Islamic Law at the Grassroot; SIGMA Program at Bhasa Radio Situbondo and Its Controversy

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Abstract:
This study explores the controversy of SIGMA *(Konsultasi Agama or Religious Consultation)* at Bhasa Radio 93.1 FM Situbondo as the representation of how grassroots Muslims perceive Islamic law. SIGMA is an aired interactive forum discussing current issues of Islamic law engaging a host, a speaker, and listeners. However, it sparks controversy particularly because of the stigma of a liberalist. This research, therefore, focuses on the typology of SIGMA perspective

through the opinion of its speakers, genealogy beyond their thought, and the controversy that comes along. As a qualitative field study with a socio-philosophical approach, it used interviews with 14 informants consisting of SIGMA speakers and staff as well as listeners from diverse backgrounds. It turns out that; *firstly*, SIGMA's perspective indicates a progressive type of thought rather than liberal as stigmatized because of the employment of *maqaṣid al-syari'ah* during discussing the issue and making decisions afterward. *Secondly*, the thinking model can be traced back historically to NU (Nahdlatul Ulama) reformists who likely use *maqaṣid al-syari'ah* to examine Islamic law along with a progressive mindset. SIGMA speakers furthermore tend to employ advancement of ijtihad and contextual fiqh like what *baḥs al-masa'il* forums typically do. Thirdly, the controversy stems mainly from the negative stigma which tends to be loudly and sporadically expressed making sympathetic voices unheard. This implies how grassroots Muslims interact with Islamic law in both textual and contextual realms particularly when coping with the changing situation and dynamic methodologies.

Keywords:
Islamic Law; Stigma; Progressive; Liberal; SIGMA

Introduction

The religious discourse continues to unfold in various fields, both in face-to-face and online settings. Undeniably, this phenomenon gives rise to at least two major frictions, namely the literal and liberal interpretations. The religious consultation program SIGMA on Bhasa FM radio has not been exempt from allegations of promoting liberal, secular, *neo-Muktazilah*, and similar views. In fact, according to its speakers, SIGMA even aims to formulate Islamic law progressively through *ijtihad* based on context, striving to understand legal issues in a historical context and align them with the overall purpose of Islamic law implementation. It is deemed to connect religious texts with contemporary contexts, ensuring they remain up to date and applicable. Due to this situation, sometimes, the contents of the programs bring about a debatable phenomenon as the affection of social stigma.

Stigma, on the other hand, is an attribute that extensively discredits an individual, diminishes them from the whole, and generally labels them as tainted or disregarded.[1] Goffman mentions three types of stigmas: character, physical, and group identity. The last type is in line with Allison's definition that stigma does not focus on individual character but rather on groups such as racial, religious, organizational, and community groups, among others.[2] Stigmatization against religious groups falls within the last category, including the subject of this research, namely the SIGMA perspective represented by its speakers.

The SIGMA program has once led to a debatable phenomenon. This particularly happened when SIGMA tried to solve the problem on child born out-of-wedlock status. SIGMA stated that deeper study must be held to determine the lineage of this case, whether the lineage belongs to the biological father or mother. When the government stated that the children, in this case, belong to the biological father, SIGMA speakers argued that it must belong to the biological mother. The arguments that the speaker puts forward against the problems faced by the listeners lead to debatable solutions. This, in the end, sparked controversy and debate from various groups including religious leaders. Some people argue that the program tends to be liberal while some others believe this tends to be moderate.

According to Kurzman, dynamic liberal Islam is capable of building its own context by referring to Islamic traditions such as the interpretation of the Qur'an, the life of Prophet Muhammad, early generations of Islam, and Islamic tradition.[3] Meanwhile, Binder stated that without the emergence of liberal Islam, to him, political liberalism would not have occurred in the Middle East.[4] Different from them, Nurcholis Madjid speaks broader about Islamic thoughts and their

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[1] L. T. B. Major & O'Brien, *The Social Psychology of Stigma* (Annual Review of Psychology, 2005), 45.

[2] R. Aronson J. Inzlicht, & Mendoza-Denton, "On Being the Target of Prejudice: Education Implication", *in Butera, F. & Levine, J. M. (Ed.), Coping with Minority Status: Responses to Exclusion and Inclusion* (New York, NY: Cambridge University Press, 2019), 65.

[3] Charles Kurzman, *Liberal Islam: A Sourcebook* (Oxford: Oxford University Press, 1998), 12.

[4] Leonard Binder, *Islamic Liberation: A Critique of Development Ideologies* (Chicago: University of Chicago Press, 1998), 50.

typologies. According to him, modernity encourages the renewal of thought in Islam. This of course also includes legal aspects that need a touch of analysis of current problems. Further, he stated that this phenomenon led to the existence of three kinds of Islamic thoughts, traditionalist, moderate, and liberal. [5]

This spirit of renewal is, then, also manifested in the realm of positive law by progressively refreshing legal interpretations.[6] The progressive legal type emphasizes breaking free from the confines of the text and moving towards the analysis, history, and will of the text's meaning itself.[7] When contextualized with Islamic law, this means interpreting the law not only relying on the literal texts of the Qur'an, hadiṣ, and scholars' opinions but also striving to touch upon its social and historical aspects.[8] This is because a legal conclusion is formulated with cultural, social, philosophical, and historical constructs. The outcome of this reasoning may align with both traditionalist and other perspectives. However, it certainly does not contradict to well-established and definitive legal provisions. Thus, the reasoning incorporates progressive values comprehensively.[9]

