



Istinbathh Method Analysis of Nahdlatul Ulama in Determining Islamic Law in Indonesia

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Article Information	Abstract
<p>Submitted: 30 Oktober 2023 Revision: 05 November 2023 Accepted: 17 November 2023 Published: 19 December 2023</p> <p>Keywords: Nahdlatul Ulama, <i>Istinbathh</i> Method, Indonesian Islamic Law</p>	<p><i>Lajnah Bahtsul Masa'il</i> is used in Nahdlatul Ulama's <i>Istinbathh</i> procedure to determine Islamic law in Indonesia. Starting with the <i>qauli</i> approach, they directly reference the writings of the four <i>madhhabs</i> or their successors. There is also the <i>manhaji</i> approach, which combines a <i>maqashidi</i> approach with collective <i>ijtihad</i>. These three approaches make it possible to create rules adaptable to social and cultural developments in Indonesia while maintaining the core principles of Islamic law's universality. The <i>Istinbathh</i> technique of Nahdlatul Ulama is crucial in adapting to Indonesian society's dynamics and fostering harmony between traditional Islamic teachings and modern advancements.</p> <p><i>Lajnah Bahtsul Masa'il</i> digunakan dalam prosedur <i>Istinbathh</i> Nahdlatul Ulama untuk menentukan hukum Islam di Indonesia. <i>Lajnah</i> ini mengacu pada empat <i>mazhab</i> saat membahas topik-topik keagamaan. Dimulai dengan pendekatan <i>qauli</i>, mereka membuat referensi langsung ke tulisan-tulisan dari empat <i>mazhab</i> atau penerusnya. Jika tidak ada sudut pandang yang jelas, mereka menggunakan pendekatan <i>ilhaqiy</i>, membandingkan penilaian masalah baru dengan yang sebanding dengan cara merujuk pada sumber-sumber kredibel (<i>mutabar</i>) dan mengutip sudut pandang yang sudah ada sebelumnya. Ada juga pendekatan <i>manhaji</i>, yang menggabungkan pendekatan <i>maqashidi</i> dengan <i>ijtihad</i> kolektif. Ketiga pendekatan ini memungkinkan terciptanya aturan-aturan yang dapat beradaptasi dengan perkembangan sosial dan budaya di Indonesia dengan tetap mempertahankan prinsip-prinsip utama universalitas hukum Islam. Teknik <i>Istinbathh</i> Nahdlatul Ulama sangat penting, karena dengannya keberadaan hukum Islam dapat beradaptasi dan menjalin keselarasan dengan perkembangan dan kemajuan zaman yang ada di tengah masyarakat secara menyeluruh.</p>

INTRODUCTION

The debate of Islamic law and dynamic social and political changes spurred a responsive legal update in response to societal change.¹ The universality and eternity of Islamic law itself are still considered, notwithstanding changes in Islamic legal philosophy that emphasize the locality and temporality of Islamic teachings. In particular, Islamic law and instructions in general will be challenging to socialize if efforts are not made to modernize and transform it.²

While some textual normative sources of law are still generic, concrete legal situations are becoming more prevalent in everyday life. The scholars created the *ijtihad* system to foresee these changes.³ Nahdlatul Ulama, the largest organization in Indonesia besides Muhammadiyah, has abundant human resources and pays excellent attention to *shul fiqh* as the "production engine" of Islamic law. Hence, Nahdlatul Ulama can be considered an Islamic organization in Indonesia that grew out of *fiqh* issues. Therefore, research on Nahdlatul Ulama and its community cannot be separated from the tradition of *fiqh* thinking, including the theoretical framework (*ushul al-fiqh*) and the rules of *fiqh* (*al-qawaid al-fiqhiyyah*).⁴

