

De Jure: Jurnal Hukum dan Syar'iah

Volume 16 Issue 1, 2024, p. 58-87

ISSN (Print): 2085-1618, ISSN (Online): 2528-1658

DOI: <http://dx.doi.org/10.18860/j-fsh.v16i1.26216>

Available online at <http://ejournal.uin-malang.ac.id/index.php/syariah>

The Legal Culture to Prevent Radical Islamism by a *Pesantren* in Madura

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Received: 19-02-2024	Revised: 01-06-2024	Published: 24-06-2024
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Abstract:

This study examines the strategies implemented by several *pesantrens* (Islamic boarding schools) in Madura to curb the proliferation of radical Islam. It aims to uncover the various approaches these Islamic boarding schools employ to combat the rise of radical Islam, which has recently gained traction in the region. Utilising empirical legal research methodologies with socio-legal and anthropo-legal frameworks, the study reveals that *pesantrens* are proactive in teaching students—the *Santri*—to reject religious radicalism. Furthermore, these institutions foster religious communities, such as *koloman*, *kamrat*, and *Majelis Shalawat*, which have been effective in resisting radical influences in Madura. The success of these *pesantrens* can be attributed to their pivotal role in enhancing legal awareness among the community, steering them away from radical ideologies. This strategic influence is anchored in their capacity to modify legal behaviours through organisational structure, social control, and cultural integration. The findings affirm the critical role of *pesantrens* in promoting a secure, peaceful, and religiously tolerant Indonesia, highlighting their tangible contributions to national stability.

Keywords: legal culture; radical Islam; *pesantren*.

Introduction

It has been noted that the development of the spread and/or radical behaviour in religion is at an alarming level.¹ This is based on the development of radical religious behaviour in Madura over the last three years. According to several groups, it increases quite significantly. This increase was based on several radical actions addressing community issues and responding to differences in religious understanding and rituals². The most recent case related to the phenomenon of religious radicalism is the arrest of several people suspected of being affiliated with a terrorist network in Sampang and Sumenep Regencies. The surprising fact about this phenomenon is that the suspects work as educators (teachers) at an elementary school. It is concerning if their radical interpretation of religion is imparted to their young students. This incident provides a valuable lesson that the movement and understanding of religious radicalism and anarchism still threaten security seriously in this country, especially in creating harmonious, safe, and peaceful relations among religious communities.³ This incident also places a new burden on the government to carry out deradicalisation, which must target all levels of society at various ages. This deradicalisation program is not only implemented on terrorism convicts in correctional institutions. Still, it must also reach the community with a movement focus ranging from strengthening a friendly understanding of Islam to neutralise radical religious beliefs that have been adopted.⁴

In Pamekasan, there are many radical religious actions. This phenomenon can be seen in the development of radical behaviour over the last three years. Several cases and incidents that led to this radical action include: First, the death threat made by Saifuddin Surur, one of the Pamekasan Islamic United Front (FPI) sympathisers who threatened to kill anyone who rejected the presence of Hanan Attaki in Pamekasan Regency. The message of the murder was even broadcast openly through his social account, which could potentially be accessed by anyone, including people of inappropriate age, to read and see these radical messages⁵. Second, incidents of arson and destruction at the construction site of a cafe in Potoan Daya village, Palengaan District, Pamekasan Regency, happened because the cafe was perceived as a potential site of immorality that threatened the local community's morals, which

¹ Rachmah Ida, Nisa Kurnia Ilahiati, and Muhammad Saud, 'Media Discourse on Islamic Women Jihadists in Indonesia: Islamic Radicalism Post-Arab Spring', *Feminist Media Studies* 23, no. 8 (17 November 2023): 4302–17, <https://doi.org/10.1080/14680777.2023.2171083>; Ahmad Nailul Murad and Darlin Rizki, 'Development of Religious Moderation Study on Prevention of Radicalism in Indonesia: A Systematic Literature Review Approach', *POTENSIA: Jurnal Kependidikan Islam* 8, no. 2 (31 December 2022): 198–224, <https://doi.org/10.24014/potensia.v8i2.20727>.

² Ahmad Zainul Hamdi, 'Radicalising the Traditionalists; A Contemporary Dynamic of Islamic Traditionalism in Madura-Indonesia', *Epistemé: Jurnal Pengembangan Ilmu Keislaman* 15, no. 1 (2020): 1–21, <https://doi.org/10.21274/epis.2020.15.1.1-21>.

³ Ahmad Kamaludin and Iskandar Iskandar, 'Islamic Fanatism and Terrorism Cases in Indonesia the Perspective of Islamic Criminal Law', *El-Mashlahah* 12, no. 2 (31 December 2022): 153–63, <https://doi.org/10.23971/el-mashlahah.v12i2.4397>.

⁴ Vasco Fronzoni, 'Islam Throughout the Diaspora: Balancing Cultural Characteristics, Religious Beliefs, and Criminal Activity (the Case of Italy)', *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (22 November 2023): 603, <https://doi.org/10.29240/jhi.v8i2.7146>.

⁵ Madura.net, 'Ketua Ranting NU Laden Diteror Karena Menolak Kedatangan Hanan Attaki', *Madura.Net*, 2023.



is recognised for its religious values ⁶. These incidents occurred despite the construction site having legally obtained all necessary permits. This situation underscores how lawful state-sanctioned licensing can be undermined by anarchistic community actions that flagrantly disregard the law.

Third, religious-based radical actions also occurred during mass demonstrations in front of the residence of the mother of the Coordinating Minister for Political, Legal, and Security Affairs, Mahfud MD, in 2020. Apart from leading to radical religious actions, these actions also conflicted with values, morals, and humanitarian instincts because the target of the demonstration was an old woman who had nothing to do with conveying aspirations in the demonstration. Many people regretted this demonstration since the demonstration participants were sympathisers of several Islamic mass organisations in the Pamekasan area who should have understood the pros and cons of the demonstration, both towards their group and the target location of the demonstration. Incidents of religious-based radicalism continue to occur in Pamekasan, indicating the urgent need for strategies to curb the proliferation and impact of such ideologies. The propagation of radical behaviour within religious communities could lead to entrenched legal norms that accommodate radicalism,⁷ particularly in a society like Madura's, known for its resilient temperament and readiness to make sacrifices for religious principles. Immediate action is necessary to neutralize this growing influence.

This situation raises alarms about the propagation of certain Islamic beliefs in Madurese society, particularly in Pamekasan, where there's a prevailing belief that religious matters must be defended, even through violence. The roots of this concern include: Firstly, the promoters and spreaders of radical Islam are often influential community figures with followers or at least serve as role models in religious observance. Consequently, their followers and sympathisers might replicate their radical responses to religious practice and ritual differences⁸.

Second, recently, the rapid dissemination of radical ideologies has been notably prevalent across various online platforms, including Facebook, Instagram, TikTok, and YouTube. These platforms are easily accessible to everyone, including children who should not be exposed to radical teachings. It is imperative that the younger generation, especially children, encounter religious messages that promote humanism, tolerance, and respect for diversity—principles upheld by both religion and Pancasila. The easy availability of radical content based on religion could shape the religious perspectives of young people in ways that diverge from the inclusive and compassionate principles of Islam and the foundational values of Pancasila.

Third, the radical actor in religion teaches in one of the elementary schools in the Sampang district. It indicates that there is potential for the spread of radical beliefs in religion already targeting students at a young age. Of course, anticipatory

⁶ Tribunnews.com, 'Massa Geruduk Lokasi Wisata Kedai Bukit Bintang Pamekasan, Bakar Gazebo Dan Minta Ditutup', [suryamalang.tribunnews.com](https://suryamalang.tribunnews.com/2020/10/05/massa-geruduk-lokasi-wisata-kedai-bukit-bintang-pamekasan-bakar-gazebo-dan-minta-ditutup), 2020, <https://suryamalang.tribunnews.com/2020/10/05/massa-geruduk-lokasi-wisata-kedai-bukit-bintang-pamekasan-bakar-gazebo-dan-minta-ditutup>.

⁷ Ach. Khoiri, 'Kontrol Politik Kiai Dan Blater Dalam Pelaksanaan Pemilu; Kajian Kelemahan Ketentuan Hukum Pemilu Menghadapi Rezim Kembar Politik Di Madura', *Voice Justisia* 1, no. 2 (2017): 138.

⁸ Ahmad Zainul Hamdi, 'Radicalizing Indonesian Moderate Islam from within: The NU-FPI Relationship in Bangkalan, Madura', *Journal of Indonesian Islam* 7, no. 1 (2013): 71–95, <https://doi.org/10.15642/JIIS.2013.7.1.71-95>.



steps are taken to neutralise the spread of ideas that are contrary to the teachings and religious beliefs of the Madurese society and are generally affiliated with the ideology of Ahlussunnah Wal-jamaah, whose teachings are characterised by upholding human values, love of peace, and a spirit of brotherhood development between human beings⁹. These three reasons must be followed up through concrete steps so that the next generation in Madura can be humanists and understand the religious views that generally live in Madura.¹⁰ One of the efforts that can be made in this step is to strengthen the family's resilience to protect the religious patterns from the spread of radical ideology. This method can be done by maximising the strategic role of *pesantrains* to create a family structure with in-depth religious knowledge and the skills to reject ideas that refer to acts of violence and anti-peace.

