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Bridging *Fiqh* and Religious Practice: Actualizing the Function of *Ḥāshiyah* as a Form of Worship in the Scribal Traditions of Madurese *Pesantren* Literature

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Abstract

The function of the *ḥāshiyah* (gloss), traditionally serving as an explanatory tool for words requiring further exploration, underwent a transformation in its application by *kiai* (local religious leader) in the *pesantren* (Islamic boarding school) of Madura. This shift arose from the need to actualize meanings and reinforce worship practices rooted in the Shāfiʿī school of jurisprudence (*madhhab*). The emphasis on the Shāfiʿī school was driven by the religious dynamics of 19th-century Madurese society, which leaned heavily toward mystical practices and *tarekat* (spiritual path) traditions. This study aims to identify the scribal process and glosses in the *fiqh* (Islamic jurisprudence) literature of Madurese *pesantren* and their connection to efforts to shape a new religious practice among Madurese people. A qualitative method, informed by social construction theory, was employed to guide the analysis of the data. This study found that the preferences and choices of specific Shāfiʿī jurisprudence literature closely align with the literature commonly used in *pesantren* throughout Indonesia. This shared selection reflects the recognition of Madurese *kiai* and become an objective reality widely accepted as standard educational material in *pesantren*. In response to this objective reality, Madurese *kiai* incorporated additional explanations that not only elucidate meanings but also address questions about the religious practices of the Madurese people, which often gravitated towards *tarekat* connections and mystical traditions. These commentaries extend beyond simple linguistic clarification, challenging Islamic behaviors that deviate from *fiqh* logic. They serve as a transformative force within the Islamic tradition, facilitating the emergence of new religious practices and reinforcing the evolving function of commentary as a means of shaping and influencing religious behavior.

[*Peralihan fungsi ḥāshiyah, sebagai komponen penjelas kata-kata yang membutuhkan eksplanasi, mengalami pergeseran dalam proses produksinya oleh para kiai pesantren di Madura. Peralihan ini didasarkan pada kebutuhan aktualisasi makna untuk menguatkan praktik ibadah yang berdasarkan fikih mazhab Shāfiʿī. Kebutuhan penekanan atas mazhab Shāfiʿī didasarkan pada dinamika keagamaan masyarakat Madura abad ke-19 Masehi yang cenderung bertendensi pada praktik mistis dan pengamalan tarekat. Penelitian ini bertujuan untuk menemukan proses dialektis antara kiai yang berdialektika dengan literatur fikih yang menjadi teks sumber dengan*

realitas sosial-keagamaan dalam proses pembentukan struktur dan tindakan hukum masyarakat Madura. Penelitian ini menggunakan metode kualitatif dengan alat analisis teori konstruksi sosial untuk menangkap proses penyalinan dan komentar yang berlangsung di dua pesantren tua di Madura. Penelitian ini menemukan bahwa teks-teks sumber yang disalin memiliki keidentikan dengan teks-teks yang dipelajari oleh pesantren-pesantren di wilayah Indonesia pada umumnya dengan tendensi kecenderungan penuh terhadap mazhab Shāfiʿī. Struktur identik dalam pemilihan literatur menunjukkan literatur mazhab Shāfiʿī sebagai realitas objektif yang diterima oleh seluruh pesantren sebagai bahan pengajaran. Meskipun literatur tersebut merupakan kesepakatan umum, para kiai memberikan respons makna yang bersifat subjektif dengan membawa seperangkat pengetahuan kognitif melalui penjelasan atas kosa-kata tertentu dengan mengambil teks-teks lain yang tidak ditemukan salinan materialnya. Penjelasan atas konsep kata tidak hanya berorientasi pada pemahaman makna, akan tetapi memuat refleksi kegelisahan terhadap realitas keagamaan masyarakat Madura yang cenderung berafiliasi dengan tarekat dan praktik-praktik mistik lainnya. Kritik atas tindakan keagamaan yang tidak sesuai dengan nalar fikih menunjukkan perluasan fungsi dari komentar dalam tradisi Islam sebagai komponen pembentukan tindakan keagamaan baru.]

Keywords: *Fiqh* Literature, *Ḥāshiyah*, Manuscript in *Pesantren*, Madura, Shāfiʿī School of Jurisprudence.

Introduction

The *ḥāshiyah* (gloss), a key feature of Islamic scholarship,[1] provides elaboration on concise source texts and interprets figurative language.[2] Within Madura's *pesantren* (Islamic boarding school) community, the *ḥāshiyah* evolved into a mechanism for shaping specific legal action in response to 19th-century social shifts. Classical *fiqh* (Islamic jurisprudence) literature, such as *Sullam al-Tawfīq* by 'Abd Allāh bin Ḥusain (d. 1275 AH), *Safīnah al-Najāh* by Sālim bin Sumair (d. 1262 AH), *Fatḥ al-Qarīb al-Mujīb* by Muḥammad bin Qāsim (d. 918 AH) and *Fatḥ al-Muʿīn* by Zain al-Dīn al-Malibārī (d. 982 AH), was adapted by *pesantren kiai*s (local religious leaders). These *kiai*s crafted *ḥawāshī* (singular: *ḥāshiyah*) to address contemporary needs within the Shāfiʿī school of jurisprudence (*madhhab*). These augmented texts reflect deliberate effort to reinforce the Shāfiʿī jurisprudence amidst the mystical influences and strong *tarekat* (Sufi order) presence in the region. The religious landscape of 19th-century Madura can be divided into three main groups: *pesantren*s, *tarekat* affiliations, and the underpinning belief system of Islamic law that shaped religious practice.[3] The *ḥāshiyah*, as explanatory notes, represented dynamic interactions between the interpretive tendencies of the *kiai*, source texts, and socio-religious realities of the time. Supplementary interpretations, particularly those addressing ascetic practices and unique legal positions, demonstrate efforts to establish new forms of worship. This process highlights the evolving role of *ḥāshiyah* in expanding Islamic legal discourse and contextualizing explanations to resonate with the religious realities of 19th-

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[1] See: Ahmed El Shamsy, "The Ḥāshiya in Islamic Law: A Sketch of the Shāfiʿī Literature," *Oriens* 41, no. 3–4 (January 1, 2013): 289–315; Kamāl 'Arafāt Nabhān, *'Abqariyyat al-Taʾlīf al-ʿArabī* (Kuwait: Wizārat al-Awqāf, 2015), 333.

[2] Ḥājjī Khalīfa Muṣṭafā bin 'Abd Allāh, *Kashf al-Ẓunūn 'an Asāmī al-Kutub wa al-Funūn*, vol. 1 (Istanbul: Maʿārif Maṭbaʿah, 1941), 36–7.

[3] Ann Kumar, *The Diary of a Javanese Muslim: Religion, Politics, and the Pesantren, 1883-1886* (Canberra: Faculty of Asian Studies, Australian National University, 1985), 27.

century Madurese society.[4] Ultimately, it showcases the *kiai*'s creative adaptations in navigating changing societal and religious dynamics.

The complex relationship between the practice of copying *fiqh* literature and supplementing it with *ḥāshiyah* to contextualize evolving religious practices remains significantly underexplored. Existing studies predominantly focus on the materiality of manuscripts and philological analysis. Three main categories have been identified in these studies. Firstly, para-text components analysis. This category of study is concerned with scrutinizing supplementary textual elements, such scribes' annotations and personal markings.[5] Secondly, intertextual relation exploration. These categories tend to uncovering connections between manuscripts through shared thematic threads, exemplified by Ahmad Hidayat Buang et al., in-depth examination of *Nahj al-Rāghibīn* by al-Fattanī.[6] The other study examined the impact of the development of printing technologies on scribal practice, highlighting shifts in content and format transition.[7] Thirdly, codicological analysis. These categories are concerned with investigating manuscripts physicality, including scribal patterns[8] and ornamental features.[9] While these approaches provide valuable insights, they often overlook the intricate dynamics between scholarly commentary, social context, and community engagement.

Studies on glosses (*ḥawāshī*) and commentaries (*sharḥ*) often prioritize intellectual expression over their role in shaping religious behavior. This trend is prevalent in research emphasizing intellectual analysis[10] and contextual understanding.[11] Ahmed El Shamsy observes that dialectical and diachronic glossing significantly contributes to the evolution of Islamic intellectual traditions, particularly within the Shāfi'ī school.[12] The *sharḥ* on classical

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4   Jerry R. Hobbs, *Literature and Cognition* (Stanford: Center for The Study of Language and Information, 1990), 11.

5   See: F. Redhwan Karim and Yousry Elseadawy, "Stylistc Features of Fourth/Tenth Century Arabic Colophons, with Particular Attention to Scribal Biographical Details," in *Literary Snippets*, ed. George A. Kiraz and Sabine Schmidtke (New Jersey: Gorgias Press, 2023), 353–76; Yousry Elseadawy, "Arabic Scribal Practices in the 3rd-4th/9th-10th Centuries" (Freie Universität Berlin, 2022), 7.

6   Ahmad Hidayat Buang, Mohd Zaidi Daud, and Mohd Hafiz Jamaludin, "On the Question of Kitab Jawi's Originality: Analysis on al-Fatani's Nahj al-Raghibin on Essentials of Sale Contract," *Jurnal Akidah & Pemikiran Islam* 24, no. 1 (May 31, 2023): 1–42.