Because of the parallels in *ijtihad* methods between the four *madhhabs* (*schools of thought or fiqh in Islamic jurisprudence*) and the four associates of Khulafaur Rashidin, Nahdlatul Ulama decided to focus on those four *madhhabs*. For instance, Imam Malik resembles Companion Umar bin Khattab's style, while Imam Shafi'i reflects Companion Abu Bakr's more cautious manner. Imam Ahmad bin Hanbal exhibits parallels with Companion Uthman bin Affan's way of thinking, while Imam Abu Hanifah exhibits similarities with Sayyidina Ali bin Abi Talib's way of thinking. Because of this, the *fiqh* approach in Nahdlatul Ulama is the same as the *madhhab*, in which every religious question (*al-masail al-diniyyah*) is addressed, and a solution is sought based on the *fiqh* texts of the four *madhhabs* adhered to, including Hanafi, Maliki, Syafi'i, and Hanbali. Nonetheless, the Shafi'i school of thinking predominates in the organization's *fiqh* practice.⁵

¹ Suaidi Suaidi, 'Historiografi Perkembangan Keragaman Hukum Islam; Dari Era Rasulullah Ke Fikih Mazhab', *NAHNU: Journal of Nahdlatul Ulama and Contemporary Islamic Studies* 1, no. 1 (2023).

² O. Salman, *Beberapa Aspek Sosiologi Hukum*, ed. Alumni (Bandung, 1993).

³ M. Syaltut, *Al-Islam Aqidah Wa Syari'ah* (kairo: Dar al-Syuruq, 2001).

⁴ M. Ali Khaidar, *Nahdlatul Ulama dan Islam di Indonesia, Pendekatan Fiqh Dalam Politik* (Jakarta: PT. Gramedia Pustaka Utama, 1994).

⁵ Muhisn, 'Pemikiran Hukum Nahdlatul Ulama' (Universitas Islam Nusantara, 2019).

Thinking, particularly in *fiqh*, evolved gradually within Nahdlatul Ulama, reflecting the moderate outlook of the *Nahdliyyin* as followers of *Ahlussunah wal Jamaah* Islam.⁶ They take a cautious attitude on every matter (*al-ihthyath*) and tend to avoid taking a strong position when the *qaul mazhab* does not give clear instructions. As a result, they frequently decide against *ijtihad* in favor of *tawaqquf* (postponing the matter). As seen in the legal rulings of *Bahtsul Masa'il Nahdlatul Ulama*, which for many years referred to the classical texts of the Shafi'iyah school of thought, which is one of the dominant schools within the organization, religious belief, including *fiqh*, tends to prioritize *bayani* reasoning and is focused on *mazhab* thinking in this context.⁷

As a result, via this study, we will consider the *Istinbathh* method of Nahdlatul Ulama to be a crucial pillar in establishing Islamic law in Indonesia. A thorough examination of the *Istinbathh* method's function will enable us to comprehend how Nahdlatul Ulama developed a strategy adaptable to social, political, and cultural changes in Indonesian society without sacrificing the core principles of Islamic law's universality. One thing to pay attention to is how the *Istinbathh* approach has reconciled traditional Islamic teachings with the demands and dynamics of Indonesia's developing society.

Methods

A qualitative approach with a case study emphasis will be the research methodology used in this study. The qualitative method was selected to comprehend and evaluate the *Istinbathh* technique employed by Nahdlatul Ulama to establish Islamic law in Indonesia.⁸ Using this method, we can better learn Islamic legal doctrine and practice concerning social, political, and cultural settings. The organization Nahdlatul Ulama, which is essential in determining Islamic law in Indonesia, will be the subject of the case study. Data will be gathered from various sources, including related literature, official records from the Nahdlatul Ulama, and interviews with members participating in the law-making process.

A thematic approach will be used in the qualitative analysis of the acquired data to find patterns, themes, and views that emerge from the data. To comprehend the theoretical underpinnings of Nahdlatul Ulama's *Istinbathh*

⁶ A F Mursyidi and Abd Hannan, 'Nahdlatul Ulama, Pesantren, and Their Contribution to Strengthening National and State Buildings in Indonesia', *NAHNU: Journal of Nahdlatul Ulama and Contemporary Islamic Studies* 1, no. 1 (2023).

⁷ Imam Yahya, *Akar Sejarah Bahtsul Masa'il: Penjelajahan Singkat*, M. Imdadun Rahmat, *Kritik Nalar Fiqh NU, Transformasi Paradigma Bahtsul Masa'il* (Jakarta: LAKPESDAM NU, 2002).