Numerous studies have been undertaken to prevent the spread of radical Islam in Indonesia, particularly in Madura. First, one notable example is the research conducted by Zahratul Idami and colleagues, titled "Prevention of Higher Education Radicalism in Aceh: Perspectives of Constitutional Law and Islamic Law," which was published in *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*. This study explores the strategies employed by universities in Aceh to deter the infiltration of radical Islam among students. It reveals that while the approaches vary among universities, the common objective is to shield the academic community from radical influences. The universities engage in organising discussions that emphasise the importance of nationalism and the dangers of radicalism and religion-based violence.¹¹

Second, Pedro C. Vicente and Inês Vilela's research entitled "Preventing Islamic Radicalization: Experimental Evidence on Anti-social Behavior" was published in the *Journal of Comparative Economics*, Vol. 50 No. 2 Year 2022. This research discusses the success of a paradigm shift campaign for Muslim youth in Mozambique to avoid ideas that lead to religious anarchism. The movement, led by the Main Islamic Authority in Mozambique, also provides entrepreneurship courses for Muslim youth to create business opportunities so that they no longer focus on the agenda of religious conflict and violence.¹² Third, research by Anis Tanwir Hadi and Waston entitled "Multicultural Education: An Effort to Prevent Religious Radicalism in Indonesia" was published in *PalArch's Journal of Archaeology of Egypt* Volume 17 No. 7 in 2020. This research explicitly discusses the strategic role of multicultural education in preventing Radical Islam in Indonesia because the

⁹ Moh. Zahid and Moh Hasan, 'The Existence of Wasathiyah Islam in Madura; An Analysis of Urban Society's Acceptance of Islamic Content on Social Media', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (2018): 382, <https://doi.org/10.19105/al-ihkam.v13i2.1875>.

¹⁰ Mukhlis et al., 'Rejection of Former Shia Community in Sampang Perspective on Human Rights Law: Discourse of Religious Rights and Freedom in Indonesia', *Lex Scientia Law Review* 7, no. 2 (2023): 237, <https://doi.org/10.15294/lesrev.v7i2.72156>.

¹¹ Zahratul Idami et al., 'Prevention of Higher Education Radicalism in Aceh: Perspectives of Constitutional Law and Islamic Law', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (30 November 2023): 1845, <https://doi.org/10.22373/sjhc.v7i3.18494>.

¹² Pedro C. Vicente and Inês Vilela, 'Preventing Islamic Radicalization: Experimental Evidence on Anti-Social Behavior', *Journal of Comparative Economics* 50, no. 2 (June 2022): 474–85, <https://doi.org/10.1016/j.jce.2021.11.001>.



material taught revolves around unity, harmony, peace, tolerance, respect, and appreciation for differences and other attitudes that uphold human values.

Fourth, Research by Firdaus Syam and friends entitled “Narrative and the Politics of Identity: Patterns of the Spread and Acceptance of Radicalism and Terrorism in Indonesia” was published in *Religions* Vol. 11 No. 6 in 2020. This research explicitly discusses the responses of youth and youth organisation leaders about the narrative of Radical Islam in Jakarta and several surrounding cities. The result is that the majority of youth and youth organisations reject discourses that are identical to radical Islamic ideology, such as the discourse of the Islamic state, religious-based violence and terrorism.¹³ Fifth, research by Masnur Alam entitled “A Collaborative Action in the Implementation of Moderate Islamic Education to Counter Radicalism” was published by the *International Journal of Innovation, Creativity and Change* Volume 11 Issue 7 in 2020. This research seeks to explain the efforts of several schools and *pesantrens* in Jambi Province, Indonesia, to support the government's efforts to prevent Islamic radicalism. Some of these schools and *pesantrens* implement moderate Islamic education to their students as an effort to influence students' paradigms about the dangers of religious radicalism. Islamic teachings on pluralism and respect for differences are introduced to students so that they can fully understand Islam's values, such as the value of peace, respect for differences, and avoiding damage and violence.¹⁴

The five previous studies have similar research themes that seek to prevent Islamic radicalism through educational institutions. However, the five studies did not specifically examine the strategic role of *pesantrens* in preventing radicalism, even though, as the oldest religious education institution in Indonesia, *pesantrens* have been providing excellent services in efforts to maintain moderate Islam that rejects all forms of religious violence. The five studies also used educational and social science theories to conduct the analysis. In contrast, the research conducted by the author tries to analyse the theory of legal culture in preventing radical Islam. Considering that there is no study on the prevention of radical Islam through a legal culture approach, the purpose of this study is to find out and analyse the legal culture of Muslim communities in Madura in preventing radical Islam, which makes *pesantrens* the centre of the movement in rejecting all forms of religious-based violence.

Method

This research uses empirical legal research or non-doctrinal research.¹⁵ The choice of this method is due to the purpose and direction of the study, which is to

¹³ Firdaus Syam et al., ‘Narrative and the Politics of Identity: Patterns of the Spread and Acceptance of Radicalism and Terrorism in Indonesia’, *Religions* 11, no. 6 (12 June 2020): 290, <https://doi.org/10.3390/rel11060290>.

¹⁴ Masnur Alam, ‘A Collaborative Action in the Implementation of Moderate Islamic Education to Counter Radicalism’, *International Journal of Innovation, Creativity and Change* 11, no. 7 (2020): 497–516, <https://www.ijcc.net/index.php/ijcc-editions/2020/158-vol-11-iss-7>; Januddin Muhammad Yusuf, Nawir Yuslem, and Dhiauddin Tanjung, ‘The Inclusion of Ulema in the Application of Islam Nusantara Law for the Aceh Community’, *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 2 (31 December 2023): 186–97, <https://doi.org/10.30631/alrisalah.v23i2.1428>.

¹⁵ Pradeep M.D., ‘Legal Research- Descriptive Analysis on Doctrinal Methodology’, *International Journal of Management, Technology, and Social Sciences* 4, no. 2 (2019): 95–103, <https://doi.org/10.47992/ijmts.2581.6012.0075>; Wafa Alifatuzzahroh and Alfadhli Tasman, ‘Tawakal and Life Optimism for Divorced Married Couples: A Case Study in Medan, Satria Village,



know the model of prevention and neutralisation of religious understanding that is contrary to Pancasila, where the institution that is targeted is the tradition of preventing religious radicalism carried out by several Islamic boarding schools in Pamekasan Madura. The research uses a socio-juridical approach, with the premise that the law cannot be separated from various aspects of community life, such as values, attitudes, behaviour, and traditions.¹⁶ In the context of this research, values, attitudes, and prevention models are used through *pesantren* programs in Pamekasan to design families that have a humanist view of Islam and can prevent the spread of religion-based radicalism. Pamekasan was chosen as the research site due to its effective management of religious-based conflict and violence. Despite having a diverse array of religious organisations compared to other districts in Madura, the followers in Pamekasan maintain moderate values and respect for differences. The district's ability to handle conflicts and differences is largely attributed to the influential role of its *pesantrens* in curbing radical Islam. This study, therefore, specifically examines several *pesantrens* in Pamekasan, including Pesantren Miftahul Ulum Bettet, Pesantren Miftahul Ulum Panyeppe, Pesantren Sumber Anyar, Pesantren Darul Karomah, Pesantren Al-Ula, and Pesantren Miftahul Qulub. This research lasted for six months, from June to November 2023. The types of data in this article consist of primary and secondary data. Primary data is in the form of a model for preventing radical Islamism that has been practised by several *pesantrens* in Pamekasan. Meanwhile, secondary data consists of materials from several laws and regulations, including the 1945 Constitution of the Republic of Indonesia, Law No. 18 of 2019 concerning Islamic Boarding Schools, Law No. 16 of 2017 concerning Community Organizations, scientific research results/reports, books, papers, and journals pertinent to the matters discussed.

Result and Discussion

The Legal Culture and Prevention of Islamic Radicalism in Madura

The theory of legal culture, a cornerstone in the study of law, holds significant relevance in preventing Islamic radicalism. Initially, it was not a stand-alone theory but a pivotal component of the Legal System theory, as identified by Lawrence M. Friedman. According to Friedman, the legal system's effectiveness hinges on the harmonious interaction of three components in law enforcement: legal substance,

Bekasi City, West Java Province', *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (30 December 2023): 227–48, <https://doi.org/10.22373/ujhk.v6i2.20000>; Anwar Hafidzi et al., 'Sirri Marriage Celebration and Its Impact on Social Change in Banjarese Community, South Kalimantan', *Al-Ahkam* 32, no. 2 (30 October 2022): 153–68, <https://doi.org/10.21580/ahkam.2022.32.2.12789>; Mustafid Mustafid et al., 'Alternative Legal Strategies and Ninik Mamak Authority: Dual Administration of Malay Marriage in Koto Kampar Hulu, Riau', *Journal of Islamic Law* 5, no. 1 (29 January 2024): 1–18, <https://doi.org/10.24260/jil.v5i1.1972>; Zainal Muttaqin Dahli et al., 'The Problematic Duality of Motives in Polygamy Marriages in the Banjar Community', *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (27 May 2024), <https://doi.org/10.18592/sjhp.v24i1.12392>; Farkhani Farkhani et al., 'Legal Protection of Minority Rights: Study on the Implementation of Qanun Number 6 of 2014 Concerning the Jinayat Law in Langsa City, Aceh Special Region Province', *Al-Manahij: Jurnal Kajian Hukum Islam*, 31 October 2023, 215–32, <https://doi.org/10.24090/mnh.v17i2.7897>.

