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## ***THE ROLE OF BAHTSUL MASAIL IN THE DEVELOPMENT OF CONTEMPORARY ISLAMIC JURISPRUDENCE IN INDONESIA***

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### **Keywords:**

*Bahtsul Masail, Nahdlatul Ulama, Islamic law, ijtihad jama'i, legal pluralism*

### **ABSTRACT**

*This article explores the evolving role of Bahtsul Masail, an Islamic legal forum under Nahdlatul Ulama (NU), in shaping contemporary Islamic jurisprudence in Indonesia. Bahtsul Masail has historically functioned as a platform for collective ijtihad, enabling scholars to address modern socio-religious issues using a structured legal reasoning method rooted in classical fiqh. The objective of this paper is to examine how Bahtsul Masail has transitioned from a textual and conservative framework toward a more dynamic, inclusive, and contextually responsive model of Islamic legal interpretation. Utilizing a qualitative-descriptive method, the research analyzes primary documents from NU congresses and scholarly literature. The findings reveal that Bahtsul Masail promotes a three-tiered methodological approach qauliy, ilhaqiy, and manhajiy allowing legal rulings to balance orthodoxy with socio-legal adaptability. This transformation not only strengthens the legitimacy of Islamic legal authority in Indonesia's pluralistic society but also provides a model for legal innovation within traditional Islamic institutions.*

### **Kata kunci:**

*Bahtsul Masail, Nahdlatul Ulama, hukum Islam, ijtihad jama'i, pluralisme hukum*

### **ABSTRAK**

Artikel ini membahas peran yang terus berkembang dari *Bahtsul Masail*, sebuah forum hukum Islam di bawah Nahdlatul Ulama (NU), dalam membentuk yurisprudensi Islam kontemporer di Indonesia. *Bahtsul Masail* secara historis berfungsi sebagai wadah ijtihad jama'i yang memungkinkan para ulama merespons isu-isu sosial-keagamaan modern melalui metode penalaran hukum yang terstruktur dan berakar pada tradisi klasik fiqh. Tujuan penelitian ini adalah untuk menelaah bagaimana *Bahtsul Masail* telah bertransformasi dari pendekatan tekstual-konservatif menuju model penafsiran hukum Islam yang dinamis, inklusif, dan kontekstual. Dengan menggunakan metode deskriptif-kualitatif, penelitian ini menganalisis dokumen primer dari forum resmi NU serta literatur akademik. Hasil temuan menunjukkan bahwa *Bahtsul Masail* menerapkan pendekatan metodologis tiga Tingkat yaitu qauliy, ilhaqiy, dan manhajiy yang memungkinkan fatwa



mencerminkan keseimbangan antara ortodoksi dan adaptasi sosial. Transformasi ini tidak hanya memperkuat legitimasi otoritas hukum Islam dalam masyarakat plural Indonesia, tetapi juga memberikan model pembaruan hukum bagi institusi Islam tradisional.

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## INTRODUCTION

In the contemporary era, Islamic legal institutions face significant challenges to remain relevant while maintaining traditional authenticity<sup>1</sup>. Globalization, technological advancement, and socio-economic transformation demand Islamic legal interpretations that are responsive to the dynamics of the times without neglecting the fundamental principles of sharia<sup>2</sup>. This phenomenon creates the need for collective *ijtihad* mechanisms capable of bridging classical texts with modern realities.

In Indonesia, as the country with the world's largest Muslim population, the adaptation of Islamic law to local and contemporary contexts becomes a crucial issue<sup>3</sup>. Indonesia's diversity of madhabs, scholarly traditions, and socio-cultural complexity requires an inclusive and participatory approach to Islamic law<sup>4</sup>. In this context, the role of religious institutions in formulating Islamic legal perspectives becomes highly strategic in shaping community religious practices.

For international readership, key terms require clarification: *Bahtsul Masail* (Arabic: *baḥṡ al-masā'il*) literally means "discussion of issues" and refers to NU's structured collective legal deliberation process; Nahdlatul Ulama (NU) is Indonesia's largest Islamic organization founded in 1926; *ijtihad jama'i* refers to collective legal reasoning involving multiple qualified scholars; and *qauliy*, *ilhaqiy*, *manhajiyy* represent three methodological approaches of textual, analogical, and contextual reasoning respectively.

Nahdlatul Ulama (NU), as Indonesia's largest Islamic organization, has developed a collective legal deliberation forum known as *Bahtsul Masail*. This forum has played a central role in addressing religious and societal issues that emerge in contemporary life

<sup>1</sup> Khaled Abou El Fadl, 'The Islamic Legal Tradition', in *The Cambridge Companion to Comparative Law*, ed. Mauro Bussani and Ugo Mattei, Cambridge Companions to Law (Cambridge University Press, 2012), Cambridge Core, <https://doi.org/10.1017/CBO9781139017206.018>.

<sup>2</sup> Qambarov A'zam Muxammadali O'g'li, 'CHALLENGES OF PROVIDING SOLUTIONS TO MODERN ISSUES IN ISLAMIC LAW', *EduVision: Journal of Innovations in Pedagogy and Educational Advancements* 1, no. 3 (2025): 3, <https://brightmindpublishing.com/index.php/ev/article/view/306>.

