2005).

that is intolerant of different views may be characterised as puritanical Fiqh. Some examples of Fiqh materials that are often interpreted through a puritan lens include qisas, hudud, and inheritance. A review of the textbook for the 11th grade at Madrasah Aliyah, published by the Directorate General of Islamic Education in 2020, reveals that the qisas Islamic law material presents a single legal view without offering an array of perspectives from scholars on the matter. The qisas material in the book does not present a variety of legal perspectives from scholars of the Madhab tradition. This situation may result in the teacher perceiving the material as something that must be taught and implemented by students.

In fact, if qisas is to be implemented, it would be in contradiction with the positive law that is currently in place in Indonesia, which is not the same as the qisas law. Should students be imbued with the awareness of the necessity to implement Islamic law in its entirety, it would undoubtedly serve to encourage them to advocate for the establishment of an Islamic state that would guarantee the full and unreserved implementation of Islamic law. One of the Islamic law teachers at MAN 2 Mojokerto identified this issue. In the view of the Fiqh teacher, Mr. MS, learning of Fiqh should encompass a variety of perspectives on Islamic law from different schools of thought. One approach is to introduce the views of scholars who contextualise Islamic law. The substance of the Qur'anic text that is not applicable in Indonesia is examined to identify alternative methods of implementing Fiqh that are still aligned with the Qur'an, even if they are not textually.

Mr. MS provided an illustration of the contextualisation model employed by Umar bin Khattab. In some works of Islamic jurisprudence, it is explained that Umar bin Khattab introduced changes to Islamic law. This involved replacing certain verses of the Qur'an and the Sunnah of the Prophet, which were deemed unsuitable for implementation at that time, with alternative laws. Umar is regarded as a scholar who facilitated the freedom of thought, thereby inspiring Muslims to adhere to the orthodoxy of the texts.²⁹ Some of the implementations of law during the era of Umar bin Khattab diverged from the verses of the Qur'an and Sunnah. These included the regulations concerning ghanimah (spoils of war), the

²⁹ Auliya Rachman, "Pemikiran Fikih Umar Dalam Perspektif Humanisme Modern." *Borneo Journal of Islamic Education* 1, *no.* 1 (2021): 92–102.

punishment for cutting off hands for thieves, the distribution of zakat to *muallaf*, the dissolution of marriage, and the penalties for adultery.

This approach is consistent with that of Mr. MS, FM, who also teaches Fiqh in a contextual manner, rather than adhering to an absolute interpretation of the text. Mr. FM posited that the extant context has undergone a transformation, rendering the text in question inapplicable in its original form. FM then proceeded to elucidate that the implementation of Fiqh law should not be in contravention with Maqasid (protecting the soul, safeguarding property, etc.). Consequently, Fiqh, including Qisas law, which is no longer compatible with Maqasid, can be modified. Consequently, the method employed by FM as Fiqh teachers in elucidating the verse concerning qisas is to explain the context in which the verse was revealed or based on asbabun nuzul.

The argument for maslahah as the basis of Islamic law has the potential to alter the texts, including those pertaining to inheritance. It is not obligatory to adhere to the practices set forth in the texts, such as the verse of the Qur'an which states that the share of women is half of that of men. Maslahat is an Islamic teaching that provides guidance on how to live one's life in a way that benefits humanity. This led to the emergence of the fikh method, which asserts that the application of the law must be based on maslahat (tas} arruf al-ahka>m manut} un bi al mas} lah} ah). Purba and Afandi argue that the concept of maslahat is complex, as it is closely tied to cultural norms, geographical circumstances, social structures, and other factors.³⁰

In this context, the term "MT" is understood to signify "fiqh teacher," and the implications of the contextual teaching approach are conveyed. Consequently, in the context of teaching fiqh material, particularly the chapter pertaining to inheritance, MT presents a range of legal alternatives that can be selected, namely local community wisdom that can be adopted based on the perceived advantage. The distribution of waris, as espoused by the teacher, is to be carried out in a manner that is perceived to be even among the heirs. The data from interviews regarding the views, attitudes and actions of teachers on Islamic law in Mojokerto Regency in the context of teaching Figh