⁸ *Handbook of Qualitative Research.*, Handbook of Qualitative Research. (Thousand Oaks, CA, US: Sage Publications, Inc, 1994).

technique, this research will also consider the historical and theoretical context by looking at pertinent theories and theoretical frameworks, such as *ushul al-fiqh*. This study strategy is intended to gain a more precise knowledge of the *Istinbathh* method's function in establishing Islamic law in Indonesia and how it adapts to the changing social and cultural dynamics of Indonesian society.

RESULTS AND DISCUSSION

Bahtsul Masa'il Nahdlatul Ulama

The Nahdlatul Ulama tradition uses *Lajnah Bahtsul Masa'il* to make legal decisions. Specifically, a body with the power to address any religious issues that Nahdiyyin people may have.⁹ This institution is arranged hierarchically in Jakarta, from the Branch to the Central level. Due to a lack of human resources, this institution, especially in locations where NU has a powerful presence, typically only appears at the Branch level up to the Center. However, this institution may arise at the Vice Branch Council or the Branch level in some areas.¹⁰

One of the organizations in Jam'iyyah NU is *Lajnah Bahtsul Masa'il*, which serves as a study forum for various religious (Islamic) concerns. This organization gathers, debates, and resolves *fiqh*, a term that refers to the four *madhhabs*-related legal certainty-requiring disputes. A minimum of two sub-commissions makes up *Lajnah Bahtsul Masa'il: Bahtsul Masa'il ad-Diniyyah al-Waqi'iyah* (study of actual religious problems that arise and develop in social society to obtain legal certainty) and *Bahtsul Masa'il ad-Diniyyah al-Maudhu'iyah* (analysis of conceptual spiritual issues).

It is essential to clarify the distinction between "*Bahtsul Masa'il*" and "*Lajnah Bahtsul Masa'il*" to prevent confusion. "*Lajnah Bahtsul Masa'il*" is the name of the institution or forum that conducts this process, whereas "*Bahtsul Masa'il*" refers to the process itself.¹¹ The topics frequently discussed in this context are actual theological difficulties that society grapples with, especially in light of modernity and scientific advancements. This process, which culminates in the National Conference and Congress of Nahdlatul Ulama, incorporates the organizational structure at the branch, regional, and giant board levels to obtain answers and legal certainty. The primary focus of *Lajnah Bahtsul Masa'il* is on *the*

⁹ Khaidar, *Nahdlatul Ulama Dan Islam Di Indonesia, Pendekatan Fiqh Dalam Politik*.

¹⁰ Ahmad Munjin Nasih, 'Bahtsul Masa'il Dan Problematikanya Di Kalangan Masyarakat Muslim Tradisional', *Al-Qonun* 12, no. 1 (2009): 107.

¹¹ Fiena Saadatul Ummah, 'Modernisasi Pendidikan melalui Implementasi Manajemen Mutu di Kalangan Pesantren Nahdlatul Ulama di Madura', *NAHNU: Journal of Nahdlatul Ulama and Contemporary Islamic Studies* 1, no. 1 (2023).

difficulties that the *Nahdliyyin* community frequently faces.¹² It is undeniable that *Bahtsul Masa'il* is a typical academic tradition owned by pesantren and Nahdlatul Ulama. On the one hand, this tradition can demonstrate the existence of intellectual dynamics within Nahdlatul Ulama. Still, on the other, this forum is the focus of vehement criticism from parties both inside and outside of Nahdlatul Ulama about the stagnation of Nahdlatul Ulama jurists' thinking.¹³

The use of the methodology in determining legislation has been criticized. They assert that the *Bahtsul Masa'il* of Nahdlatul Ulama is more constrained by a textual approach than a contextual one. Or, to put it another way, the prevailing strategy is the quality strategy, which frequently overlooks external factors like socio-cultural issues or the way decisions are made.

