

Measuring Islamic Boarding School Kiai's Legal Istinbat regarding Election Jurisprudence in Indonesia from the Perspective of Political Jurisprudence Principles

Shofiyulloh¹

[shofiyulloh_syaubari@uinsaizu.ac](mailto:shofiyulloh_syaubari@uinsaizu.ac.id)

.id Ridwan²

ridwan@uinsaizu.ac.id

Arini Rufaida³

arinirufaida1989@uinsaizu.ac.id

¹Faculty of Islamic Economics and Business, UIN SAIZU, Indonesia

²Faculty of Sharia, UIN SAIZU, Indonesia

³Faculty of Sharia, UIN SAIZU, Indonesia

Article Info

Abstract

Received: 2023-11-10

Revised: 2024-03-10

Accepted: 2024-06-20

Keywords:

Legal Istinbat, Islamic Boarding School Kiai, Political Fiqh Rules

Islamic boarding school kiai have a role in society as heirs of the Prophets. They are considered to have the capacity for religious understanding to provide the best solutions to the problems of the people, including those related to the general elections in 2024. This research aims to analyze the legal istinbat of Islamic boarding school kiai related to general elections in Indonesia from the perspective of political jurisprudence rules. The main issues studied in this research are the legal istinbat of Islamic boarding school Kiai regarding general election jurisprudence in Indonesia, the legal istinbat of Islamic boarding school kiai in responding to political issues in Indonesia, and the legal istinbat of Islamic boarding school kiai in formulating the rules of political jurisprudence in Indonesia. This research uses the method of istinbat usul fiqh law and fiqh rules. In applying the formulation of kiai thinking through the method of political jurisprudence, the concept of istiqra'i digital literature is used. This research concludes that the Islamic boarding school kiai's legal istinbat is based on a fiqh mindset which refers to the madhab-manhaji. Meanwhile, political issues are interpreted by Islamic boarding school kiai as wasilah which refers to the noble goal of building a better Indonesia. Islamic boarding school kiai's thoughts about politics are often colored by the rules of political jurisprudence.

I. Introduction

The political journey in Islam always goes hand in hand with the development of Islam itself. It is proven in several historical literature that the leadership of each dynasty made efforts to develop Islamic civilization.(Muhajir, 2017). From political thought emerged a state system. In theory, many government systems are adopted and implemented, for example monarchy, theocracy, autocracy and democracy.(Ningrum, 2019).

In Indonesia, the course of Islamic politics also developed along with the arrival of Islam in Indonesia. Many kingdoms adhere to the Islamic system in Indonesia, for example the Kingdom of Demak, which is able to influence society through the various policies it takes. Islamic political thought then continued with the presence of the Unitary State of the Republic of Indonesia. Islamic political thought is united within the framework of the Pancasila formulation, as embodied in the principles of Belief in One Almighty God (A. ad S. Ali & Bisri, 2009). The formulation of Pancasila takes a middle ground pattern between two extreme concepts, namely a state with a secular concept and a religious state concept (A. S. Ali & Pancasila, 2009).

Basically, the existence of the state in the Islamic view is not a goal (*ghoyah*), but as a means or medium to achieve goals (*wasilah*). The goal of the state itself is to realize human benefit physically and spiritually, both in this world and in the afterlife. Therefore, in Islam the concept of the state is only conveyed in general terms, such as the principles of *syura*, *al-'adalah*, *al-musawa*, and *al-hurriyah* (Muhajir, 2017).

Meanwhile, many Islamic political missions in Indonesia were spearheaded by Islamic boarding school kiai. For this reason, sometimes Islamic boarding school kiai become a tempting field for politicians to gain votes from Muslims through the hands of Islamic boarding school kiai (Syam, n.d.). However, the kiai have their own political *ijtihad*, so that various views of Islamic boarding school kiai emerge which lead to political choices for several different leadership candidates. The Islamic boarding school kiai certainly have a basis for making decisions when choosing. As in matters of jurisprudence in general, kiai in their political views often adhere to the principles of jurisprudence.