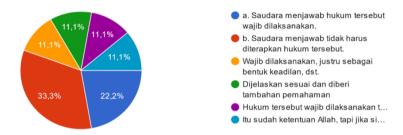
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³⁰ Asnan Purba and Akhmad Jazuli Afandi. "Rethinking Islam Through Internalization of Insights into Islamic Universality in Islamic Theology." *Empirisma: Jurnal Pemikiran Dan Kebudayaan Islam* 31, no.1 (2022): 30-48.

material about inheritance distribution can be illustrated in the following diagram:

8. Bagaimana jika peserta didik menganggap bahwa hukum waris laki-laki mendapat 2 bagian, perempuan 1 bagian sebagai ketidakadilan? ⁹ jawaban



In contrast to the approaches employed by MS, FM, and MT, the textual approach is utilised by figh teachers, DM, when teaching material related to gisas or other figh laws. In the case of thieves whose punishment is cutting off their hands, the DM stated that the students were taught through a textual approach, focusing on the transmission of the text itself. This was because the gisas or hudud laws were based on qath'i verses that did not necessitate interpretation. In DM's view, the implementation of gisas or hudud law is not inhumane or cruel, as it can prevent humans from facing even more serious problems. DM provided several examples of the issues that can arise from high crime rates, including reprisals and vigilantism. Should this occur, there is a possibility that it may result in the perpetuation of violence. According to DM, the occurrence of vigilantism and violence can be avoided if Islamic laws are properly and correctly implemented.

In addition to their role as Fiqh teachers, MW teachers also engage in the practice of textual learning for Fiqh. In elucidating the principle of inheritance as a text that allocates a greater share to men, the legal system in MW's perspective does not deviate from the tenets of justice. MW posits that while justice is not a fixed concept, it is nevertheless proportional. To illustrate, parents may provide unequal allowances to their children, yet this is not considered unjust since the disparities are based on the individual needs of each child. Indeed, if the same allowance is provided, it would be unjustifiable, given that

older children cannot fulfil their needs while younger children have more than they require.

The stance of those who regard the legislation enshrined in the qath'i texts as immutable does not imply acquiescence in their implementation in the prevailing circumstances. The view is held by the majority of Muslims that they are unable to implement the laws contained in the qath'i texts, or that they are in an emergency condition, such that they do not sin or receive forgiveness for not implementing them. This view is similar to that held by the majority of pesantren kyai, who do not force themselves to ask the government to implement the law due to the difficulties of doing so.³¹

Nevertheless, this teacher's perspective can be classified as an exclusive religious interpretation, which is perceived as a potential catalyst for the formation of an intolerant disposition towards students. This is consistent with the findings of Zada's research, which indicate that when teaching the topic of interfaith marriage, different inheritance laws, non-Muslim rights within the state, and the implementation of hudūd, an exclusive religious understanding may lead to the MA Fiqh book being directed at religious understanding that is intolerant.³²

Given the multicultural nature of the Indonesian nation, comprising a multitude of islands, tribes, cultures and religions, educators are tasked with instilling in students an acceptance of state law that differs from Islamic law. This is achieved without any deviation from the original texts of Islamic law. This is analogous to the practice of moderation teaching and learning carried out by teachers in Sidoarjo, who strive to exemplify moderation through the presentation of nuances pertaining to ethnic, racial, and religious diversity.³³ Figh teachers at Madrasah Aliyah in Mojokerto Regency adhere to a textual interpretation of Islamic law, yet refrain from imposing its implementation. However, these educators aspire for Indonesia to become an Islamic state, where Islamic law is fully observed. Consequently, it can be inferred that the Figh curriculum encourages students to advocate for an Islamic state.

³¹ Yaqin, The Paradox of Pesantren Education, 129–148.

³² Zada, Radikalisme, 75–90.

³³ Bakhrul Huda, "Education and Practice of Moderate Islam in the Pesantren Progressive Bumi Shalawat Sidoarjo." *Didaktika Religia* 8, *no.* 1 (2020): 97–116.