7   Cornelius Berthold, "Approaching the Last Decades of Arabic Manuscript Culture (1870–1930): Materiality," *Journal of Islamic Manuscripts* 15, no. 3 (July 10, 2024): 271–323.

8   Achmad Yafik Mursyid and Aizan binti Ali Mat Zin, "The Historical Bedrock of Holy Qur'an's Manuscript in Malaysia: A Study on Its Style of Calligraphy and Illumination," *Hamdard Islamicus* 47, no. 3 (September 30, 2024), 93–117.

9   Dedi Kuswandi, Abdul Rohman, and Ghazi Abdullah Muttaqien, "The Quran Manuscripts in Indonesia: A Historical Review," *Suhuf* 36, no. 2 (November 19, 2024), 227–35.

10 See: Damanhuri, "Kitab-Kiai Madura: Kuasa Teks dan Otoritas Keagamaan," in *Islam Indonesia: Dialektika Agama, Budaya, dan Gender*, ed. Damanhuri (Yogyakarta: LKiS, 2020), 52–88; Norman Calder, "Al-Nawawī's Typology of Muftīs and Its Significance for a General Theory of Islamic Law," *Islamic Law and Society* 3, no. 2 (1996): 137–64.

11 See: Damanhuri, "Kitab Kuning: Warisan Keilmuan Ulama dan Kontekstualisasi Hukum Islam Nusantara," *'Anil Islam: Jurnal Kebudayaan dan Ilmu Keislaman* 10, no. 2 (2017): 234–61; Aaron Spevack, *The Archetypal Sunni Scholar: Law, Theology and Mysticism in the Synthesis of Al-Bājūrī* (New York: State University of New York Press, 2008), 110.

12 El Shamsy, "The Ḥāshiya in Islamic Law," 289–315.

Muslim scholarship serves as a valuable learning tools in *pesantren*s.[13] However, existing studies largely overlook the impact of glossing and commenting on classical *fiqh* works in shaping communal religious practice. This research aims to address this gap.[14] It explores the necessity of reproducing *fiqh* texts with contextual annotations tailored to the socio-religious landscape of 19th- century Madurese society. To achieve this, the study addresses three core questions. The first question examines the motivations behind annotation of different literature in specific schools of Islamic law. This part examines the broader social and intellectual background of the Madurese people and their relations with neighboring regions, particularly Java. The second issue is to identify the trends that are evident in the *ḥawāsyi* contained in these manuscripts. This part elucidates the mechanisms underlying the glossing process, highlighting the interplay between the scribe, the source text and the social milieu in which this manuscript functioned. The third section examines the reasons why certain texts were chosen for reproduction. This part examines the intellectual context to delineate the established intellectual paradigms of the period, focusing on the *kiai*'s foresight in meeting the religious needs of Madurese society.

This study posits that social reflections in scribal manuscripts embody the impact of *pesantren* teaching activities, where *kiai* engage with specific *fiqh* literature, acknowledging it as objective reality. The teaching process fosters dialectical interactions between objective (textual) and subjective (interpretive) structure.[15] The *kiai* internalizes their roles within the objective framework, infusing it with meaning and relevance through their subjective perspective. This dynamic process transforms literary choices into meaningful and applicable tools.[16] However, interactions with *santri* (student in *pesantren*) and diverse intellectual traditions reveals limitations in addressing contemporary needs. To bridge these gaps, *kiai* adapt literature to align with broader objective realities. This ongoing process creates a dynamic social construction, resulting from the dialectical engagement of the *kiai*, the community, the *santri*, and the evolving corpus of *pesantren fiqh* literature. This interplay continually reshapes the literature, ensuring its relevance within the socio-religious landscape.

This study employed qualitative methods to explore the formation of *fiqh* narratives within *pesantren* literature. This methodological approach was chosen to facilitate the analysis of ideas, concepts, and experiences without relying on numerical data.[17] The exploration of these ideas was carried out by identifying data sources, which were categorized into primary and secondary sources. Primary data was obtained through the cataloging of *pesantren* manuscripts in Bangkalan, which reflect the religious tendencies of Madurese society. Twenty manuscripts focusing on *fiqh* discussions were identified and classified from two prominent *pesantren*: Pesantren Sembilangan and Pesantren al-Akhyar Tambak Agung (see Table 1).

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[13] Zulkarnain Yani and Ahmad Hakam, "The Ulama's Classical Works in Six Pesantren in Bandung, West Java, Indonesia," *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya* 6, no. 2 (March 3, 2022): 167–82.

[14] *Ḥawāshī* have often been regarded negatively in modern scholarship, frequently cited as a contributing factor to the decline of intellectual creativity in Islamic authorship. See: Nabhān, *'Abqariyyat al-Ta'līf al-'Arabī*, 333.

[15] Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (London: Penguin Books Ltd, 1991), 149.

[16] Berger and Luckmann, 119.

[17] Joseph A. Maxwell, "Why Qualitative Methods Are Necessary for Generalization.," *Qualitative Psychology* 8, no. 1 (February 2021): 111–18.

Table 1
List of Main Research Sources

No.	Manuscripts Code	Title and Author	Scribe	Year of Copying
1.	KRMT/SBLGN/BKL/36	*Ḍaqā'iq al-Minhāj li al-Imām al-Nawawī* by al-Nawawī (d. 676 AH)	Unknown	1292 AH (1875 CE)
2.	TBAG/AKHYR/96	*Manẓūmah Ibn al-ʿImād fī al-Maʿfūwāt* by Ibn al-ʿImād (d. 808 AH)	Ahmad Dimyati bin Muhammad Saleh	1312 AH (1895 CE)
3.	TBAG/AKHYR/133	*Matn al-Zubad fī Fiqh al-Shāfiʿī* by Aḥmad bin Ruslān (d. 844 AH)	Ismail bin Muhammad Saleh	1307 AH (1890 CE)
4.	TBAG/AKHYR/88	*Fatḥ al-Qarīb al-Mujīb* by Muḥammad bin Qāsim (d. 918 AH)	Unknown	-
5.	KRMT/SBLGN/BKL/33	*Fatḥ al-Qarīb al-Mujīb* by Muḥammad bin Qāsim (d. 918 AH)	Unknown	-
6.	TBAG/AKHYR/125	*Fiqh al-Manāsik al-Ḥajj* by Unknown	Ismail bin Muhammad Saleh	1308 AH (1891 CE)
7.	TBAG/AKHYR/13	*Fatḥ al-Muʿīn* by Zain al-Dīn al-Malibārī (d. 982 AH)	Muhammad Saleh	1282 AH (1866 CE)
8.	TBAG/AKHYR/24	*Hidāyah al-Mubtadi' li Mas'alah al-Muqtadī* by Muḥammad bin Ṣāliḥ al-Maqdisī (d. 1071 AH)	Muhammad Saleh	1282 AH (1866 CE)
9.	KRMT/SBLGN/BKL/32	*Hidāyah al-Mubtadi' li Mas'alah al-Muqtadī* by Muḥammad bin Ṣāliḥ al-Maqdisī (d. 1071 AH)	Muhammad Saleh	1282 AH (1866 CE)
10.	TBAG/AKHYR/102	*Fatḥ al-Karīm al-Raḥmān fīmā Yaghfir li al-Muwāfiq min al-Arkān* by Unknown	Ismail bin Muhammad Saleh	1306 AH (1889 CE)
11.	KRMT/SBLGN/2	*Fatḥ al-Karīm al-Raḥmān fīmā Yaghfir li al-Muwāfiq min al-Arkān* by Unknown	Ahmad Anwar bin Muqaddas	-
12.	TBAG/AKHYR/86	*Safīnah al-Najāh* by Sālim bin Sumair (d. 1262 AH)	Unknown	-
13.	TBAG/AKHYR/124	*Safīnah al-Najāh* by Sālim bin Sumair (d. 1262 AH)	Muhammad Ismail	1317 AH (1900 CE)
14.	KRMT/SBLGN/54	*Safīnah al-Najāh* by Sālim bin Sumair (d. 1262 AH)	Unknown	-
15.	TBAG/AKHYR/87	*Sullam al-Tawfīq* by ʿAbd Allāh bin Ḥusain (d. 1275 AH)	Unknown	-
16.	TBAG/AKHYR/123	*Sullam al-Tawfīq* by ʿAbd Allāh bin Ḥusain (d. 1275 AH)	Muhammad Ismail	1317 AH (1900 CE)
17.	KRMT/SBLGN/14	*Majmūʿ al-Risālah al-Mushtamil ʿalā Khamsah al-Rasā'il* by Unknown	Ahmad Anwar bin Muqaddas	-
18.	KRMT/SBLGN/BKL/60	*Iʿlām al-Zumrah al-Sayyārah* by Ismāʿīl Uŝmān al-Makkī (d. 1414 AH)	Unknown	-
19.	KRMT/SBLGN/29	*Taḥqīq al-Maqām* by Ibrāhīm bin Muḥammad al-Bājūrī (d. 1276 AH)	Hasan Iraqi	1310 AH (1892 CE)
20.	TBAG/AKHYR/121	*Safīnah al-Najā wa Arkān al-Najā* by Unknown	Muhammad Ismail	1317 AH (1900 CE)

Source: Nahdhatut Turost Digital Library, 2022.