Analyzed through the social thinking of Islamic boarding school kiai, the mindset of Islamic boarding school kiai cannot be separated from the very strong Islamic scientific knowledge taught in Islamic boarding schools. From all the literature, many kiai's thoughts are based on the fiqh mindset. This fiqh mindset is very dynamic depending on the object being dealt with.(Gusmansyah, 2019). This is because the fiqh tradition is the result of ideas originating from the Middle Ages and this tradition continues in Islamic boarding schools to this day. Fiqh issues cover many things, including political issues (fiqh siyasah). In the political reasoning of Islamic boarding school kiai, fiqh is brought to life in a national formulation so that the goal to be achieved is a common problem for the people in general.(Adiyanto & Wulandhari, 2020). In the sense that when Islamic boarding school kiai are involved in political issues, they do not leave the normative logic within the framework of fiqh thinking. Even though it is not textual, the logic of Islamic boarding school kiai in making political policies can be found in Islamic boarding school texts.

The kiai's fatwa and advice for students and alumni of related Islamic boarding schools is something that is considered absolute. This is due to the steps taken by the santri to follow the kiai, although it is not a legal provision but is an ingrained culture (Azharhany, 2023). In political matters, in general students and alumni are more inclined to follow the direction of the Islamic boarding school community. They believe that what the kiai conveys is the result of his ijhtihad which has purity and sincerity without any interests (Zahro, 2022).

If you look at the data available on the page <http://emispendis.kemenag.go.id/pdpontren>, there are at least around 39,043 Islamic boarding schools in Indonesia around 2022/2023. This shows that Islamic boarding schools are the largest centers of Islamic education in Indonesia. Commanded by the Islamic boarding school kiai, Islamic boarding schools develop through sound knowledge (Khoiri, 2022). Seeing this, it is not surprising that Islamic boarding schools are targeted at gaining votes in general elections, in addition to many of their students who are old enough to exercise their political voting rights. However, Islamic boarding school kiai generally maintain the idea that political issues are a medium (intermediary) for the journey of the Indonesian nation. Likewise, general elections are a means of bringing the Indonesian nation and state to a better future.

If you look at the current political phenomenon, where 2024 is a political year in Indonesia, the role of kiai is central in gaining votes from Muslims. It can be seen from the indirect support of the three presidential and vice presidential candidates, namely Anis Baswedan-Muhaimin Iskandar, Prabowo Subianto-Gibran Rakabuming Raka, and Ganjar Pranowo-Mahfud MD, behind which several names of Islamic boarding school kiai appear. In understanding democracy, it is commonplace that differences of opinion and political choices are a requirement for democratic doctrine (Hannan & Syarif, 2020). However, looking at it from another perspective, people are wondering what is behind the kiai choosing several different leadership candidates based on the concept of political jurisprudence.

Likewise, regarding the phenomenon of candidates under 40 years of age, people question the law of voting and being elected in Islamic law. Sometimes, there is also a small group of people who view politics as only for the power of those who want to be in power, and as a result they feel reluctant to vote, or the term is abstention. (Ridho et al., 2021) From this case, the Pentecostal clerics are also often asked for their opinion on the law of abstention.

Meanwhile, in political activities there is definitely mass mobilization in campaigns, and in several cases there have even been issues of buying votes with money (Arliman, 2023). Based on these matters, Islamic boarding school kiai are required to provide solutions and enlighten the public regarding the law on campaigning and the law on buying votes with money or other facilities. On the other hand, the Indonesian people are presented with a debate agenda for leadership candidates organized by the General Election Commission (KPU) as well as by several independent forums. This also makes people see the spectacle of debates which sometimes lead to mutual sarcasm and personal attacks on certain candidates. This is the focus of this research, namely looking at the extent to which the political thinking of Islamic boarding school kiai is related to the political issues above which are juxtaposed in the perspective of the rules of political jurisprudence. (Irfan, n.d.)

Thus, this research aims to formulate some of the political thoughts of Islamic boarding school kiai juxtaposed with the rules of political jurisprudence. The thoughts of this Islamic boarding school kiai can enrich the formulation of political jurisprudence rules which can be used as an alternative in understanding Islamic politics in Indonesia.

For this reason, the aim of this research is to try to collect some of the kiai's political thoughts from the perspective of political jurisprudence rules or also create new political jurisprudence rules based on the confirmation of Islamic boarding school kiai's political thoughts. What is clear is that political phenomena involving the role of Islamic boarding school kiai have a real influence on society.

This research step cannot be separated from the focus of the problem which includes the following matters. First, what is the political thought map of Islamic boarding school Kiai from the perspective of political jurisprudence? Second, how do Islamic boarding school kiai think in responding to political issues in Indonesia? Third, how can the implementation of Islamic boarding school kiai's thinking enrich the formulation of political jurisprudence rules which can be used as an alternative in understanding Islamic politics in Indonesia?