Based on Husen Muhammad's observation,¹⁴ *Taqrir Jama'iy, ilhaq, and istinbath* are the three procedures that need to be improved in the process of *Bahtsul Masa'il* among Nahdlatul Ulama. *Taqrir jama'iy* is quoting fatwa sources from encyclopedias to resolve issues. This strategy is founded on the idea that the opinions of ulama or call *al faqih* are considered pertinent to the current situation and should be used without reservation. To address current concerns, the yellow books are still seen as valuable.¹⁵

This process established a legal decision-making hierarchy, as decided at the National Conference of Ulama of Nahdlatul Ulama in 1992 in Lampung. The first opinion considered is the one that Imam al-Nawawy and Imam al-Rafi'iy have agreed upon, followed by Imam al-Nawawy's opinion, Imam al-Rafi'iy's opinion, the opinion supported by the majority of scholars, the opinion of the most intelligent scholars, and the opinion of the majority of *wara'* scholars.¹⁶ The Imams of the Shafi'i *madhhab* and Imam al-Shafii as its creator may be less effective due to the hierarchical arrangement that positions Imam al-Nawawy above all other Imams, including Imam al-Shafii. It also illustrates the academics of Nahdlatul Ulama's restricted flexibility in selecting a *madhhab*, which should be unrestricted according to Nahdlatul Ulama's Articles of Association. This

¹² 'Muhisn, Op.Cit.' (n.d.).

¹³ 'Kalangan Dalam NU Yang Sering Memberikan Kritik Terhadap Keberadaan *Bahtsul Masa'il* Diantaranya Adalah KH. Husen Muhammad, KH. Sahal Mahfudz, KH. Masdar Fadrid Mas'udi, Abd. Muqsid Ghazali Dan Lain-Lain', n.d.

¹⁴ Husen Muhammad, *Tradisi Istinbath Hukum NU: Sebuah Kritik, Dalam Kritik Nalar Fiqih NU* (Jakarta: LAKPESDAM NU, 2002).

¹⁵ 'Keyakinan Ini Seperti Disampaikan Oleh Abdul Manan, Ketua Lajnah *Bahtsul Masa'il* Pesantren Al Falah Ploso Kediri, Dalam Sebuah Wawancara Tanggal 20 Juli 2009', n.d.

¹⁶ Aziz Masyhuri, *Hasil Muktamar Dan Munas Ulama NU Tahun 1926-1994* (Surabaya: Dinamika Press, 1997).

criterion is against the spirit of *fiqh*, which upholds the freedom of thought and opinion, even when those opinions are considered incorrect. Although Imam al-Nawawy and Rafi'i are at the top of the hierarchy, their magnificent works are rarely cited as examples in everyday life.¹⁷

Ilhaqi, which describes an issue with a comparable problem, is the second procedure in *Bahtsul Masa'il*. The Nahdlatul Ulama scholars view *ilhaq* as distinct from *qiyas*, which correlates the issue with the wording of the Qur'an or a hadith. *Ilhaq* solely alludes to scholarly opinions found in published literature. *Ilhaq* is utilized more frequently than *qiyas* in the practice of *Bahtsul Masa'il* because *qiyas* necessitates a greater degree of knowledge, including a thorough study of the Qur'an, Hadith, *Ijma'*, *usul fiqh*, *nasikh mansukh*, and Arabic language.¹⁸

It is not without issues that the notion of *ilhaq* was chosen to establish the law in *Bahtsul Masa'il*. First off, the *ilhaq* technique unequivocally demonstrates NU scholars' resistance to conducting an in-depth analysis of sharia sources. Second, even when redactions are utilized as analog materials, they are still the results of human thought constrained by time and place circumstances. The yellow books employed as *Bahtsul Masa'il* references are the outcome of centuries of intellectual *ijtihad* closely tied to the social and cultural events of the time. So, it often feels forced and is done to satisfy the demand for references in the yellow books, as in the cases of insurance, sperm banks, bonds, IVF, and other issues.

Istinbath is the third step in the *Bahtsul Masa'il* process. However, *istinbath* is less well-liked in the eyes of the majority of Muslims. The concept of *istinbath* is understood differently by NU clerics. They view *istinbath* as a technique to extract the law dynamically from the yellow book's passages that the fuqaha have created to address current issues.¹⁹

This interpretation contradicts the PBNU's understanding of *istinbath* at the Lampung National Conference of Alim Ulama. *Istinbath* uses *qawaid usuliyah* and *qawaid fihiyyah* to deduce the shara' law from its evidence. Actors in NU *Bahtsul Masa'il* view *istinbath* as more closely related to *ijtihad* and believe they lack the skills necessary to perform *ijtihad*.