These *pesantren*s were selected for their historical significance as the oldest *pesantren* in Madura. Pesantren al-Akhyar was established in 1750 CE, while Pesantren Sembilangan, established in the mid-18th-century, is located in the former palace of Cakraningrat IV (d. 1718 CE).[18] Secondary data sources were drawn from existing studies on the religious history of 19th-century Madura. These complementary sources provided additional context and depth to the analysis of *pesantren fiqh* literature within its historical and socio-religious framework.

The data collection in this research employs documentation techniques, which are instrumental in analyzing relevant documents, including manuscripts, to generate the necessary information for the analysis. The data analysis process utilizes a triangulation model to ensure validity and depth.[19] The analysis begins with an interactive approach, examining the documented data to synthesize and filter out irrelevant information. The refined data is then presented in a schematic format. The schematization is guided by the social formation model developed by Peter L. Berger and Thomas Luckmann, which provides a framework for understanding the interplay between subjective and objective realities in shaping social phenomena.[20] After the data schematized, conclusions are drawn to reinforce the research findings, ensuring a comprehensive understanding of the subject under study. This systematic approach enhances the reliability and coherence of the results.

Socio-Religious Realities of Nineteenth-Century Madurese Society: *Tarekat* vis-à-vis *Fiqh*

Madura, an integral part of Java, has significantly influenced the island's socio-economic stability and the conflicts,[21] profoundly shaping its socio-religious structure and closely resembling that of Java. According to Tomé Pires' records, Madura come under Javanese control as early as the 16th-century, particularly under Majapahit kings.[22] The island's historical continuity as part of Java's extensive territory fostered strong connections with Javanese society (see Figure 1). Theodore G. Th. Pigeaud noted that 16th-century Javanese recognized Madura as comprising two distinct regions; West Madura (Bangkalan and Sampang) and East Madura (Sumenep and Pamekasan). East Madura, led by Wira Raja, maintained a degree of autonomy.[23] This geographical and administrative division shaped the socio-religious dynamics, resulting in distinct patterns of religious and social practices between East and West Madura.[24]

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18 Sofwan, *Personal Interview*, Bangkalan, March 6, 2024. See: Moelyono Sastronaryatmo, *Babad Madura* (Jakarta: Balai Pustaka, 1981), 201.

19 Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis (A Source Book of New Methods)* (Beverly Hills: SAGE Publications, 1984), 10.

20 Berger and Luckmann, *The Social Construction of Reality*, 150.

21 See: Safi' Safi' et al., "Bhag-Rembhag Sabhala'an as a Method of Resolving Religious Conflicts in the Madura Legal Tradition," *El-Mashlahah* 14, no. 1 (June 30, 2024): 95–126; Akhmad Siddiq et al., "State Failure and The Sunni-Shia Conflict in Sampang Madura," *Al-Albab* 12, no. 2 (December 31, 2023): 207–24.

22 Tome Pires, *The Suma Oriental: An Account of the East, from the Red Sea to Japan, Written in Malacca and India in 1512-1515*, ed. Armando Cortessao (London: The Hakluyt Society, 1994), 227.

23 Theodore G. Th. Pigeaud and H. J. de Graaf, *Islamic States in Java 1500–1700: A Summary, Bibliography, and Index* (Dordrecht: Springer Netherlands, 1976), 16–7.

24 See: Muhammad Taufiq et al., "Tengka, Identity Politics, and the Fiqh of Civilization: The Authority of Madura's Kiai in the Post-Truth Era," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 1 (July 26,

Figure 1
The Position of Madura Island

Source: Dutch Colonial Map KIT; Leiden Universities Libraries, 1943.

The Islamization of Madura's two regions followed distinct historical trajectories. According to Pires, the 16th-century leader of Arosbaya was non-Muslim, and Islam only gained prominence in the region after Majapahit's capital fell in 1527.[25] In contrast, Sumenep embraced Islam earlier in mid-16th century through a marriage alliance between its ruler and Demak princess.[26] These differing paths resulted in variations in the depth and patterns of religious development. Huub de Jonge observed that Hadramaut immigrants significantly influenced East Madura, establishing Arab villages and intermarrying with the local's population.[27] This integration elevated leaders of Hadramaut descent[28] as prominent religious authorities. Conversely, West Madura's religious leadership remained dominated by local figures, reflecting its distinct Islamic tradition.[29]

2024): 139–65; Erie Hariyanto et al., "The Resistance of Madurese Muslim Society to the Development of Non-Muslim Tourism Objects," *Jurnal Ilmiah Peuradeun* 12, no. 1 (January 30, 2024): 27–50.

[25] Pires, *The Suma Oriental*, 227.

[26] Pigeaud and de Graaf, *Islamic States in Java 1500–1700*, 17.

[27] Huub de Jonge, *In Search of Identity: The Hadhrami Arabs in The Netherlands East Indies and Indonesia (1900-1950)* (Leiden: Brill, 2022), 20.

[28] Bruinessen observes that the leaders of the *tarekat* in Sumenep region are descendants of Sayyids originating from Hadramaut. See: Martin van Bruinessen, "Tarekat and Tarekat Teachers in Madurese Society," in *Across Madura Strait: The Dynamics of an Insular Society*, ed. Kees van Dijk, Huub de Jonge, and Elly Touwen-Bouwsma (Leiden: KITLV Press, 1995), 107; Martin van Bruinessen, *Tarekat Naqsyabandiyah di Indonesia: Survei Historis, Geografis, dan Sosiologis* (Bandung: Penerbit Mizan, 1994), 177.

[29] See: Mohammad Hipni, "Roma Toah: Social Construction of Inheritance Division of the Bangkalan Madura Community," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (June 24, 2023): 120–37; Khairul Muttaqin, Afifullah Afifullah, and Sri Nurhayati, "Reciting QS. al-Ra`d and QS. Yāsīn in Phenomena of Sakarāt al-Maut in Sumenep, Madura," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 23, no. 1 (January 31, 2022): 173–94; Ludfi Ludfi, "Cultural Dynamics: Pangadâ' in the Bhâkalan and Nyeddèk Kabhin Process in Madura 'Urf Perspective," *Indonesian Journal of Islamic Law* 5, no. 2 (December 30, 2022): 18–41; Maimun Maimun et al., "Analyzing the

The dominance of local figures as holders of religious authority in West Madura is structured around different areas of expertise. According to Ann Kumar, the religious landscape can be divided into three main groups: the *pesantren* (book-based teaching) group, the *tarekat* group, and the *kesakten* (mystical power) group.[30] The *pesantren* group's establishment of religious authority is crucial for securing social status within the community, as it relies on effectively using religious literature to address social issues. Kuntowijoyo notes that a deep understanding of basic *fiqh* texts is required in *pesantren* to prepare *santri* as future leaders.[31] In contrast, the *kesakten* group, closely associated with the *priyayi* (Javanese aristocrats), emphasizes spiritual guidance through ascetic practices in secluded places. Typically, *kesakten* figure do not teach formal religious texts (*kitāb*) but focus on mystical practices.[32] These two groups are distinct from the *tarekat* group, which centers on Sufi mysticism. Kumar recounts Raden Rahmat's journey and interactions with *kiai,* during which he was introduced to mystical texts such as *Bayān al-Alīf, Bayān al-Sirr*, and *Fatḥ al-Raḥmān*.[33] These texts emphasize mystical knowledge, contrasting with the *fiqh*-focused literature of the *pesantren*. These groups reflect the diverse and coexisting religious practices and intellectual traditions in west Madura.

Madura's *tarekat* tradition encompasses various works infused with a *wujūdiyyah* (existential mysticism), reflecting *kiai*'s profound religious pursuits. According to Martin van Bruinessen, three dominant *tarekat* orders prevail; *Qadariyyah*, *Naqsyabandiyyah*, and *Tijaniyyah*.[34] Bruinessen highlights the *Tijaniyah*'s incorporation of local rituals, which sparked religious debates.[35] Kumar further elaborates on the *tarekat*'s religious understanding, emphasizing that conventional worship alone is insufficient for achieving divine unity. This mystical approach challenges more legalistic interpretations of Islamic practice. The 19th-century Madurese *kiai* exemplified dynamic religious contestation and dialectics,[36] multifaceted religious practices and beliefs.

Internalization of the Shāfiʿī Doctrine in Madurese: A Teaching as Socialization Process in *Pesantren*

The diverse religious landscape of 19th-century Madurese society required an inductive process to establish a unified approach to legal interpretation aligned with specific *fiqh* standards. This process involved shaping religious consciousness through gradual socialization, instilling basic concepts, and influencing the broader social context.[37] The initial socialization stage occurred within *pesantren*, where foundational *fiqh* texts cultivated the

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Maduranese's Traditional Inheritance from al-Tūfī's Maslahah Theory," *Al-'Adalah* 18, no. 1 (June 29, 2021): 35–54; Muhammad Anas Ma`arif et al., "Kiai's Leadership Strategies in Strengthening Religious Moderation in Islamic Boarding Schools," *Jurnal Ilmiah Peuradeun* 13, no. 1 (January 30, 2025): 23–48.

30 Kumar, *The Diary of a Javanese Muslim*, 72.

31 Kuntowijoyo, *Perubahan Sosial dalam Masyarakat Agraris: Madura 1850-1940*, trans. Machmoed Effendhie and Punang Amaripuja (Yogyakarta: IRCiSoD, 2017), 346.