2. Research Method

In this research, the author attempted a qualitative approach. In addition, in terms of data collection techniques, this research collects data from reviewing digital literature and libraries related to the research, as well as tracing the digital footprints of Islamic boarding school kiai's thoughts via YouTube, Instagram, Facebook and the Islamic boarding school's official website. The primary source for this research is the results of searching digital literature which explains the thoughts of Islamic boarding school kiai regarding politics in Indonesia, especially in responding to the 2024 general election, in addition to text literature regarding Islamic jurisprudence principles which are more directed towards political issues. The secondary sources for this research are books or journals that explain research on the principles of jurisprudence, fiqh siyasah and related to politics in Indonesia.

Meanwhile, this research leads to an empirical-normative approach, where the results of literature searches, especially through digital traces that explore the thoughts of Islamic boarding school kiai, are used as steps in formulating research. On the other hand, the method in this research uses the method of istinbat customary law fiqh and fiqh rules. In applying the formulation of kiai thinking through the method of political jurisprudence, the concept of istiqra'i literature and interviews with several figures were carried out.

Then, there are two methods or techniques used in the data collection stage. First,

collecting documentation and interviews, namely data collection carried out to obtain information on the kiai's current political thoughts. Second, collecting literature, which is contained in several related studies. This literature analysis is ultimately used as a reference in formulating the concept of thought of Islamic boarding school kiai from the perspective of political jurisprudence principles. As a result of the documentation, then, a design for the rules of political jurisprudence was determined based on the thoughts of the Islamic boarding school kiai.

Next, three steps were carried out in data processing. First, the step to describe the data, which is done by writing anything related to the political thoughts of Islamic boarding school kiai from the perspective of political jurisprudence rules. Second, the step to reduce data, which is done by reducing all the information obtained in the initial step in order to get the focus of the problem to be researched. Third, the step to carry out selection, where the researcher conveys a more detailed research focus, which is then selected several points that are relevant to the research.

Researchers carried out several data analyzes as follows. First, discourse analysis, which is carried out through the discourse of Islamic boarding school kiai who are involved in politics, so that a map of the political thoughts of these kiai will be obtained. Second, narrative analysis, which was carried out to discover the history of the role of Islamic boarding school kiai in politics in Indonesia. The final step is to formulate an analysis of the thoughts of Islamic boarding school kiai in the perspective of the rules of political jurisprudence as the final result that can be described in this research.

3. Results and Discussion

Kiai and Islamic Politics in Indonesia

Kiai or ulama are central figures in the Muslim community, who were able to mobilize the masses with their fatwas to fight the invaders at that time. Likewise, in the months leading up to the general election in Indonesia, kiai or ulama became a rising point for Muslims in politics in Indonesia (Husnan & Sholihin, 2017). Kiai have a significant role in the world of politics in Indonesia. This cannot be separated from the existence of kiai figures in society who are able to become quite ideal role models. In fact, his fatwas are heard more than those of other public figures. When the kiai holds a certain political view, the people who follow will submit and obey the kiai's decision (Khoiri, 2022).

At the field level, kiai often become tempting objects for gaining political votes by certain parties. The dominance of kiai in public life provides an important role in political thought in Indonesia. The emotional relationship between santri and society and the kiai places the kiai as central in religious views, including politics (Syam, t.t.).

In general, Islamic politics in Indonesia is implemented by considering *hifz ummah* (maintaining the community). This is because Indonesia is a pluralistic country, very diverse in religion, ethnicity, race, culture, language and so on. With a *maqasid ash-syari'ah* perspective, the existence of Islamic politics in Indonesia takes into account the benefit of the people, namely the integrity of the Indonesian nation. (Maimunah, 2018). Regarding the concept of statehood from an Islamic perspective, al-Mawardi stated that religion has an important position in political legitimacy. For al-Mawardi, the emergence of the state is because humans as social creatures have an interest in a better future through a state

institution. This country exists to be a forum for aspirations to live life together under one roof.(Diana, 2017).

Meanwhile, Afifuddin Muhajir explained that Islam and the state need to have a logical and scientific dialogue, so that the two are not brought into conflict with each other. By presenting fiqh thoughts on state administration, Islam is presented in political concepts in Indonesia in a substantive form. Discourses on state administration are presented in a fiqh approach and fiqh rules so as to present a conception of siyasah fiqh that can be implemented in Indonesia. (Muhajir, 2017). In the struggle for national political thought of ulama, it is necessary to elaborate the views of the rules of jurisprudence which are generally taught in Islamic boarding schools with political facts, especially those in Indonesia. Not only that, there is also a need for a strategy to apply Islamic values, the substance of Islam, and not the symbolic formalities of Islam, in the context of national and state life. (S. I. Ali & Sosio, 2018).

