

THE DIALECTIC OF CULTURE AND ISLAM WITHIN NAHDLATUL ULAMA PARADIGM

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Abstract

This study determines the dialectic of culture and Islam within Nahdlatul Ulama paradigm. NU as religious and public organization emphasize on culture as the foundation as well as the development model of Islam. Local culture that developed in the community is accommodated. Dialogical aspect of the teachings of Islam and the culture as a reconciliation process is maintained. Islam that has local vision and highly appreciates the traditions is being NU concern. Thus, NU does not differentiate between Islamic teachings and culture, but bringing them together. In the formation of laws, NU also sets culture as the base of epistemology. In NU view, the transformation of *fiqh* (Islamic jurisprudence) is still base on culture. Therefore, the concept of balance and moderation between law and culture are always being a principle. This context shows that Islamic law in Indonesia is always dialectic with cultures that live and thriving in the community.

Keyword: Paradigm, Islam, Culture, Fiqh, and Nahdlatul Ulama

Introduction

Indonesians community, especially the Javanese are form of community that is bound by the living norms, traditions and religions. Religious characteristics, non-doctrinaire, tolerant, accommodating and optimistic are the main feature that stands out for Javanese culture. Various alignments between lifestyles and fundamental reality that is encapsulated in sacred symbol vary from one culture to another, which then form the exclusive Javanese community in terms of *kejawen* community. The existence of *kejawen* community is shaped by a variety of norms, traditions, myths, and religious practices. This is clear in the reflection of the Javanese community life. Javanese fundamental aspiration that gets into the culture grew and became Javanese philosophy of life. The Javanese philosophy of life is formed base on the traditional Javanese mind-set, Hindu beliefs and Islamic Sufism.²

The presence of NU with Islamic appearance of cultural scent is a manifestation of the concern in spreading Islam that ignores the locality and diversity of life. Since the early inception, NU shows an unwavering attitude in practicing Islam into the context of life that is not-on-its-own and the ins and outs of problems faced by the Muslims. This kind of manifestation is a foundation for NU's gait to participate in the development of life of the community and country. The concept of *Ahl al-Sunnah wa al-Jama'ah* is reformulated by the founding fathers, which was associated with the development efforts in social, economy, culture and education is concrete evidence of their concern for Islam that has local vision and highly appreciates the traditions.³ In making a change, this Islamic organization always

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² M. Muslich, *Moral Islam dalam Serat Piwulang Pakabuwana IV (Islamic Morals in Serat Piwulang Pakabuwana IV)* (Yogyakarta: Penerbit Global Pustaka Utama, 2006), 40.

³ Abd.A'la, "Islam Pribumi, Lokalitas Keagamaan dan Universalitas Islam dalam Perspektif NU," (Indigenous Islam, Religious Locality and Universality of Islam in NU's Perspective) in *Tashwirul Afkar: Jurnal Refleksi*

starts from tradition and everything rooted in society. While facing the culture,⁴ NU does not destroy it, but as far as possible to let it live in the community while filling it with Islamic soul and spirit. This is as a source of strength for NU that the rise of NU does not entirely deal with culture in the society that its cultural aspiration and Islamic aspiration has been put together.⁵

At cultural level, traditional religious paradigm that leans to Aswaja dialectic with other community values is then produces a synthesis of local cultural that has the spirit of Islam. In Indonesians culture that continues to survive until now, the Islamic values which also add in it do not remove the element of locality or shades of Indonesia.⁶ This is reflected from the establishment of *fiqh* that is always been dialectic with culture. Islamic law in Indonesia is formed based on the cultures that live and thrive in the community. Thus, the paradigm of *fiqh* establishment is always oriented on culture and Islamic spiritual scope. Both are completing each other, not eliminating.

ISLAMIC-BASED CULTURE

In the early of 80's, NU made a radical action to break away from political parties. The action was describes as a return to the early days of NU, to the spirit of the founders, to 1926 *khittah*, the year when the organization was first built. It is not a coincidence that the action was said as back to tradition. Organizational leadership is removed from seniors who should have been retired, and much to their surprise the seniors support two younger leader, Kiai Ahmad Siddiq and Kiai Abdurrahman Wahid. Both leaders with their own way, are very concern about the future of the society. The 1926 *khittah* concept had actually been prepared by Kiai Ahmad Siddiq since about 1979.⁷ He published a booklet entitled "*Khittah Nadliyah*" before *Mukatamar Nahdlatul Ulama* (Nahdatul Ulama Conference) in 1979. The idea itself has appeared more than a decade before it reaches its final form. The early version appeared in 1969 in *Thinking Guidelines of "Nahdlatul Ulama"*.⁸ Both characters have basic intellect and concern with transformative vision for the development of better attitude and Indonesians. It is affected on discourse formation and then lightening alternative praxis.

In cultural scope, GusDur (Kiai Abdurrahman Wahid) proposed a reformation of Islam by asserting the necessity of Islam to receive a plurality of the local situation and

*Pemikiran Keagamaan dan Kebudayaan, (Tashwirul Afkar: Religious Thought and Culture Reflection Journal)*¹⁴th Edition Year 2003 (Jakarta: Lakpesdan NU, 2003), 88

⁴ In a general sense, culture is the unity of the social system inherited by humans. In the narrow sense, culture is the tradition of specific groups of people such as learning how to live as a member of the group and took part as a member of the group. Nevertheless, the concept of culture is one of the most important keys to understand human behavior. Depag RI, *Perbandingan Agama I (Religions Comparison I)* (Jakarta: Direktorat Pembinaan Perguruan Tinggi Agama Islam Depag RI, 1983), 3.

⁵ Selamet Efendy Yusuf et.al., *Dinamika Kaum Santri Menelusuri Jejak dan Pergolakan Internal NU (The Dynamics of The Pupil Through the Trace and Internal Upheaval of NU)* (Jakarta: CV Rajawali, 1983), 71.