32 Kumar, *The Diary of a Javanese Muslim*, 27.

33 Kumar, 65.

34 Bruinessen, "Tarekat and Tarekat Teachers in Madurese Society," 92.

35 Martin van Bruinessen, *Kitab Kuning Pesantren dan Tarekat Tradisi-Tradisi Islam di Indonesia* (Bandung: Mizan, 1995), 327.

36 Kumar, *The Diary of a Javanese Muslim*, 68.

37 Berger and Luckmann, *The Social Construction of Reality*, 150.

santri's analytical skills. The *santri*, as *kiai's* deputies in religious service,[38] played a central role in secondary socialization. This stage utilized specialized literature to support the practical application of daily worship rituals. The reciprocal nature of this secondary socialization highlighted the importance of selecting literature aligned with a particular *fiqh* school. Such focused selections fostered coherent and unified legal knowledge, ensuring consistency in religious practice and interpretation across the community.

Table 2
Scope of the Shāfi'ī School Literature by Thematic Categories

No.	Themes	Titles	Remarks
1.	The Purifying (*al-Ṭahārah*)	*Manẓūmah Ibn al-Imad fī al-Ma'fūwāt* by Ibn al-'Imād (d. 808 AH)	This work provides an explanation of the impurities that are considered permissible.
2.	The Pilgrims (*al-Ḥājj*)	*Fiqh al-Manāsik al-Ḥajj* by Unknown	This work explains the procedures for performing Hajj and Umrah.
3.		*Hidāyah al-Mubtadi' li Mas'alah al-Muqtadī* by Muḥammad bin Ṣāliḥ al-Maqdisī (d. 1071 AH)	It addresses the issue of those who follow the imam in congregational prayer, detailing the criteria for those who follow the imam from the beginning and those who come late (*masbūq*), along with the various rulings that apply.
4.		*Fatḥ al-Karīm al-Raḥmān fīmā Yaghfir li al-Muwāfiq min al-Arkān* by Unknown	This work, presented in prose (*naẓm*), elaborates on the criteria for latecomers.
5.	The Prayer (*al-Ṣalāḥ*)	*Syarḥ Fatḥ al-Karīm al-Raḥmān* by Unknown	This work explains *Fatḥ al-Karīm al-Raḥmān* regarding what is forgiven for those who align with the imam in prayer.
6.		*Majmū' al-Risālah al-Mushtamil 'alā Khamsah al-Rasā'il* by Unknown	This work discusses issues related to prayer, with four main topics: the prohibition of neglecting prayer, the virtue of congregational prayer, the merit of congregational prayer at *Ṣubḥ* and *'Ishā'*, and the views of scholars on the importance of congregational prayer.
7.		*I'lām al-Zumrah al-Sayyārah* by Ismā'īl Uśmān al-Makkī (d. 1414 AH)	It provides guidance on how to pray while traveling, especially in a vehicle.
8.		*Taḥqīq al-Maqām* by Ibrāhīm bin Muḥammad al-Bājūrī (d. 1276 AH)	This work clarifies the rules for the funeral prayer, whether performed in congregation or alone.
9.		*Safīnah al-Najā wa Arkān al-Najā* by Unknown	This work outlines the pillars, conditions, and procedures of prayer.

Source: Nahdhatut Turost Digital Library, 2022.

The induction of knowledge regarding the laws of worship (*aḥkām al-'ibādāt*) is closely tied to the study of *fiqh* literature within the Shāfi'ī school. This literature is categorized into two primary purposes. First, for educational purposes, the literature serves to strengthen foundational knowledge of *fiqh* in the Shāfi'ī tradition. This is achieved through the study of *matn* (core texts) and *sharḥ* (commentaries). Among the core texts identified are *Sullam al-Tawfīq* by 'Abd Allāh bin Ḥusain (d. 1275 AH), *Safīnah al-Najāt* by Sālim bin Sumair (d. 1262 AH), *Manẓūmah Ibn al-'Imād* by Ibn al-'Imād (d. 808 AH), and *Matn Ibn Zubad* by Aḥmad bin

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[38]   Kuntowijoyo, *Perubahan Sosial dalam Masyarakat Agraris*, 346.

Ruslān (d. 844 AH). Notable *sharḥ* include *Fatḥ al-Qarīb al-Mujīb* by al-Ghazī, a commentary on *Ghāyah al-Taqrīb* by Abū Shujā' (d. 593 CE); *Fatḥ al-Mu'īn* by Zain al-Dīn al-Malibārī (d. 982 AH), a commentary on *Qurrah al-'Ayn* by Zain al-Dīn al-Malibārī (d. 982 AH); and *Żaqā'iq al-Minhāj* by al-Nawawī (d. 676 AH), which elaborates on specific terms from *Minhāj aṭ-Ṭalibīn* by al-Nawawī. These standard texts provide the foundation for instilling a basic understanding of *fiqh* in the Shāfi'ī school and are further complemented by instruction in practical rulings (*furū' al-fiqh*) governing daily acts of worship. This comprehensive approach ensures the integration of theoretical knowledge with practical application.

The second purpose is to provide practical guidance for worship. The thematic arrangement of the available literature indicates its intent to offer solutions for daily worship-related issues.[39] This literature is categorized into three main topics: prayer (*al-ṣalāh*), pilgrimage (*al-ḥajj*), and purification (*al-ṭahārah*). Guidance on the praxis of worship is predominantly focused on the rules for performing prayer, with seven works identified in this category (refer to Table 2). The inclusion of these three thematic areas related to daily worship demonstrates a clear objective to equip the *santri* with the necessary knowledge and skills to address practical problems concerning specific acts of worship.

The selection of literature on daily worship themes reflects a dialectical process between *kiai* (leader of the *pesantren*), social norms, and Sufism literature, shaping the centric tendency of Shāfi'ī jurisprudence. The *kiai's* mastery of standard texts enables primary-level religious socialization through doctrinal learning.[40] The Shāfi'ī doctrine emphasizes norms established within Javanese *pesantren* traditions. Research by van den Berg[41] and Bruinessen[42] highlights similarities between Madurese and Javanese *pesantren* references, demonstrating a shared emphasis on teaching Shāfi'ī jurisprudence. However, Madurese derivative works address specific daily worship issues, such as purification, prayer, and pilgrimage. These works demonstrate local considerations, viewing the *santri* as solution-providers for daily worship challenges.

The production and reproduction of standard *fiqh* literature within the Shāfi'ī school reflects a dynamic, dialectical process that continuously enriches practical learning resources. Within the Madurese *pesantren* community, the careful transcription of classical Shāfi'ī text fosters intellectual unity through commentary and adaptations, making the texts more accessible. This process facilitates the transfer of knowledge across generations, allowing engagement with source materials that were previously out of reach.[43] As a result, this openness fosters the practical application of legal principles, bridging theoretical knowledge

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[39] Eka Susylawati et al., "Socio-Cultural Strength: Optimization of Bhuppa', Bhâbhu', Ghuru, and Rato in Establishing Compliance in Madurese Familial Conduct," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (November 16, 2024): 1974–93.

[40] Ahmad Baidowi, "Pégon Script Phenomena in the Tradition of Pesantren's Qur'anic Commentaries Writing," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 21, no. 2 (July 29, 2020): 469–90.

[41] L. W. C. van den Berg, "Het Mohammedaansche Godsdienstonderwijs OP Java En Madoera En De Daarbij Gebruikte Arabische Boeken," *Tijdschrift Voor Indische Taal-, Land-, En Volkenkunde* 31 (1886), 12.

[42] Martin Bruinessen, "Kitab Kuning; Books in Arabic Script Used in the Pesantren Milieu; Comments on a New Collection in the KITLV Library," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 146, no. 2 (January 1, 1990): 226–69.

[43] Asad Q. Ahmed and Margaret Larkin, "The Ḥāshiya and Islamic Intellectual History," *Oriens* 41, no. 3–4 (January 1, 2013): 213–16.

with real-world implementation.[44] L.W.C. van Lit highlights the crucial role of verbal agreements in the process of copying and interpreting Islamic texts, linking thought with action.[45] The expanded understanding of the *kiai's* perspectives sheds light on individuals' positions within the socio-cultural context of the *pesantren*, acknowledging the social norms that govern them.

The development of norms since the 17th-century, regarding *santri* as *kiai magang* (apprentice *kiai*),[46] fosters the ontogenetic formation of understanding. This process serves as a comprehensive and consistent induction mechanism for individuals, achieved through cognitive socialization and social induction via direct participation in specific community structures.[47] The works of Kuntowijoyo[48] and Zainalfattah[49] highlight the significant influence of 19th-century Madurese *santri* in shaping political alliances and transforming religious practice. Notably, the development of legal reasoning grounded in the Shāfiʿī school's *fiqh* principles facilitated the dissemination of innovative legal concepts through specialized literature. The reinforcement of legal structures through the standard of Shāfiʿī school is viewed as a suitable choice for positioning *santri* within society. The selection of literature functions as an objective mechanism shaping the identity of *santri*, preparing them to engage with society as their objective reality.[50] The legal concepts articulated in *pesantren* literature, relevant to Madurese society's conditions, are integral to instilling the doctrine of Shāfiʿī school.