The Role of Islamic Boarding School Kiai and the Development of Islamic Politics in Indonesia

Starting from the principles and characteristics of Islamic politics, namely that all Islamic political actions must be oriented towards *tasarruf al-imam manutun bil maslahah*, namely implementing political thinking for the benefit of the nation. To form a concept of political jurisprudence, an analysis of Islamic political theory or Islamic jurisprudence is needed. Ahmad Sahal Mahfuz offers the concept of *siyasah 'aliyah samiyah* (high level politics) which includes three main things, namely national politics, popular politics and ethics in politics. (Umam, 2018). For Sahal, national politics means that the Indonesian people must be committed (*istiqamah*) and fight persistently in maintaining the Unitary State of the Republic of Indonesia on the basis of Pancasila and the 1945 Constitution as the final form of state for the Indonesian nation. Meanwhile, popular politics means that the Indonesian people must always provide an understanding

regarding the rights and obligations of the people, as well as protect and defend the people from all forms of injustice and arbitrariness from any party. Furthermore, political ethics must always be instilled by the Indonesian people, so that a polite and moral political life takes place that does not justify any means. This is related to noble values that must be upheld in political and state practices.

In Islam, the teaching system is not only about 'ubu>diyyah, but also includes matters relating to the regulation of national and state life. Through national life, Islam makes arrangements for community (mu'asyarah) and cooperation between fellow humans. Meanwhile, through state life, Islam builds regulations through discussions contained in siyasah fiqh or related to the history of *al-Khulafa' ar-Rasyidun*. Al-Mawardi in *al-Ahkam as-Sultaniyyah*, mentions several political views of the ulama (Al-Mawardi, 2007). For Hanafiyah clerics, the essence of politics is to encourage benefit through directing society to safety in this world and the hereafter. With this aim, a kiai has a role in ensuring that political life remains in the corridor of wasilah bringing benefit, not damage. Meanwhile, for Hanbali ulama, politics is implemented in attitudes, behavior and social policies that bring people closer to the good, while keeping them away from the good, even though this has never been determined by Rasulullah SAW. Meanwhile, for Shafi'iyah scholars, politics must still go through the corridors of Islamic sharia, by pursuing all forms of attitudes and policies to achieve the main goals in sharia principles. This goal can be realized in several principles as follows. First, maintaining and implementing the teachings of the Islamic religion. Second, maintaining scientific insight for the future of the people. Third, protecting residents' bodies from the dangers posed by food security policies and so on. Fourth, safeguard assets by developing business and anticipating forms of fraud, theft, money laundering, corruption and so on. Fifth, protecting offspring

through nutritional fulfillment programs, immunizations, stunting prevention, and so on. Sixth, maintaining the nation's self-esteem, through policies providing laws for bullies, spreaders of hoaxes, defamation, religious blasphemy and so on.

Meanwhile, Islamic boarding school kiai have a role in providing enlightenment to the community regarding the dynamics of politics in Indonesia. In Q.S. al-Fathir; 28, kiai (another name for ulama) are servants who are considered to have a *khosyah* (fear) attitude towards Allah. With all his considerations, the kiai does not have a personal interest in politics, but his view is more about how benefit is realized in society through the political agenda process in Indonesia. In the world of Islamic boarding schools, kiai and santri uphold three principles, namely *muwatanah*, *musawah amamal hukm*, *difa' 'anil wat'an* as a form of implementation of religious teachings. (S. I. Ali & Sosio, 2018b). In other words, Islamic boarding school residents are always willing to be good and dignified citizens, ready to defend their homeland and respect the constitution and applicable laws. In this context, kiai are present in political life as a form of participation in fighting for the benefit through the implementation of religious teachings. From several opinions of the Islamic boarding school kiai, legal conclusions were then formed, which were then conceptualized in the form of political jurisprudence rules.