Nahdlatul Ulama *Istinbath* Method

¹⁷ 'Ahmad Munjin Nasih, Op.Cit' (n.d.).

¹⁸ Muhammad ibn 'Aly ibn Muhammad Al-Shaukany, *Irshad al Fuhul* (kairo: Beirut: Dar Al-Fikir, 1992).

¹⁹ Sahal Mahfudz, *Bahtsul Masa'il Dan Istinbath Hukum NU: Sebuah Catatan Pendek, Dalam Kritik Nalar Fiqih NU* (Jakarta: LAKPESDAM NU, 2002).

In finding and providing solutions to answers to legal certainty, the procedures used by the *Lajnah Bahtsul Masa'il* can be arranged by the sequence, including the following:²⁰ *First*, If it is sufficient to use the *ibarah kitab*. There is only one *qaul/face*, and the answer follows the *qaul/face* in the *ibarah kitab*. *Second*, if it is still possible to use *ibarah kitab*, but there is more than one *qaul/face*, then *taqrir jama'iy* is done to choose one *qaul/face*. *Third*, if there is no answer in the *ibarah kitab*, then *al-ilhaqiy al-masa'il bi nadzair* (equating the ruling with similar cases) is used, identical to *qiyas*. *Fourth*, if no one *qaul* or *face* is discovered in the *ibarah kitab* and *ilhaqiy* is still unable to provide a solution, *Istinbathh jama'iy* (collective decision of the law) is utilized in line with the principles and thinking of the imams of the *madhhab*.

The explicit recognition of the significance of developing methodical thinking, particularly in the context of *ijtihad* in making legal choices, dates back to the National Conference of NU Scholars, which took place from July 21–25, 1992, in Bandar Lampung. Following the Lampung National Conference, Nahdlatul Ulama used the following three techniques to create laws:²¹

a) *Qauli Method*

The text of the opinions of the imams of the four *madhhabs* or the opinions of their adherents is directly cited in this method of *Istinbathh law* (textualist *taqlid*) by NU academics. When using the *Qauliy* technique, selecting *qaul/face* is the first step. When an issue arises, the following steps are taken: 1) Taking the opinion that is more *maslahat* and or stronger. 2) As far as possible by implementing the provisions of the Congress, if there is a difference of opinion, it is resolved by sequentially taking *qaul/face* with *mu'tabarrah* (recognized) books.²² Example of applying the *qauli* method:

First, what the cigarette laws are. By looking directly at the wording of the imams' opinions in the *mazhab* or *mu'tabarrah* books, NU applies the *qauli* approach to determine the legality of smoking. Three viewpoints are relevant in this instance: According to the first viewpoint, smoking is "*mubah*," or acceptable, because it is believed to do minimal harm. There is no perception of cigarettes as an intoxicant. According to the second opinion, smoking is "*makruh*," or advised to be avoided. Even if it causes only minor harm, it is not prohibited from Islam because of this.

According to the third opinion, smoking is "*haram*" or forbidden. The claim is that long-term use of cigarettes has numerous adverse effects, including

²⁰ Abdul Muchith Muzadi, *Mengenal Nahdlatul Ulama, Cetakan IV* (Surabaya: Khalista, 2006).

²¹ Tim Penulis UII, *Pribumisasi Hukum Islam* (Yogyakarta: Kaukaba, 2012).

²² Muzadi, *Mengenal Nahdlatul Ulama, Cetakan IV*.

cancer and a variety of lung illnesses. NU does not expressly declare smoking to be haram since there is no unambiguous and explicit passage in the *Quran* or *hadith* that forbids it. As a general rule of law, if there is no clause forbidding it, it is regarded as permitted (*mubah*). Additionally, smoking laws can vary based on the situation. Smoking may occasionally be considered sunnah if it is a necessary component of treatment. Still, it may also become illegal or *makruh* if it disturbs other people or harms the general welfare.