There have literally been several clashes of ideas about Islamic discourse, giving rise to discourses that have led to more evolved movements. It is like moderate thinking attempting to break out from traditional thinking despite the fact that it is considered to be dealing

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[5] Nurcholis Madjid, *Islam, Kemodernan, dan Keindonesiaan* (Bandung: PT. Mizan Pustaka, 1987), 66; H M Nihaya, "Tipologi Pemikiran Islam Indonesia Perspektif Nurcholish Madjid," *Sulesana* 6, no. 1 (2012): 89, https://doi.org/https://doi.org/10.31078/jk1816; Tim, *Karya Lengkap Nurcholish Madjid*, ed. Budhy Munawar-Rachman (Jakarta Selatan: Nurcholish Madjid Society (NCMS), 2019), 321.

[6] Satjipto Rahardjo, *Hukum Progresif : Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Pub, 2009), 78.

[7] M. Zulfa Aulia, "Hukum Progresif dari Satjipto Rahardjo," *Undang: Jurnal Hukum* 1, no. 1 (2018): 40, https://doi.org/10.22437/ujh.1.1.159-185; Moh Mufid, "Green Fatwas in Bahtsul Masail: Nahdlatul Ulamas Response to the Discourse of Environmental Crisis in Indonesia," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 15, no. 2 (2020): 173–200, https://doi.org/10.19105/al-lhkam.v15i2.3956.

[8] Sarifudin Sarifudin, "Hukum Islam Progresif: Tawaran Teori Maslahat At-Thufi sebagai Epistemologi untuk Pembangunan Hukum Nasional di Indonesia," *Jurnal Wawasan Yuridika* 3, no. 2 (2019): 81, https://doi.org/10.25072/jwy.v3i2.269.

[9] Adis Duderija, *The Imperatives of Progressive Islam* (New York: Routlegde, 2017), 102.

with radical terms.[10] In fact, the term "moderate" refers to the center ground between traditional and liberal. In other words, moderates are not as stationary as traditionalists, but they are also not as extreme as liberalists. It is only that dealing with modern religious issues necessitates progressive thinking that goes beyond moderate standards since religious arguments and interpretations must be recreated.[11] This is what the SIGMA program promotes on the issues of the latest Islamic discourse, like the discussion of gender equality by not only discussing the arguments but also carrying out the spirit of the text of the propositions (*naṣ*) while still paying strict attention to the sharia rules.

Therefore, we are interested in focusing on what happens to the SIGMA program. We would like to describe or define the typology of SIGMA thinking in Bhasa FM radio, map the genealogy of their perspective through its speakers; opinions, and portray the liberal stigma addressed toward SIGMA along with its effect. This will in turn uncover how grassroots Moslems as the audiences of SIGMA perceive Islamic law in their daily life in responding to the current issues they deal with. In fact, most current problems they cope with are relatively new that any old opinion they rely on needs contextualization and refreshment.

Method

This is categorized as field research based on its data sources, specifically related to the SIGMA program on Radio Bhasa 93.1 FM Situbondo. Meanwhile, in terms of the data's nature, this is qualitative research using interviews as data collection techniques to provide more profound, informative, and valuable data. The interview technique used in this research is in-depth.[12] The determination of

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[10] Rahmatullah, "Islam Moderat dalam Perdebatan," *Dialog : Jurnal Penelitian san Kajian Keagamaan* 71, no. 1 (2011): 45, https://doi.org/https://doi.org/10.47655/dialog.v34i1.148.

[11] Abd. Moqsith Ghazali, *Ijtihad Islam Liberal* (Jakarta: Jaringan Islam Liberal, 2005), 67.

[12] Koentjaraningrat, *Metode Penelitian Masyarakat* (Jakarta: PT Gramedia, 1981), 40.

informants follows a snowball sampling method.[13]   There are 14 informants as the main sources as can be seen in table 1 below.

Table 1. Informants' Identity

No	Informants and Annotation	Role/Institutions	Occupation
1	Muhyiddin Khotib (MK)	Supervisor of SIGMA	Lecturer
2	Mansur Arif (MA)	Speaker of SIGMA	Lecturer
3	Zubdi Abrori (ZA)	Speaker of SIGMA	Lecturer
4	Khairuddin (Kh)	Speaker of SIGMA	Lecturer
5	Ardy (Ad)	Host of SIGMA	Entrepreneur
6	Kholili (Kl)	Speaker of SIGMA	Preacher
7	Madid (Md)	Speaker of SIGMA	Preacher
8	Zubairi (Zu)	Academician	Lecturer
9	Zaky Amir (Za)	Government Staff	Civil servant
10	Zaini Shonhaji (ZS)	Chairman of NU	Public figure
11	Yogie (Yg)	Muhammadiyah Follower	Public figure
12	Hamim (Hm)	Jamaah Tabligh Follower	Public figure
13	Agus Salim (As)	Lembaga Dakwah Islam Indonesia Follower	Public figure
14	Suraji (Su)	Persis Follower	Public figure

Table 1 shows that there are 14 informants with three categories. *First*, SIGMA staff, consisting of its supervisors and host. *Second*, SIGMA speakers or source persons. *Third*, SIGMA audiences consisting of some figures from diverse mass organizations. The composition of informants mainly aims to maintain the reliability of gained data from different parts relating closely to the research subject and its purposes.