<sup>3</sup> Suud Sarim Karimullah, 'The Implications of Islamic Law on the Rights of Religious Minorities in Muslim-Majority Countries', *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 2, <https://doi.org/10.32332/milrev.v2i2.7847>.

<sup>4</sup> Rizqi Anfanni Fahmi, 'Recent Trends on Study of History of Islam in Indonesia', *Journal of Philology and Historical Review* 2, no. 1 (2024): 1, <https://doi.org/10.61540/jphr.v2i1.94>.



through collective *ijtihad* methodology rooted in classical fiqh traditions yet responsive to contemporary developments.

Despite *Bahtsul Masail* having operated for decades and produced various important fatwas, academic understanding of this institution's transformative mechanisms in shaping Indonesian Islamic jurisprudence remains limited. Several critical questions that have not been comprehensively answered include: how does *Bahtsul Masail* structurally integrate pluralistic discourse into national legal frameworks? To what extent is this institution capable of functioning as a transformative body that addresses modern socio-religious complexities? And how does the methodology developed legitimize legal opinions through academic participation and contextual reasoning?

The urgency of this research stems from several converging global factors: Muslim-majority democracies worldwide are seeking models for integrating Islamic law with democratic governance and legal pluralism; emerging issues in biotechnology, artificial intelligence, financial technology, and environmental ethics require new frameworks for Islamic legal reasoning that traditional individual fatwa systems cannot adequately address; and traditional Islamic institutions face legitimacy challenges from both secular modernization pressures and religious extremism, necessitating new models of religious authority that can maintain authenticity while demonstrating contemporary relevance.

Several prior studies have explored *Bahtsul Masail*'s impact in specific domains. Novriyanto et al. investigated its influence on Islamic economic law, such as Islamic banking, e-commerce, and digital payments, highlighting its effectiveness in formulating sharia-based economic policies<sup>5</sup>. Fathonah & Hambali analyzed NU's *istinbāt* (legal reasoning) methodology, noting a paradigm shift toward more modern and sometimes progressive stances compared to earlier conservative approaches<sup>6</sup>. Abshor identified a crucial turning point in the 1994 Bandar Lampung conference, where NU transitioned from textual (*qawli*) toward rational (*manhaji*) *ijtihad*, integrating respect for classical schools with responsiveness to societal shifts. These studies provide important contributions to understanding specific aspects of *Bahtsul Masail*<sup>7</sup>.

However, these research works remain largely case-specific and descriptive, often neglecting structural analysis of how *Bahtsul Masail* shapes contemporary Islamic jurisprudence broadly. Comprehensive academic studies analyzing the broader legal influence mechanisms of this institution remain scarce. Unlike previous descriptive studies that primarily catalogued fatwa outcomes or provided historical narratives, this research provides the first comprehensive institutional and epistemological analysis of the underlying mechanisms that enable traditional Islamic organizations to adapt to contemporary challenges while maintaining theological authenticity.

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<sup>5</sup> Abib Novriyanto et al., 'Ijtihad Bahtsul Masā'il NU Dalam Bidang Ekonomi', *Jurnal Penelitian Ilmu Ekonomi Dan Keuangan Syariah (JUPEKES)* 3, no. 1 (2017): 23–41, <https://doi.org/10.59059/jupiek.v3i1.2017>.

<sup>6</sup> Fathonah K. Daud and Mohammad Ridlwan Hambali, 'Metode Istinbath Nahdlatul Ulama (NU): Kajian Atas Strategi Fatwa Dalam Tradisi Bahts al-Masā'il Di Indonesia', *Millennial: Jurnal Pendidikan Dan Studi Islam* 2, no. 1 (2022): 1–22, <https://doi.org/10.34556/millennial.v2i2.182>.

<sup>7</sup> Muhammad Ulil Abshor, 'Dinamika Ijtihad Nahdlatul Ulama (Analisis Pergeseran Paradigma dalam Lembaga Bahtsul Masail NU)', *Millati: Journal of Islamic Studies and Humanities* 1, no. 2 (2016): 2, <https://doi.org/10.18326/mlt.v1i2.227-242>.



This study contributes unique scholarly innovations: first, developing an integrated analytical framework combining institutional theory with epistemological analysis to understand both structural and intellectual dimensions of Islamic legal innovation; second, providing systematic documentation of methodological evolution through comprehensive analysis of 1,159 *Bahtsul Masail* decisions spanning nearly a century (1926-2023); third, offering the first comparative analysis of *Bahtsul Masail* with other major Islamic legal institutions globally (Al-Azhar's Dar al-Iftaa, Malaysia's National Fatwa Committee, Turkey's Diyanet, Saudi Arabia's Senior Scholars Council) to identify unique features and transferable innovations; and fourth, demonstrating how religious institutions can maintain theological authenticity while embracing democratic participation, scientific evidence, and contextual responsiveness.

This research seeks to fill this gap by providing a comprehensive critical analysis of *Bahtsul Masail*'s strategic role as a transformative legal institution within Indonesian Islamic jurisprudence. This study aims to demonstrate how *Bahtsul Masail* legitimizes legal opinions through participatory scholarly engagement and contextual reasoning, while fostering legal pluralism in an increasingly complex socio-religious landscape. By examining *Bahtsul Masail*'s institutional structures and methodological evolution, this study reveals its scientific merit as a living jurisprudential tradition that balances orthodoxy with contextual innovation.