SB's approach to teaching figh is based on a collaborative presentation of the subject matter, which encompasses not only an explanation of the text itself but also an analysis of its context. SB maintains that not all texts are applicable in the present context, given the changes that have occurred. Nevertheless, texts that are pertinent to the present context may be implemented, such as inheritance laws that reflect justice, which must be enforced. This approach is also adopted by Syarif et al., who seek to establish an attitude of moderation through Islamic teachings based on texts (Al-Qur'an-Hadith), but by considering asbabun-nuzul and asbabul-wurud.³⁴ Similarly, AJ espouses a comparable perspective. AB elucidated that when imparting Figh, the educator should prompt the students to comprehend the import of the verse, both in its literal and contextual dimensions, through the presentation of apt illustrations and supplementary elucidations drawn from the insights of various scholars.

EH eschews any form of learning that might be conducive to radicalism. EH asserts that it is imperative to expand one's knowledge to avoid becoming mired in the contemplation of radicalism. Nevertheless, EH also endeavours to maintain the teaching of Fiqh in accordance with its established tenets. This is based on the conviction that the distribution of inheritance should be determined by the text, which stipulates that men receive a larger portion than women. However, should men opt to allocate a portion of their share to women, this can be permitted.

The aforementioned data allows us to discern at least three distinct approaches employed by those engaged in the teaching of puritanical fiqh. The first approach is contextual. It aims to provide students with an understanding of Islamic law as derived from the verses of the Qur'an, emphasising the importance of contextual interpretation. Consequently, the essence and objective of the verse can be discerned. Subsequently, it can furnish legal alternatives that diverge from the text but are nonetheless aligned with its underlying intent or substance. This approach may be regarded as conducive to fostering a moderate and liberal character in students. This is

³⁴ M. Syarif, Ainul Yaqin, Syaikhu Rozi, and Moh Misbakhul Khoir, "Pengembangan Keterampilan Kelompok Ibu-ibu PKK Dalam Pencegahan Radikalisme Remaja di Kecamatan Pungging Mojokerto." *Seminar Nasional Penelitian Dan Pengabdian Masyarakat*, (Mojokerto: LP4MP Universitas Islam Majapahit, 2019): 49–55.

consistent with the liberal characteristics ascribed to Jalaluddin Rahmat, namely that liberals are individuals who comprehend Islamic teachings by eschewing a literal interpretation of the Qur'an and instead adopting a contextual understanding. In other words, the approach to interpreting Islamic teachings is primarily ta'aquli, rather than ta'abbudi, with a particular focus on the context of the problem.³⁵

The second approach is that of textual analysis. Figh teachers adopt a textual approach to the teaching of puritan figh, prioritising an understanding of the text in isolation from its context. The textual approach was selected by the figh teacher on the basis that the laws in question were derived from qath'i text sources. In contrast, figh material derived from dhanni texts allows for the acceptance of diverse perspectives by the figh teacher. The textualist approach to learning figh has the consequence of directing students towards a fundamentalist perspective. This is made possible by the alignment of textualist learning with fundamentalist groups in their shared view that the text of the scriptures represents the final product and must be implemented with unquestioning rigidity.³⁶ The only interpretation permitted is that which is derived from the literal meaning of the text itself.

Textual and contextual collaboration is the third approach that can be found in the explanation above. In explaining the legal issues of qisas, hudud, and inheritance, Fiqh teacher explains based on the text and context. In the practice of inheritance, the teacher recommends to divide based on the text, and after that it is collected again to be divided equally or the one who gets more can gives his part for others. The results of fiqh learning with collaborative approach have an impact on the perspective of students to have a moderate or wasathiyah view. This is because this approach does not make an absolute of the text, but it also does not deny the context. In learning with the text-context approach, it gives the opportunity for the text to be implemented whenever the context is appropriate. It is different if the situation and conditions do not support the text, on

³⁵ Jalaludin Rahmat, "Tinjauan Kritis Atas Sejarah Fikih: Dari Al-Khulafa' Al-Rasshidin Hingga Madzhab Liberalisme." *Kontekstualisasi Doktrin Islam Dalam Sejarah*, (Jakarta: Paramadina, 1994).