Second, the question of whether mosques, madrasah, or cottages (dormitories) may be constructed using zakat contributions was raised at the inaugural Surabaya Congress in 1926. This query was about Imam al-Qaffal's quotation of the term "*sabilillah*" definition. Using zakat for this purpose was prohibited, according to Mukhtar I's ruling. In the context of *zakat*, the term "*sabadilla*" is explicitly understood as jihad or war in the service of Allah, not for the construction of mosques, madrasahs, or boarding schools. Imam al-Qaffal's quotation supports applying *zakat* to other noble purposes, viewed as a tenuous justification. The texts *Rahmatul Ummah* and Tafsir al-Munir, which underline that zakat may not be utilized for constructing mosques or shrouding graves, serve as the foundation for this reasoning.²³

The question of ruling this action and whether the pilgrim's prayer fits under the "*lihurmatil waqti*" category arises when a pilgrim on an airline flight loses his *wudu* and chooses to perform *Tayamum* with a chair as a substitute. The responses are presented per a *qauly* methodology, which references the opinions of various scholars as recorded in *fiqh* books and particular schools of thought. Several reference books, including *al-Majmu'*, *Fathul Wahab*, and others, mention that using a chair as a substitute for *wudu* is prohibited in *tayammum*. Because it respects the prayer hour (*lihurmatil waqti*), the prayer offered in this circumstance is still legitimate. This strategy is consistent with the Hanafi and Maliki schools of thought.

b) *Ilhaqi Method*

The *ilhaqiy* approach, which is utilized in NU *Bahtsul Masa'il*, entails comparing an issue's law to that of a problem with a legal ruling that already exists in the mutabar book and making use of previous opinions if there is no textual solution in the mutabar books. For this *ilhaqiy* method to work, several conditions must be met, including the presence of elements with unresolved legal issues (*mulhaq bih*), unresolved legal issues (*mulhaq 'alaih*), and similarities between the two (*wajh al-ilhaq*). The practical application of this *ilhaqiy* method

²³ Aziz Masyhuri, *Masalah Keagamaan: Hasil Mukhtar Dan Munas Ulama NU, (Ke Satu-1926 s/d Kedua Puluh Sembilan 1994)* (Surabaya: Dinamika Press, 1997).

resembles *qiyas* regarding both the process and the prerequisites. Although similar, the *ilhaqiy* method emphasizes legal uniformity based on the text of mutabar books, while *qiyas* is based on the readers of the Qur'an and as-Sunnah.

Example 1: The Hajj lottery club. The Hajj lottery club (Indonesian, *Arisan*) is generally acceptable as long as the sums of money don't change. There are conflicting views on this subject, but if the The Hajj lottery club changes regarding the expense of the Hajj (ONH). Nevertheless, the Hajj is still regarded as valid. The *ilhaqiy* technique is used in this explanation, which references texts such as al-alyubiy Juz. II, p. 258, Nihayatul Muhtaj Juz. II, p. 219, Nihayatul Muhtaj Juz. III, p. 233, and as-Sharqowi Juz. I, p. 460.

Example 2: This inquiry relates to the legality of buying and selling transactions conducted over the phone, via email, or cybernetic platforms (online), provided that both parties have seen the goods being exchanged (*mabi'*), are aware of their nature and type, and have complied with all other prerequisites and principles of buying and selling. The solution is reached by referring to examples with a comparable essence, such as the case of ordering products, as the traditional books of authority do not expressly describe transactions via electronics.

c) *Manhaji Method*

The imam madhab's methodology (*methodological taqlid*), which mu'tabar scholars frequently employ, was utilized to assemble the manhaji method, which *Lajnah Bahtsul Masa'il* used to resolve religious disputes. In other terms, the *Manhajiyy* approach might be understood as group *ijtihad* by NU students. The *manhaji* process has been used by earlier scholars, just like the *qauli* and *ilhaqi* methods, although not under the name *manhaji* or in a decision.