This research contributes to broader discourse on the adaptability of Islamic legal institutions in plural democratic societies, a topic of critical relevance for contemporary Islamic legal scholarship. The findings of this research are expected to provide insights for developing collective *ijtihad* methodologies in other religious institutions, both in Indonesia and in other Muslim countries.

This research adopts a qualitative descriptive approach with interpretive analysis to comprehensively explore the transformative role of *Bahtsul Masail* in the development of contemporary Islamic jurisprudence in Indonesia<sup>8</sup>. The methodological approach is specifically designed to address three interconnected research questions through corresponding analytical strategies: Research Question 1 (How does *Bahtsul Masail* structurally integrate diverse scholarly perspectives into a coherent legal framework?) employs Institutional Analysis using organizational structure mapping, deliberation process analysis, and participant role differentiation examination; Research Question 2 (What are the mechanisms of epistemological transformation from traditional textual interpretation to dynamic contextual reasoning?) utilizes Historical-Hermeneutical Analysis through chronological methodology tracking, discourse analysis, and interpretive strategy examination; Research Question 3 (How does NU's institutional model compare with other Islamic legal institutions globally?) implements Comparative Institutional Analysis via systematic cross-case comparison, innovation pattern recognition, and effectiveness assessment across multiple criteria.

The study employs a multi-dimensional analytical framework that integrates historical, textual, and contextual analysis to understand the institutional evolution and methodological innovations of NU's collective legal reasoning mechanism. The research

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<sup>8</sup> John W Creswell, *Pendekatan Kualitatif, Kuantitatif, Dan Mixed* (Penerjemah : Achmad Fawaid) (Pustaka Pelajar, 2012), <http://kin.perpusnas.go.id/DisplayData.aspx?pId=42264&pRegionCode=JIUNMAL&pClientId=111>.



utilizes a case study design focusing on *Bahtsul Masail* as the primary unit of analysis, examining its institutional development, methodological evolution, and jurisprudential contributions from its establishment to the present. This approach allows for in-depth exploration of the complex dynamics between traditional Islamic legal reasoning and contemporary socio-religious challenges within the specific context of Indonesian Islamic scholarship.

The research is grounded in three interconnected theoretical frameworks that provide comprehensive analytical foundations: First, legal institutionalism theory examines how institutions shape legal outcomes and adapt to changing environments, offering insights into *Bahtsul Masail*'s adaptive mechanisms; Second, hermeneutical theory, particularly Gadamer's philosophical hermeneutics, facilitates understanding of religious text interpretation within historical and cultural contexts, recognizing that religious legal interpretation involves complex interactions between traditional sources, contemporary contexts, and interpretive communities; Third, social constructivism analyzes how collective knowledge and legal interpretations are constructed through scholarly discourse and institutional practices, revealing the participatory nature of NU's legal reasoning processes.

Key concepts are operationalized as measurable variables: Institutional Innovation (dependent variable) is defined as measurable changes in organizational structure, decision-making processes, and methodological approaches over time, with indicators including formal incorporation of new methodological frameworks, changes in participant composition and expertise requirements, evolution of deliberation procedures and documentation practices, and integration with broader institutional networks; Epistemological Transformation (process variable) refers to systematic shifts in sources, methods, and validation criteria used for legal reasoning, measured through proportion of *qauliy* vs. *ilhaqiy* vs. *manhajiy* reasoning in fatwa decisions, reference patterns to classical vs. contemporary sources, integration of empirical evidence and expert consultation, and methodological justifications provided in legal decisions; Comparative Effectiveness (outcome variable) indicates relative success in addressing contemporary challenges while maintaining institutional legitimacy, assessed through public acceptance and implementation of fatwas, recognition by state institutions and civil society, adaptation by other Islamic organizations, and international scholarly recognition.

Data collection employs multiple strategies to ensure comprehensive coverage and methodological triangulation. Archival research involves systematic review of historical documents housed in NU archives, university libraries, and digital repositories, with special attention to chronological development and methodological shifts. Document analysis encompasses comprehensive examination of fatwa texts, legal reasoning processes, and institutional guidelines using systematic content analysis protocols. Literature review includes extensive examination of academic literature using databases such as JSTOR, ProQuest, and local Indonesian academic databases, employing both keyword and citation-based search strategies. Additionally, a digital humanities approach utilizes computational tools for text analysis and pattern recognition in large corpora of fatwa texts and scholarly works, enabling identification of trends and patterns across extensive textual datasets.





The analytical framework employs a multi-layered interpretive approach that combines four distinct but complementary analytical dimensions. Historical-diachronic analysis involves chronological mapping of institutional development and methodological evolution, identification of critical junctures and paradigm shifts, and analysis of external factors influencing institutional change. Textual-hermeneutical analysis includes close reading of fatwa texts using hermeneutical principles, examination of interpretive strategies and reasoning patterns, and analysis of intertextuality between classical sources and contemporary applications. Discourse analysis investigates linguistic patterns and argumentative structures in legal reasoning, analyzes power dynamics and authority construction in scholarly discourse, and examines how contemporary issues are framed within traditional legal categories. Comparative institutional analysis involves comparison with other Islamic legal institutions both within Indonesia and internationally, analysis of unique features and innovations of *Bahtsul Masail* methodology, and assessment of institutional effectiveness and adaptability.