¹⁶ Victor Imanuel W. Nalle, 'The Relevance of Socio-Legal Studies in Legal Science', *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (15 February 2015): 179, <https://doi.org/10.22146/jmh.15905>.



legal apparatuses, and legal culture. In particular, Friedman's elucidation of legal culture is the collective attitude of the community that shapes the application of law in society.¹⁷ Legal culture is the community's response to the enactment of law by the state. This response also determines whether the applicable legal system can be effective. Legal culture plays an optimal role in determining the success of the legal system, both in its role to build a law-aware society and reciprocal to the enforceability of laws applied by the state. If the legal culture of the community is good, then the legal system will also run well and maximally.¹⁸ Therefore, in the theory of legal culture, all rules applied by the state should be adjusted to the values and teachings of virtue accepted by society. Laws that do not reflect society's value order and culture will experience difficulties in the implementation stage; even in certain conditions, enforcing inappropriate laws will also cause rejection and opposition from the community.

The existence of legal culture as one of the determinants of whether or not the legal system is in force in a country has also been explained by the German jurist F.C. von Savigny, who believes that cultural factors greatly determine the legal awareness of the community, even the nation. This opinion is based on the fact that every country is united by the same historical experience and usually has the same national soul (*volksgeist*).¹⁹ The similarity of this historical experience also causes the creation of similar values and outlooks on life between communities in a nation. For example, in the context of Indonesia, the common history of being colonised gave birth to the same views among the people of the archipelago who uphold anti-oppression and slavery values. The common view of life became a mutually agreed value and was realised in Pancasila's precepts. Legal culture theory also acknowledges the existence of society as the source of values and ethics that underlie the formulation of norms (laws). Law is not a formula that is made but a set of values and traditions about virtue that grow and develop with the community. Leon Duguit refers to this process as social solidarity-based norming because objective law does not grow from laws or human personal creations. However, it is a norm-building initiative created by social solidarity. Because of such social solidarity, a nation's life pattern can be orderly, and the law can be enforced optimally.

In the context of legal regulation in the field of preventing radical Islam in Indonesia, it must be recognised that the Islamic values and traditions of the Muslim community in Indonesia are indeed against all forms of violence in the name of religion. This is undoubtedly based on the history of the spread of Islam in this country, which was carried out peacefully based on local wisdom. The style of Islamic learning in Indonesia also emphasises the values of peace and respect for differences by the original purpose of the birth of this religion to build a noble civilisation based on improving human behaviour (*li-utammima makarima al-akhlaq*). Such communal awareness has been going on for a long time. It has become the legal

¹⁷ David Nelken, 'Comparative Legal Research and Legal Culture: Facts, Approaches, and Values', *Annual Review of Law and Social Science* 12, no. 1 (27 October 2016): 45–62, <https://doi.org/10.1146/annurev-lawsocsci-110615-084950>.

¹⁸ J. H. H. Weiler, 'The Political and Legal Culture of European Integration: An Exploratory Essay', *International Journal of Constitutional Law* 9, no. 3–4 (1 October 2011): 678–94, <https://doi.org/10.1093/icon/mor054>.

¹⁹ Teddy Asmara, 'Penelitian Budaya Hukum: Konsep Dan Metodologi', *Masalah-Masalah Hukum* 43, no. 3 (2014): 445–52, <https://doi.org/10.14710/mmh.43.3.2014.445-452>.



culture of the Muslim community in Indonesia to equally avoid and reject all acts of violence and religious anarchism. Consequently, when there are several legal regulations on the prevention of religion-based anarchism, they have their ways and methods of supporting the government's efforts to prevent Radical Islam, including the methods carried out by several *pesantrens* in Madura.

The Strategic Position of *Pesantrens* in Preventing the Spread of Radical Islamic Understanding in Madura

Involving *pesantrens* in creating household resilience in neutralising the spread of Islamic ideas that are oriented towards radical behaviour and thinking is an effort to restore the role of *pesantrens* in creating a society with a moderate Islamic perspective. The widespread religious-based radicalism requires *pesantrens* to take a role so the community is prepared to prevent it and at the same time become agents for each family to work together with other communities in spreading humanistic understanding and respecting differences as has been established and applied in the religious traditions of *pesantrens*, including in Madura. Historical facts have placed *kiai* of *pesantrens* as central figures in community development. Their existence as informal leaders who always provide direction, guidance, and introduction to religious knowledge and Madurese makes them respected and emulated²⁰. According to Madurese, their sincerity in developing and making the community's character religious has moved the conscience of the community to be devoted and serve them as a form of retribution for their struggle in introducing science and religion.²¹ Two factors make the position of the *kiai* of *pesantrens* in Madura honourable: *First*, socio-cultural factors are related to the form of submission of Madurese society to the four main figures in their social life. The four figures are like the proverb "*bhuppa, babu, ghuru, rato*". Madurese society's hierarchical obedience is manifested in these main figures in their daily lives²².

Because of these figures, Madurese society can understand science and can get along well in everyday life. Therefore, they pay great respect and devotion to the figures. This attitude is intended to be reciprocated because the four figures' merit is that the rhythm of daily life that they live can take place safely, in an orderly manner, and in a morally good way²³. Specifically, regarding obedience to the figure of *ghuru* (teacher), the Madurese society places this respect and obedience towards the *kiai* who teach science and religion²⁴. Because of the existence of *kiai*, the society has adequate knowledge, allowing them to carry out their daily lives based on the guidelines of religion, morals, and Madurese traditions. Madurese children first got knowledge about the religious teachings, values, norms, and traditions that

²⁰ Yanwar Pribadi, 'Religious Networks in Madura: Pesantren, Nahdlatul Ulama, and Kiai as the Core of Santri Culture', *Al-Jami'ah* 51, no. 1 (2013): 3.

²¹ Moh. Nuyu and Agung Ali Fahmi, 'Efforts to Realize a Halal Lifestyle in Madura Through The Synergy of Islamic Boarding Schools and The Halal Center of University Trunojoyo of Madura', *Trunojoyo Law Review* 4, no. 2 (2022): 98–111, <https://doi.org/10.21107/tlr.v4i2.18616>.

²² Khoiri, 'Kontrol Politik Kiai Dan Blater Dalam Pelaksanaan Pemilu; Kajian Kelemahan Ketentuan Hukum Pemilu Menghadapi Rezim Kembar Politik Di Madura'.

²³ Naufil Istikhari and Ulfatur Rahmah, 'Ngaji Ka Langgar: The Educational Nursery of Moderation of Islam in Madura', *Islamuna: Jurnal Studi Islam* 7, no. 2 (2020): 106–24, <https://doi.org/10.19105/islamuna.v7i2.2278>.

²⁴ Ansori, 'Implementasi Pengaturan Fasilitasi Pesantren Dalam Pengembangan Koperasi Pondok Pesantren', *Al-Huquq: Journal of Indonesian Islamic Economic Law* 4, no. 1 (2022): 109–22.



developed in Madurese society from those figures²⁵. In certain areas, the *kiai* also provide facilities for teaching modern science, both in formal and non-formal settings.²⁶

For Madurese, the role and function of *kiai* are more emphasised in the context of morality, which is directly related to the ecological space, especially to realise true happiness and peace and avoid the burdens of life in the afterlife (morality and the sacred world). The obedience of the Madurese society to the *ghuru* is due to their merit as someone who was first able to enlighten and develop thinking patterns and guide communal behaviour to achieve happiness and prosperity in life in the world and salvation in the afterlife. Due to this contribution, the existence of *kiai* has a strategic role in community life, creating behavioural patterns of obedience and submission of the community towards them.²⁷ *Kiai* of *pesantrens* in the context of Madurese society not only provide religious learning material in *pesantren* environment for their students, but they also can convey da'wa to people outside *pesantrens* through various religious forums such as *koloman*, *kamrad*, *tahlilan*, routine prayers, and other forums to enlighten people in religious life. The existence of *Kiai* with a qualified level of knowledge can enlighten and become an example for the community in their daily lives through this method.²⁸ *Second*, the factor causes the position of the *kiai* of *pesantrens* in Madura to be honourable because of Islamic teachings, which place teachers and ulama' in an honourable position in religious life. In several hadiths, Rasulullah once mentioned that ulama' were the heirs of the Prophet. Rasulullah also said that it is not among those Muslims who do not respect and respect their teachers²⁹. In this condition, religion recognises that the existence of a *guru* occupies an honourable position in people's lives because of their role in transmitting religious messages to the next generation.

Madurese society, which is culturally Muslim, positions teachers in an honourable place. The existence of ulama', called *kiai* in the Madurese language, is the most important figure in determining the direction of Islamic development³⁰. Therefore, the strategic role of *Kiai* in moving Muslims towards a better life is worth considering to develop the nation and state. In this context, the existence of ulama' should be considered and even needs to be involved in building a humanist and inclusive character in Madurese society, especially to people outside *pesantrens* so that they have special resilience in the field of religion in preventing the spread of radical ideas which may spread to one member of their family.

²⁵ Taufiqurrahman, 'Islam Dan Budaya Madura', in *Annual Conference on Contemporary Islamic Studies* (Jakarta: Direktorat Pendidikan Tinggi Islam, Ditjen Pendidikan Islam, Departemen Agama Republik Indonesia, 2006), 7.

²⁶ Ahmad Zainul Hamdi, 'Klaim Religious Authority Dalam Konflik Sunni-Syi'i Sampang Madura', *ISLAMICA: Jurnal Studi Keislaman* 6, no. 2 (2014): 215, <https://doi.org/10.15642/islamica.2012.6.2.215-231>.