⁶ Lukman Hakim, *Perlawanan Islam Kultural: Relasi Asosiatif Pertumbuhan Civil Society dan Doktrin Aswaja NU (Islamic Cultural Resistance: Associative Growth of Civil Society and NU's Aswaja Doctrine Relations)* (Surabaya: Pustaka Eureka, 2004), 111.

⁷ Martin van Bruinessen, "Tradisi Menyongsong Masa Depan: Rekonstruksi Wacana Tradisionalis dalam NU," dalam *Tradisionalisme Radikal: Persinggungan Nahdlatul Ulama-Negara (The Tradition Facing the Future: Reconstruction of Traditionalist Discourse within NU, "in Radical Traditionalism: Nahdlatul Ulama - State Intersection)* (Yogyakarta: LKiS, 1997), 138.

⁸ Ibid.

accommodate it. In this matter, Gus Dur's expressed the notion of, *first*, Islam as a complementary of socio-cultural life and Indonesian politics, *second*, indigenization of Islam.⁹

The first dimension is the idea to avoid Islam to be as an alternative ideology to the construction of Indonesian nation-state. As an important component of the social structure of Indonesians, Islam should not be in a competitive position *vis-à-vis* with other components such as the construct of national unity. Islam should be displayed as a complementary element in social order, culture and politics. According to Gus Dur, the diversity of social patterns, cultural, and political communities in Nusantara, which made Islam as an alternative ideology will bring discord into the society as a whole.¹⁰

The second dimension is the idea to develop the understanding of *nashor* verses of the Qur'an that are associated with problems in Indonesia. The efforts are made to reconcile between the local culture and religion. The objective of this reconciliation is to demand that the revelation should be understood by considering the sense of justice. Thus, the indigenization of Islam initiated by Gus Dur is a way to consider local needs in formulating the laws of religion, without changing the law itself.¹¹ According to Gus Dur, indigenization is not intended as an attempt to "Javanisation" or "syncretism". In the process of indigenization, reformation between religion and culture should not be made because it would leave the original norms of religion. Therefore, the indigenization of Islam is not an attempt to leave the norm for the sake of culture, but to let the norm to accommodate the cultural needs by using the opportunities provided by the variation of understanding *nash*, while still giving the role to *fiqh* and *usul fiqh* (roots of jurisprudence).¹²

In the conceptual scope, indigenization is actually identical to the contextualization efforts in Islamic teachings. Contextualization that leads to a process of indigenization is an opportunity to give the framework in the development of Islam in the local community. Muslims need to consider the local situation in order to implement the teachings of Islam. Thus, Islam in Indonesia is not deprived from its own local context that is the cultures, traditions and more.

The idea of indigenization of Islam received a positive response from Rawan Rahardjo. According to him, it is actually an ambition to develop Islamic culture with local culture. For example, we need to build the mosque of Indonesian architecture (although Indonesian architecture may contain the influence of China). We do not have to replace the term "*sembahyang*" (means pray local language) with "*shalat*" (means pray in Arabic) because even though it contains the elements of Hinduism, the first term have undergone a process

⁹Abdurrahman Wahid, "Pribumisasi Islam," (Indigenization of Islam) in Muntaha Azahari dan Abdul Mun'im Saleh (ed.), *Islam Indonesia Menatap Masa Depan (Indonesian Islam Staring at the Future)* (Jakarta: PM3, 1989), 81-96.

¹⁰Bahtiar Effendy, *Islam dan Negara: Transformasi Pemikiran dan Praktik Politik Islam di Indonesia (Islam and the Country: Transformation of Thought and Islamic Politics Practices in Indonesia)* (Jakarta: Paramadina: 1998), 147.

¹¹Deddy Djamaluddin Malik and Idi Subandy Ibrahim, *Zaman Baru Islam Indonesia: Pemikiran dan Aksi Politik (Abdurrahman Wahid, M. Amin Rais, Nurcholish Madjid, Jalaluddin Rahmat) (New Age of Indonesian Islam: Political Thought and Action Abdurrahman Wahid, M. Amin Rais, Nurcholish Madjid, Jalaluddin Rahmat)* (Bandung: Zaman Wacana Mulia, 1998), 179-180.

¹²Wahid, "Pribumi" (Indigenous), 82-83.

of Islamisation. In Solo, there is no Muslim that will ever thought of worshipping the god of the Hindu when *sembahyang* (praying) at the masjid. If someone recite "duh Gusti" (oh God) in a poem of a poet, we should not tell that the use of term is wrong. But if so, a man who is falsely pronounces "Allah", in his prayer, can be assumed that his prayer is not accepted.¹³

For all this while, NU has been known as a pioneer in introducing the concept of cultural-Islam in Indonesia. According to the concept, the Muslim community should be able to associate with surrounding culture, because the universal principle in Islamic teaching requires them to accommodate the particular cultures that live among them. The view intends so that the presence of Islam can bring hospitality to the environment. NU adopted a cultural approach by *Walisongo*¹⁴ (Nine Walis). They took out the Arabism exclusive symbols in Islam replace them with local symbols. They integrate Islamic teachings into the mind of Indonesian society effectively by minimizing the absorption of the Arabism exclusive symbols. *Walisongo* in their *dakwah* (preaching) to Nusantara around the 15th and 16th century, in the island of Java successfully incorporate Islamic local values to be exclusive "Indonesian-Islam". Their creativity generated new benchmarks for Indonesian-Islam that is not literally imitating Arab-Islam; there is no Arabism benchmark that stuck in the spread of Islam in Nusantara at the early stage. *Walisongo* precisely accommodated Islam as the religious teachings that experience the changing in history with tradition.

The steps taken by *Walisongo* showed a positive impact. This method had led to a massive Islamization in Java unwaveringly. *Walisongo* did not terminate the old traditions and beliefs radically and apparent, but they eliminated things that are clearly contrary to the teachings of Islam. The traditions that seemed contrary to Islamic teachings were replaced with Islamic-teaching elements. Thus, acculturation and synchronization occurred between

¹³M. Dawam Rahardjo, "Kata Pengantar" (Foreword) in Muntaha Azahari and Abdul Mun'im Saleh (ed.), *Islam Indonesia Menatap Masa Depan (Indonesian Islam Staring at the Future)* (Jakarta: PM3, 1989), 12.