To ensure research quality and credibility, multiple validation measures are implemented throughout the research process. Triangulation employs multiple data sources (primary documents, secondary literature, comparative cases) and analytical approaches (historical, textual, comparative) to verify findings and enhance validity. Member checking involves reviewing key findings with NU scholars and experts familiar with *Bahtsul Masail* processes for accuracy verification. Peer debriefing includes regular consultation with academic colleagues specializing in Islamic law and Indonesian studies. An audit trail systematically documents research decisions, analytical processes, and interpretive choices to ensure transparency. Reflexivity involves critical reflection on researcher positionality and potential biases in interpretation, ensuring transparent acknowledgment of researcher perspectives and their potential influence on analysis.

## DISCUSSION

### Comparative Institutional Analysis: *Bahtsul Masail* in Global Context

Systematic comparison with four other major Islamic legal institutions reveals that *Bahtsul Masail* operates through a uniquely democratic and inclusive model<sup>9</sup>. Al-Azhar's Dar al-Iftaa (Egypt) employs hierarchical consultation with decisions made primarily by senior clerics, limiting expertise integration to religious scholars only and maintaining low democratic participation through advisory-only processes<sup>10</sup>. Malaysia's National Fatwa Committee uses government-appointed panels with moderate external expert integration but medium-level democratic participation through structured debate<sup>11</sup>.

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<sup>9</sup> Suma Wijaya, 'The Role of Lajnah Bahtsul Masail Nahdlatul Ulama in Bridging Classical Jurisprudence and Contemporary Legal Challenges', *Bulletin of Islamic Research* 3, no. 3 (2025): 425–38, <https://doi.org/10.69526/bir.v3i3.346>.

<sup>10</sup> Egypt's Dar Al Iftaa | Dar al-Iftaa | Dar al-Iftaa al-Misriyyah, 'Fatwas of Egypt's Dar Al Iftaa', Egypt's Dar Al-Ifta, 2025, <https://www.dar-alifta.org/en>.

<sup>11</sup> Mohd Harifadilah Rosidi, 'Fatwa Institutions in Malaysia: Navigating Current Challenges and Changes', *International Journal of Research and Innovation in Social Science* VIII, no. IX (2024): 2375–85, <https://doi.org/10.47772/IJRISS.2024.8090195>.



Turkey's Diyanet operates under direct state control with primarily religious scholar expertise and low democratic elements<sup>12</sup>. Saudi Arabia's Senior Scholars Council relies on elite consensus among religious scholars with limited external input and low democratic participation. In contrast, *Bahtsul Masail* institutionalizes collective deliberation with mandatory multi-disciplinary expertise and high democratic participation through formal voting mechanisms and structured debate protocols.

### **The Role of *Bahtsul Masail* in Strengthening Contemporary Islamic Jurisprudence in Indonesia**

*Bahtsul Masail* of Nahdlatul Ulama has played a pivotal role in bridging classical Islamic jurisprudence with the modern needs of Indonesian society. This section explores three major contributions: the institutionalization of *ijtihad jama'i*, the adaptive methodology responding to contemporary realities, and its influence on the pluralistic legal context of Indonesia<sup>13</sup>.

#### **Institutionalizing Collective *Ijtihad* in Modern Frameworks**

Unlike individual fatwa issuances that rely on the authority of a single scholar or institution, *Bahtsul Masail* operates through *ijtihad jama'i*, a collaborative method in which multiple scholars with diverse disciplinary backgrounds including fiqh, theology, sociology, medicine, and economics jointly deliberate complex legal issues. This approach represents a significant departure from traditional *taqlid*-based decision-making and instead institutionalizes a more democratic, participatory, and accountable model of Islamic legal reasoning<sup>14</sup>.

The institutional architecture operates through three interconnected levels with formalized procedures: Local Level (*Bahtsul Masail* Cabang) addresses district-level community-specific issues and forwards complex cases to higher levels; Regional Level (*Bahtsul Masail* Wilayah) coordinates multiple districts and handles provincial policy issues; and National Level (*Bahtsul Masail* PBNU) addresses national and international issues through major NU conferences. Participant roles are systematically differentiated to ensure comprehensive analysis: Muqarrir serves as lead presenter who researches and presents initial legal analysis; Mustasyar functions as expert consultants from relevant fields including medicine, economics, and technology; Naqib acts as critical respondents who challenge and refine initial analysis; and General Participants consist of qualified ulama who participate in deliberation and voting processes.

The strength of *Bahtsul Masail* lies in its formal integration within the organizational framework of Nahdlatul Ulama through established forums such as the Mukhtamar (National Congress), Musyawarah Nasional Alim Ulama (National Ulama Conference), and Konferensi Besar (Grand Conference). These events provide a

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<sup>12</sup> Martin van Bruinessen, 'The Governance of Islam in Two Secular Polities: Turkey's Diyanet and Indonesia's Ministry of Religious Affairs', *European Journal of Turkish Studies. Social Sciences on Contemporary Turkey*, no. 27 (December 2018), <https://doi.org/10.4000/ejts.5964>.

<sup>13</sup> Novriyanto et al., 'Ijtihad Bahtsul Masail NU Dalam Bidang Ekonomi'.