²⁷ Muhammad Sulthon Fathoni, *Buku Pintar Islam Nusantara* (Tangerang Selatan: Pustaka Iman, 2017).

²⁸ Muwaffiq Jufri, Agung Ali Fahmi, and Saiful Abdullah, 'Peran Strategis *Kiai* Pesantren Dalam Diseminasi Gaya Hidup Halal Di Madura', *Al-Huquq: Journal of Indonesian Islamic Economic Law* 5, no. 1 (2023): 1–19, <https://doi.org/10.19105/alhuquq.v5i1.7872>.

²⁹ Zakaria Muhyiddi Al-Nawawi, *Riyadus Shalihin* (Surabaya: Darul 'Ilmi, n.d.).

³⁰ Mohammad Kosim, 'Kiai Dan Blater: Elite Lokal Dalam Masyarakat Madura', *Karsa* 12, no. 2 (2007): 70–71.



The conceptualisation of the term “*Kiai of pesantrens*” has not yet been carried out because this term is not a standard term in literacy in Indonesia. “*Kiai of pesantren*” is more of a traditional term attached by the community to the existence of religious figures (especially Islam) that live at the village level, have and care for an Islamic educational institution, which is commonly referred to as a pesantren. There are other honorary titles such as *Tuan Guru* in West Nusa Tenggara, *Guru* in South Kalimantan, *Ajengan* in West Java, *Abuya* or *Buya* in Sumatra, and many other terms used to honour religious leaders. Given these circumstances, it can be inferred that the *kiai of pesantrens* are esteemed religious figures with a robust scholarly foundation in religious studies, serving as pivotal references for resolving religious issues at the village level. Additionally, these *kiai* are capable of disseminating the religious knowledge essential for the community to conduct their daily lives in accordance with religious norms.

Kiai of pesantrens are religious figures who live in rural areas and have a vital role in enlivening rites and upholding religious principles³¹. *Kiai* serve as role models who always guide and develop marginalised communities. They usually do not have a special authority because they only take care of religious issues that occur in rural communities. Therefore, they are considered to have a better understanding of and master society’s problems because they live and socialise with society. *Kiai of pesantrens* are true *ulama’* who always guide people with their hearts. Even though their existence does not receive any awards from the government, they still sincerely share religious teachings through various activities in the form of religious ritual activities such as *tahlilan*, *selamatan*, and many others. Besides, *kiai* are the spearhead of moral development for the younger generation in the state³². Their existence allows the younger generation to learn materials about the values of goodness and virtue, as well as perfect morals following religious and social traditions.

The strategic factor in the role of the *kiai of pesantrens* in Madura cannot be separated from the involvement of *kiai*, the majority of which are affiliated with the religious and social organisation Nahdlatul Ulama’ (NU). In 2020, the number of NU members, according to the Indonesian Survey Institute (LSI), was 108,000 (one hundred and eight thousand) people³³. With its large mass, it is easy for NU to coordinate with the wider community about the importance of implementing humanist understanding in religion so the aim of suppressing the spread of radical Islam can be carried out well. This approach should be tailored to align with the traditions and lifestyle of the community, drawing on NU's established method of integrating Islamic teachings within the context of local customs.

The strategic role of NU is also caused by the cultural elements in which NU has built characteristics of the traditions. The tradition is in line with the archipelago

³¹ Moh. Asror Yusuf and Ahmad Taufiq, ‘The Dynamic Views Of Kiais In Response’, *Qudus International Journal of Islamic Studies (QJIS)* Volume 8, no. 1 (2020): 1–32, <https://doi.org/10.21043/qjis.v8i1.6716>.

³² NU-Online, ‘Penjaga Moral Umat, Kiai Kampung Harus Dijaga Marwahnya’, NU Online, 2020, <https://www.nu.or.id/post/read/123516/penjaga-moral-umat-kiai-kampung-harus-dijaga-marwahnya>.

³³ Muwaffiq Jufri, ‘NU, Muktamar, Dan Komitmen Antikorupsi’, Detik.com, 2021, <https://news.detik.com/kolom/d-5743607/nu-muktamar--dan-komitmen-antikorupsi>.



and national traditions as taught by Walisongo³⁴. The NU masses are close to the periphery, rural, and inland areas, so it is strategic to build and develop a humanist culture in the Madurese society, which highly values local cultural traditions and teachings. The suitability of these cultural elements determines the success of efforts to build a society's culture with a humanist outlook, respect for differences, and love of peace. The fact that the majority of Muslims are affiliated with NU has implications for the massive development of *pesantrens* in each district in Madura. There are 325 *pesantrens* in Sampang Regency, 218 *pesantrens* in Pamekasan, 177 *pesantrens* in Sumenep, and 114 *pesantrens* in Bangkalan. The large distribution of *pesantrens* in Madura is the basis that this religious, educational institution is referred to in setting a strategic role in building religious and cultured community life, including building a society that avoids religious radicalism through Islamic teachings that carry the spirit of peace, moderation, and respect for differences.³⁵

Pesantrens, which are instrumental in fostering a moderate social fabric, play a pivotal role within religious communities and must be preserved. Recognising this, the Government enacted Law No. 18 of 2019 concerning Islamic Boarding Schools 2019 to specifically regulate *pesantrens*. This legislation outlines the objectives for establishing *pesantrens* as follows: a) To form individuals who excel in various fields who understand and practice the values of their religious teachings and/or become experts in religious knowledge who are faithful, devout, have noble character, knowledge, independence, mutual assistance, balance, and moderation; b) To form a moderate understanding of religion and diversity and love of the country as well as forming behaviour that encourages the creation of religious harmony; And c) To improve the quality of life of empowered communities in meeting citizens' educational needs and society's social welfare.

The provisions of Article 3 of the Law concerning Islamic Boarding Schools try to emphasise the existence and role of *pesantrens* in community life. The state recognises that the existence of *pesantrens* has at least two main functions in the community life system. These functions are the function of implementing education with the characteristics of qualified Islamic education (*kaffah*), respecting diversity, adapting to local traditions, and the function of increasing the standard of community life through various activities specifically to improve the quality of community life from multiple aspects, including education, economics, and culture to create a prosperous community life.

The Rejection of Ulama in Madura and the Prohibition of Islamic Law against Religious Radicalism

In general, *pesantrens* and religious leaders in Madura reject the presence of radical Islamic movements in Madura. This is based on several momentum related to the rejection of all religious activities carried out by the spreaders of radical Islamic movements. The rejection is evenly distributed in four districts in Madura. Some lists of the rejection of *pesantren's kiai* can be seen in the Table below:

³⁴ Khabibi Muhammad Lutfi, 'Islam Nusantara; Relasi Islam Dan Budaya Lokal', *Shahih* 1, no. 1 (2016): 23–24.

³⁵ Abd Hannan and Zainuddin Syarif, 'Konservatisme vs. Moderatisme: Kontestasi Pemikiran Keagamaan Kontemporer Di Kalangan Ormas Islam Lokal Di Madura, Indonesia', *Fikrah; Jurnal Ilmu Aqidah Dan Studi Keagamaan* 10, no. 2 (2022): 329, <https://doi.org/10.21043/fikrah.v10i2.16475>.



Table 1: Rejection of Radical Islam in Madura

No	Rejection Activity	Location/Year	Source
1	Hundreds of <i>Kiai</i> and religious leaders in Madura who are members of the <i>Kiai</i> and Madurese Leaders Association (Iktoma) have declared their rejection of the religious-based radicalism movement.	Sampang, March 02, 2023	https://www.detik.com/jatim/berita/d-6595784/pangdam-brawijaya-deklarasi-tangkal-radikalisme-bersama-kiai-madura
2	Hundreds of Nahdlatul Ulama clerics and activists in Sumenep urged the district government to issue a local regulation prohibiting radical Islamic activities during the PCNU Sumenep Branch Work Conference.	Sumenep, June 22, 2022	https://pcnusumenep.or.id/blog/2022/06/20/muskercab-nusumenep-desak-pemerintah-bikin-perda-tolak-radikalisme/
3	Hundreds of youths who are members of the <i>Rahmatan Lil-'alamin</i> youth <i>santri</i> movement (Gesper) reject the existence of a religious-based radicalism movement in Pamekasan.	Pamekasan, September 6, 2016	https://islamindonesia.id/berita/berkaca-pada-tragedi-suriah-santri-pemekasan-tolak-ulama-salafi-wahabi.htm
4	Hundreds of <i>kiai</i> who are members of the Bangkalan Ulama Forum have declared their rejection of the radical Wahabi movement and the Islamic State of Iraq and Syria (ISIS) in the hall of Nurul Kholil Islamic Boarding School, Bangkalan Regency.	Bangkalan, April 2, 2015	https://nasional tempo.co/read/654848/ratusan-kiai-madura-deklarasi-tolak-wahabi-dan-isis

Source: Compiled by the author from various references.

The Table, a visual representation of the rejection by *Kiai* and *Santri* (religious scholars in Pesantrens) in Madura towards the emergence of radical Islam, is a significant aspect of this article. It showcases the various events and forms of rejection, indicating the general disagreement of Madura's Islamic religious leaders with radical religious behaviour. This rejection is evident in almost every district in Madura, be it in Sampang, Pamekasan, Sumenep or Bangkalan.

The rejection attitude certainly has reasons and arguments based on religious law (Islam) and the state,³⁶ especially about the pattern of the Islamic Movement that developed in Madura, which generally follows the religious understanding taught by

³⁶ Lisa Anderson, 'Fulfilling Prophecies: State Policy and Islamist Radicalism', in *Political Islam* (Lynne Rienner Publishers, 1997), 17–32, <https://doi.org/10.1515/9781685856182-003>.