Until today, the SIGMA program is still airy broadcasted taking about 45 minutes by involving a host, and a speaker, as well as using interactive dialogue with the listeners through phone calls. This current research focuses on broadcasts over a three-month period in 2019. The content of the SIGMA program during the period sparked

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[13] Muhammad Idrus, *Metode Penelitian Ilmu Sosial* (Jakarta: Erlangga, 2009), 81.

debates among the community in Situbondo and even led to the emergence of liberal stigma on the SIGMA program mainly because of the chosen topics and the opinion delivered by its speakers. The schedule and materials can be seen in Table 2.

Table 2. Materials for SIGMA Radio during January, March, and April 2019

No	Month	Theme	Speakers
1	January	Gender equality	MA, ZA, Kh, Md, KI
2	March	The status of children born out of wedlock	MA, ZA, Kh, SA. Md, KI
3	April	*Al-ḥawalah* in modern economy	MA, ZA, Kh, Sk Md, KI

Table 2 shows that the SIGMA discussed different themes from relatively current issues among grassroots Muslims. Those were gender equality, the status of children born of wedlock, and *Al-ḥawalah* in the modern economy. It is also known that the SIGMA speakers like to review and evaluate the chosen themes once a month.

Result and Discussion

The previous tables make it clear that SIGMA has no specific speakers for certain themes. The whole theme broadcasted during the research period was delivered by the same speakers, namely 8 as listed in Table 1. It implies that SIGMA production staff deem the eight as authoritative in delivering the themes respectively. In addition to technical consideration and each's availability, this indicates that all presenters are deemed to have the same qualification to talk about the same issues.

The Typology of SIGMA Thinking

Following is a detailed description of how each theme is delivered by SIGMA speakers so that their perspectives can be categorized into the proper typology. The typology in this study uses Abdullah Saeed's theory. Abdullah Saeed stated that there are two influential models of *ijtihad* throughout Islamic legal history, namely context-based *ijtihad* and historical-based *ijtihad.* The former attempts

to understand legal issues within historical and modern contexts that refer to the shari'ah objectives (*maqaṣid al-syari'ah*) while the latter only accentuates the historical ones.[14] Apart on it, *ijtihad*, essentially, is the effort to extract the optimal understanding of shari'ah law. This effort is deemed successful when a *mujtahid* can comprehend the *maqaṣid al-syari'ah.*[15]

Theme 1: Gender Equality

This theme is among controversial issues discussed at the SIGMA on the Bhasa FM Situbondo radio airwaves, consist of issues on women's leadership, equality in the public-domestic sphere, women as second-class creatures, and imbalance in roles of both. The majority who responded to this theme were Situbondo women.[16] According to Mansur Arif in his presentation, during the *Jahiliyah* (pre-Islamic) period, women were subordinated to men. Women had no right to choose their own partners, decide when to marry, or even experience sexual pleasure, which was solely in the hands of their husbands. This can be seen from the belief that women's sexual pleasure has been likely reduced through the practice of female genital mutilation (FGM) or clitoridectomy. This, for him, stems from the cultural hegemony that puts women as objects to satisfy men's desires.[17]

Khairuddin, in his turn, supported this view by quoting Umar ibn Khattab' saying that before Islam, the Arabs did not consider women as important. However, when Islam came and Allah mentioned them in the Qur'an, they realized that women also have rights.[18] Therefore, in responding to the current issues, SIGMA speakers prioritized justice and fairness by neither judging nor limiting women's chance for the public sphere as long as they have the required capabilities.

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[14] Abdullah Saeed, *Islamic Thought: An Introduction* (London: Routledge, 2006), 106.

[15] Asafri Jaya Bakri, *Konsep Maqaṣid Syari'ah menurut al-Syatibi* (Yogyakarta: Gaya Media Pratama, 2019), 70.

[16] Ardy, interview, 15 September 2019

[17] Mansur Arif, Interview, 13 September 2019

[18] Khairuddin, Interview, 15 September 2019

In this context, SIGMA's speakers are able to appear as the advanced and responsive group as they benefit from the use of *maqaṣid syari'ah* as a basis for responding to gender equality issues.[19] This seems to be important considering that in Situbondo itself, there is still a lot of discrimination against women, such as the difficulty of employment opportunities because of gender differences.[20]

Theme 2: The Status of Children Born Out-of-Wedlock

Discussion of this theme received a positive response from Bhasa FM radio listeners, mainly positive legal experts in Situbondo.[21] Children born out-of-wedlock status, according to the speakers from SIGMA, fall within the realm of *ijtihadiyyah* (the domain of legal interpretation), as there are differing opinions among scholars. Thus far, *pesantren* and NU have been based on the Shafi'i *mazhab* which believe that children born out-of-wedlock do not inherit their biological father's lineage.[22] On the contrary, the majority of Muslim jurists believe that their *nasab* (lineage) would be attributed to his/her mother's kinsfolk (*qawm*). Accordingly, Ibnu Rushd mentioned in *Bidayah al-Mujtahid* that attribution of the lineage to the father is an anomaly opinion[23].