Traditions of fiqh rules in Islamic boarding school kiai's mindset

The rules of jurisprudence are basically formed after legal conclusions are summarized in the provisions of jurisprudence. So, the construction of the rules of political jurisprudence in this research is to collect the Islamic boarding school kiai's way of thinking in Islamic jurisprudence, which then becomes material for the kiai's policy in answering political problems. For the Islamic

boarding school world, an accommodating relationship between religion and politics is a necessity. The accommodative attitude in political thinking Wahhab Hasbullah, which is based on the following fiqh principles; *مالا يدرك كله لا يترك كله* (if something cannot be obtained in its entirety, it does not mean that it must be abandoned completely). This rule can be a guideline in accepting existing political models and issues, as long as the politics still takes into account the benefit and benefit of the entire nation.

Meanwhile, Greg Fealy (2003) found that the *kiai's* attitude in politics in Indonesia cannot be separated from three things. First, wisdom, which means that all decision making must always consider the benefit. This is in accordance with the formulation of the rules of fiqh which state; *تصرف الامام على الرعية منوط بالمصلحة* (Leaders' policies must consider the benefit). This is the spirit of Islamic law, which has the side of attracting all benefits and rejecting harm or damage. Apart from that, the *kiai's* policy stance is also patterned on the stated rules of *اذا تعارض مفسدتان رعي اعظمهما ضرارا بارتكاب* and *درء المفساد مقدم على جلب المصالح* fiqh. *اخفهما*

Second, flexibility, which means the *kiai* is very open and able to adapt to existing situations and conditions. The flexible attitude of these *kiai* is based on the rules of *ad-daruratu tubihul mahzurat* jurisprudence and the rules of jurisprudence *ma la yudraku kulluhu la yutraku ba'duhu*. Third, moderate, considering a neutral attitude and not being trapped in extreme actions, and having a careful attitude in expressing opinions.

Implementation of the Islamic Boarding School Kiai's Legal Istinbat regarding General Elections in Indonesia

Several issues begin to be raised every time a general election is held, including in Indonesia. The first issue that began to emerge was how to choose a leader according to the thoughts of the Islamic boarding school kiai. In a state, choosing a leader is a sharia obligation and this is the agreement (ijma') of the friends and tabi'in. This is as stated by Ibn Khaldun:

إِنْ نَصَبَ الْإِمَامَ وَاجِبٌ قَدْ عُرِفَ وَجُوبُهُ فِي الْإِسْلَامِ بِإِجْمَاعِ الْأَصْحَابِ وَالْتَّابِعِينَ لِأَنَّ أَصْحَابَ رَسُولِ اللَّهِ ﷺ عِنْدَ وَفَاتِهِ بَادَرُوا إِلَى بَيْعَةِ أَبِي بَكْرٍ وَتَسْلِيمِ الْأَمْرِ إِلَيْهِ فِي أُمُورِهِمْ وَكَذَا فِي كُلِّ عَصْرِ مِنْ بَعْدِ ذَلِكَ

Appointing a leader is an obligation, and the obligation is known in the Sharia based on consensus among the Companions and Tabiim, because the Companions, after the death of the Messenger of Allah, rushed to pledge allegiance to Abu Bakr and submit to him to supervise their affairs, and this happens in every era afterwards.

Because it can be said to be mandatory, there are several simple methods for Islamic boarding school kiai in selecting the president and vice president from the perspective of Islamic jurisprudence as follows.

- Based on the rules of fiqh *كله لا يترك كله*, Islamic boarding school kiai illustrates that if the consideration is ulama, then choose those who have ulama, even if they are only in deputy positions.
- Based on the rules of fiqh *اليقين لا يزال بالشك*, Islamic boarding school kiai stated that if the consideration is achievement, choose those whose achievements are clear rather than those which are unclear and vague.

- Based on the rules of fiqh الضرر لايزل بالضرر مثله, The Islamic boarding school kiai made a statement that if the consideration is dilapidated, then don't replace it with new dilapidation, let alone worse.
- Based on the rules of fiqh من شك في القليل او الكثير حمل على القليل, The Islamic boarding school kiai explained that if the consideration is wealth, then choose the one with the least amount of wealth

Then, a case that emerged among the public regarding candidates who were worthy of entering the prospective leader market was regarding the concept of female leaders and the age at which they were suitable to be leaders. Basically, equality between women and men in their roles in public spaces, including in the world of politics, is generally covered in the following verses which emphasize equality in carrying out good deeds.

﴿نَبِيٍّ عَمَلٍ مِّنَ الصَّالِحَاتِ مَن ذَكَرَ وَأُؤْتِيَ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا

"Whoever does pious deeds, whether male or female, and he is a believer, then they will enter heaven and they will not be wronged even in the slightest." (QS An-Nisa': 124).