Nahdlatul Ulama.³⁷ In this view, *Kiai* and *Santri* in Madura argue that Islam is a religion of peace and loves behaviour that upholds peace. Therefore, peace should be the first choice in solving all problems, especially religious issues. Such an understanding will rule out violent ways of addressing problems, including religious differences.³⁸ History has recorded that the religious attitudes of the Madurese Muslim community are indeed more inclined to attitudes of harmony and tolerance towards fellow human beings, both towards those who are fellow Muslims or towards adherents of religions outside Islam. Such a fact has been practised by Syaichona Kholil, who emphasises a harmonious and peaceful life for adherents of different faiths. In his time, Syaichona Kholil was known as a qualified scholar and became the destination for Muslim students in Indonesia. It is proven that many significant Muslim figures in Indonesia have studied Islamic education at Syaichona Kholil's pesantren in Bangkalan. Some of the religious figures in question include KH. Hasyim Asy'ari (founder of NU), KH. Wahab Chasbullah (NU Founder), KH. Bisri Sansuri (NU Founder), KH. Romli Tamim (Founder of Darul Ulum Pesantren, Jombang), KH. Abdul Karim Manaf (Founder of Lirboyo Pesantren, Kediri) and many other Muslim figures.³⁹

Syaichona Kholil exemplifies the attitude of tolerance and respect for followers of different religions by maintaining good relations with the Chinese community who live and do business activities around Syaichona Kholil's house. Even though the Chinese settlement is not far from the pesantren, it is in Chinatown and is still included in one Demangan village. The harmonious life between the *Santri* community and the peaceful Chinese community in one town is proof that tolerance and mutual respect between adherents of different religions have long been practised by religious leaders in Bangkalan, even though this practice has been carried out since the time Syaichona Kholil was still actively preaching and educating in the area.⁴⁰ Syaichona Kholil's good relationship with the Chinese community in Bangkalan is not only limited to mutual respect and tolerance, but the relationship between the two communities is familiar and mutually helpful. This intimacy can be seen in the interaction between Syaichona Kholil and one of the Chinese businessmen. The businessman visited Syaichona Kholil's house to ask for prayers so his business would succeed and avoid bankruptcy. The harmony of the relationship between the *Santri* community and the Chinese community is a witness to the history that since long ago, the relationship between different religions has not been a barrier to living together in harmony, peace, and mutual respect between fellow human beings.

³⁷ Ahmad Nabilul Maram, Ahmad Busyairi, and Muhammad Raqib Assidiqi, 'Decline of Ideology and Rise of Political Pragmatism Among Kiai in Post-Authoritarian Indonesia', *An-Nur International Journal of Islamic Thought* 1, no. 1 (22 December 2023): 1–15, <https://doi.org/10.62032/aijit.v1i1.15>.

³⁸ Syamsul Arifin, 'Islamic Religious Education and Radicalism in Indonesia: Strategy of de-Radicalization through Strengthening the Living Values Education', *Indonesian Journal of Islam and Muslim Societies* 6, no. 1 (1 June 2016): 93, <https://doi.org/10.18326/ijims.v6i1.93-126>.

³⁹ Muhaimin, *Biografi Syaikhona Muhammad Kholil; Guru Para Ulama Dan Pahlawan Nasional* (Bangkalan: CV. Orang-Orang Madura, 2022), 76–77.

⁴⁰ Babun Suharto et al., 'Articulation of the Archipelago's Islamic Education-al Thought', *IJIBS* 1, no. 1 (3 January 2023): 57–66, <https://doi.org/10.35719/ijibs.v1i1.21>.



Differences in religion and religious sects are not reasons justified by Islam to be hostile and other harsh attitudes that tend to do anarchist acts in religion.⁴¹

According to Davids, Islamic law has provided clear rules regarding the importance of being moderate in religion. Furthermore, he also states that Islam also prohibits anarchic and radical behaviour in religion, including radical behaviour in addressing religious differences.⁴² Such rules can be seen in several provisions in Islamic law, among others. First, as Badar et al. argue, Allah has recommended mutual respect and tolerance between religious communities in the Qur'an.⁴³ Islam also prohibits coercion in religion, as stated in QS. Al-Baqarah verse 256, which reads "*lâ ikrâha fid-dîn, qat tabayyanar-rusydu minal-ghayy, fa may yakfur bith-thâghûti wa yu'mim billâhi fa qadistamsaka bil-'urwatil-wutsqâ lanfishâma lahâ, wallâhu samî'un 'alîm*", meaning "There is no compulsion in (embracing) the religion (Islam). Indeed, the right way is clear from the wrong way. Whoever disbelieves in tagut and believes in Allah has indeed held fast to a very strong rope that will not break. Allah is All-Hearing, All-Knowing."

The interpretation delivered by M. Qurays Syihab in his interpretation of Al-Misbah explains that this verse correlates with Surah Al-Maidah verse 48, where Allah confirms that if Allah wills, there is no difficulty for him to make people in one ummah (Islam). Quraysh further explained that the path travelled by the walkers should have been clear between the straight path and the path that was not straight. With that clarity, there should be no coercion for everyone to believe in certain religious beliefs.⁴⁴ In addition to the above verse, another verse that underlies the principle of religious rights and freedoms is Allah's recommendation in Surah Al-Baqarah verse 148, which means, "*Every group of religion/belief has its own Qibla direction; so compete among others for goodness; wherever you are, surely Allah will bring you together; indeed Allah is all-powerful over everything*". The purpose of the revelation of this verse is none other than to answer a fundamental question about the purpose of the presence of religious differences that are allowed in the life of mankind in the world. This verse explains that the phenomenon of disagreements in religion/belief is not to provoke mankind to revile, hate, let alone destroy each other, but instead to arouse their enthusiasm (*adrenaline*) (adherents of different religions) to compete with each other to provide and offer the best for human civilisation.⁴⁵

Second, the command to live in peace amidst differences in religion and/or religious sects can also be found in several articles in the Medina Charter. The

⁴¹ Rifqi Muhammad and Gustina Gustina, 'Care For Indonesian Union With The Five Principles Of Love For The Country Of Syaikh Kholil Bangkalan Perspective', *Inovasi-Jurnal Diklat Keagamaan* 16, no. 2 (28 December 2022): 150–60, <https://doi.org/10.52048/inovasi.v16i2.350>.

⁴² Nuraan Davids, 'Islam, Moderation, Radicalism, and Justly Balanced Communities', *Journal of Muslim Minority Affairs* 37, no. 3 (3 July 2017): 309–20, <https://doi.org/10.1080/13602004.2017.1384672>.

⁴³ Mohamed Badar, Masaki Nagata, and Tiphonie Tueni, 'The Radical Application of the Islamist Concept of Takfir', *Arab Law Quarterly* 31, no. 2 (14 June 2017): 134–62, <https://doi.org/10.1163/15730255-31020044>.

⁴⁴ M. Qurays Syihab, *Tafsir Al-Mishbah: Pesan, Kesan, Dan Keserasian Al-Qur'an (Jilid 1)* (Jakarta: Lentera Hati, 2017), 551.

⁴⁵ Louay M. Safi, 'Religious Freedom and Interreligious Relations in Islam: Reflections on Da'wah and Qur'anic Ethics', *The Review of Faith & International Affairs* 9, no. 2 (June 2011): 11–16, <https://doi.org/10.1080/15570274.2011.571422>.



Charter of Medina (*Shahifa al-Madinah*), or as some experts call it, the Constitution of Medina, is the Constitution of the state of Medina under the command of the Prophet Muhammad. This Constitution results from an agreement on the bonds of humanity, peace, and kinship made by the Prophet Muhammad with various groups, tribes, and religious communities in Medina. Some experts say that this Charter is the first written Constitution that regulates the order of mankind in the life of society, nation and state.⁴⁶ The Constitution of Medina regulates and affirms that the freedom to embrace and practice a religion is the right of every individual. This freedom applies to all the citizens of Medina, who consist of various tribes and religions. Thus, the Jews (who consisted of several tribes/bani), Christians, Magi, and other beliefs were guaranteed their freedom of religion and were also guaranteed not to be disturbed by different religious groups. This encouragement to live in peace is also emphasised by the prohibition for all religious adherents to commit all forms of violence that degrade human dignity. The Charter also recommends resolving all disputes and differences of opinion by peaceful means through the intermediary of the Prophet Muhammad.⁴⁷

Islam realises that differences in religion are a necessity that does not need to be contested and does not need to be used as an excuse for dividing people in a country. The Constitution of Medina has laid down the fundamental values of pluralism as a substantial capital in interacting with people of other religions to create a life of mutual respect. The Constitution of Medina has also provided valuable lessons for humans to make peace with cultural, ethnic, and religious differences.⁴⁸ The policy of regulating freedom of religion in the Medina Constitution can be reconciled with the substance of *Maqasidu al-Syari'ah*, as stated by Al-Ghazali.⁴⁹ The protection of religion (*hifdzu al-dien*) is the core goal of the enactment of *Islamic Sharia*. The passage of sharia is intended to protect the existence of Islam so that the mission of "*rahmatan lil 'Alamein*" can be carried out correctly and maximally.⁵⁰ As stated above, the concept of religious maintenance also applies to other religions' existence. This means that the presence of Islamic teachings carried out by the Prophet Muhammad does not necessarily eliminate the existence of other religious people. Islam never imposes the will, let alone uses violence so that all adherents of other religions embrace Islam. The followers of different faiths can live side by side, peacefully, and in harmony with Muslims in carrying out their life activities. Islam

⁴⁶ Wan Norhasniah Wan Husin and Haslina Ibrahim, 'Religious Freedom, The Malaysian Constitution and Islam: A Critical Analysis', *Procedia - Social and Behavioral Sciences* 217 (February 2016): 1216–24, <https://doi.org/10.1016/j.sbspro.2016.02.152>.