Amidst the dissenting opinion, SIGMA speakers agreed that the children belong to their biological mothers. They consider the issue as a part of *ijtihadiyyah* due to its reliance on uncertain evidence (*ẓanni*). In fact, The Constitutional Court (MK) mentioned that the children belong to their biological father[24] and as the state policy that

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[19] Ardy, Interview, 16 September 2019

[20] Hannelie J. Wood, "Gender Inequality: The Problem of Harmful, Patriarchal, Traditional and Cultural Gender Practices in the Church," *HTS Teologiese Studies / Theological Studies* 75, no. 1 (2019): 21, https://doi.org/10.4102/hts.v75i1.5177.

[21] Ardy, 15 September 2019

[22] Nawawi Nawawi et al., "Moderation of Islam and Local Culture in Indonesia: An Argument of Islamic Law," *Jurnal Italienisch* 12, no. 2 (2022): 80, https://www.italienisch.nl/index.php/VerlagSauerlander/article/view/400/364.

[23] Abu al-Walid Muḥammad ibn Aḥmad Ibn Rusyd, *Bidayah Al-Mujtahid Wa Nihayah Al-Muqtaṣid* (Kairo: Dar al-Hadis|, 2004), 60.

[24] Zainul Mu'ien Husni et al., "Analisis Status Anak Luar Kawin terhadap Orang Tuanya: Studi Komparatif antara Hukum Positif dan Hukum Islam," *Hakam: Jurnal Kajian Hukum Islam dan Hukum Ekonomi Islam* 5, no. 1 (2021): 78, https://doi.org/10.33650/jhi.v5i1.2261.

does not contradict any decisive evidence (*qaṭ'i*), it must be obeyed as *taqnin* (Islamic jurisprudence becoming law). Moreover, this is also in line with Law No. 12 of 2006 concerning Citizenship which relates to Human Rights.

SIGMA's formulation of law to this issue did not come without any reason. It is inspired by the renewal (*tajdid*) concept and not bound to a particular *fiqh maẓhab* (school of Islamic law). This framework is furthermore highly logical when viewed from a sociological aspect as a tangible manifestation; although the status of illegitimate children requires legality from the state, it requires further medical investigation to determine the biological father. Meanwhile, the biological lineage of the mother who give them birth is crystal clear, and usually, the children will be raised by the mother instead of the father. The dynamics thought of SIGMA indicates consideration of cultural changes that refer to dynamics in current problems within society. Although some experts believe that the Constitutional Court's decision therefore legalizes adultery and disregards the institution of marriage, SIGMA's opinion is generally deemed as a win-win solution in the midst of dispute regarding the status of children.[25]

The Constitutional Court might put the children as common citizens whose rights must be protected because they are all equal in terms of law and there is no difference among one another. However, according to Madid, from the Islamic jurisprudence perspective, the case is different from the *maqaṣid* approach. For Madid, lineage (*nasab*) is one of the *ḍarury* (emergency) things that must be maintained (*maqaṣid al-ḍaruriyyah*), while giving lineage to children to their biological father who is not at all in the marriage contract is certainly in strong contrast to *maqaṣid syari'ah*.[26]

Theme 3: Al-Ḥawalah (Transfer) in Modern Economy

This theme is also very interesting for Sharia economic experts in Situbondo because many of them responded interactively via phone calls.[27] According to a SIGMA speaker, some of the benefits of adopting *al-ḥawalah* as a banking product are the ability to quickly

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[25] Madid, Interview, 14 September 2019
[26] Madid, Interview, 15 September 2019
[27] Ardy, Interview, 15 September 2019

and simultaneously settle debts using a very easy scheme. Its implementation in Islamic banking mostly conforms to the legal opinion of Hanafi scholars. The scheme puts a first person (called *muḥal alaih*) owes to the second person (called *muḥal*) while the second person owes to the third person *(muḥil). Ḥawalah* works when the first person settle his/her debt directly to the third person knowing that the second owes the third.

The SIGMA speaker stated that *al-ḥawalah* (transfer) use must be based to fulfill a goal of Islamic law, namely achieving societies' welfare based on *maqaṣid al-syari'ah*.[28] In principle, Islamic law is always accommodative to situations and conditions,[29] so to advance the Muslim community's economic condition, new *ijtihad* is needed with a *maqaṣid al-syari'ah* approach.[30] The development of *al-ḥawalah* was based on the consideration of time or era.[31]

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Based on the aforementioned SIGMA's perspective on the three issues, its type of thinking becomes clearer. It doesn't fit with Nur Cholis Madjid' three schools of thinking, namely traditional, moderate, and liberal. Instead, SIGMA is somewhere in the middle of the spectrum between moderate and liberal. It is more moderate since it is more contextualist than those with literal, but it is not liberal because it remains within justified limitations. As a result, the SIGMA thinking type is more correctly referred to as progressive. Progressive Muslim is furthermore defined as a community capable of interpreting current social issues in accordance with the *maqaṣid al-syari'ah*.[32]

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[28] Ade Iskandar Nasution, "Pendekatan Maqashid Al-Syari'ah dalam Praktik Pembiayaan di Koperasi Peternak Sapi Bandung Utara (Kp) Lembang," *Asy-Syari'ah* 21, no. 1 (2019): 20, https://doi.org/10.15575/as.v21i1.4036.