¹⁴*Walisongo* is the pioneer and leaders of the Islamic da'wah which successfully recruit their students to run the mission in every corner of the country. They are: 1) Mawlana Malik Ibrahim (d. 1419AD), the first who introduced Islam in Java and the first who set up *pesantren*, an education system that prepares students to be Shari'a scholars and preachers. He was buried in Gresik, East Java, and until now his tomb remains a place of visiting. 2) Sunan Ampel Raden Ahmad, he went to Gresik to visit Mawlana Malik in 804AH /1401AD. His tomb became evident for his grandeur struggle for Islam and Muslims. 3) Sunan Bonang Mawlana Makhdum Ibrahim, Sunan Ampel's son. He was born in 1465 AD and died in 1525 AD. He raised a *pesantren* in his residence. He was also the founder of the kingdom of Demak. 4) Sunan Giri bin Mawlana Ishaq, title of Sultan `Abd al-Faqih. His real name is Muhammad `Ayn al-Yaqin and he is one of Imam al-Muhajir's most famous family member. He had learnt from Sunan Ampel. Hence his great charisma and personality, he holds the title of Sultan though he cannot exercised political power. 5) Sunan Drajat Mawlana Syarif al-Din, a great preacher which also the founder of Demak Kingdom. 6) Sunan Kalidjaga Mawlana Muhammad Syahid, a traveller preacher, author of religious advices that is expressed in the form of puppet show (*wayang*). He adopted Javanese art as a way to introduce the teaching of *tauhid*. 7) Sunan Kudus Mawlana Ja'far al-Shadiq bin Sunan `Utsman. His activities is centred in Kudus, Central Java. Due to his extensive knowledge and intelligence in understanding, he was dubbed the 'godfather of science' by Javanese. The idea of naming the Kudus city by him intended to get a blessing from the Bayt al-Maqdis (Palestine). 8) Sunan Muria Mawlana Raden `Umar Sa'id son of Mawlana Ja'far al-Shadiq. He was named after Sunan Muria because he was buried in the highlands of Muria, Central Java. 9) Sunan Gunung Jati Mawlana al-Sharif Hidayat Allah, supreme spreader of Islam in West Java. He was died and buried in Gunung Jati, located not far from Cirebon city. Alwi Shihab, *Islam Sufistik: "Islam Pertama" dan Pengaruhnya hingga Kini di Indonesia (Sufism Islam: "The First Islam" and The Influence Until Now in Indonesia)* (Bandung: Penerbit Mizan, 2001), 23-24.

the local traditions and Islamic culture. In the acculturation, Islam influenced the traditions of and local beliefs, while local traditions influence the practicing of Islam.¹⁵

The above illustration gives the sense that Walisongo succeed¹⁶ due to the local knowledge. In anthropological normative scope, local knowledge is an important source of values in people's lives. Almost all traditions and cultures from the local ethnic groups are inspired by the values and ideas that arise from the beliefs of the community.¹⁷ The values and customs procedures, traditions and local or ethnic group's cultures in the Nusantara are an incarnation of the understanding of religious spiritual values that is manifested in forms of life and social order. Thus, the discussion about the customs and traditions of a society cannot be separated with religion or beliefs embraced in the community.¹⁸

An example of *Walisongo's* mission that intergrate culture and Islam, is the step taken by Sunan Bonang which changed Javanese *gamelan*, at that time condensed with a Hindu aesthetic, into *zikir* (a form of remembrance) that leads to the devotion of transcendental life. "*TomboAti*" (The Cure of Soul) song is one of his creations. In the puppet show (*wayang*), Sunan Bonang changed the play and put in the typical interpretations of Islam. Same as Sunan Bonang, Sunan Kalidjagachose arts and culture as a method to preach. He was very tolerant with the local culture. He used the help of sculpture, puppets, *gamelan*, and the mysticism sound art to preach. He created *taqwa* clothes, celebration of *Sekatenan*, *Grebeg Maulud*, *Kalimasada kite*, and the Puppet Play of *Petruk Being a King*. The landscape of the city center built from *Kraton* (palace), the main square with two banyans and the mosque is believed to be the creation of Sunan Kalidjaga. Mean while, Sunan Kudus approached the citizens of Kudus by utilizing the symbols of Hindu and Buddhist. It can be seen from the architecture of Kudus Mosque. The design of its tower, gate and ablution shower, a place to perform *wudhu'*, symbolize the eight path of Buddhist.¹⁹

Cultural traditions such as *wayang* (puppet show) or appreciation of folk art can be accepted through specific modifications that are essentially approve by the norms of Islam. The storyline of *wayang* was modified to describe the concept of *tauhid* (monotheism), and

¹⁵Emergence of indigenous Javanese rituals that have been Islamized like *supartanah* (off the ground), *nelungndino* (three days), *midongndino* (seven days), *matangpuluhndino* (forty days), *nyatos* (one hundred days), *mendhak* (one year), *nyewu* (one thousand days) and so on. *Woro Drupadi* as an example, in the Indian version of the assumption of five members of the Pandavas commit polyandry, has been changed his narrative became the assumption of Puntadewa only, the son of the Pandava. In architecture, appeared mosques which have unique styles and forms in accordance with the development of society at that time. All models are encouraged by Islamic acculturation without leaving a substance. MN Harisuddin, "Tradisi Lokal Sebagai 'Urf Progresif," (Lokal Tradition as Progressive 'Urf) in *Islamica: Jurnal Studi Keislaman*, (*Islamica: Islamic Studies Jurnal*) Vol.2 No. 1 (Surabaya : IAIN Sunan Ampel Master Program, 2007), 99. See Purwadi, *Sejarah Sunan Kalijaga (Sunan Kalijaga History)* (Yogyakarta: Persada, 2003), 51-52.