⁴⁷ Haza Hanurhaza Md Jani et al., 'A Review on the Medina Charter in Response to the Heterogeneous Society in Malaysia', *Procedia Environmental Sciences* 28 (2015): 92–99, <https://doi.org/10.1016/j.proenv.2015.07.014>.

⁴⁸ Mohd Zuhdi Ahmad Khasasi, Ahmad Dahlan Salleh, and Mohammad Zaini Yahaya, 'Position of Islam as a Federal Religion and a Determinant of Stable Socio-Religious Relations in Malaysia: Medina Charter for Reference', *Pertanika Journal of Social Sciences and Humanities* 28, no. 3 (2020): 1975–94.

⁴⁹ Sholahuddin Al-Fatih et al., 'Academic Freedom of Expression in Indonesia: A Maqashid Sharia Notes', *El-Mashlahah* 13, no. 2 (31 December 2023): 203–24, <https://doi.org/10.23971/el-mashlahah.v13i2.7573>.

⁵⁰ Agus Purnomo et al., 'Characteristics of Hate Speech and Freedom of Expression in the Perspective of Maqāṣid Al-Sharī'ah', *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (26 June 2023): 171, <https://doi.org/10.31958/juris.v22i1.9446>.



also protects the existence of other religions so that they can still be adhered to by their adherents without any interference or discrimination by any party.⁵¹

In summary, the following is the basis of Islamic law used as a guideline for *kiai* and religious leaders in Madura to reject the presence of radical Islam.

Table 2: Prohibition of Religious Anarchism in Islamic Law

No	Article (paragraph) and Type of Islamic Law Product	Substance of Regulation
1	Qur'an: Al-Baqarah (256)	There is no compulsion in religion.
2	Qur'an: Al-Baqarah (148)	Islam respects the existence of other religions; Islam views that religious differences are not a reason for division but rather to compete in goodness.
4	Article 25 (2) of Shahifa al-Madinah	Islam's appreciation of religious pluralism
5	Fatwa of the Indonesian Ulema Council (MUI) No. 3 of 2004	All forms of coercion in the form of violence, terror, and all actions that cause fear for other humans are haram and strictly prohibited by Islam.

Source: Compiled by the author from various Islamic legal instruments

Pesantren Strategies in Madura in Preventing the Spread of Radical Islamic Thought

Since the Pesantren Law came into effect, the pattern of organising Pesantrens has been implemented with several indirectly binding principles that have become benchmarks in the Pesantren system. These principles are essential standards for Pesantren, so their education system follows the values developed in Indonesia's legal tradition. Some of the principles referred to are stipulated in Article 2 of the Islamic Boarding Schools Law, which includes belief in the Almighty God, nationality, independence, empowerment, benefit, multiculturalism, professionalism, accountability, sustainability, and legal certainty. In the context of moderate societal development and avoiding radical behaviour in religion, these principles are important because several radical currents in Indonesia are also engaged in developing pesantrens. In this section, special principles directly related to the development of a society that understands moderate Islam are principles such as belief in one God, nationalism, and multiculturalism.⁵²

It is important to know that the choice of pesantrens as the main actor in the movement to neutralise and prevent the spread of Radical Islam in Madura was inspired by several research results which explained that the role of *kiai* as leaders of

⁵¹ Patricia Crone, 'Islam and Religious Freedom', in *The Qur'ānic Pagans and Related Matters* (Leiden, The Netherlands: BRILL, 2016), 410–21, https://doi.org/10.1163/9789004319288_015.

⁵² Ridwan Arifin et al., 'The Adversity on Establishing Places of Worship: Has Religious Freedom Failed in Indonesia?', *Legality: Jurnal Ilmiah Hukum* 29, no. 1 (15 February 2021): 93–113, <https://doi.org/10.22219/ljih.v29i1.15317>.



pesantrens is very strategic in resolving legal problems at the village level in Madura, including in terms of settlement. Disputes and cases regarding differences in views in worship rituals and religious traditions. Some of the research results even described the existence of the village of *kiai*, popularly known as “*kiai of pesantrens*”, as part of the three pillars which have judicial functions at the village level with the Village Head, Village Supervisor (Babinsa), and Community Police (Babinkantibmas)⁵³. However, some research is descriptive and only focuses on cases generally occurring in villages, such as land conflicts, debts, and other social problems.

Several terms are often applied to the *kiai of pesantren* figures, such as their central role in the social system and stratification in Madura. Several studies refer to *kiai of pesantrens* as informal leaders who become the community’s reference in resolving religious, social, and national issues. Consequently, various parties, including the state, optimise the strong influence of *Kiai*’s figures to increase the success of their programs. The existence of *kiai of pesantrens* holds judicial functions. They can be developed and expected to direct the community to prevent and avoid despicable behaviour contrary to the teachings of Islamic Sharia and the traditions or local culture of the Madurese society. This behaviour of Madurese society, which is still adhered to today, results from acculturation to religious values and cultural traditions such as love, peace, liking to help, and good. Said Abdullah provided a brief overview of the good tradition of helping shown by Madurese society. According to him, Madurese society is known to have good behaviour and always help each other. This good behaviour is carried out towards fellow Muslim Madurese and other people with different religions. This fact can be seen from the various Madurese societies’ patterns of life, which illustrate their kindness towards their fellow society members, who live in harmony, peace, and respect for each other.

One example is the pattern of living in harmony and helping each other, as shown by the Arabian Muslim and Chinese Christian communities in Sumenep. When Chinese children want to go to school, they must take a pedicab or walk through the Arabian village to Pangligur. They walk around in skimpy clothes. Although it is contrary to the Arabian culture that village women are not allowed to go out, they do not mind it. It happens because there is local Madurese wisdom in the area. Once, a pedicap used by the Chinese fell into the river, and the Arab villagers were the first to help. The commotion over religious matters has never happened in Madura. There is no history of churches being burned, although many churches exist in Madura. This means that for the Madurese society, differences in ethnicity, race, class, and religion are inevitable and accepted as final without mutual friction⁵⁴.

The facts of life above exemplify a pattern of mutually reinforcing relationships between religious teachings and local Madurese traditional values, which can develop a harmonious pattern of life and mutual assistance among fellow citizens. The success of cultural acculturation can create good relationships among people. It also can prevent the emergence of negative behaviours that hinder the advancement of people’s lives. It is obvious how the existence of traditions and cultural teachings can strengthen religious teachings in the life of the Madurese society. As a

⁵³ Mukhlis, ‘A Three-Pillar Synergism Reinforcement Model in Judicial Function Policy at Village Level’, *Untag Law Review* 1, no. 2 (2017): 23–24.

⁵⁴ MH. Said Abdullah, *Membangun Masyarakat Multikultural* (Jakarta: Taman Pustaka, 2006).



consequence, the Madurese society is known as a religious society as proof of the strong implementation of Islamic teachings.

From a sociological perspective, the *kiai of pesantrens* are figures whose recommendations are taken into consideration, especially relating to law and religious teachings. This means that the position of *Kiai of pesantrens* in social and religious life in Madura has its legitimacy, both cultural and religious legitimacy. On the cultural side, the village *kiai* is one of the figures in the proverb “buppa’, babu’, ghuru, rato”, whose words and orders must be followed⁵⁵. Meanwhile, on the religious side, the existence of Islamic arguments in the form of recommendations to respect teachers makes the Madurese society act *tawaddu’* and sincerely carry out what they are told. This pattern in the legal pluralism tradition is called living law and/or natural law. This cultural and religious legitimacy has succeeded in placing *kiai* as the most respected figures whose orders are obeyed.

The role of living law is very important in developing local culture-based law. This is based on the Volkgeist theory conceptualised by Carl Von Savigny. According to him, it is the generality of the people or spirit of the people, which states that there is an organic relationship between law and the soul/character of a nation⁵⁶. The legal building perspective of this theory is assumed to be an interrelated relationship between law, a nation's soul and character. Law is a reflection of *volkgeist* so legal traditions that grow and become traditions in society must be seen as the true law of life.⁵⁷ At this level, Savigny emphasised that true law is not the law that is made but the law that develops with society.⁵⁸ This analogy to the strong role of living law is caused by the empirical fact that law already exists and is attached to the nation as it is attached to language, customs, and the Constitution. Such laws are unique for each citizen. Law is not born by chance but through the inner consciousness of society⁵⁹.

The strong role of *kiai* must be optimised to prevent the spread of Radical Islam.⁶⁰ So far, several *pesantrens* have their way of taking this preventive measure. Some have been done, including preventing the spread of radical ideology through teaching methods and fostering Islamic understanding that is oriented towards multicultural insight and religious moderation from an early age student. This step was taken because *pesantrens* have social and cultural capital in developing religious teachings. This social capital can be found in the *kiai* figure as an informal leader who considers the existence of the *kiai* to be the first figure to introduce science, religion, and good and bad values in the legal tradition in Madura⁶¹. It is felt that this method

⁵⁵ Agus Purnomo, ‘Politik Hukum Elite Politik Kabupaten Pamekasan Tentang Perda Syari’at’, *Istinbath* 13, no. 1 (2014): 46–47.