In another verse, Allah SWT in another verse says:

﴿مَنْ عَمِلَ صَالِحًا مِّن ذَكَرٍ وَأُؤْتِيَ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ يُرْزَقُونَ فِيهَا بِغَيْرِ حِسَابٍ

"And whoever does righteous deeds, whether male or female, while he is a believer, they will enter Paradise, they will be given sustenance therein without reckoning." (QS Al-Mukmin: 40).

Of course, the pious deeds here are also of a general nature, both private pious deeds and public pious deeds that involve the affairs of many people, as well as activities in the world of practical politics. Both as voters and people chosen in political contestations in a democracy like Indonesia. For this reason, the scholars decided:

لا حرج في التصويت للمرأة لشغل العضوية في مجالس النواب أو المجالس البلدية، فليس ثمة دليل ينهي عن ذلك، وحكم الترشح للانتخابات النيابية -وكذا التصويت للمرشح- يعتمد على الصفات التي يتمتع بها المرشح، والتي تؤهله لشغل هذه المسؤولية الكبيرة، من أمانة على العباد والبلاد، والإخلاص في خدمتهم، والرشد في تشريع القوانين، مع القوة الشخصية والمعرفية والجرأة في مراقبة الحكومة في أداؤها، قال الله

تعالى: إِنَّ خَيْرَ مَنْ أَسْتَأْجَرَ ثَمَ لَقَوِيَّ الْأَمِينُ. (القصص: 26)

"There is no sin in giving women the right to vote to become members of the parliamentary assembly or regional assembly. Because in this case there is no argument that prohibits it. The law for nominating candidates for parliamentary elections, as well as giving candidates the right to vote, is guided by the characteristics of the candidate and their skills to carry out this big responsibility. Namely the mandate of the people and the state. Likewise, considering his sincerity in serving the people, ability to make laws, as well as personal integrity, scientific and mental capacity in supervising the government in implementing laws. Allah says: "Indeed, the best person you send to work is someone who is strong and trustworthy." (QS Al-Qashas: 26).

Furthermore, the next general election issue is related to abstention. Islamic boarding school kiai generally express the opinion that golput has two descriptive characteristics. First, the essence of the leader selection process is fardhu (obligatory). Second, every individual citizen has the right to vote and the obligation to be accountable. The kiai based their opinions on what al-Mawardi said as follows.

فَإِذَا تَبَيَّنَ وَجُوبُ الْإِمَامَةِ فَفَرَضُهَا عَلَى الْكَفَايَةِ كَالْجِهَادِ وَطَلَبِ الْعِلْمِ، فَإِذَا قَامَ بِهَا مَنْ هُوَ مِنْ أَهْلِهَا سَقَطَتْ رَضُهَا عَلَى الْكَفَايَةِ

In the Al-Ahkam Sulthoniyyah Book, it is explained that if leadership is considered obligatory, this obligation is kifayah, such as jihad and seeking knowledge. If one of the people fulfills it, then his obligations are fulfilled according to his kifayah.

However, in Indonesia, the people's vote really determines the victory of the leader candidate. When you only represent a few voters, you will eliminate the voices of other leaders. If voters choose the wrong leader, while others abstain, then the leader who has leadership capacity will lose. For this reason,

Islamic boarding school kiai use the rule that a need can occupy an urgent position, so the sadd az-zari'ah method is used.

In terms of campaigns, Islam strictly prohibits money politics. Thus, risywah is property that a person gives to a judge, government, state apparatus, or other party with the aim of providing a decision that can benefit the bribe giver or decide the law according to the bribe giver's wishes. This is as explained by Ibnu Abidin as follows:

وفي المصباح: الرشوة بالكسر: ما يعطيه الشخص الحاكم وغيره ليحكم له أو يحمله على ما يريد

In the book Al-Misbah, the word Risywah (with kasrah ra) is something given by someone to a ruler or other person so that he decides matters for him or helps him achieve what he wants."