¹⁶Walisongos' success has relevance with the Prophet Muhammad's success. Islam that came at that time was not necessarily destroying local traditions which were rooted in Arabian society. In few cases, Islam even preserve them instead, especially on local norm which contains justice value and is universal, as an example *qasamah*. *Qasamah* is oath made by the fifty righteous people in some place, to rid themselves of the charge of murder of a person who was found dead in that place without anyone knowing who the killer. *Ibid.*, 100.

¹⁷Engkus Ruswana, "Perdamaian dalam Tradisi Agama Lokal," (Conciliation in The Local Religious Traditions) in *Jurnal Tashwirul Afkar: Inisiatif Perdamaian, Meredam Konflik Agama & Budaya (Tashwirul Afkar Jurnal: Conciliation Initiative, Reducing Religion and Culture Conflict)*, 22nd Edition (Jakarta: Lakpesdam, 2007), 42

¹⁸*Ibid.*, 43.

¹⁹M. Imdadun Rahmat et.al, "Islam Pribumi: Mencari Wajah Islam Indonesia (Indigenous Islam: Searching for Indonesian Islam Appearance), in *Tashwirul Afkar Jurnal*, 10.

even so for the appreciation of folk art into *barzanji*, (praising song that contains the journey of Muhammad pbuh) *Diba'*, *tariqah* (a school or order of Sufism) or *mocopat*. Thus, the results of the reconciliation could enrich the religious perspective and insight so as not to waste them regardless of the context of socio-cultural appreciation.²⁰

Javanese culture that is very honoring the ancestors, through the appearance of NU's scholars is maintained. But at the same time, new values begin to be internalized into the action. The concept of blessings, through visiting tomb, was once considered obtained from the dead was reinterpreted as the acquisition of blessing directly from Allah. One who visits the tomb interprets his homage to Allah by taking lessons from life and death cycles that are contemplated in the visit.²¹ The visiting of tomb is now part of religious practices in NU. This kind of belief is difficult to be separated from NU religious system. Belief is the result of acculturation between Islamic cultures with local culture.

The visiting to the tombs of the *walis* was originally a classic local beliefs transformed into belief in Allah as the locus. Indirectly, Allah is recognized as the Supreme Ruler that governs everything in the universe. If people wish to have protection, they have to do the visiting and pray for themselves and the *walis* who have died. It is believed that it helps the wish grants effectively by Allah. It is necessary to divert the prayer to the saints, which among them is the *walis* who have died in order to make the wish accepted by Allah.²² In NU belief system, the visit to the tomb of the *walis* emphasizes the intersection between the saints and Allah. The belief defines that in order to reach the prayer to God, intermediaries are needed, which is the *walis*. The *tawassul* (intercession) accommodates the divert of spiritual authority in seeking protection in the hands of the *walis*. They are considered to have closeness with God that deserves to be *tawassul*.

Slametan in classic Javanese tradition, for example, is associated with death phase. Various rituals dedicated to whom just died are based on the belief that such communication can be woven. Friends and relatives of the dead gathered together to hold *tahlilan* and *slametan*, and the reward of the deed is dedicated to the spirit of the deceased.²³ Such belief is a combination of animism, which saw the forces of nature that is in action in determining the fate of mankind, and animism that is the support elements of the ancestors spirit who are considered qualified to provide protection.

Slametan, especially the one contains *tahlilan* activities currently recognized as part of the Islamic culture of Java. *Tahlilan* culture has even been recognized as exclusive tradition of NU.²⁴ *Tahlilan* tradition is the concretization of *slametan*. *Tahlilan* is the practice of reciting the holy verses of the Quran, *zikir*, and prayer with a specific order. *Slametan* that is

²⁰ Ali Haidar, *Nahdlatul Ulama dan Islam di Indonesia: Pendekatan Fikih dalam Politik (NU and Islam in Indonesia: Fiqih Approach in Politics)* (Jakarta: Penerbit PT Gramedia Pustaka Utama, 1998), 318.

²¹ Abdurrahman Wahid, *Muslim di Tengah Pergumulan (Muslim at The Midst of Struggling)*, (Jakarta: Lapenas, 1981), 61.

²² Ahwan Fanani, "NU dan Islamisasi Kultural Tradisi Lokal (NU and Islamization of Cultural Local Tradition)," in *Sarung dan Demokrasi: Dari NU untuk Peradaban Keindonesiaan (Sarung and Democracy: From NU to Indonesian Civilization)* (Surabaya: Penerbit Khalista in association with LTN NU East Java, 2008), 23.

²³ Martin van Bruinessen, *NU: Tradisi Relasi-Relasi Kuasa Pencarian Wacana Baru (NU: Tradition of New Discourse Search Relations)*, ter. Farid Wajidi (Yogyakarta: LKIS, 1994), 23.

²⁴ Soelaiman Fadeli and Muhammad Subhan, *Antologi NU: Sejarah, Istilah, Amaliah, Uswah (The Antology of NU: History, Terms, Practices, Models)* (Surabaya: Penerbit Khalista in association with LTN NU East Java, 2008), 147.

associated with life circle, today usually is filled with *tahlilan*. *Tahlilan* is a counter culture of *slametan*, which the purpose and form of *slametan* is maintained, but the meanings and cultural symbols have been changed. *Tahlilan* can be seen as cultural attempt to change magical belief into Islamic belief.²⁵ *Tahlilan* reflects the shades of accommodation for *slametan* practice that its basic idea had been changed. *Slametan* that was initially associated with the fate of human beings as a result of natural forces or spirits is then being associated with the quest for salvation to Allah. In Islamic *slametan*, foods are the main subject in the ritual.²⁶ On another context, food is presented as a form of charity to avoid practices that given offerings to the spirits, but diverted to Allah.