The changing social-religious environment, fueled by pilgrimage activities, shaped the instillation of Shāfiʿī doctrine. The growth in pilgrimages between 1880 CE and 1890 CE influenced the solidification of Shāfiʿī jurisprudence.[51] However, the increasing number of *ḥajjī*s (pilgrims) threatened the religious hierarchy, as they gained respect comparable to that of *kiai*s.[52] Kuntowijoyo's research (1850-1940 CE) revealed that despite their esteemed status, many *ḥajjī*s lacked profound religious understanding and gravitated toward shamanism.[53] This prompted the need for stronger emphasis on practical religious laws through *ḥawāshī* reproduction. These practices became integral to Madura's *pesantren* tradition, preserving traditional knowledge and countering contradictory practices.

Madurese society's condition, as taken-for-granted knowledge, shapes the future. Berger and Luckmann argue that socialization mediates internalizing awareness of the

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[44] Januddin Muhammad Yusuf, Nawir Yuslem, and Dhiauddin Tanjung, "The Inclusion of Ulema in the Aplication of Islam Nusantara Law for the Aceh Community," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 23, no. 2 (December 31, 2023): 186–97.

[45] L.W.C. van Lit, "Commentary and Commentary Tradition: The Basic Terms for Understanding Islamic Intellectual History," *MIDÉO: Mélanges de l'Institut Dominicain d'études Orientales* 32 (2017): 3–26.

[46] Kuntowijoyo, *Perubahan Sosial dalam Masyarakat Agraris*, 346.

[47] Berger and Luckmann, *The Social Construction of Reality*, 150.

[48] Kuntowijoyo, *Perubahan Sosial dalam Masyarakat Agraris*, 109.

[49] Zainalfattah, *Sedjarah Tjaranya Pemerintahan di Daerah-Daerah di Kepulauan Madura dengan Hubungannya* (Pamekasan: The Paragon Press, 1951), 107–8.

[50] Berger and Luckmann, *The Social Construction of Reality*, 151.

[51] Kuntowijoyo, *Perubahan Sosial dalam Masyarakat Agraris*, 333–5.

[52] Achmad Siddiq et al., "Restrictions on Hajj Pilgrimage for Indonesian Congregation from the Perspective of Sadd al-Dzari'ah," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 7, no. 1 (June 2, 2024): 35–51.

[53] *Ibid.*, 337. For a discussion on "Shamanism," see: Harun Güngör, "Şamanizm," in *TDV İslâm Ansiklopedisi*, vol. 38 (Ankara: TDV, 2010), 325–28.

world's structured reality.[54] Engaging with the Shāfiʿī jurisprudence literature creates a new objectified reality, internalized as objectively valid truth.[55] Social knowledge operates doubly; reflecting captured objectified social reality and resulting from continuous reality-generating processes. Generationally transmitted knowledge is learned as objective truth during socialization, becoming subjective reality. This reality influences individual, shaping biography, personality, and identity.[56] The Shāfiʿī jurisprudence literature, expanded through thematic standard texts, facilitates internalization.

The existence of standard literature with specific themes stems from recognizing *santri* as active societal agents and acknowledging Sufi works shape a contrasting objective reality. Sufi texts, like *Bayān al-Sirrī*, *Fatḥ al-Raḥmān*, and *Risālah fī al-Tawḥīd*, referenced in Raden Raḥmat's diary, emphasize *wujūdiyyah* (the unity of God).[57] To counterbalance these monistic perspectives, *fiqh* literature emerged. Berger and Luckmann note that awareness of the external social context sparks dialectical processes, forming specific consciousness and controlling the crystallization of understanding.[58] This awareness influences guidance on prayer, a fundamental issue in esoteric literature.

Within the Madurese society, primary socialization of the Shāfiʿī school, utilizing standard and thematic literature, excludes *santri* from alternative *fiqh* perspectives. This exclusionary process compels *santri* to internalize a single legal reality, accepting provisions in one direction.[59] The secondary socialization phase transform *santri* into *kiai* successors, shaping a new social order. The institutionalized division of labor defines participants' actions through literature aligned with the Shāfiʿī doctrine.[60] Routine practices become institutionalized, creating normative force that standardizes behaviors. A dialectical process of law emerges, influencing the deepening and selection of other *fiqh* literatures, thus paving the way for the production of new texts within the framework of Shāfiʿī school.

Ḥāsyīyah as an Objectification of Expectations: The Establishment of the Shāfiʿī Doctrine

The *ḥāshiyah* is an additional element (paratext) that functions as an explanation of the main text, provided by the scriber or subsequent reader in a manuscript. Known as an Islamic intellectual product,[61] the *ḥāshiyah*, clarifies unclear or vague passages, revealing the author's tendencies and position regarding specific meaning. It manifests as a subjective expression that signifies the intended meaning of the main text. This expression is part of the process through which the scribe subjectively manifests their identity, aiming to be recognized by

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[54] Berger and Luckmann, *The Social Construction of Reality*, 66.

[55] Jochen Dreher, "The Social Construction of Power: Reflections Beyond Berger/Luckmann and Bourdieu," *Cultural Sociology* 10, no. 1 (March 11, 2016): 53–68.

[56] Berger and Luckmann, *The Social Construction of Reality*, 67.

[57] Kumar, *The Diary of a Javanese Muslim*, 66.

[58] Berger and Luckmann, *The Social Construction of Reality*, 154.

[59] Reiner Keller, *The Sociology of Knowledge Approach to Discourse* (Cham: Springer International Publishing, 2024), 51.

[60] Berger and Luckmann, *The Social Construction of Reality*, 158.

[61] See: ʿAbd Allāh bin Muḥammad Ash-Syamrānī, *Al-Madkhal ilā ʿIlm al-Mukhtaṣarāt* (Riyāḍ: Dār Ṭībah, 2008), 73–5; Nabhān, *ʿAbqariyyat al-Taʾlīf al-ʿArabī*, 333.

others as part of the objectivation process.[62] This process provides an identifying mark for others regarding the *kiai's* choice as a copyist of a manuscript on a particular legal case, written within the framework of the Shāfi'ī school of *fiqh*.[63] The *ḥāshiyah* specifically serves to establish and limit the tendency of meaning, showing the subjective objectivity of the copyist towards future readers.

In Bangkalan's *pesantren* environment, scribal activities surrounding *fiqh* literature rooted in the Shāfi'īs school incorporated additional word choices (*ḥāshiyah*). These subjective scribal choices addressed vagueness in legal terms, revealing three key intentions. First, the emphasis is on establishing an expectation of meaning. The refinement of meaning is achieved by exploring the technical concepts and terms used in worship, enhanced by the inclusion of more authoritative references. For instance, the meaning of the term *arkān* (pillars) in the context of prayer is clarified using *al-Mughnī* by Ibn Qudāmah; the phrase *bi-salāthāt ḥarakāt al-mutawāliyyah* concerning the cancellation of prayer is explained through the gloss of *Ḥāshiyah 'Abd al-Karīm al-Matūrī* on *Sharḥ al-Ramlī* by al-Matūrī; and the phrase *lā yaḥram al-mass* in relation to touching the Qur'an is elaborated with *Iqnā'* by al-Syarbīnī. These efforts aim to clarify the meaning of terms that might otherwise be misunderstood. These *ḥāshiyah* clarify potentially misleading terms and demonstrate the expansion of main text's meanings, particularly evident in classical *fiqh* literature's explanations of prayer time.

The mechanism of explaining word concepts as a standard pattern in *ḥāshiyah* is emphasized through the clarification of practical aspects related to the daily legal behaviors of Madurese society. This can be seen in the explanation of the law concerning touching the Qur'an (*mass al-muṣḥaf*).

> *Qawluh mass al-Muṣḥaf, ay mā fīhi al-Qur'ān li dirāsah wa law bi ḥā'il ḥaythu 'udda massan 'urfān wa in ḥalla ḥamluh ma'ahu …… wa kharaja bihi al-tamīmah, wa hiya waraqah yaktubu fīhā shay' min al-Qur'ān wa tu'allaqu 'alā ar-ra's mathalan li al-mubārakah, fa lā yaḥrum.* [Explanation of touching the *Muṣḥaf*, i.e. what is in it of the Qur'an for the purpose of learning, even if with a barrier, as it is considered a valid touch according to custom …… with the exception of amulets, such as a paper on which a part of the Qur'an is written and hung on the head for the purpose of blessing, in which case there is no prohibition] (TBAG/AKHYR/88).

The emphasis on the prohibition of touching the *muṣḥaf* for the purpose of learning, alongside the exclusion of the use of amulets, reflects an effort to provide practical

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[62] Berger and Luckmann, *The Social Construction of Reality*, 49.

[63] See: Sainun Sainun, Muhammad Lutfi Hakim, and Arif Sugitanata, "From Religious Understanding to Tradition: The Role of Tuan Gurus in the Fidyah Practice within the Sasak Muslim Community," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (December 1, 2024): 337–49; Haddad Ulum Harahap, "Tuak and Matrimony: The Role of Traditional Alcohol in North Padang Lawas Weddings and Its Interpretation in Shafi'i Fiqh," *Manchester Journal of Transnational Islamic Law and Practice* 20, no. 2 (2024): 225–33; Mutiara Fahmi et al., "Raj'i Talaq Law According to the Shafi'i School in Polyandry Cases (Case Study of Banda Aceh Shar'iyah Court Decision Number 383/Pdt.G/2020/MS.Bna)," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (July 1, 2023): 161–73; Fathurrohman Ghozalie, Amir Muallim, and Sidik Tono, "Reformulation of Allah's Ownership on Waqf (Theoretical Analysis Toward Syāfi'i School)," *Syariah: Jurnal Hukum dan Pemikiran* 20, no. 2 (December 11, 2020): 145–58.

information relevant to the general customs of Madurese society.[64] This is also evident in the explanation of purification techniques, almsgiving rules, marital relations, prayer times, and *wudu'* (ritual washing to be pure for the prayer), all of which are issues related to daily worship.