³⁶ Badarussyamsi, "Perbedaan Corak Pemahaman Agama Antara Fundamentalisme Dan Liberalisme Serta Dampaknya Bagi Timbulnya Konflik Keagamaan." *Al-Tahrir* 14, *no.* 1 (2014).

the contrary it supports the substance or of the text. Then text is not forced to be implemented.

Conclusion

In accordance with the research objectives outlined in the introduction, this study aims to examine the perspectives and attitudes of PAI teachers towards puritanical fiqh materials in madrasas, as well as to analyse the pedagogical approach employed by PAI teachers in teaching puritanical fiqh materials in madrasas. The findings of this study indicate that, on the whole, the views of fiqh teachers at Madrasah Aliyah in Mojokerto Regency are moderate. The findings of this study indicate that there is no cause for concern regarding the teaching methods employed by the aforementioned educators. Furthermore, the study refutes the assertion that the process of religious radicalisation occurs within educational institutions, including madrassas or schools.

In the teaching of puritanical fiqh materials, Fiqh teachers at Madrasah Aliyah in Mojokerto Regency employ at least three distinct approaches. The initial approach is contextual. This approach aims to facilitate comprehension among students that Islamic law, as derived from the verses of the Qur'an, should be interpreted in accordance with the context. Consequently, the substance and intent of the verse can be elucidated. Consequently, it is possible to present legal options that diverge from the literal wording of the text, yet retain the same underlying intent or substance. The selection of this approach is conducive to fostering a moderate character in students, as postulated by Jalaluddin Rahmat. The liberal characteristics of this approach are to comprehend Islamic teachings that are directed at ta'aquli, rather than ta'abbudi, by analysing the context of the problem.

The second approach is the textual approach, which is employed by figh teachers when teaching puritan figh material. This approach prioritises understanding the text without considering the context. Consequently, students who have been taught using this approach are more likely to espouse fundamentalist views, as they share the same perspective as fundamentalist groups, who consider the text of the scriptures to be the final product and therefore to be implemented rigidly.

The third element is textual and contextual collaboration, which involves elucidating the elements of the text and context that are in

accordance with the aforementioned principles. The outcomes of fiqh learning through this collaborative methodology have the potential to influence students' perspectives, fostering a moderate or wasathiyah outlook. This is because this approach does not treat the text as an absolute, yet it also does not deny the context. The text-context approach allows for the application of the text in contexts where it is deemed appropriate. In circumstances where the context does not align with the text, the latter is rendered inapplicable. Conversely, when the context is supportive of the text, the text is upheld. In such cases, the text is not compelled to be implemented.

The findings of this study demonstrate that the presence of puritanical teaching materials in madrasas presents a challenging dilemma for educators. This approach encourages teachers to adopt new and innovative teaching methods, particularly in terms of their approach to learning. It is further recommended that the government, through the Ministry of Religion, encourage teachers to pursue various developments, not only in their approach to learning, but also in the development of learning materials.

One avenue for developing Fiqh learning materials is to implement a model for developing Fiqh subjects with two approaches, including: 1) The existing teaching materials are not altered in terms of content; the content remains consistent with that of classical Islamic books, but is supplemented with an additional explanation in the form of contextualisation in accordance with Islamic moderation thinking. 2) The content of teaching materials is modified based on the findings of the latest ijtihad of contemporary scholars, who present Islamic laws that are in harmony with the circumstances and conditions of contemporary Muslim society.

Furthermore, it is essential to integrate Indonesian fiqh thinking into fiqh teaching materials. This should be done as an accumulation of intensive cross-cultural and interactive dialogue between the contextual understanding of Islamic law and the local wisdom of the Indonesian people and their entire culture. This should be done in accordance with the Indonesian constitutional system, which is based on Pancasila and the 1945 Constitution. In this regard, the concept of Islamic indigenization, which seeks to reconcile Islam with local culture, needs to be considered. This involves seeking Islamic norms that accommodate cultural wisdom. This concept was institutionalized by NU, as evidenced by Gus Dur's thoughts on the

matter. Furthermore, this opportunity is also provided by variations in understanding of the Qur'an and Hadith.

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