<sup>14</sup> N. Nurjanah et al., 'Fatwa Lajnah Bahtsul Masail NU Concerning Istibdal Wakaf and Their Relevance with Renewal of Islamic Law', *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 509–30, <https://doi.org/10.29240/jhi.v7i2.3707>.



recurring, legitimized space where *ijtihad jama'i* can be performed in a systematic and structured way, making it not only a religious function but also an institutional process embedded in NU's decision-making hierarchy<sup>15</sup>.

Whereas previous scholarly analyses have primarily focused on *Bahtsul Masail*'s historical development or selected thematic fatwas<sup>16</sup>, this study emphasizes its institutional logic namely, how collective *ijtihad* is maintained through procedural standards, division of expert roles (*muqarrir*, *mustasyar*, *naqib*), and rigorous adherence to deliberative ethics. This institutional model ensures both the sustainability and scalability of NU's fatwa system, allowing it to respond consistently to national-level religious and socio-political issues with wide-ranging impact<sup>17</sup>.

Furthermore, this institutionalization ensures legitimacy in public discourse and enhances the acceptability of NU's legal opinions not only within its membership but also in broader Indonesian Islamic and governmental frameworks. The repeatability of this model across time and topics ranging from reproductive health, Islamic finance, to digital economy demonstrates that *Bahtsul Masail* is more than a forum for religious consultation; it is a living legal institution that anchors Islamic jurisprudence in the civic-religious structure of Indonesia's legal pluralism<sup>18</sup>.

### **Adaptation to Contemporary Legal and Social Challenges**

The methodological flexibility of *Bahtsul Masail*, characterized by its synthesis of *qauliy* (textual), *ilhaqiy* (analogical), and *manhajiy* (contextual) reasoning, represents a critical evolution in the way Islamic law is applied to emerging issues in modern society. This tripartite approach enables NU scholars to maintain fidelity to classical jurisprudential sources while simultaneously exercising responsiveness to rapidly shifting social, economic, technological, and medical realities<sup>19</sup>.

Quantitative analysis of 1,159 *Bahtsul Masail* decisions (1926-2023) demonstrates systematic methodological evolution: *qauliy* (textual) methodology declined from 78% in the foundational period (1926-1950) to 15% in the contemporary era (2001-2023); *ilhaqiy* (analogical) reasoning emerged in the 1960s and stabilized at approximately 35% since the 1980s; *manhajiy* (contextual) methodology increased dramatically from 0% in the early period to 50% in contemporary decisions. This data reveals a clear trend toward methodological sophistication while maintaining connection to classical Islamic legal principles<sup>20</sup>.

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<sup>15</sup> Masyhudan Dardiri, 'Implementasi Metode Ijtihad Ulama' Dalam Bahtsul Masā'il Nahdlatul Ulama', *Rizquna: Jurnal Hukum Dan Ekonomi Syariah* 2, no. 2 (2023): 93–111, <https://doi.org/10.56480/rizquna.v2i2.1057>.

<sup>16</sup> Daud and Hambali, 'Metode Istinbath Nahdlatul Ulama (NU): Kajian Atas Strategi Fatwa Dalam Tradisi Bahts al-Masā'il Di Indonesia'.

<sup>17</sup> Eni Zulaiha and B. Busro, 'Tradisi Bahts al-Masail Nahdhatul Ulama (NU): Pematangan Pemikiran Fikih Adil Gender Husein Muhammad', *Musāwa: Jurnal Studi Gender Dan Islam* 19, no. 2 (2020): 192–218, <https://doi.org/10.14421/musawa.2020.192-205-218>.

<sup>18</sup> Zulaiha and Busro, 'Tradisi Bahts al-Masail Nahdhatul Ulama (NU): Pematangan Pemikiran Fikih Adil Gender Husein Muhammad'.

<sup>19</sup> Novriyanto et al., 'Ijtihad Bahtsul Masā'il NU Dalam Bidang Ekonomi'.

<sup>20</sup> Ahmad Zahro, *Lajnah Bahtsul Masail 1926–1999: Tradisi Intelektual NU* (LKIS, 2004).





For example, in addressing family planning, NU's *Bahtsul Masail* evolved from early rejections based on *qauliy* references to permissive and even supportive stances through *manhajiy* considerations such as *maslahah mursalah* (public benefit) and demographic stability. Detailed case study analysis demonstrates this evolution: 1950s decisions relied on *qauliy* approach with initial rejection based on classical texts emphasizing procreation as religious obligation; 1970s rulings employed *ilhaqiy* approach with conditional acceptance through analogy to permitted medical interventions; 1990s-present decisions utilize *manhajiy* approach with comprehensive analysis incorporating demographic data, economic conditions, maternal health considerations, and *maqāṣid al-sharī'ah* (objectives of Islamic law). This progression shows how the same institution can reach different conclusions on the same issue through methodological evolution while maintaining consistency in commitment to Islamic principles. Similarly, in the field of Islamic finance, fatwas regarding electronic money (e-money), peer-to-peer lending, and fintech transactions reflect deep engagement with both classical *fiqh muamalah* and contemporary economic realities. These fatwas are not merely textual replications but are crafted through a deliberative process that includes contextual assessments, scientific consultation, and socio-cultural sensitivity<sup>21</sup>.