Second, the determination of the choice of law based on the views of the Shāfiʻī school highlights the tendency to strengthen the application of Shāfiʻī jurisprudence in daily worship practices. The decision to make the recitation obligatory for the congregation, categorizing them into *muwāfiq* (one who follows) and *masbūq* (one who arrives late), reflects the influence of the Shāfiʻī school on prayer practices.

> *Law shak al-ma'mūm hal adraka qadra al-Fātiḥah fa yakūn muwāfiq am lā fa yakūn masbūqan.* [If the *ma'mūm* (congregation) is in doubt as to whether he has fully recited al-Fātiḥah, so that it is unclear whether he is a *muwāfiq* (one who follows) or a *masbūq* (one who arrives late)] (TBAG/AKHYR/102).

> *Man lam yudrik maʻa al-Imām zamānan yasʻā qirā'at al-Fātiḥah li nisbah li al-wasaṭ al-muʻtadil lā li qirā'at nafsih…wa al-muwāfiq wa huwa man adraka zamānan yasʻā al-Fātiḥah.* [(*Masbūq* is) one who does not catch the imam in time to hear the full recitation of Sūrah al-Fātiḥah, and therefore does not recite it himself, missing out on the recitation. *Muwāfiq* is one who joins the imam while he is still reciting Sūrah al-Fātiḥah, thus completing it in unison with the *Imām* (leader of Muslim congregational worship)] (TBAG/AKHYR/102).

> *Wa law ishtaghala al-muwāfiq bi Sunnah ka duʻā' al-Iftitāḥ fa rakaʻa imāmuh wa fī Fātiḥatuh ʻudhr kamā marra bi khilāf al-masbūq ishtaghala bi Sunnah fa lā yuʻdhur.* [If a *muwāfiq* is occupied with a Sunnah act, such as reciting the opening prayer (*iftah*), and the imam proceeds to bow while he is still reciting Sūrah al-Fātiḥah, this is excused. This is different from a *masbūq*, who, if engaged in the Sunnah, is not excused in the same manner] (TBAG/AKHYR/102).

The difference in criteria for the congregation (*ma'mūm*) in the prayer revolves around the obligation for the worshiper to recite al-Fātiḥah during the congregational prayer, following the scholars' views of the Shāfiʻī school. This explanation is found in works such as *Fatḥ al-Karīm al-Raḥmān*, *Fath al-Qarīb al-Mujīb*, *Majmū' al-Risālah*, and *Safīnah al-Najā*.

Third, institutionalization of behavior. The formation of characteristic religious behavior through theological doctrine is evident in practical matters, even when the source references are not explicitly mentioned. The addition of explanations incorporating issues of social relationships is found in the discussion of *tark al-ṣalāh* (abandoning prayer).

> *Wa lā yaḥuz li Muslim an yujālis aw yuwālī qāṭiʻ al-Salāh bi muʻāmalah aw ghayrihā wa qad aghfala dhālika kathīrūn fa tarāhum yukhāliṭūnahum wa yu'ākilūnahum wa yastaʻmilūnahum fī naḥw at-tijārah …… [It is not permissible for a Muslim to sit with or associate with someone who neglects prayer, whether in business dealings or otherwise. Many people are heedless of this, and you see them interacting with such individuals, eating with them, and employing them in trade ……] (KRMT/SBLGN/14).

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64 See: Hélène Bouvier, *Lèbur: Seni Musik dan Pertunjukan dalam Masyarakat Madura*, trans. Jean Couteau and Rahayu S. Hidayat (Jakarta: Yayasan Obor Indonesia, 2002), 346; A. Latief Wiyata, *Carok: Konflik Kekerasan dan Harga Diri Orang Madura* (Yogyakarta: LKIS, 2002), 192.

The restriction of associating with those who abandon prayer is tied to certain *tarekat*s (spiritual paths) that prioritize the remembrance of Allah (*dhikr*) while neglecting the obligation of prayer. This issue is explicitly addressed in another part of the manuscript MS. KRMT/SBLGN/14.

> *Wa qad ghalṭ aqwām wa ẓannū anna al-maqṣūd min al-Ṣalāh dhikr Allāh Ta'ālā wa idhā ḥaṣala al-dhikr fa intafā ḥājatuhā wa salakū ṭuruqan min al-ḍalāl wa rakkanū ilā abāṭīl al-khayāl.* [Some people have erred, thinking that the purpose of prayer is solely the remembrance of Allah, so that once they achieve *dhikr*, they see no further need for prayer. They have taken the path of misguidance and clung to baseless illusions] (KRMT/SBLGN/14).

The eschatological consequences for abandoning prayer are also discussed in the *ḥāshiyah* of *Fatḥ al-Qarīb al-Mujīb*, although no specific references to corresponding terms or literature are provided. This reflects a tendency for explanatory notes to serve the copyist's purpose, expressing their expectations and addressing the context of their audience and environment.

The *kiai*'s subjective interpretations in *pesantren* are objectified through layered textual meanings in *ḥāshiyah,* reflecting their dialectical interaction with the community's religious realities. This interaction facilitates text interpretation,[65] influencing behavior and institutionalizing practices. Criticism of prayer neglect emerges as key tool in shaping behavior. Ethnographic studies by Bruinessen[66] and Kumar[67] confirm this dynamic, noting the influence of *kesakten* and *tarekat* on worship practices. While the *kiai* does not explicitly address these specific practices, their emphasis on the irreplaceable nature of prayer over *dhikr* resonates with a broader critique of 19th-century Madurese social trends. This context requires considering both subjective and objective meaning. Berger and Luckmann's perspective emphasize deliberate objectivation processes, creating signs.[68] *Ḥāshiyah* explanations serve as clear markers, embedding subjective insights within the text's interpretive structure.

The copyist's interpretation extends beyond personal understanding when clarifying unspecified worship rules. They synthesize various sources to create a comprehensive framework, unaffected by immediate practical considerations.[69] This approach establishes a standardized Shāfi'ī legal framework, distinct from other schools. Context-specific explanations reveal the *kiai*'s subjective response to contemporary issues. Such explanations highlight the subjectivity of the *kiai* in responding to the 'here and now'.[70] In contrast, the decision to include detailed rules of worship drawn from other sources demonstrates a degree of independence from the personal subjectivity of the *kiai*. These additions reflect objectively available signs, seamlessly integrated into the main text to form a cohesive whole. The synthesis of meanings from the primary text and supplementary sources emphasizes a

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65 Wolfgang Iser, *The Implied Reader: Patterns of Communication in Prose Fiction from Bunyan to Beckett* (Maryland: The Johns Hopkins University Press, 1974), 226.

66 Bruinessen, *Kitab Kuning Pesantren dan Tarekat Tradisi-Tradisi Islam di Indonesia*, 307.

67 Kumar, *The Diary of a Javanese Muslim*, 72.

68 Berger and Luckmann, *The Social Construction of Reality*, 50.

69 Roman Ingarden, *The Cognition of the Literary Work of Art* (Illinois: Northwestern University Press, 1973), 41.

70 Berger and Luckmann, *The Social Construction of Reality*, 50.

unified, Shāfiʿī-centered understanding of *fiqh*. This approach ultimately establishes a clear, authoritative legal framework that becomes institutionalized and legitimized over time.

Legitimation is a "second-order" objectivation of meaning, generating new interpretations that integrate and reinforce existing institutional meanings.[71] This process aligns with Berger and Luckmann's three levels of legitimacy. The first level of legitimacy involves transmitting the linguistic objectification of human experience, linking propositions to concrete actions and establishing basic power relations rooted in Madurese traditions. The second level legitimizes the institutional sector through specialized knowledge. In this context, *ḥāshiyah* emerges as new knowledge produced by the *kiai* to strengthen the *pesantren*, exercising power within the institution. The third level reaches the "symbolic universe," unifying meanings and shaping the institutional order through symbolization. This process assigns meanings that transcend everyday experiences.[72] *Ḥāshiyah* creates new meanings, objectifying everyday behavior within the Shāfiʿī school's legal framework.

The *kiai's* objectification of legal perspectives within the Shāfiʿī framework internalizes foundational principles by integrating complementary sources. This intellectual evolution manifests in *ḥawāshī* that addressing contemporary realities.[73] The *kiai's* extensive engagement with a wide range of Shāfiʿī jurisprudence literature is reflected in the addition of information and the updating of meanings to ensure contemporary relevance. Walid A. Saleh emphasizes that the copyist's personal inclinations allow for a process of critical commentary, which may include contrasting source texts.[74] This dialectical approach enriches the understanding of source text and institutionalizes the Shāfiʿī legal positions.