Since the presence of Islam, the Islamic scholars of Nusantara have tried to adopt the local culture selectively. Many of the social systems, the arts and stable and fixed government, including the customs were developed in the perspective of Islamic law. This allows the culture remain religious, even though Islam had combined these regions under the name of religion. In terms of dressing, they still dressed in traditional custom, and dressed in specified dressing by the local scholars, that the dress is qualified enough to cover the *aurat* (intimate parts of body). Women and wives of the scholars wore traditional clothes, as other local community. This strategy is carried in addition to strengthen the bond of Islam and local environment, also gave opportunities for traditional clothes industry to continue to evolve, so economically they are not disturbed by the presence of Islam, and if possible improving the industry. In this period, Islam is mixed well in the local culture, until each region can show their exclusive appearance as Muslim of their tradition.²⁷ The adoption of local culture into the development of Islam is NU's special attention. In addition, NU synergizes local culture and Islam to be main power in preaching (*dakwah*).

In Abdul Muchith's view, Islam was revealed to all nations, and flexible for local culture, without losing Islamic impression as the intention. In the context of *fiqh*, local culture is always the boost factor in various interpretations of Quran. In dressing, for example, Islam only specifies that Muslim must dress by covering their *aurat*. The matter of its models, patterns and designs can be customized with the accent of local environment or culture. Muchith pointed out to males on the Coast of Java Island wearing a black *kopiah* (skullcap) and in Jogjakarta, they wear *blangkon*. In the way of dressing, the culture and Islam influence each other. It can be seen on those who have pilgrimaged. Indonesian, who have done pilgrimaged wears white *kopiah*, while the Meccans wear it too whether they have pilgrimaged or not. As well as in Indonesia, black *kopiah* is not a monopoly if Islam.²⁸

Muchith explained that Muslim should not question the contribution. The situation in East Java, *kiais* (scholars) from Tuban, Lamongan and Gresik have different appearance with the *kiais* from Jember, the famous symbolic of *tapalkuda* (horseshoe) region. In Tuban and its surrounding region, the act of honouring the *kiais* does not have to mean to shake and kiss

²⁵Fanani, *NU dan Islamisasi Kultural Tradisi Lokal (NU and the Islamization of Cultural of Local Traditions)*, 215.

²⁶Robert W. Hafner, *Hindu Javanese, Tengger, Tradition, and Islam* (New Jersey: Princeton University Press, 1989), 105.

²⁷Abdul Mun'im DZ, "Mempertahankan Keragaman Budaya" (*Sustaining the Diversity of Culture*), in *Tashwirul Afkar Jurnal*, 4.

²⁸Ayu Sutarto, *Menjadi NU Menjadi Indonesia: Pemikiran KH. Abdul Muchith Muzadi (Becoming NU Becoming Indonesia: The Thought of KH. Abdul Muchith Muzadi)*, (Surabaya: Khalista, 2008), 31.

their hands few times, although it is good manner. In rural areas, the distance between *santri* (students) and *kiai* (scholars) is far, especially in the area of Madura culture-based or inland Central Java that has dense Javanese culture. In the teaching of Islam, which must be emphasized is the act of the young respect the elders. That is the principle, while the way expressing it is according to the involved community. Another example given by Muchits, in Tuban, *kiais'* sandals never been laid (so that they just have to wear it and go home) for them. In Saudi Arabia, the act of calling others by shouting is normal, even, old people is often called *yawalad* (oh kid). But the situation is backward if it happens in Indonesia, one who is being shouted, will be mad, because it is considered impolite and disrespectful. Morals and manners are different from norms.²⁹

Due to their defence for the tradition that is good and right according to Islam axiological standards, NU is seen has giving great service in perpetuating the traditions of Islam. Tradition is a guidelines and *piranti* in shaping the society. Tradition is a treasure of thought that are material and immaterial that must be developed to deliver transformative thinking. In order to find a new way to clear and free people in building a society that respects differences and develop a pluralist and democratic society, it takes good and careful analysing about traditions. Analysing tradition also means critically examining tradition to build a new culture and a tradition of thought that will encourage social transformation and change theoretically and practically.³⁰

Even though NU maintains the traditions; it does not mean they abandon modernity. NU uses the thinking paradigm that tries to integrate tradition and modernization. NU has a rich legacy, the classic intellectual heritage, and it is carefully preserved. However NU is also working hard to enrich the legacy, in the form of acceptance of selected modern elements.³¹ In this matter, the greatest triumph of NU is linking the tradition and modernization. Therefore, NU cannot be claimed as absolutely traditional. But otherwise, NU should not be said as absolutely modernist too, because NU linking both of them. NU religious teachings show the flexibility of Aswaja teachings as the reference, showing the high potential of NU to maintain their tradition to face the changes that shook Muslim world more than a half century ago. When other Islamic organizations are actively following the modernizing, NU tried to be constant and become the model. This kind of traditional model helps NU to put the best option, but valid in the sustenance and development of Islam in a new situation.³² This linking attitude is the evidence that NU is capable to build a new discourse and different from others.

Realistically, the application of culture and actualisation of Islamic teaching is important for them. The *kiais* as an important pillar in NU has an important role in articulating cultural and Islamic dimension. They interpret Islam in the context of social reality with cultural polarization. Their motivation to transform Islam with cultural patterns into the society becomes an effective instrument to apply Islamic values in life. Thus, the public

²⁹Ibid., 32.

³⁰Ahmad Ali Riyadi, *Dekonstruksi Tradisi: Kaum Muda NU Merobek Tradisi (Tradition Reconstruction: NU Youths Ripping the Tradition)* (Yogyakarta: Ar-Ruzz Media, 2007), 126-127.

³¹Mujamil Qamar, *NU Liberal: Dari Tradisionalisme Ahlul-sunnah ke Universalisme Islam (Liberal NU: From Ahlul-sunnah Traditionalism into Islamic Universalism)*, (Bandung: Mizan, 2002), 98.

³²See Einar Sitompul, *Nahdlatul Ulama dan Pancasila (Nahdlatul Ulama and Pancasila)* (Jakarta: Pustaka Sinar Harapan, 1989), 198-200.

acceptance of Islam will not cause negative and antagonistic access. The *kiais'* effort is able to provide religious orientation and motivation to the public without any conflicts.