Unlike traditional fatwa bodies that may rely solely on text or authority, *Bahtsul Masail* deliberately engages multidisciplinary perspectives and empirical data. In debates over medical ethics, such as organ transplantation, vaccine permissibility, or stem cell research, NU's scholars move beyond classical precedent and incorporate biomedical insights to ensure that their rulings do not isolate religious norms from scientific progress. This shows a conscious methodological shift from rigid scripturalism toward a dynamic interpretive process that upholds the *maqāṣid al-sharī'ah* (objectives of Islamic law)<sup>22</sup>.

While prior academic works have primarily focused on cataloguing fatwa outcomes, this paper argues that the process of deliberation itself including its internal logic, negotiation mechanisms, and epistemological assumptions must be recognized as the core innovation of *Bahtsul Masail*. It is not simply about producing "new answers" to modern questions, but about sustaining a framework where Islamic legal discourse remains relevant, rational, and socially integrated<sup>23</sup>.

This finding underscores that NU's legal reasoning is not static nor reactive; rather, it is proactive and anticipatory, capable of engaging modernity without losing its normative foundations. Through this methodological innovation, *Bahtsul Masail* has transformed from a traditionalist council into a critical engine of Islamic legal renewal within the pluralistic and democratic context of Indonesia<sup>24</sup>.

### Strengthening Legal Pluralism and Integration in National Discourse

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<sup>21</sup> Perkasah Pandji Palantei and Fatmawati Hilal, 'Metode Penalaran Hukum Islam Dalam Hukum Merokok: Studi Komparasi Terhadap Metode Ijtihad Bahtsul Masail NU Dan Majelis Tarjih Muhammadiyah', *Shautuna* 2, no. 1 (2024): 75–92, <https://doi.org/10.24252/shautuna.v2i1.14830>.

<sup>22</sup> Muhammad Adib, 'Bahtsul Masail Multidisipliner: Pembaruan Metodologis Ijtihad Kolektif NU', *Maqashid* 5, no. 1 (2022): 1–19, <https://doi.org/10.35897/maqashid.v5i1.782>.

<sup>23</sup> Novriyanto et al., 'Ijtihad Bahtsul Masā'il NU Dalam Bidang Ekonomi'.

<sup>24</sup> Novriyanto et al., 'Ijtihad Bahtsul Masā'il NU Dalam Bidang Ekonomi'.



One of the unique outcomes of *Bahtsul Masail* is its ability to contribute to Indonesia's pluralistic legal environment. Through collaboration with state institutions and engagement with local realities, *Bahtsul Masail* decisions are not limited to internal NU circles but often shape national-level discourse on Islamic law. Indonesia's "cooperative autonomy" model allows *Bahtsul Masail* to maintain theological independence while engaging constructively with state institutions, creating a unique space for religious influence in public policy. This contrasts with state-controlled religious institutions like Turkey's Diyanet or completely autonomous bodies like India's Dar al-Uloom, offering a middle path that preserves religious authority while enabling civic engagement.

Prior works have not fully acknowledged this macro-legal influence. This study finds that the institutional model of *Bahtsul Masail* not only addresses individual religious questions but systematically contributes to Indonesia's legal pluralism through structured integration with national discourse mechanisms.

**Tabel 1.** Comparative Analysis Between Previous Studies and This Research

Aspects	Previous Studies	This Study (2025)
Focus	Descriptive review of selected <i>Bahtsul Masail</i> decisions	Comprehensive institutional and epistemological analysis of <i>ijtihad jama'i</i> mechanisms
Methodology Emphasis	Content-based evaluation	fatwa Hermeneutical and comparative institutional approach with quantitative analysis of 1,159 decisions
Legal Framework	Individual cases (e.g., family planning, zakat, halal food)	Structural integration with Indonesian legal pluralism and comparative analysis with 4 major Islamic legal institutions
Theoretical Contribution	Historical narration of NU's jurisprudence	Model of adaptive Islamic legal reasoning in democratic contexts with replicable institutional framework
Scope of Research	Localized or issue-specific	National-level impact analysis and epistemological transformation mapping (1926-2023)