There are three ways to perform *Istinbathh* using the *taqlid manhaji* method: *Istinbathh bayani*, which refers to *mashlahah* as the goal of the law (*maqoshid al shari'ah*), *Istinbathh qiyasi*, which involves paying attention to *illat*. Example: There are three ways to perform *Istinbathh* using the *taqlid manhaji* method: *Istinbathh bayani*, which refers to *mashlahah* as the goal of the law (*maqoshid al shari'ah*), *Istinbathh qiyasi*, which involves paying attention to *illat*. First, Islam does not adhere to a predetermined idea of the state. The Qur'an does not state whether it is *mamlakah*, *daulah*, or *jumhuriyah*. The Islamic community is referred to in the Qur'an as the best *ummah* (*kuntum khairu ummatin*). With the word "best *ummah*" included, Muslims are given the mandate and authority to organize their community and other plural communities as effectively as possible to fulfill the common good by following the ideals of justice, unity, peace, freedom, and other principles. As a result, the *ummah's* field of *ijtihad* is how NU should structure the state. Battling for symbols is not as vital to NU as fighting

for the essence of the state. The most crucial factor is that Allah's law is present wherever there is gain. The most critical issue is that the state, in whatever form, must not become a barrier to the development of Islamic propagation. *Second*, In the sociopolitical context, the Indonesian country was split by divide and imperial politics during colonization. Consequently, achieving independence on the national platform demands a spirit of unity across ethnicity, religion, and culture. Thus, a fatwa proclaiming that "love of country is part of faith" was issued during its route. *Third*, conflicting factions resulted from discussions between religious and secular nationalist parties regarding the seven words in the Jakarta Charter, the foundation of the state. A middle path is required to prevent ideological strife and division in the Republic of Indonesia.

To determine the law, NU follows several principles of law as guides. Scholars who adhere to the taqlid approach also frequently employ these rules of law. Among these regulations are: *First*, If you can't have it all, you can't give it all up (*maa laa yudroku kulluhu la yutroku kulluhu*). *Second*, preventing harm takes precedence over taking the benefits that can be obtained" (*dar al-mafasid muqoddamu ala jalbi al masholih*). *Third*, If it is difficult to decide between two equal harms, the lesser of the harms must be chosen" (*al akhdzu bi akhoffi al dhararain*). *Fourth*, preserving the good old things and taking the better new things" (*al muhafadhah ala al qodimi al shalih wa al akhdzu bi al jadidi al ashlah*). Custom can be used as a basis for law" (*Al adat muhakkamah*). *Fifth*, good and evil" (*al maslahat wa al mafsadat*). *Sixth*, closing the path to harm or prevention" (*Saddu al dzariah*). *Seventh*, emergency permits what was forbidden" (*Al dzarurat tubihu al mahdhurat*). *Eighth*, what is a condition for the fulfillment of an obligation becomes obligatory" (*Ma la yatimmu al wajib illa bihi fahuwa wajib*). *Ninth*, injury cannot eliminate harm" (*Al dharar la yuzalu bi al dharar*).

Several legal commitments have been made by NU in support of the Unitary State of the Republic of Indonesia (NKRI) through this method of legal estimate, including the declaration of the Jihad Revolution to defend independence, the recognition of Indonesia as a nation-state, and various documents and edicts endorsing Pancasila as the basis of the state and ideology of the country. These are all communal decisions that must be acknowledged as laws that must be followed to advance the common good.

CONCLUSIONS

The Nahdlatul Ulama (NU) *Istinbathh* method proposes a framework that aids the decision-making process of Islamic law using an interpretative approach involving dialogue, active community engagement, and adaptation to the social situation and the times. The fundamental tenets of this approach serve as the foundation for the development of social dynamics by Islamic principles while

allowing for adaptation and growth in response to the shifting social landscape and needs of contemporary society. In a more profound sense, the NU *Istinbathh* approach functions as a mechanism that transforms Islamic law from its traditional origins to a more inclusive and contextualized application. As a result, this strategy becomes a crucial tool for enhancing NU's position as the defender of Islamic principles and a peacemaker who promotes interreligious dialogue. Thus, NU's *Istinbathh* approach is more than just a set of laws; it also encompasses an essential comprehension of engagement and responsiveness to the dynamics of societal change.

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