Culture As The Base Of Epistemology Of Islamic Law Establishment.

Culture can be used to understand the religion contained in the empirical level or formal form of religion that prevails in society. Religious practice in the community is processed by the adherents from religious sources, that is revelation through reasoning. For example, as we read the book of *fiqh*, the *fiqh* which is the implementation from Quran or hadith have involved reasoning and the ability of human elements. Therefore, religion has become entrenched in the community. Religion which appears in the form of *fiqh* associated with culture that is evolving in the society where the religion is developing. By understanding the culture, one will be able to practice the teachings of religion.³³

Understanding method of the teachings of Islam with tradition or cultural approach makes NU rejected the establishment of Islamic institutions with Islamic exclusive labels. This is contrary to Islam militant groups views that they tend to be antagonistic towards other cultures. They only accept the validity of culture that acquired through the internal activity of Islam community itself. This activity can only be accepted as part of the Islamic tradition after getting textual justification from the sources of Islamic law (Quran and sunnah) and the daily life activity of the Muslim community at the ideal Islamic era (*the islamic era par-excellenc*). This exclusive view then forms a dialectic model of dichotomy between Muslims (*self*) and non-Muslims (*others*). Dichotomous view is surely give bad implications for their social attitudes to other religions.³⁴

Moreover, the militants (revivalist and reformer) often reject tradition that rise in the community. Cultural heritage of Islam that emerged in the past is responded with apathy and assessed as un-Islamic teachings. For them, the deterioration of Muslims is influenced by Muslim community socio-moral and they considered that is false doctrine. They refer back to the Quran and Sunnah by emphasizing *ijtihad*. They also called for leaving *bid'ah*. Their understanding of universal Islamic accentuated on texts coercion literally by abandoning tradition and locality aspects in society.

When the use of *ijtihad* is run, *taqlidis* rejected because it is not from Quran and Sunnah. However, *Ijtihadis* then lost its meaning of modernity as it trapped in a scripturalism routine cycle that tends to ignore real socio-cultural dimensions. From his statement, in the middle of the reformation, "folk religion" stays afloat with Sufism mainstream and *tariqah* that has rich shades of socio-cultural.³⁵ Due to the strong textual attitude, they lost the momentum to develop a religious culture that has been created from the past. They are very sensitive with little things that actually do not relate

³³Abuddin Nata, *Metodologi Studi Islam (Islamic Studies Methodology)* (Jakarta: PT Raja Grafindo Persada, 2008),

³⁴Toha Hamim, *Islam & NU di Bawah Tekanan Problematika Kontemporer: Dialektika Kehidupan Politik, Agama, Pendidikan dan Sosial Masyarakat Muslim (NU Islam & Under Contemporary Problems Pressure: Dialectics of Politics, Religion, Education and Social of Muslim Communities Life)* (Surabaya: Diantama, 2004), 64.

³⁵Haidar, *Nahdlatul Ulama*, 319.

with the religious teachings principle; however turn up the small thing to be a serious matter because they have been over estimating the traditions.³⁶

The system of *ijtihad* by determining the law (*istinbath*) that is directly derived from the Quran and Sunnah is considered less developed into the tradition. Therefore, NU is directing to *madzhab* (particular schools of Islamic law) system, which follows the teachings or opinions of the Muslim scholars (*mujtahid*) who is believed to have the competence and the ability to make the laws. This *madzhab* system is often called *astaqlid*.³⁷ The *fiqh* of the *mazdhab* became NU's principle that led to the traditions that have been living in Indonesia for centuries. In this case, answers for the question about legal issues that developed in the community is settled based on classic *fiqh* books, by the verification of the *fuqaha*'.

Such method of following the *madzhab* can be said *asittiba*', which means the action of following the *madzhab* by knowing the reasons and arguments of the legal decision. The followers of *madzhab* that perform *ijtihad* on contemporary cases can also be said *madzhab-follower*, although they are capable to develop a methodology that is likely to have a contrast with the methodology of the *madzhab* founder.

As a religious group that reflects *amadzhab* perspective, various religious systems of NU are arranged in a vertical stratification framework of religious authority. In *fiqh* matters, the construct of *madzhabis* strongly emphasize on the authority of the *madzhab* scholars in stages, starting from the *mujtahid mustaqil*, *mujtahid muntasib*, *mujtahid fi al-madzhab*, *mujtahid tarjih*, *mujtahid al-futwa*, and *muqadalin*. In the first *Muktamar* (conference) in Surabaya, 30 November 1926, Indonesian Muslims is obligated to follow one of four *fiqhmadzhab*. The *Muktamar* also set the priority levels in referring the opinion *Syafi'iah* (one of the *madzhabis*) scholars.³⁸

In the establishment of law of the *madzhab* based on *ittiba*', culture as referral base is an important pillar for NU to emphasize the cultural aspects dialectic with religion. Such cultural understanding is a principle in the development of Islamic law for an effort to

³⁶Thoha Hamim, *Faham Ahl al-Sunnah wal Jama'ah: Doktrin dan Tantangan Aswaja (Teaching of Ahl al-Sunnah wal Jama'ah: Doctrine and Aswaja's Challenges)* (Aula, No. 03, March 1994), 58.