Then, the next election issue is the debate on the leadership candidates. Having this kind of debate is positive as long as both parties can still argue well. However, when both of them are overcome by emotions and even attack each other personally, this kind of debate can be prolonged and has the potential to cause harm. Sayyid Abdullah bin Alawi Al-Haddad explained the prohibition on prolonged debate as follows:

وعليك بالحذر من المراء والجدال فإنهما يوغران الصدور ويوحشان القلوب ويولدان العداوة والبغضاء فإن مارك أجادلك مح ق فعليك بالقبول منه, لأن الحق أحق أن يتبع, أو مبطل فعليك بالإعراض عنه, لأنه جاهل والله تعالى يقول: "وأعرض عن الجاهلين

"Never involve yourself in prolonged debates, because this will inflame anger, damage hearts, create hostility and arouse hatred. If someone argues with you with a truth, accept it, because the truth is always better to follow. If he continues to argue with you with falsehood, turn away and leave that person, because he is an ignorant person, whereas Allah SWT has said, "Turn away from the ignorant people."

From the explanation above, it can be concluded that the ban on prolonged debate has the potential to cause negative things such as the following: First, it inflames anger on one or both parties. Second, it damages the hearts of both parties

because each person is burned by their emotions. Uncontrolled emotions will ultimately eliminate each other's reason. Third, it creates hostility between the two parties because the party that initially feels they have won rhetorically may end up experiencing physical defeat. Fourth, growing hatred between the two parties which at any time can ignite their emotions. Hatred that cannot be extinguished will eventually become the embers of vengeance and has the potential to perpetuate hostility both between the individuals arguing and members of their groups.

To avoid the negative things above, the Islamic boarding school kiai emphasized that each party in the debate should have sportsmanship in the debate, that is, be honest about the truth of the other party. This means that if it turns out that the other party's opinion is correct, then they must honestly be willing to admit and accept it. This kind of attitude is very commendable because the truth wherever it comes from must be accepted and followed regardless of who states it. On the other hand, if the party arguing believes that his opinion is right and the other party's opinion is wrong because of his ignorance, then we should immediately leave that person because the truth should not be obscured by ignorance and let alone defeated by falsehood. In this way, prolonged debate can be avoided so that it does not cause negative things as mentioned above. This recommendation to leave ignorant parties is in line with Allah SWT's command in the Al-Qur'an, surah Al-A'raf, verse 199, "Waa'ridh 'anil jahilin (Turn away from ignorant people)."

4. Conclusion

From the explanation above, the following can be concluded.

First, the role of Islamic boarding school kiai is very urgent in providing religious enlightenment to the community, especially students and alumni. For some communities, the kiai's decision authority is absolute in religious matters. Likewise political issues, where some people really consider the results of the political ijtihad of Islamic boarding school kiai.

Second, the Islamic boarding school kiai's legal code of conduct is greatly influenced by his scientific capacity regarding the rules of jurisprudence. All problems that are being faced are always made through the rules of fiqh. In political matters, kiai often use fiqh principles in making considerations in every decision.

Third, the implementation of kiai's thinking in political matters is a scientific dynamic of political jurisprudence, whose domain is in the position of ijtihadiyah, so that decisions are not binding, but are something strong for some people who position Islamic boarding school kiai's ijtihad as a religious discourse that has a strong foundation in its legal exploration.

References

- Adiyanto, W., & Wulandhari, R. (2020). Kekuasaan Kiai Dalam Politik: Modal Fuad Amin Sebagai Bupati Terpilih di Kabupaten Bangkalan. *CHANNEL: Jurnal Komunikasi*, 8(1), 59.
- Ali, A. ad S., & Bisri, A. M. (2009). Negara Pancasila: Jalan kemaslahatan berbangsa. (No Title).
<https://cir.nii.ac.jp/crid/1130000797675462912>
- Ali, A. S., & Pancasila, N. (2009). Jalan Kemaslahatan Berbangsa. *Jakarta: Pustaka LP3ES Indonesia*.
- Ali, S. I., & Sosio, L. M. (2018a). *Kaidah Fikih Politik; Pergulatan Pemikiran Politik Kebangsaan Ulama*. Harakah Book.
<https://books.google.com/books?hl=id&lr=&id=eHn7DwAAQBAJ&oi=fnd&pg=PR17&dq=kaidah+fikih+politik+Syaikhul+Islam+Ali+&ots=szW4SWdxcD&sig=05j4NQnhpxpEs1wZaZBxRVhzKxA>
- Ali, S. I., & Sosio, L. M. (2018b). *Kaidah Fikih Politik; Pergulatan Pemikiran Politik Kebangsaan Ulama*. Harakah Book.
<https://books.google.com/books?hl=id&lr=&id=eHn7DwAAQBAJ&oi=fnd&pg=PR17&dq=Kaidah+fikih+politik&ots=szW4SVhuaG&sig=ALe3dOikbKHVsnkANZ-NmAUmjdm>
- Al-Mawardi, I. (2007). *Al Ahkam As Sulthoniyyah; Hukum-Hukum Penyelenggaraan Negara. Terjemahan Oleh Bahri Fadli*.
- Arliman, L. (2023). Kekosongan Hukum Terhadap Sosialisasi Pemilihan Legislatif Dan Pemilihan Presiden Yang Berkedok Kampanye. *Journal of Global Legal Review*, 1(1), 1–12.
- Azharghany, R. (2023). Jejak Dakwah Kiai Sebagai Creator Dalam Dinamika Perubahan Sosial. *Dakwatuna: Jurnal Dakwah Dan Komunikasi Islam*, 9(2), 127–142.
- Diana, R. (2017). Al-Mawardi dan Konsep Kenegaraan dalam Islam. *TSAQAFAH*, 13(1), 157–176.
- Gusmansyah, W. (2019). Trias Politica Dalam Perspektif Fikih Siyasah. *Al Imarah: Jurnal Pemerintahan Dan Politik Islam*, 2(2). <https://ejournal.iainbengkulu.ac.id/index.php/alimarah/article/view/1448>
- Hannan, A., & Syarif, Z. (2020). Agama Dan Politik: Konstelasi Pemikiran Antara Kelompok Kultural Dan