[29] Khairuddin, Interview, 12 September 2019

[30] Mukhlis, "Metodologi Muslim Progresif dalam Memahami Pesan Sejati Al-Qur'an," *Al-Tahrir: Jurnal Pemikiran Islam* 11 (2011): 32.

[31] Zubdi Abrori, Interview, 13 September 2019

[32] Saeed, *Islamic Thought: An Introduction*, 65; Duderija, *The Imperatives of Progressive Islam*, 90.

The progressive type means openly interpreting Islamic texts in a modern context using the theory of *maqaṣid al-syari'ah* with contextual *us{uli*.[33] SIGMA tries to integrate religious texts with contemporary contexts thus keeping religion up to date.[34] This is where the characteristics of Islamic legal thinking become more potential to contribute and endure because, on the other hand, Muslims living in the global world face a real and challenging dilemma for which there are no easy answers.[35] In short word, by having the progressive type of thinking, SIGMA promotes a dynamic perspective in line with the times without losing its compliance with syari'ah rule.[36]

According to Zubairi, the studies in SIGMA are firstly acceptable and have greatly aided academics in communicating religious texts with current life problems while remaining under a proper Islamic framework. Zubairi reasoned that interpreting it as it is according to references hundreds of years old ago would feel archaic and restrictive.[37] In line with this opinion, Zaky Amir appreciates the existence of SIGMA which he deems successful to fulfill the community's religious knowledge needs. It even helps to lighten the task of the Ministry of Religious Affair according to him. The review in SIGMA is deemed balanced and still within the right corridor of Islamic law.[38]

The Genealogy of SIGMA's Thought

Every Islamic legal thought has a genealogy that consists of three aspects, namely the chain of knowledge, the methods and approaches used[39] and so does SIGMA's way of thinking. Following is detailed explanation of those three points:

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[33] Dkk. M. Arfan Mu'ammar, Abdul Wahid, *Studi Islam Perspektif Insider/Outsider* (Yogyakarta: IRCiSoD, 2013), 10.

[34] Jasser Auda, *Maqaṣid Al-Syari'ah as Philosophy of Law: A Systems Approach* (London, and Washington: The International Institut of Islamic Thought, 2007), 102.

[35] Duderija, *The Imperatives of Progressive Islam*, 78.

[36] Fahrudin, "Pentingnya Moderasi Beragama bagi Penyuluh Agama," Republika, 2019, 98.

[37] Zubairi, Interview, 10 October 2019

[38] Zaky Amir, Interview, 2 October 2019

[39] Ahmad Arifin, *Pergulatan Pemikiran Fiqih 'Tradisi' Pola Mazhab* (Yogyakarta: elSAQ Press, 2010), 50.

Firstly, is from the aspect of knowledge chain or so-called *sanad*. In the tradition of Islamic thought, the chain of knowledge is one of the essential elements. Therefore, any discipline of Islamic knowledge needs to be clear for having a chain of transmission leading back to the Prophet Muhammad through teachers across generations. For example, in delivering material about the theme "gender equality and the status of children born out of wedlock," SIGMA speakers use *maqaṣid al-syari'ah* methodology. This closely relates to their habit of attending public lectures by *Kiai* Afifuddin who likes and always use *maqaṣid al-syari'ah* in formulating Islamic law. Therefore, genealogically, SIGMA thinking is inseparable from *Kiai* Afifuddin, a teacher of *fiqh* and *uṣul fiqh* at *Ma'had Aly* Situbondo and the current deputy of Rois 'Am PBNU (Executive Board of Nahdlatul Ulama). According to Zubdi Asrori, Kiai Afifuddin has become an icon of young scholars or millennial scholars.[40]

Similarly, the genealogy of SIGMA's thinking can also be traced back to the reformist movement within NU. According to Muhyiddin Khotib, the spokespersons of SIGMA are graduates of the Sukorejo Islamic Boarding School who have received scholarly credentials from NU's religious leaders.[41] It is undeniable that they have been involved in and have followed some NU's reformists, such as Gus Dur, Said Agiel Siradj, Ulil Abshar, Abdul Moqsith Ghazali, Zuhairi Misrawi, and others.[42]

In other words, SIGMA's ideas are not separate from NU's perspective and paradigm. Particularly, SIGMA gained momentum after the 1992 Bandar Lampung National Conference which produced a decision on the method of solving religious problems in NU's *baḥs al-masa'il* forum.[43] According to Khairuddin, even though the decision of the Conference took a long time to take, it could slowly influence SIGMA's thinking. Because of that, it is fair to say that the Bandar Lampung decision inspired and influenced SIGMA's way of thinking and led it to shift from traditional to progressive in order to answer

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[40] Muhyiddin Khotib, Interview, 14 September 2019

[41] Muhyiddin Khotib, Interview, 16 September 2019

[42] Khairuddin, Interview, 17 September 2019

[43] Nihaya, "Tipologi Pemikiran Islam Indonesia Perspektif Nurcholish Madjid."

problems that were not explicitly discussed in the traditional Islamic texts.[44]