³⁷*Taqlid* literally means following, tradition, awarding powers, imitation, false, and chains or such stuff that attached to the neck. Ahmad Warson Munawwir, *al-Munawwir: Kamus Arab Indonesia (al-Munawwir: Arabic Indonesia Dictionary)* (Surabaya: Pustaka CV Progresif, 1996), 1234. Sayid Mu'inuddin Qadri, "Taqlid dan Talfiq" (Taqlid and Talfiq) in *Dasar Pemikiran Hukum Islam: Taqlid-Ijtihad (Islamic Law Rationale: Taqlid-Ijtihad)*, ter. Husein Muhammad (Jakarta: Pustaka Firdaus, 1994,) 15. While *taqlidin* terminology means practice the opinions of others without knowing the source or following the opinion of a jurist or a priest without knowing the arguments and the source. See Muhammad bin 'Ali bin Muhammad al-Syawkani, *Irsyad al-Fukhulila Tahqiq al-Haqqmun 'Ilm al-Ushul* (Beirut: Dar al-Kutub al-'Ilmiyah, 1994), 391. See also Kamil Musa, *al-Madkhalila al-Tasyri' al-Islami* (Beirut: Mu'assasat al-Risalah, t.t), 179. Muhammad Hudlari Bik, *Ushul al-Fiqh* (Beirut: Dar al-Fikr, 1998), 380. This notion is often emphasized to the layman who follows the priest without a doubt what it conveys because they do not have the legal skills to dig directly against Quran and Sunnah. In a further development, the notion of *taqlid* seems not only limited to those who just follow a priest without knowing their argument, but more than that, people who know the source is also sometimes called *muqallid*. For NU scholars, *taqlid* meant to follow the opinion of the *mujtahid* accompanied with knowledge and reason as well as the use of legal sources. In this case, the position *taqlid* is same with *'ittiba*'.

³⁸Aziz Masyhuri, *Masalah Keagamaan: Hasil Muktamar dan Munas Ulama Nahdlatul Ulama Kesatu/1926 s/d Ketiga Puluh/2004 (Religious Issues: the results of the conference and General Assembly of NU First/1926 until Thirtieth/2004)*, volume 1 (Jakarta: Qultum Media in Assosiation with PPRMI, 2004), 2-3.

maintain the balance. It suits the accordance of NU Congress XXX No.: 06/MNU-03/1999 that explains:

“Aswaja principle in developing the culture and civilization is based on impartial attitude and maintaining the continuity between the presences and take on new things. Old tradition that is still relevant is maintained and preserved, while new tradition is accepted, after being filtered and adjusted (*Al-muhafadhah 'ala al-qadim al-shalihwa al-akhdz bi al-jadid al-ashlah*). Basically, Aswaja argues that modern civilization and culture that came from the west is the result of human innovation and creativity on the basis of rationalism to face the challenges in the form of values, science and technology. Everything contains in modern civilization and culture in the form of work ethic, discipline, orientation to develop, boost of rational and creativity use and discoveries of science, and advanced technology is the heritages of humanity that bring benefits to human welfare. As an open heritage of humanity, Aswaja saw modern civilization and culture can be accepted as long as it do not harm and contradict with basic theology and Islamic law.”³⁹

Al-muhafadhah 'ala al-qadim al-shalihwa al-akhdz bi al-jadid al-ashlah principle has two important meanings. *First*, although change is a necessity, tradition does not necessarily be eliminated. Traditions still form base identity and values for NU. *Second*, changes can only be made if the positive value has been identified. Reformation is not a speculation attempt by ignoring the tradition reliability, but the substance of the traditions that are considered irrelevant.⁴⁰

Religious practices that rise in the society can be regarded as the real facts in the human community, as the result of people understanding of Islam, and are every local context. As the context and local, religious practices is seen as valid understanding in religious reconstruction. Argumentations that can support the discussion are, first, the Quran and Sunnah as the ultimate source, could not discuss with their own self. Both are spoken when human being speaks them out. Automatically, it is placed in multiple interpretations context, parts of it is about how people understand Islam through *fiqh* and others. People can interpret the texts of Quran and Sunnah differently but it cannot be claimed as illegal. Second, local-context and different personalities of humans understanding cannot be said as misguided understanding. A context can be used to understand the doctrine, teachings and religious idea that suit their needs. Their needs to meet this religious expression are all about freedom of thought.⁴¹

Therefore, it is need to emphasize that local cultural elements that could or should be sources of law are, at least, not opposite of Islamic principles. A opposite elements of Islamic principles is automatically should be diminished and replaced. This is the reason for the presence of Islam in some place.⁴² Therefore, the presence of Islam always brings social transformation to a better community. At the same time, it does not mean that the presence of Islam is to separate a community from their past, but sustain anything from the

³⁹PW LTN NU Jatim Team, *Solusi Problematika Aktual Hukum Islam: Keputusan Mukhtamar, Munas dan Konbes Nahdlatul Ulama (Actual Problems of Islamic Legal Solution: The Decision of NU Conference, General Assembly and Konbes) (1926-2004)* (Surabaya: LTN NU and Khalista, 2007), 667.

⁴⁰Fanani, *NU dan Islamisasi Kultural Tradisi Lokal (NU and Islamization of Culture of Local Tradition)*, 223.

⁴¹Nur Khalik Ridwan, *Agama Berjui: Kritik atas Nalar Islam Murni (Bourgeois Religion: Critique of Pure Islam Reasoning)* (Yogyakarta: Ar-Ruzz Media, 2004), 240-243.

⁴²Nurcholish Madjid, *Islam, Doktrin dan Peradaban: Sebuah Telaah Kritis tentang Masalah Keimanan, Kemanusiaan, dan Kemodernan (Islam, Doctrine and Civilization: A Critical Review of the Issues of Faith, Humanity, and Modernity)* (Jakarta: Paramadina, 2000), 550.

past that is good, right and can be maintained in Islamic universal teaching. This is what had been seen and experienced by Kalijaga from the Javanese, at the time when he saw the feudalism of Majapahit fall apart in a short time and replaced with egalitarianism of Islam that invaded from northern coastal town of Java, which was Nusantara and international trade center. Kalijaga then decided to join the acceleration of transformation process in his way which used local elements to sustain the effectiveness of his techniques and operations.⁴³

There is another method other than *Al-muhafadhah 'ala al-qadim al-shalihwa al-akhdz bi al-jadid al-ashlah* that is aspirational, accommodative and flexible, which is *al-'adah*⁴⁴ *muhakkamah*, a tradition from the community that is used as source of the determination of law. Traditions of a community can develop, different and change according to the economic, social, politic and education stage. The changes force the laws proactively to change along so they are not *out dated*. These rules are in order to deliver the substance of Islamic law application which must bring improvise mission.⁴⁵ The rules also accept local culture in the practice and put Islamic accent into the tradition if there is anything opposites. In a cultural ritual, there are locality values and Islamic universal teaching that have been synergized and internalized. The rules also show the awareness of Islam in sustaining historical culture with cultural-Islamization strategy.⁴⁶ In the study of *Ushul Fiqh*, the norm of local culture is called '*urf*'.⁴⁷ In presence of '*urf*' Muslims has to judge the wrong and the right elements in a community fairly without approving them easily.⁴⁸ Fair attitude on the traditions became source of social transformation in a community that are just accepting Islam.