The institutionalization of the Shāfiʿī school by Madura's *pesantren* clerics demonstrates a revitalization process that enhances the content of standard texts through *ḥāshiyah*, deepening and broadening their meaning. Contextual explanations and legitimation objectify the madhhab, creating a coherent framework for legal representation.[75] The *pesantren* integrates worship practice and related issues using comprehensive literary sources. This process involves assigning roles to the *santri* to identify and address contemporary societal issues within the legal framework of the Shāfiʿī school. This approach not only reflects the *pesantren's* preference for a particular school of jurisprudence, but also positions it as a representative of diverse legal traditions, thereby claiming an objective stance.[76] The *kiai*-community relationship reinforces the institutionalization and objectification of the Shāfiʿī school, ensuring the continuity of legal interpretations in social consciousness and behavior.

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71 *Ibid.*, 92.

72 *Ibid.*, 92.

73 Sajjad Rizvi, "The Words of the Imam beyond Philosophy and Tradition: Shīʿī Hadith Commentaries in the Ṣafavid Period," in *Hadith Commentary: Continuity and Change*, ed. Joel Blecher and Stefanie Brinkmann (Edinburgh: Edinburgh University Press, 2023), 150–84.

74 Walid A. Saleh, "The Gloss as Intellectual History: The Ḥāshiyahs on al-Kashshāf," *Oriens* 41, no. 3–4 (January 1, 2013): 217–59.

75 Arifin Saleh, Mujahiddin Mujahiddin, and Sigit Hardiyanto, "Social Construction in Plastic Waste Management for Community Empowerment and Regional Structure," *JPPI (Jurnal Penelitian Pendidikan Indonesia)* 9, no. 2 (June 30, 2023): 1082.

76 Berger and Luckmann, *The Social Construction of Reality*, 94.

The Genealogical Trees of the Shāfi'ī's School in Madura: Agreement of Externalization Process in the Best Way Worship

The Shāfi'ī school's legal structure, within its diverse interpretations, influences *pesantren* communities to develop context-specific dialectical legal arguments. This evolving dialectic demonstrates a process of externalization that requires adaptation, often involving acts of "transgression" against the established order.[77] Such acts of "transgression" occur within the process of legal education through selective engagement with core materials. This involves the prioritization of certain texts to the exclusion of others, a choice influenced by local intellectual networks and representing a deliberate alignment with specific perspectives within the Shāfi'ī school. Furthermore, critical commentary on the legal explanations found in the studied texts, guided by the views of particular scholars, illustrates another form of "transgression". These actions challenge the structured legal frameworks established by earlier works and instead aim to construct a refined and contextually relevant model of worship practices.

Figure 2
Genealogical Trees of al-Rāfi'īs Work in Madurese *Fiqh* Literature
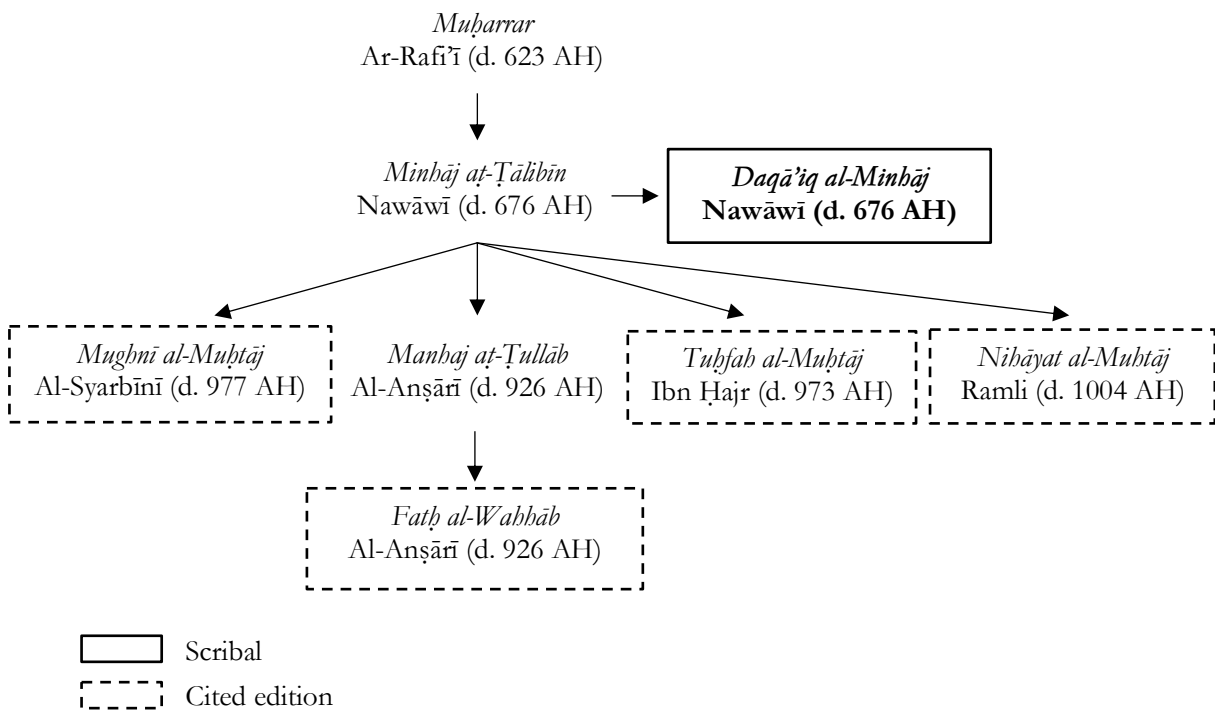
The Shāfi'ī school's scholarly network consistently guides the choice of the legal structure considered most optimal for acts of worship. Four primary scholarly lineages within the Shāfi'ī school were identified and used to provide additional information. First, the line of works descended from *al-Muḥarrar* by al-Rāfi'ī (see Figure 2). Al-Nawawī summarized *Kitāb al-Muḥarrar* in *Minhāj aṭ-Ṭālibīn*, accompanied by *Daqā'iq al-Minhāj,* explaining key terms. A copy of this work was found in the Pesantren Sembilengan, Bangkalan, under the code MS. KRMT/SBLGN/BKL/36, which is not listed in either Berg's or van Bruinessen's

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77 Berger and Luckmann, 69–70.

catalogs. Additional works related to *al-Muḥarrar* serve as the basis for *ḥāshiyah*. Interconnectedness is evident in *Kiai* Muhammad Ismail Shaleh's use of *Mughnī al-Muḥtāj* by al-Syarbīnī to explain *Safīnah al-Najā* (MS. TBAG/AKHYR/124). Other related works include *Fatḥ al-Wahhāb, Tuḥfah al-Muḥtāj*, and *Nihāyah al-Muḥtāj*, referenced in *Fatḥ al-Qarīb*'s *ḥāshiyah*. These texts represent *al-Muḥarrar*'s lineage, shaping ideal worship rules within the Shāfiʿī school of jurisprudence.

Second, the lineage of the *Taqrīb* of Abū Shujāʾ. An explanation of this fundamental work, written by Ibn Qāsim under the title *Fatḥ al-Qarīb*, was found in Pesantren al-Akhyar and Pesantren Sembilangan. The *ḥāshiyah* of *Fatḥ al-Qarīb* (MS. KRMT/SBLGN/BKL/33), produced by copyists in both *pesantren*, includes *Iqnaʿ* (a commentary on *Taqrīb* by al-Syarbīnī) as well as *Ḥāshiyah al-Barmawī ʿalā Fatḥ al-Qarīb*. These works provide evidence of the intellectual network surrounding the writings of Abū Shujāʾ. Similarly, the use of Awwād's *taqrīr* (explanatory *sharḥ*) on *Iqnaʾ* is also evident in the *ḥāshiyah* of *Matn al-Zubad* (MS. TBAG/AKHYR/133) by Aḥmad bin Ruslān as prepared by Kiai Muhammad Ismail Shaleh. Third, the lineage of the works of al-Malībārī. This connection is evidenced by the presence of *Fatḥ al-Muʿīn* (MS. TBAG/AKHYR/13), which was copied by Kiai Muhammad Shaleh in 1866 CE. Fourth, the lineage of the works of Ba-Faḍl. The relationship with Ba-Faḍl's *al-Muqaddimāt al-Ḥaḍramiyyah* is observed through Kiai Muhammad Ismail Shaleh's citation of Sulaymān al-Kurdī's *Ḥawāshī al-Madaniyyah fī Majmūʿ al-Risālah al-Mushtamil* (MS. KRMT/SBLGN/14).

The presence of scribal and cited editions underscores the tendency of the Shāfiʿī jurisprudence to develop through monovalence, unifying diverse opinions into a single authoritative model shaped by al-Nawawī's selected rulings. For instance, Aḥmad Dimyāṭī bin Muḥammad Shaleh's *ḥāshiyah* on Ibn al-ʿImād's *Manẓūmah* prefers al-Nawawī's *tarjīḥ* (preference), ruling water from a wound as *maʿfū* (excused), overriding other views within the Shāfiʿī school (MS. TBAG/AKHYR/96). Similarly, *Kiai* Ismail bin Muḥammad Shaleh's commentary on *Matn al-Zubad* reflects al-Nawawī's influence (MS. TBAG/AKHYR/133). Furthermore, *ḥāshiyah* expansions in *Fatḥ al-Qarīb* and *Fatḥ al-Muʿīn* engage with *mujaddidūn* (revivalists) known for contextualizing al-Nawawī's *tarjīḥ,* like Ibn Ḥajar al-Haitamī (*Tuḥfah al-Muḥtāj*), al-Syarbīnī (*Mughnī al-Muḥtāj*), al-Bujairimī (*Tuḥfat al-Ḥabīb*), and al-Bājūrī (*Ḥāshiyah al-Bājūrī*), demonstrating a deliberate effort to regulate and standardize the legal realities within Shāfiʿī school's classical literature network.