Secondly is the aspect of the used method. In addition to substance, every thought or scholarly opinion has an intellectual lineage in terms of methodology. According to Kholili, SIGMA is not detached from the scholarly lineage of NU's *kiai*s and *pesantren*s, particularly in the context of *uṣul al-fiqh* as a method of doing *ijtihad*.[45] *Pesantren*'s *kiai*s, he added, play a vital role in society as cultural brokers, including serving as intermediaries for progressive ideas within their communities. The role of *kiai*s extends beyond religious matters alone as they also offer agendas for social and religious change, addressing issues of religious interpretation and guiding religious conduct.[46] Thus, SIGMA follows the methodology typically used by these *mujtahid* or scholars, namely employing *maqaṣid al-syari'ah*.[47] Besides that, SIGMA does not deviate from how the previous scholars formulated the law, as they have followed them in terms of methodology and approach in adhering to a school (*maẓhab*).[48]

In fact, Situbondo Muslims still have not accepted the change in Islamic legal thinking. It is proven from the fact that they tend to still rely on Islamic traditional books textually as the main reference for Islamic law.[49] Whereas, it cannot be denied that Muslims nowadays need to keep up with all the changes and modernization.[50] Mansur Arif stated that it makes sense for SIGMA to engage in *ijtihad* because its speakers have mastered *uṣul al-fiqh*, particularly *maqaṣid al-syari'ah* as the most effective and relatively simple method of *ijtihad*.[51]

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[44] Khairuddin, Interview, 14 September 2019

[45] Kholili, Interview, 15 September 2019

[46] Achmad Patoni, *Peran Kiai Pesantren dalam Partai Politik* (Yogyakarta: Pustaka Pelajar, 2007), 88.

[47] Aḥmad Al-Raisuni, *Naẓariyyat Al-Maqaṣid ʹInda Al-Imam Al-Syaṭibi* (Beirut: Muassasah al-Jami'ah, 1999), 110.

[48] Khairuddin, Interview, 18 September 2019

[49] Madid, Interview, 15 September 2019

[50] Said Agiel Siradj, *Pesantren Masa Depan: Wacana Pemberdayaan dan Tranformasi Pesantren* (Bandung: Pustaka Hidayah, 1999), 37.

[51] Fazlur Rahman, *Islam and Modernity* (Chicago: Rahman, Islam and Modernity (Chicago: University of Chicago Press, 1984), 68.

In essence, Muslims must engage in *ijtihad* to catch up with the times considering that the cause of intellectual decline in Islam was the closed door of *ijtihad*. However, Muslims have risen from this decline through the method of *ijtihad* in exploring Islamic law. In this context, SIGMA can be said to have experienced modernism with unprecedented new problems[52] so that it could use *manhaji* school or *maqaṣid al-syari'ah* as implemented in *baḥs al-masa'il* forum of NU.[53] This is where efforts are needed to reactivate the progressive dimension of Islam because for a very long time, it has been dominated by textualist groups.

This alternative is called epistemological dominance or *bayani* reasoning in Islamic thought.[54] Therefore, SIGMA's methodological framework using the *maqaṣid* approach is called progressive *ijtihadi*. This approach was actually developed by the early scholars of *uṣul al-fiqh* as one consideration in deciding a law and a theory of changing laws based on changing situations.[55] This can be seen in the SIGMA's perspective from the three aforementioned themes.

Thirdly is the aspect of the approach. Approach refers to a perspective or paradigm applied within a specific discipline and is aligned with the focus of the study.[56] Certainly, such an approach in the context of SIGMA is a positive response to modern developments. It is considered progressive because in the study of *uṣul al-fiqh*, this approach is used as an analytical tool. Therefore, Madid believes that SIGMA does not need to worry about progressive thinking because it has been equipped with various necessary approaches.[57] The use of this approach shows SIGMA's openness to the development of modern thought.

Accordingly, Kholili does not feel concerned about thinking progressively because the previous scholars have formulated the

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[52] Saeed Javaid, *Saeed Javaid, Islam and Modernization: A Comparative Analysis of Pakistan, Egypt and Turkey* (Westport: Praeger Publisher, 1994), 46.

[53] S Mahfudz, *Nuansa Fiqh Sosial* (Yogyakarta: LKiS, 2012), 57.

[54] Majid Khadduri, *From Religion to National Law," in J. Thompson and R. Reischauer (Eds.), Modernization of the Arab World* (New York: Van Nostrand, 1966), 38.

[55] Yudian Wahyudi, *Maqashid Syari'ah Dalam Pergumulan Politik* (Yogyakarta: Nawesea, 2006), 66.

[56] Khoiruddin Nasution, *Pengantar Studi Islam* (Yogyakarta: ACAdeMIA dan Tazzafa, 2007), 12.