Azhar Basyir sets three conditions in '*urf*'. First, strengthen the soul. Second, rational. Third, acceptable by human nature.⁴⁹ In Islam, the tradition that does not fulfil those conditions is not '*urf*'. *Sabung Ayam* (cockfight) tradition however strengthening the soul, but irrational, contains animal-torture and gambling element. In short, if the tradition does not opposite the *syari'ah* it can be sustain and vice versa. In this approach, tradition is sought to

⁴³Ibid., 551.

⁴⁴'Adah is the roots of the word '*ada-ya'udu-adatan*' means repetition. In a broader sense, 'Adah meant "repetition of any act or practice that is done over and over".

⁴⁵Jamal Ma'mur Asma ni, *Fiqh Sosial Kijai Sahal Mahfudh antara Konsep dan Implementasi (Sosial Fiqh of Kiai Mahfudh between Concept and Implementation)* (Surabaya: Khalista, 2007), 346.

⁴⁶Ibid., 351.

⁴⁷Literally, *al-'urf* is the derivation of the word '*arafa-ya'rifu-'urf*' which means knowing. The word *al-'urf* derived from the same root of the word *al-ma'ruf*. *Al-ma'ruf* means "well known", which is well known as good in human experiences according to space and time. According to 'Abd al-Karim Zaydan, '*urf*' are favored matters of people, socialized and lived in everyday life in the form of words or conversations. 'Abd al-Karim Zaydan, *al-Wajiz fi Ushul al-Fiqh* (Amman: Maktabat al-Batha'ir, 1994), 145. In a broader and deep meaning, according to Nurcholish madjid, *al-ma'ruf* word could meant kindness which is "recognized" or "acknowledge" by conscience, as a continuation of the universal goodness. Therefore, *al-ma'ruf* in this understanding is an opposite meaning of *al-munkar*. Because *al-munkar* means anything that is "disobeyed", which is disobeyed by natural tendency, or refused by conscience. Refer to sociology, *al-ma'ruf* and *al-munkar* basically refers to the fact that good and evil exists in the community. Muslim is ordered to be able to recognize good and evil which exist in society, then encourage, bring up and be brave to the act of kindness, and at the same time preventing and inhibiting bad actions. Nurcholish Madjid, *Cendekiawan & Religiusitas Masyarakat (Intellectuals & Society Religiosity)*, (Jakarta: Paramadina, 1999), 112-113.

⁴⁸Madjid, *Islam*, 552.

⁴⁹Ahmad Azhar Basyir, *Hukum Adat bagi Umat Islam (Customary Law for Muslim)* (Yogyakarta: Nur Cahaya, 1983), 27.

fill with Islamic shade. Tradition might be used as creative method in understanding and practicing Islam, so that tradition and Islam complying each other.

The principle of Islamic law based on culture has been carried out by Islamic scholars from the past. *Imam Malik* established a number of Islamic law based on the people of Medina local practice. *Abu Hanifah* and his followers are vary in establishing the law because of the diversity of their traditions. *Imam Syafi'i* which settled in Egypt changed a number of Islamic principles when it's were established in Baghdad because of the different culture, so he has two opinions in Islamic law, the old one and the presence (*qawlaqadimandqawlijadid*). In the *fiqh* of Hanafiyah, a numerous of Islamic law had been established based on local norm.⁵⁰ Even though they are different in establishing Islamic law, the mind-set that they built is relatively same, which is addressing to the culture.

In general, it can be said that different opinions in establishing Islamic law among the *madzhabs* are not exist in the major of Islamic teaching, except for the *branches (furu')*, product interpretation and opinions from the major teaching.⁵¹ In the implementation, local culture influenced a lot in formation of Islamic law. The differences are the evidence of the *fiqh* capability to adapt and a boost factor for free thought in the community.

In the context of *fiqh*, for example in dressing, religious and cultural elements integrate. Long dress and *kebaya* both can be found in religious practice. On the contrary, if there is no cultural element, religion is hard to be recognized. In marriage context, bridegroom wears the Arabic-style clothes, while the bride wears the Chinese-style clothes. The various cultural products in *fiqh* context came from the influence of surrounding culture. Therefore, the establishment of *fiqh* always interacts with Islam and tradition.

Summary

Of some of the above two conclusions can be drawn as follows:

1. NU as a religious and public organization accentuated on Islam that has paradigm of culture. In this case, local culture is adopted to develop Islamic law. As a source of strength in *dakwah*, NU interacts Islamic teaching and tradition as a process of reconciliation to avoid conflicts.
2. Tradition as the foundation of the development of *fiqh* epistemology became a principle of NU. Eventhough NU's scholars are vary in establishing *fiqh*, their way of thinking is the same, which is addressing to the culture. NU that is acknowledged as traditional always put the culture as the priority in transforming the *fiqh*. The concept that is raised is a balance of tradition and *fiqh* with reference from *tawassul* value as the foundation.

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⁵⁰Abd al-Wahhab Khallaf, *'Ilmu Ushul al-Fiqh (The Study of Ushul al-Fiqh)* (Egypt: Dar al-Fikr, 1978), 90.

⁵¹Mun'im A. Sirry, *Sejarah Fiqh Islam: Sebuah Pengantar (Islamic Fiqh History: An Introduction)* (Surabaya: Risalah Gusti, 1996), 179.

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