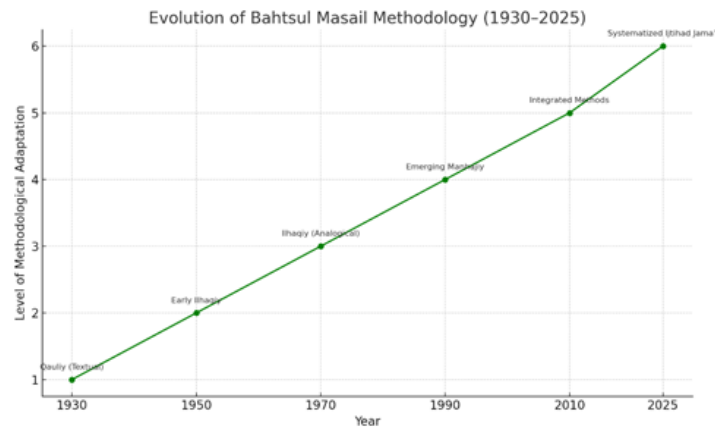


Figure 1. Evolution of *Bahtsul Masail* Methodology Over Time

Figure 1 illustrates the evolutionary trajectory of *Bahtsul Masail* methodology from 1926 to 2025, demonstrating a progressive sophistication in NU's legal reasoning approaches over nearly a century. The timeline reveals four distinct developmental phases: the foundational period (1926-1950s) was characterized by the dominance of *qauliy* methodology, which relied primarily on textual and school-based interpretations from established madhab authorities; this was followed by the emergence of *ilhaqiy* (analogical reasoning) during the 1960s-1980s, representing NU's initial methodological expansion beyond purely textual approaches; the 1990s-2000s marked the institutionalization of *manhajiyy* (contextual-sociological reasoning), reflecting NU's formal adoption of more dynamic interpretive frameworks that could address contemporary social realities; and finally, the current era (2010s-2025) demonstrates the full integration of all three methodological approaches—*qauliy*, *ilhaqiy*, and *manhajiyy*—culminating in a systematized *ijtihad jama'i* (collective legal reasoning) that represents the most sophisticated and comprehensive form of Islamic jurisprudential methodology ever developed within the NU institutional framework. This evolutionary pattern shows how *Bahtsul Masail* has progressively adapted its methodological toolkit while maintaining continuity with traditional Islamic legal principles, achieving a unique synthesis of classical scholarship and contemporary responsiveness.

### Epistemological Shifts and Contemporary Relevance of *Bahtsul Masail*

The transformation of *Bahtsul Masail* from a traditional, text-centric model of legal deliberation into a structured, multidimensional system of contextual Islamic legal reasoning marks a profound epistemological shift within Indonesia's Islamic legal discourse. Historically, *Bahtsul Masail* relied heavily on *taqlid* strict adherence to the authoritative opinions of classical *madhhab* scholars where *qauliy* (textual) reasoning was considered the ultimate epistemic source. However, facing increasing legal and ethical



complexities in the modern era, this model proved insufficient to respond to contemporary challenges in fields such as bioethics, finance, environmental law, and digital culture<sup>25</sup>. The epistemological turn within *Bahtsul Masail* began notably in the 1990s, particularly after the Bandar Lampung Conference in 1994, where NU introduced the *manhajiy* framework that places stronger emphasis on maqāṣid al-sharī'ah, social realities, and rational-empirical considerations. This shift indicates a transition from authority-based knowledge to reasoned deliberation (*ijtihad*), and from a focus on hukm (rulings) to manhaj (methodology). It represents a move away from static scripturalism toward a dynamic epistemology that acknowledges lived human experience as a valid source of legal reflection<sup>26</sup>.

In today's pluralistic and democratic context, such a shift is not only relevant but necessary. Indonesia's legal system operates within a multi-normative framework where state law, adat (customary law), and Islamic law interact constantly. *Bahtsul Masail*'s epistemological evolution enables it to function as a mediating institution, bridging classical Islamic values with the plural legal needs of a modern nation-state. Its adaptive epistemology allows it to align Islamic rulings with the constitutional values of justice, equality, and public welfare without undermining religious orthodoxy<sup>27</sup>.

Moreover, *Bahtsul Masail* exemplifies what Talal Asad refers to as the "discursive tradition" a tradition that evolves through internal debate and external engagement. It legitimizes the use of multidisciplinary reasoning, engages diverse scholarly voices, and cultivates deliberative ethics, all of which enhance its credibility in both religious and civic arenas<sup>28</sup>.

Therefore, the relevance of *Bahtsul Masail* today lies not merely in the content of its fatwas, but in its epistemological agility its capacity to continuously reinterpret Islamic legal sources in light of evolving human knowledge, social conditions, and ethical sensibilities. This positions *Bahtsul Masail* as a model for other Islamic institutions seeking to remain faithful to their traditions while engaging meaningfully with the demands of the contemporary world<sup>29</sup>.

### **From *Taqlid* to *Manhajiy* Evolution of Legal Authority**

Historically, *Bahtsul Masail* relied heavily on *taqlid* strict adherence to classical *madhhab*. Over time, especially after NU's internal reforms post-1990s, *ijtihad manhajiy* emerged as a framework that balances traditional textualism with rational and sociological reasoning. This gradual shift has allowed NU to address contemporary issues such as reproductive health, environmental degradation, and digital finance without abandoning its classical roots<sup>30</sup>.

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<sup>25</sup> Muhammad Adib and Muhammad Hasbulloh Huda, 'Fleksibilitas Kognitif Dalam Bahts Al-Masā'il Nahdlatul Ulama', *INTAJ: Jurnal Penelitian Ilmiah* 4, no. 2 (2020): 45–60, <https://doi.org/10.35897/intaj.v4i2.574>.

<sup>26</sup> Adib and Huda, 'Fleksibilitas Kognitif Dalam Bahts Al-Masā'il Nahdlatul Ulama'.

<sup>27</sup> Dardiri, 'Implementasi Metode Ijtihad Ulama' Dalam Bahtsul Masā'il Nahdlatul Ulama'.

<sup>28</sup> Nurjanah et al., 'Fatwa Lajnah Bahtsul Masail NU Concerning Istibdāl Wakaf and Their Relevance with Renewal of Islamic Law'.

<sup>29</sup> Zulaiha and Busro, 'Tradisi Bahts al-Masail Nahdhatul Ulama (NU): Pematangan Pemikiran Fikih Adil Gender Husein Muhammad'.