[57] Madid, Interview, 17 September 2019

principles of *ijtihad*, such as *uṣul al-fiqh*. This indicates that it is rooted in a scholarly lineage in terms of methodology.[58] Applying a progressive approach in exploring Islamic law does not make SIGMA perspective contradictory to the NU tradition[59] which always relies on the opinions of classical scholars because Islam has a tradition of revival and renewal. Returning to Islam means returning to its foundations, namely the Qur'an, Hadis, and salaf scholars who offer a model of Islamic renewal.[60]

Thus, it is evident that SIGMA employs the approach of *uṣul al-fiqh* with its main subject namely *al-adillah* (knowledge of Islamic law)[61] consisting of the Qur'an, *sunnah*, *ijma'* (consensus), *qiyas*, and other arguments based on *ijtihad*.[62] Besides that, *uṣul al-fiqh* also accommodates the reasoning arguments (*al-dalil al-'aqli*) such as *al-istiḥsan* (*approbation*), *al-maṣlahah* (interest), *al-'urf* (custom) and others.[63] The relation between *maqaṣid al-syari'ah* and *adillah* (evidences) is so close because *maqaṣid* can only be understood and known by paying attention to the main *adillah*, namely the Qur'an, *sunnah*, and *ijma'* (consensus).[64] In this context, SIGMA uses an approach *maqaṣid al-syari'ah* while taking a good example of what previous scholars did. *maqaṣid* is closely related to *qiyas* as it is impossible to identify an *'illah* (legal cause) of Islamic law without understanding the *maqaṣid al-syari'ah*.

Controversy of SIGMA, Liberal Stigma and Its Effect

Those who stigmatize SIGMA as liberalist use various media platforms such as Friday sermons, religious lectures, and religious discussions on other radio stations such as Radio Suara Situbondo

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[58] Kholili, Interview, 16 September 2019

[59] Mufid, "Green Fatwas in Bahtsul Masail: Nahdlatul Ulamas Response to the Discourse of Environmental Crisis in Indonesia," 40.

[60] J. L. Esposito, "Rethinking Islam and Secularism," 1998, 70, http://www.thearda.com/rrh/papers/guidingpapers/Esposito.pdf.

[61] Abu Isḥaq Ibrahim ibn 'Ali al-Syairazi, *Al-Luma' fi Uṣul al-Fiqh* (2003: Dar al-Kutub al-'Ilmiyah, 2003), 10.

[62] Jamal al-Din al-Isnawi, *Nihayah al-Sul Syarḥ Minhaj Al-Wuṣul Ila 'Ilm Al-Uṣul* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993), 100.

[63] Al-Gazali, *Al-Mankhul Min Ta'liqat Al-Uṣul* (Beirut: Dar al-Fikr, 1998), 120.

[64] Al-Gazali, *Al-Mustaṣfa Min 'Ilm Al-Uṣul* (Beirut: Dar al-Fikr al-Mu'aṣir, 1413), 30.

and Radio Rengganis Situbondo to spread the stigma. They assumed that rather than to the liberal ones, religious practices in Situbondo should still rely on any traditional books or authoritative opinion like how it used to be."[65] The stigma of liberals toward SIGMA is furthermore carried out systematically and massively with the aim of preventing Radio Bhasa FM listeners from following SIGMA's opinions anymore. Some figures even judged that SIGMA speakers promote a liberal way of thinking in some study forums in Situbondo. Therefore, in various religious gatherings in Situbondo, certain community figures sarcastically remark on the dangers of liberal thinking belonging to SIGMA.

Hamim, for instance, claims that the SIGMA program's content has breached main Islamic laws since it applies *maqaṣid al-syari'ah* which, for him, is incidentally an untrue theory.[66] Likewise, Agus Salim views that SIGMA has deviated from the right Islamic corridor because it does not use the arguments from the Qur'an and Hadith.[67] Suraji further believes that utilising *maqaṣid* as a strategy or foundation is equivalent to using hermeneutics with non-Islamic origins and thus falling under the liberal category.[68] On the other hand, others believe that SIGMA actually advocates for progressive Islam by criticizing the phenomena of cultural domination.[69]

This debatable phenomenon actually happens for some reasons. The first is the difference in understanding the concept of liberalism. The second is common assumption that SIGMA's speakers have taken aside the role of NU *kiai* (Islamic scholars) who used to hold strong influence among Situbondo grassroots.[70] Furthermore, as far as it is observed, the decision of law that SIGMA speakers give through the program does not only consider religious text literally,

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[65] Ardy, Interview, 16 September 2019

[66] Hamim, Interview, 21 September 2019

[67] Agus Salim, Interview, 20 September 2019

[68] Suraji, Interview, 19 September 2019,

[69] Ade Dedi Rohayana and Muhammad Jauhari Sofi, "Critique of Radical Religious Paradigm: An Epistemological Analysis from Principles of Islamic Thought," *Indonesian Journal of Islam and Muslim Societies* 11, no. 1 (2021): 81, https://doi.org/10.18326/IJIMS.V11I1.163-184.

[70] Madid, Interview, 16 September 2019

but also integrate it with the recent phenomenon, social situation, changing lifestyle, and such.

Despite that, the stigmatization has caused significant impacts. Ardy stated that the stigma against SIGMA has led many listeners to switch to other radio stations. Therefore, it impacted the decrease of its listeners.[71] On a narrower scale, it also gave an effect on the speakers, namely social exclusion from NU community resulting in isolation, depression, and even self-harm, even though this did not happen for long.[72] Somehow, it is still risky and potentially influences the existence of the SIGMA program. Hence, the organizer took some strategies to cope with this problem in order to save the existence of SIGMA as illustrated in Figure 1.
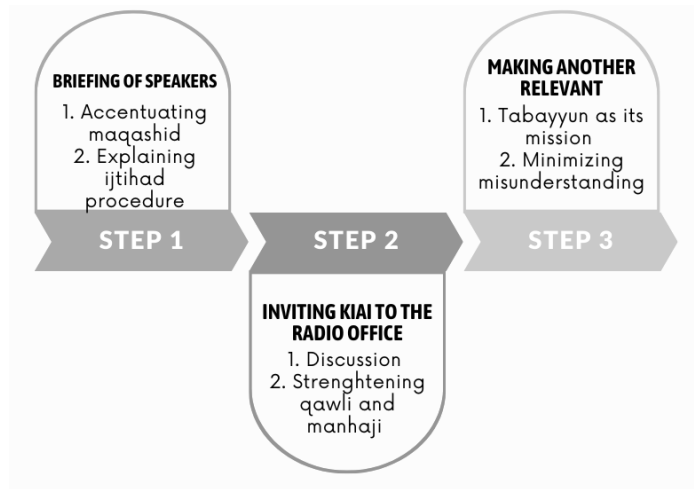