⁵⁶ Bernard L. Tanya, *Teori Hukum; Strategi Tertib Manusia Lintas Ruang Dan Waktu* (Surabaya: CV. Kita, 2007), 120.

⁵⁷ Aditi Verma; Sweta Rao, ‘Volkgeist and Uniform Civil Code’, *International Journal of Law and Legal Jurisprudence Studies* 4, no. 1 (2014): 7–8.

⁵⁸ Safi’, Muwaffiq Jufri, and Ansori, *Filsafat Hukum; Mengurai Esensi Hukum Berbasis Multi-Prespektif* (Jakarta: Prenada Media, 2023), 79.

⁵⁹ Irham Rosyidi, *Konstitusi Dan Jiwa Bangsa Indonesia* (Malang: Pustaka Nuswantara, 2016), 37.

⁶⁰ Mhd Syahnan, Ja’far Ja’far, and Muhammad Iqbal, ‘Ulama and Radicalism in Contemporary Indonesia: Response of Al Washliyah’s Ulama on Radicalism’, *AHKAM: Jurnal Ilmu Syariah* 21, no. 1 (30 June 2021), <https://doi.org/10.15408/ajis.v21i1.19684>.

⁶¹ Taufiqurrahman, ‘Islam Dan Budaya Madura’.



can create the character of Madurese society as a typical religious society and enable it to implement a lifestyle characterised by Islamic teachings in a moderate, peaceful, and united manner.

The next social capital is the existence of *pesantrens* as Islamic educational institutions, which have long been a legal reference for society in carrying out religious teachings. Fatwa and religious advice taught by *pesantrens* become the teachings that are practised by students, alumni, and the community around the *pesantrens*. This fact is caused by the existence of a curriculum structure in *pesantrens*, which is based on authoritative sources based on the *Kitab Kuning* (Arabic references), which has been scientifically connected to the Prophet. The knowledge of ulama in *pesantrens* makes Madurese society continue to use it as a reference in resolving religious problems. The connection of sanad can guarantee that the teachings follow Islamic scientific standards taught by the Prophet Muhammad, continued by the Prophet's companions, and developed by the followers and ulama according to the context of the dynamic developments of the times.⁶²

The practice of teaching moderate Islamic understanding in the *pesantren* environment to foster a comprehensive understanding of religion is intended to make students, alumni, and the society around the *pesantrens* act moderately and inclusively in facing differences. This teaching system is usually carried out through the study of the *Kitab Kuning*, which discusses Islamic moderation⁶³. This practice can be seen from the study of *Kitab Kuning* at the Azzubair Pamekasan Islamic Boarding School. At this *pesantren*, the study of moderate Islam is usually carried out by reviewing and studying the values of moderate Islam, respecting differences through classical books such as *Tijan ad-Darari* by al-Bajuri, *Tafsir Jalalain* by al Mahalli and al-Suyuti, as well as the book *Fathul Qorib al-Mujib 'alaa al-Taqrif* by Ibn Qasim al-Ghazi⁶⁴.

The practice of studying Islamic moderation through the study of the *Kitab Kuning* is also carried out at the Darul Karomah Pamekasan Islamic Boarding School. At this *pesantren*, the books studied are related to Islamic moderatism, including *Fathul Qarib al-Mujiib alaa at-Taqrif* and al-Bushiri's *Qashida Al-Burdah*. Specifically, this study of the *Burdah* was carried out by explaining the meanings implied in the *Burdah* verses, which essentially spread love between fellow human beings. The grammatical structure presented in *Burdah* verses seems to exude Islamic teachings that are so beautiful and full of artistic and aesthetic value that can make readers tolerant and full of love for fellow human beings.

In contrast to the two *pesantrens* above, the yellow book study approach to forming moderate and respectful differences between students in the education system at the Miftahul Qulub Pamekasan Islamic Boarding School is carried out through the study and development of morals. The studies of *Kitab Kuning* that discuss morals are a priority program taught at the *pesantren*. Moral-based education is carried out with a humanitarian approach, considering humans to be perfect

⁶² M Nurul Ikhsan Saleh et al., 'Islamic Boarding School and the Deradicalization Efforts of Islamic Education in Madura', *Jurnal Pendidikan Islam* 8, no. 2 (2019): 259–85, <https://doi.org/10.14421/jpi.2019.82.259-286>.

⁶³ Hisny Fajrussalam, 'Core Moderation Values Dalam Tradisi Kitab Kuning Di Pondok Pesantren', *Atthulab: Islamic Religion Teaching and Learning Journal* 5, no. 2 (2020): 210–24, <https://doi.org/10.15575/ath.v5i2.8371>.

⁶⁴ Subkhan Ridlo, 'Khazanah Naskah Keagamaan Di Pamekasan Madura', *Al-Qalam; Jurnal Penelitian Agama Dan Sosial Budaya* 24, no. 2 (2018): 359, <https://doi.org/10.31969/alq.v24i2.470>.



creatures with different backgrounds. Humans are creatures who are highly honoured by God. Hence, the morals that should be practised in responding to differences in views, especially religious views, is by treating them as human beings who must be respected and treated well. Several *Kitab Kuning* are taught at the Miftahul Qulub Islamic boarding school to develop morals, including the books *Taysiru al-Khalaq* and *Akhlaq lil Banin* ⁶⁵.

Methods like this can not immediately change and neutralise people who have been exposed to religious radicalism. Still, this model of neutralising the spread of Radical Islam is a form of early prevention that will later be very useful for students, alumni, and the community around the *pesantren* when the momentum arises. Certain people were confronted directly with the spreaders of Radical Islam. In this condition, prevention methods through in-depth study of inclusive and moderate Islamic values are very useful and can be put into practice by society to stem the spread of radical Islamic ideas. This pattern of teaching and effort must be carried out sequentially, directly, and consistently. This model will become increasingly successful if carried out consistently and systematically.

Second, through the movement of *Kiai of pesantrens* in community forums such as routine *koloman*, *bathsul masa'il*, *kamrat*, *tahlilan*, and other religious forums which traditionally are in contact with Islamic teachings based on the social culture of society. These forums are deliberately carried out and formed by *kiai of pesantrens* to guide the society on religious values so those who never study at a *pesantren* and/or who have less knowledge of religious teachings can gain access to religious knowledge through various religious forums ⁶⁶. The forums are usually held in each village with their characteristics and models. Recently, forums such as *shalawat* forums have also grown along with the growth of *shalawat* forums initiated by *Kiai*, *Habib*, and Islamic scientists.⁶⁷ This indicates that until now, public enthusiasm for Islamic forums based on social traditions is high and can be developed to create a community life pattern that is both religious and humanist. This method is also commonly referred to as an external strategy.

This practice of the *pesantren* movement in the community forum is also applied at the Miftahul Qulub Pamekasan Islamic boarding school. They hold *koloman* activities every Friday night. Community gatherings carry out prayer together, Islamic studies, and social consultations. *Koloman* are usually structured sequentially, starting with reading *tahlil*, prayers, and scientific studies to discuss public and national issues. In this forum, a *Kiai of Pesantren* provides material regarding the importance of tolerance and mutual respect among religious communities⁶⁸. Because

⁶⁵ Ach. Sayyi, 'Multicultural Islamic Education as Conflict Resolution for Multi-Ethnic and Religious Communities in Polagan Galis Pamekasan', *Akademika: Jurnal Studi Islam* 16, no. 2 (2022): 1–18, <https://doi.org/10.30736/adk.v16i2.1194>.

⁶⁶ Jufri, Fahmi, and Abdullah, 'Peran Strategis Kiai Pesantren Dalam Diseminasi Gaya Hidup Halal Di Madura'.

⁶⁷ Agung Ali Fahmi, Muwaffiq Jufri, and Ansori, 'The Implementation of Islamic Value Absorption in Regional Regulations on Districts at Madura', *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 15, no. 1 (2020): 157–58, <https://doi.org/10.19105/al-ihkam.v15i1.2682>.

⁶⁸ Mo'tasim Mo'tasim et al., 'Pesantren Dan Multikulturalisme Di Madura: Adaptasi Nilai Multikultural Dalam Menciptakan Kerukunan Masyarakat Multi Etnis Dan Agama', *Jurnal*



of this forum, the community around the *pesantren*, who are Muslim, can be tolerant towards Buddhists, Hindus, and Confucians who carry out worship rituals at a monastery near the Miftahul Qulub Islamic boarding school. At this level, the role of *pesantrens* is to create harmonious conditions among people of different religions. Even at certain moments, Muslim youth around the monastery act as a security team to maintain the implementation of worship rituals.

The next practice of *pesantren* movement in preventing radical ideas in religion in society is through *shalawat* forums, which are now very popular. Several *pesantrens* in Pamekasan form *shalawat* forums every week. This is like Majelis Shalawat Al-Karim, which the Darul Karomah Pamekasan Islamic Boarding School has formed. This forum is formed to maintain closer communication between a *pesantren* and the community and ensure that the *pesantren* continues to provide enlightenment in spreading Islamic values and teachings. Besides, it is hoped that the messages of peace and tolerance often contained in *shalawat* and *nasyid* verses can be understood well by the public. The biggest hope is that society can be tolerant, respectful, and appreciate differences.