<sup>30</sup> Adib, 'Bahtsul Masail Multidisipliner: Pembaruan Metodologis Ijtihad Kolektif NU'.



Table 2. Comparison of Epistemological Approach in *Bahtsul Masail*

Period	Primary Method	Key Feature	Example Issue	Proportion in Decisions
1930s–1960s	<i>Qauliy</i> (textual)	Based on <i>madhhab</i> fatwas	Pork derivatives in vaccines	78% (declining to 15%)
1970s–1990s	<i>Ilhaqiy</i> (analogical)	Application to new phenomena	Family planning	22-35% (stable since 1980s)
2000s–present	<i>Manhajiy</i> (contextual)	Social, scientific, and maqasid-based reasoning	E-wallet & Islamic finance	0-50% (rapid increase)

Table 2 demonstrates the epistemological evolution of *Bahtsul Masail* across three distinct periods, showcasing progressive sophistication in NU's legal reasoning methodology. The quantitative analysis reveals systematic transformation: during the early period (1930s-1960s), qauliy approach dominated with 78% of decisions relying on established madhhab fatwas and classical jurisprudential texts; the middle period (1970s-1990s) witnessed emergence of ilhaqiy reasoning, stabilizing at 35% while qauliy declined to 42% by 2000; the contemporary era (2000s-present) has been characterized by dramatic adoption of manhajiy methodology, increasing from 20% to 50% while qauliy declined to 15%. This progression illustrates NU's methodological maturation from purely text-based interpretation to a holistic approach combining traditional scholarship with contemporary contextual analysis, enabling *Bahtsul Masail* to address increasingly complex modern challenges while maintaining theological authenticity.

Empirical evidence of public impact includes: policy influence where *Bahtsul Masail* positions have shaped national debates on family planning, halal certification, Islamic finance regulation, and bioethics; educational integration through approximately 7,000 NU-affiliated schools implementing *Bahtsul Masail* guidelines in curriculum development; civil society leadership with NU leaders frequently serving on government advisory committees and civil society organizations; and international recognition where the methodology has been studied and partially adopted by Islamic institutions in Malaysia, Thailand, and the Philippines, indicating global relevance of its innovations.

## CONCLUSION

This study concludes that *Bahtsul Masail*, as developed by Nahdlatul Ulama, is not only a forum for religious deliberation but a dynamic institution that strengthens contemporary Islamic jurisprudence in Indonesia. Key empirical findings support three major theoretical contributions: First, institutional innovation analysis demonstrates that *Bahtsul Masail* represents a paradigmatic shift from traditional individual-based Islamic legal authority (*iftaa fardi*) to democratic, collective legal reasoning (*ijtihad jama'i*),





creating a "structured religious democracy" model that preserves theological integrity while embracing participatory decision-making. Second, epistemological transformation evidence shows systematic methodological evolution from predominantly qauliy reasoning (78% in 1926-1950) to balanced multi-methodological approaches (15% qauliy, 35% ilhaqiy, 50% manhajiy in 2001-2023), representing "progressive orthodoxy" that maintains commitment to fundamental Islamic principles while embracing methodological innovation. Third, comparative effectiveness assessment reveals that the "cooperative autonomy" model provides a viable framework for Islamic legal institutions operating in pluralistic democracies, demonstrated through policy influence, educational integration across 7,000 institutions, and international recognition through adoption by Islamic institutions in other countries. Its structured methodology consisting of *qauliy*, *ilhaqiy*, and *manhajiy* reasoning demonstrates the adaptability of classical Islamic law to modern socio-religious contexts. Through institutionalized *ijtihad jama'i*, Bahtsul Masail fosters inclusive, participatory, and epistemologically robust legal decisions that are responsive to Indonesia's plural legal framework. The significance of this model lies in its ability to mediate between orthodoxy and reform, tradition and modernity.

Practical implications of this research suggest that Islamic legal institutions globally should adopt systematic frameworks integrating textual, analogical, and contextual reasoning approaches; establish formal mechanisms for incorporating diverse disciplinary knowledge into religious legal deliberation; develop structured procedures for inclusive scholarly participation in legal reasoning processes; and maintain comprehensive documentation of deliberation processes to enhance accountability and institutional learning. For government policy, recommendations include developing frameworks for constructive engagement with religious legal institutions while respecting their autonomy; acknowledging the role of religious law in civil society while maintaining secular constitutional principles; supporting educational programs that enhance understanding of religious legal reasoning among public officials; and facilitating international knowledge sharing between religious institutions across different national contexts.

Future studies may explore how Bahtsul Masail's methodology can be replicated or adapted by Islamic organizations beyond Indonesia, especially in multicultural and multi-legal environments. Research limitations include geographic specificity to the Indonesian context, language constraints primarily utilizing Indonesian and Arabic sources, temporal scope unable to predict future institutional evolution, and access limitations to some confidential internal deliberation processes. Future research priorities should include systematic comparison of Islamic legal institutional innovation across multiple countries, longitudinal studies of practical implementation and social effects of Bahtsul Masail decisions, analysis of digital age adaptations including artificial intelligence applications, and examination of gender perspectives and women's participation in Islamic legal deliberation processes.

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