Struktural Pada Kalangan Kiai Pesantren Di Madura. *MAWA IZH JURNAL DAKWAH DAN PENGEMBANGAN SOSIAL KEMANUSIAAN*, 11(1), 47–73.

Husnan, D., & Sholihin, M. (2017). Ulama, Islam, dan Gerakan Sosial-Politik: Reposisi Ulama dalam Gerakan Sosio-Politik Islam Indonesia. *FOKUS Jurnal Kajian Keislaman Dan Kemasyarakatan*, 2(1), 1.

Irfan, A. (n.d.). Pendidikan Politik Kebangsaan dalam Al-Durr al-RumbÄ nÄ «fÄ «al-Fiqh al-SiyÄ sÄ «Karya Muhammad Cholil Bisri. *TA'DIBUNA: Jurnal Pendidikan Agama Islam*, 6(1), 56–67.

Khoiri, Q. (2022). *Reposisi Kiyai Pesantren Dalam Dinamika Politik*.

<http://repository.iainbengkulu.ac.id/9473/1/REPOSISI%20KIYAI%20PESANTREN%20DALAM%20DINAMIKA%20POLITIK.pdf>

Maimunah, M. (2018). Politik Islam Perspektif Maqashid Syariah. *El-Mashlahah*, 8(1). <https://e-journal.iain-palangkaraya.ac.id/index.php/maslahah/article/download/1093/920>

Muhajir, K. A. (2017). *Fiqh Tata Negara*. IRCiSoD.

https://books.google.com/books?hl=id&lr=&id=98hEEAAQBAJ&oi=fnd&pg=PA2&dq=fikih+tata+negara+afifuddin+muhajir&ots=NMK_Tr4JgV&sig=3UAVzomgFEe0zrcLimGuNsmlCJg

Ningrum, Q. I. (2019). *Fiqh Tata Negara Dalam Perspektif KH Afifuddin Muhajir*. [PhD Thesis, IAIN Jember]. <http://digilib.uinkhas.ac.id/14035/>

Ridho, H., Wasik, A., & Washil, S. (2021). Kiai dan Politik; Relasi Ulama dan Umara dalam Mewujudkan Perdamaian Umat Beragama dan Bernegara. *TARBIYA ISLAMIA: Jurnal Pendidikan Dan Keislaman*, 11(1), 54–66.

Syam, N. (n.d.). Kyai, Santri dan Politik. *UINSA Surabaya*. Retrieved November 16, 2023, from <https://core.ac.uk/download/pdf/34212149.pdf>

Umam, K. (2018). Paradigma Ushul Fiqih dalam Nuansa Ilmu Sosial. *EMPIRISMA: JURNAL PEMIKIRAN DAN KEBUDAYAAN ISLAM*, 27(1). <https://garuda.kemdikbud.go.id/documents/detail/1074377>

Zahro, N. F. (2022). KIPRAH KIAI & PESANTREN DALAM PERGULATAN POLITIK NASIONAL DI

INDONESIA. *Jurnal Pikir: Jurnal Studi Pendidikan Dan Hukum Islam*, 8(2), 121–140.