Numerous *shalawat* and *nasyid* lyrics emphasise the significance of tolerance and portray Islam as a faith deeply committed to the ideals of peace. One notable example is found in the *nasyid* titled “Dien al-Salam.” A verse from this *nasyid* advocates for tolerance and embodies the peaceful spirit of Islam. It translates to: “The whole earth will feel narrow if we live without tolerance. If we live with feelings of love, even though the earth is narrow, we will still be happy. Spread sweet words through noble and peaceful actions. Decorate the world with a respectful attitude. Spread love and smiles to people. This is Islam, the religion of peace.”⁶⁹

The discussion above shows that *pesantrens* in Madura have many ways to educate people to be moderate and humanist in religion. These methods are part of an effort so people have broad insight as a provision for living a religious life. A broad understanding of religious teachings makes a person tolerant in dealing with differences in religious understanding. This action can prevent someone from being radical in religion, namely an attitude that is antithetical to differences and tends to resolve religious disputes through violent methods that do not follow the peaceful mission of Islam.⁷⁰ The following Table shows the efforts made by *Kiai* leaders of *pesantrens*:

Table 3: Prevention Model of Radical Islam by *Pesantrens* in Madura

No	Prevention Model	Scope	Implementation
1	<i>Pesantren</i> curriculum to prevent	Internal	Conducting studies and discussions on preventing radical Islam. This activity usually begins with Kitab Kuning-based studies that

Pendidikan Agama Islam (Journal of Islamic Education Studies) 8, no. 2 (2020): 173–94, <https://doi.org/10.15642/jpai.2020.8.2.173-194>.

⁶⁹ Dian Eka Indriani et al., ‘Traditions: Radical or Peace-Building’, in *Proceedings of the International Conference on Religion and Public Civilization (ICRPC 2018)* (Paris, France: Atlantis Press, 2019), 1145, <https://doi.org/10.2991/icrpc-18.2019.3>.

⁷⁰ Samsul Arifin Ari et al., ‘Mitigating The Spread of Radical Ideas Through Counter-Radicalization Based on Local Wisdom’, *Audito Comparative Law Journal (ACLJ)* 5, no. 1 (8 March 2024): 56–65, <https://doi.org/10.22219/acj.v5i1.29950>.



	Islamic radicalism		discuss the values of peace in Islam and the importance of preventing radical behaviour in religion.
2	Conducting discussions and studies based on local Islamic traditions in the community.	External	These studies and discussions are carried out through various forums, which have indeed been going on for a long time in the community; it is just that in terms of preventing radical Islam, the Kiai leaders of pesantren add studies about the importance of peace values and respect for differences in Islam. The kiai also teach about the dangers of acting radically in religion. These forums include <i>koloman</i> , <i>kamrat</i> , <i>bathsul-masail</i> and <i>Majelis Shalawat</i> .

Source: Compiled by the author from various references.

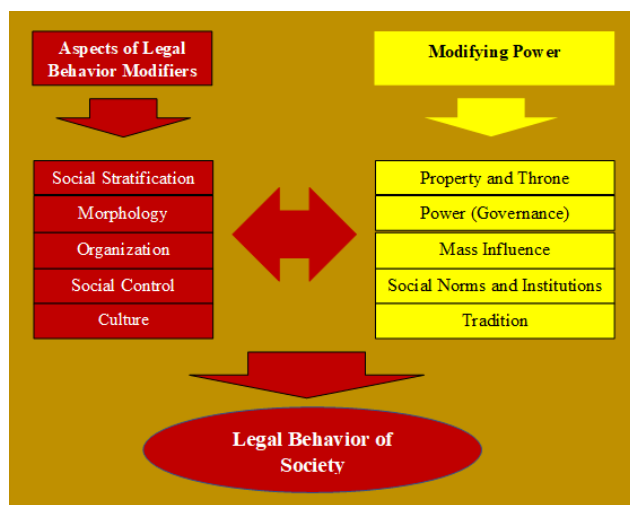
All efforts made by *pesantrens* are part of legal efforts to prevent acts of religious radicalism in Madura, especially if examined from the perspective of Legal Culture theory. Legal Culture Theory believes in the existence of community traditions and culture in supporting the state's efforts to enforce the law and prevent acts of lawlessness. Legal culture is also very functional in making people aware of the importance of obeying the law.⁷¹ The legal awareness sought by *pesantrens* is how to create awareness of Madurese people not to behave radically in religion. Awareness efforts carried out by *pesantrens* go through a tiered stage, starting from a young age to when the *santri* have completed their education at the *pesantrens* and returned to the community environment. This effort must be encouraged and conceptualised sustainably because, in this way, efforts to neutralise the spread of radicalism can be maximally stemmed.

From the perspective of legal culture theory, the initiatives undertaken by *pesantrens* are considered efforts to mould public consciousness towards adhering to the law and avoiding radical responses to religious differences. Such actions are pivotal in potentially curtailing religious radicalism in Madura by directly engaging key influencers of legal behaviour in society. Legal culture theory identifies four main factors that can alter societal legal behaviour: social stratification, morphology, organisation, social control, and culture.⁷² These factors are instrumental in influencing legal behaviour despite not always operating in unison. Each component possesses its own unique influence on shaping legal attitudes and practices. The model between each element is shown in the figure below:

⁷¹ Mark Greenberg, 'How Law Affects Behaviour', *Jurisprudence* 9, no. 2 (4 May 2018): 374–84, <https://doi.org/10.1080/20403313.2017.1333256>.

⁷² Donald Black, *The Behavior of Law* (New York: Akademic Press, 1976), 43–44.



Figure 2: The Modifying Power of Legal Behavior from the Perspective of Legal Culture Theory

Source: Compiled by the author from various references.

Considering the role of *pesantrens* as pioneers in countering radical Islam, they hold a strategic position because of three key aspects that enable them to influence community legal behaviour away from religious radicalism.⁷³ The first is the organisational aspect, where their influence is extensive due to their mass following.⁷⁴ In Indonesia, particularly in Madura, *pesantrens* are pivotal because they are associated with Sunni Islamic organisations and communities, which form the majority in the country. Specifically, in Madura, the prevalent Islamic perspective is that of Ahlussunnah wal-jama'ah, known for its moderate and tolerant interpretations of Islam that firmly reject radicalism and violence. This affiliation underscores the strategic importance of *pesantrens* in efforts to curb radical Islam.

Second, social control makes social norms and institutions a modifying force.⁷⁵ In this aspect, the position of *pesantrens* has a strategic role because the social norms that develop among Madurese Muslim communities are norms that reject all forms of violence in the name of religion. This condition is supported by the position of a *pesantren* as a socio-religious institution where the figure of *kiai* as its leader has an influence in the middle of Muslim life in Madura. The *kiai* figure is the personification of the 'ghuru' figure, one of the figures most obeyed by the Madurese community. Madurese people highly respect the figures of “bhuppa’, babu’, ghuru, and rato” in their daily lives. The strategic figure of *Kiai* then makes it easy for *Kiai* to do various ways to prevent radical Islam in Madura.

⁷³ Zuly Qodir, Haedar Nashir, and Robert W. Hefner, ‘Muhammadiyah Making Indonesia’s Islamic Moderation Based on Maqāsid Sharī’ah’, *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (26 June 2023): 77–92, <https://doi.org/10.18326/ijtihad.v23i1.77-92>.

⁷⁴ Ashley Terlouw and Kris van der Pas, ‘The Battle against Ethnic Discrimination: Realizing the (Utopian) Promise of Non-Discrimination Law’, *Ethnic and Racial Studies* 47, no. 9 (3 July 2024): 1900–1919, <https://doi.org/10.1080/01419870.2024.2328345>.

⁷⁵ Sukardi Sukardi and Hadi Rahmat Purnama, ‘Restorative Justice Principles in Law Enforcement and Democracy in Indonesia’, *Journal of Indonesian Legal Studies* 7, no. 1 (1 June 2022): 155–90, <https://doi.org/10.15294/jils.v7i1.53057>.

Thirdly, the cultural aspect recognises tradition as a transformative force in shaping legal behaviour.⁷⁶ This facet highlights the strategic role of *pesantrens* in combating radical Islam. In Madura, the Islamic tradition, known for its respect for diversity and firm rejection of violence in response to differences, significantly influences this role. The region's Islamic practices are deeply integrated with local values and wisdom, fostering a religious environment conducive to accepting religious diversity and prioritising peaceful resolutions to emerging religious differences.⁷⁷

Conclusion

According to the theory of legal culture, *pesantrens* in Madura play a crucial role in curbing the spread of radical Islam. This significant role stems from their ability to influence the community's legal behaviour through three key aspects: organization, social control, and culture. These elements, when effectively leveraged, can deter the proliferation of radical ideologies. *Pesantrens* in Madura have implemented various strategies to counteract radical Islam, such as promoting an understanding of Islam that respects diversity and unequivocally rejects religious violence. These principles are typically instilled in students from an early age, ensuring they are well-versed in religious matters. Moreover, *pesantrens* engage in community activities like Koloman, Kamrat, Bathsul-Masail, and Majelis Shalawat, where themes of peaceful Islam and respect for differences are consistently highlighted across various forums.

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⁷⁶ Sukardi and Purnama, 161.

⁷⁷ Ahmad Kamaludin and Iskandar Iskandar, 'Islamic Fanatism and Terrorism Cases in Indonesia the Perspective of Islamic Criminal Law', *El-Mashlahah* 12, no. 2 (31 December 2022): 153–63, <https://doi.org/10.23971/el-mashlahah.v12i2.4397>.



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