The deepening of published works based on *sharḥ* on the writings of al-Rāfiʿī, Abū Shujāʿ, al-Malībārī, and Ba-Faḍl represents a model for institutionalizing knowledge using the *tarjīḥ* of al-Rāfiʿī and al-Nawawī. This process of objectification through knowledge becomes a mechanism of control, shaping and predicting legal behavior to conform to the rules institutionalized within the knowledge framework. The jurisprudential choices in the literature descending from al-Rāfiʿī and al-Nawawī comprehensively define required worship practices and frame social situations within the scope of legal rulings. The certainty of eschatological practices is closely tied to the legal concept of prayer, serving as the primary form of worship, presented through additional explanations in basic educational texts (KRMT/SBLGN/14). The structure of the core literature studied, bearing striking similarities to the literature used in Javanese and Indonesian *pesantren*, reflects the intellectual

network of al-Rāfiʿī, Abū Shujāʾ, al-Malībārī, and Ba-Faḍl as an objective reality shaped and adjusted through the mechanism of *ḥāshiyah* explanations.

The additional annotations to the main text serve as evidence of the copyist's engagement with other source texts, presented as explanatory arguments. This practice is a fundamental to glossing tradition in Islamic scholarship, where existing works are incorporated as supplementary information.[78] The varied texts referenced to support the copyist's interpretation yield a novel explanatory format, more accessible and acceptable to later readers. Kenan Tenin observed this approach in the commentary on *Mukhtaṣar Ibn al-Ḥājib*, which deemed more comprehensive and understandable.[79] This commentary in Madurese *pesantren* manuscripts refers to diverse aspects, adapting the source text's meaning to local legal needs. Similarly. Ibrahim Safri noted al-Wallālī's reevaluating conceptual boundaries in as-Sanūsī's work, aligning with Morocco's *al-Maqāṣid* (purposes) tradition.[80] This reevaluation reflects the *kiai*'s familiarity with standard literature used across Indonesian *pesantren*.

The *sharḥ* on various standard *pesantren* texts in 19th-century Indonesia reflects the efforts of the Madurese *kiai* to position themselves and their communities within the framework of objectified knowledge. This adaptation process, termed "deviance" by Berger and Luckmann, involves reconciling institutional standard with new norms.[81] The redefinition of the legal structure within the standard literature is evident in the *sharḥ* on works such as *Manẓūmah Ibn al-ʿImād, Matn al-Zubad, Fatḥ al-Qarīb*, and *Fatḥ al-Muʿīn*. Here, alternative interpretations are chosen over those in the original texts, and detailed descriptions supplement the general text. This tendency to make legal decisions deviating from the main literature redaction demonstrates the need for monovalent opinions among the Shāfiʿī scholars.[82] This necessity shows that societal objective reality influences the relationship between scholars and the standard literature they study.

The relationship between commentators and the production of *ḥawāshī* and *sharḥ* in *fiqh* literature clarifies ambiguous meanings in the source text. Kenan Tekin illustrates how variations in interpretation arise in Ibn Ḥājib's *Mabādiʾ* commentary due to commentators' differing abilities to capture the original text and produce the target text (*sharḥ* or *ḥāshiyah*).[83] This process involves abstracting subjective meanings to respond to the source text, resulting in a target text reflecting the commentator's subjective tendencies, as evident in al-Wallālī's

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78   Mykhaylo Yakubovych, "Ottoman Qurʾanic Studies: Case of 'Tafsīr' Glosses," *Rocznik Orientalistyczny/Yearbook of Oriental Studies* LXXIII, no. 1 (September 21, 2020): 41–51.

79   Kenan Tekin, "Beginnings or Principles: Commentaries and Glosses on the Notion of Mabādiʾin ibn al-Hajib's Mukhtaṣar al-Muntahā," *Nazariyat İslam Felsefe ve Bilim Tarihi Araştırmaları Dergisi (Journal for the History of Islamic Philosophy and Sciences)* 9, no. 2 (October 15, 2023): 1–36.

80   Aḥmad bin Yaʿqūb al-Wallālī, "Aḥmad al-Wallālī's Commentary on al-Sanūsī's Compendium of Logic: A Study and Edition of Lawāmiʿ al-Naẓar fī Taḥqīq Maʿānī al-Mukhtaṣar," in *Islamic Philosophy, Theology and Science. Texts and Studies*, ed. Ibrahim Safri, vol. 120 (Leiden: Brill, 2022), 47.

81   Berger and Luckmann, *The Social Construction of Reality*, 80.

82   See: Ihdi Karim Makinara, Jamhuri Ungel, and Fitrah Arrazi, "Physical Handicap as a Reason for Divorce: Case Study at the Sharia Court, Banda Aceh, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 30, 2023): 318–34; Azwir Azwir, Pagar Pagar, and Muhammad Syukri Albani Nasution, "The Legality of Divorce in Aceh: A Study of Divorce Practices Out of Religious Courts," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (November 25, 2022): 165–80.

83   Tekin, "Beginnings or Principles," 1–36.

ḥāshiyah on al-Sanūsī's *Mukhtaṣar*.[84] Madura's glossing tradition differs, providing additional explanations that address specific legal issues. Consistency in using aligned source texts reflects an intellectual network engaging critically with local needs and preferences of the commentators. *Ḥāshiyah* production references pre-existing texts,[85] while Madurese *kiai* creatively address local issues, making specific legal decisions (*tarjīḥ*) that form community legal practices, interacting with local *tarekat* and *kesakten* traditions.[86]

Creative reasoning in the production of ḥāshiyah within the Madurese *pesantren* tradition, which interacts dialectically with the socio-religious conditions of the surrounding community, has led to a new trend in the reading of classical Islamic texts. The identification of works produced by *kiai* in Indonesian *pesantren* on Islamic classical literature is a phenomenon that has been documented. For instance, Muhammad Rosadi catalogued the *pesantren* works in Jambi Province, though he did not delve deeply into their function.[87] Meanwhile, Damanhuri explored the purpose of these *sharḥ* in the works of *pesantren* in Sumenep. He concluded that the *sharḥ* and *ḥawāshī* produced by the *kiai* in Sumenep tend to serve as intellectual expressions aimed at reinforcing their scholarly authority.[88] Although some works show an effort to contextualize legal content,[89] he does not indicate a response aimed at reshaping religious practices.

Conclusion

The concept of *ḥawāshī* (glosses) originated in the early period of Islamic history, arguably as early as the third century AH. However, it became widespread and evolved across the Islamic world beginning in the tenth century AH, emerging as an influential tool in Islamic authorship and often supplanting the original texts. Traditionally, commentaries have been understood as a means of clarifying the reader's comprehension of the source text. This study, however, redefines that function by highlighting the role of *ḥawāshī* in shaping new social practices relevant to the dynamics of 19th-century Madurese society. This tendency is particularly evident in the addition of *sharḥ* (commentaries) to source texts, especially those related to the formation of religious practices influenced by asceticism, *ṭarīqah* (Sufi orders) traditions, and local concepts of *kesakten* (mystical power). The use of key texts from the Shāfiʿī school of jurisprudence (*madhhab*) reflects the formation of an intellectual network akin to those in *pesantren* (Islamic boarding school) throughout Java. This parallel suggests that the manifestation of Shāfiʿī jurisprudence (*fiqh*) in Madura has been shaped by literature associated with scholars such as al-Rāfiʿī, Abū Shujāʿ, al-Malībārī, and Ba-Faḍl. These objectified source texts, along with their various legitimations, are subject to *ḥāshiyah* that

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84 Al-Wallālī, "Aḥmad al-Wallālī's Commentary on al-Sanūsī's Compendium of Logic," 33.

85 Matthew B. Ingalls, *The Anonymity of a Commentator: Zakariyyā al-Anṣārī and the Rhetoric of Muslim Commentaries* (Albany: State University of New York Press, 2021), 14.

86 Mukhlis Mukhlis et al., "The Legal Culture to Prevent Radical Islamism by a Pesantren in Madura," *De Jure: Jurnal Hukum dan Syar'iah* 16, no. 1 (June 24, 2024): 58–87.

87 Muhammad Rosadi, "Menelusuri Kitab Karya Ulama Pondok Pesantren di Provinsi Jambi," *Jumantara: Jurnal Manuskrip Nusantara* 5, no. 2 (2014), 105–24.

88 Damanhuri, "Kitab-Kiai Madura," 52–88.

89 Damanhuri, "Kitab Kuning," 234–61.

actively engage with the religious dynamics of the local community, thereby playing a distinctive role in shaping the interpretation of earlier works.

The identification of a unified legal practice shaped by community needs emerges from the analysis of *fiqh* manuscripts through the lens of social construction. This process emphasizes the moments of internalization, objectification, and externalization by *kiai*s (local religious leaders) in their engagement with classical *fiqh* works used in *pesantren* education. However, this analysis does not account for the broader social transformations within Madurese society. The lack of attention to these social dynamics limits the study to the level of cognitive reception, leading to findings that primarily emphasize the commentary function as part of the *kiai*'s complementary mechanism for aligning texts with the community's religious understanding. Further explorative studies on the dynamics of social change are necessary to either substantiate or critique these findings.

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