Figure 1. SIGMA's strategies in coping with the stigma while producing non-controversial broadcasting content".

It can be seen from Figure 1 that there are three steps in coping with the problem. *Firstly*, they conducted a sort of briefing program for the speakers before the program is aired. It facilitates the speakers and SIGMA's staff to discuss *uṣul al-fiqh*, particularly on *maqaṣid al-*

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71 Ardy, Interview, 13 September 2019

72 D. (Eds.) Mason-Whitehead, E. & Mason, 'Stigma and Exclusion in Healthcare Setting,' in Abrams, D., Christian, J. & Gordon, *Multidisciplinary Handbook of Social Exclusion Research* (England: John Wiley & Sons, 2007), 14.

syari'ah, aiming to strengthen SIGMA's logical thinking. Therefore, the speaker would likely mention at his turn that *uṣul al-fiqh* consists of principles formulated by scholars adhering to Nahdlatul Ulama (NU).[73] *Secondly*, they invited NU scholars to come to Bhasa FM radio so that there would be dialogue while minimizing misunderstanding among parties while. The forums likely accentuate that NU's approach now encompasses not only the textual (*qauli*) but also the methodological (*manhaji*) aspects of following any school (*maẓhab*).[74] *Thirdly*, they made it clear about SIGMA's used references through another program called "*Tabayyun* (Clarification) of SIGMA in Religious Moderation." This clarification is crucially important to avoid misunderstandings among SIGMA's listeners.[75] It is also accentuated that SIGMA speakers' way of thinking is progressive rather than liberalist.

Relating to the stigma, Kholili emphasizes that it cannot be factually justified because SIGMA speakers like to combine both religious texts and social contexts.[76] Rather than liberal, according to Muhyiddin Khotib, SIGMA actually adopts a moderate approach in formulating Islamic law[77] which is in line with Nahdlatul Ulama's thinking as a religious organization that upholds tradition.[78] However, rather than thinking methodologically, listeners tend to assume that different decision of law means deviation from the mainstream Islamic teaching they used to know from whom they deem as authoritative, such as NU public figures.[79] Therefore, the initiative and strategy of SIGMA to cope with the stigma by engaging NU figures are worthy to both restore SIGMA's good name and educate society about the law-making process, including inevitable differences among one another.

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[73] Ardy, Interview, 13 September 2019

[74] Muhyiddin Khotib, Interview, 17 September 2019

[75] Ardy, Interview, 13 September 2019

[76] Kholili, Interview, 15 September 2019

[77] Madid, Interview, 16 September 2019

[78] Kholili, Interview, 14 September 2019

[79] Ahmad Zahro, *Lajnah Bahtsul Masail 1926-1999: Tradisi Intelektual NU* (Yogyakarta: LkiS, 2014), 66.

By using those strategies, the reputation of SIGMA is gradually improving. This can be seen from the increasing number of listeners who seek advice from SIGMA regarding social issues by participating in the live phone call or recently, by making comments on its Youtube platform. Additionally, people come to realize that SIGMA's religious perspectives are in fact in line with NU and Islamic scholars' insights.[80] This includes millennials who were once influenced by the liberal stigma toward SIGMA. They now strongly support SIGMA considering that it addresses and discusses current themes in accordance with the newest development and changes while still relying on Islamic authoritative sources.[81]

Conclusion

The religious consultation (SIGMA) program of Radio Bhasa 93.1 FM has undergone progress in thinking about Islamic law among NU community which likely still only relies on the "traditional book" textually. Therefore, it is fair to categorize it as progressive in addition to its employment of *maqaṣid al-syari'ah* approach. This is furthermore in line genealogically with the NU reformists who have provided a chance for the development of *ijtihad* towards contextual *fiqh* and the decision of NU's Bandar Lampung National Congress on the method of solving religious problems in the *baḥs al-masa'il* forum. However, the stigma of liberalism once affected the credibility and decreased the number of listeners before three strategic steps were taken to handle it. In fact, SIGMA's progressive way of thinking only targets changeable problems out of sacred ones to be the subject of its *ijtihad*. This paper is limited to analyzing only one specific case about the renewal of Islamic law and the stigma with that comes along that it does not provide a comprehensive insight into Islamic law in general. Due to this limitation, this research suggests the need for further studies that accommodate comparative aspects of the research location and rely on more diverse data in order to obtain a more comprehensive understanding.

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[80] Muhyiddin Khotib, Interview, 17 September 2019
[81] Madid, Interview, 15 September 2019

Acknowledgment

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