

Strengthening the Shafi'i *Madhhab*: Malay *Kitab Jawi* of *Fiqh* in the 19th Century

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Abstract: The supremacy of *fiqh* in Indonesian, and Southeast Asian, Islam has been widely acclaimed; the subject concerning the affairs of daily life, the core substance of *fiqh*, has its fertile grounds in Muslims religious ideas and practices. This article presents a historical analysis how the *fiqh* became popular in the region, which can be traced back to the 19th century. Taking Malay *kitab jawi* as the main subject of discussion, the shifting of religious concerns among the '*ulamā*' (Muslim scholars) was of crucial significance. They increasingly engaged in dealing with the Muslims' need of guidance in primarily prescriptions for worship (*'ubūdiyyah*). This study traces the historical aspect in the spread of the Shafii school, along with the development of the Malay textual tradition. As a result, *kitab jawi* on *fiqh* by Southeast Asian '*ulamā*' grew considerably, in both number and religious authority, in line with the rise of learning institutions (*pondok*), leading the subject to appear as religiously essential to be produced, and reproduced, to become an established school for Muslims of the region.

Keywords: *Fiqh*; *Kitab Jawi*; '*Ulamā*'; Southeast Asia; Malay; *Pondok*

Introduction

Fiqh-oriented in character was the phrase that once appeared to label the picture of Indonesian Islam in 1970s (Mujani, 2014). Voiced to ignite the spirit of reform, it was as well attributed to being responsible for the then prevailing condition of Muslims' decay. This article, without delving into the argument behind the rise of the phrase presents a historical analysis on the ways and the reasons the supremacy of *fiqh* (Islamic jurisprudence) occurred in Indonesian, and Southeast Asian, Islam. Handles the question concerning the intellectual genealogy of such a perspective, which is of crucial importance in the understanding of Islam in the region (A. Abdullah, 2000).

The 19th century witnessed the formation of *fiqh*-oriented Islam in Southeast Asia, as the knowledge that deals with Muslims daily life constituted the main substance of scholarly discourses. This has to be explained by the changing religious-intellectual interest of Southeast Asian '*ulamā*' (sing. '*ālim*, Muslim scholar), alongside the spread of community-rooted institutions of learning. The '*ulamā*', both in Mecca and their home countries being the leaders of the institutions (*kiyai* and *to guru*), became increasingly engaged in providing their follower with guidance and regulations on religious practices, primarily in the fields of '*ubūdiyyah* (rituals) and *mu'āmalah* (socio-economic affairs). The portraits of Malay *pondok* and Javanese *pesantren*, also of Minangkabau *surau* of the period affirm this trend of Islamic intellectual development (S. Hurgronje, 1931).

This article, refers to the Malay *kitab jawi* of *fiqh* (Ngah, 1983), that paid more attention to the *fiqh* of '*ubūdiyyah* and of *mu'āmalah* making it dominant, at the expense of the one of *al-siyāsah* (political affairs). In the 19th century, as the age of steam and print (Gelvin & James, 2014), the number of *kitab jawi* grew considerably, constituting a leading Islamic literature that sourced the formation of Islamic knowledge among Muslims in the Malay areas of Southeast Asia, next to the Arabic books which were used as materials for learning in the Islamic institutions mentioned (Burhanudin, 2022b).

In addition to enumerating *kitab jawi*, the article addresses the ‘*ulamā*’-led institutions of learning, following their arising as independent scholars who were not linked to Islamic kingdoms as *qādi* or advisors to the rulers. Concomitant with the rise of the learning institutions, the role of ‘*ulamā*’ as community leaders enhanced, leading them to appear holding the Islamic ideas relevant with the needs of Muslim communities. They introduced the Muslims to the manuals of religious practices. As a result, the *fiqh*-oriented Islam gained its supremacy, determining the nature of Islamic configuration of the period, more than the one of Sufism (Kooria, 2022).

On the basis of those explained, the *kitab jawi* of *fiqh* will be studied in relation to, and part of, the ‘*ulamā*’s engagement in the production of Islamic knowledge relevant with the newly-established milieu of *pondok*-based culture – the knowledge which was regarded essential in Islam. The *kitab jawi* of the period were written in reference to the rising voices of the need to make Islam implemented in Muslims daily life, and hence served the leading pillar in the formation of Muslim community who strongly upheld the Islamic teachings (*kaum santri*).

The ‘*ulamā*’s authorship of *kitab jawi* is viewed to be part and parcel of the prevailing form of interest in the production of Islamic knowledge and were therefore integrated to various structure of power of the time. This created what is stated as “discursive tradition” – the instituted ideas and practices on the basis of which the standards and principles of being Islamic is authorized (Asad, 2009) – which were then reproduced and reformulated, leading to its being widely accepted as Islamic orthodoxy in the field of *fiqh* in Southeast Asia.

Literature Review

Islam is an essential element that shapes the cultural pattern of Malay society. The arrival of Islam in the Malay world brought about a profound transformation in the realm of life philosophy, thinking, and the souls of the Malay people. This was due to the nearly 800 years of Hindu-Buddhist influence in the Malay world, during which the Malay mindset was restricted by imaginative and mythical thinking, lacking an understanding of the importance of rationalism and intellectualism (Zakaria, 2012). In other words, this period is referred to as *Fiqh-oriented Islam* (Mujani, 2014), a term that emerged to label the depiction of Islam in Indonesia in the 1970s. It was advocated to ignite a spirit of reform and was also considered responsible for the decline of the Muslim community at that time. The portrayals of Malay Pondok, Jawa Pesantren, and Minangkabau Surau that period affirmed the tendency toward the intellectual development of Islam.

Furthermore, the intellectual history of Islam in the Malay world. The Jawi script became a milestone in the intellectual achievement of Islamic scholars in 18th-century Malay society. The Jawi script is regarded as one of the contributions of Malay society that is still in use today. The Jawi script became the pinnacle instrument in the process of transferring Islamic knowledge to the Malay community (Othman, 1988). Its explanation began with the rapid development of Jawi writing after the arrival of Islam in the Malay world (Hamid, 1985).

In the history of the Malay world, the development of this revival was initially initiated by preachers who sought to establish Malay Islamic culture as a response to the newly converted Muslim community. This effort was implemented through Islamic educational institutions. Among the most effective approaches was the cultivation of a culture of knowledge within society. This was achieved through several means. Firstly, by implementing a system of remuneration for religious knowledge in various institutions, such as teachings in the palace, Mosques, Surau, and Pondok (Awang, 1996). These teachings were open to all levels of society, not just the elite (Nor, 1997). This allowed scholars to act freely without being influenced by any parties with specific agendas and interests (Rahim, 1994). Moreover, the pondok scholars of that era acted as agents of change and intellectuals of the ummah, being sensitive and proactive to the issues arising in society (Ahmad, 2000). This can be seen as an early form of democratizing education.

Secondly, the remuneration system emphasized the link between theory and practice, focusing on cultivating a culture of knowledge to shape a student. Thirdly, the remuneration system was open,

providing opportunities for anyone to participate, regardless of their background and age (Winzeler, 1974). Through this approach, the concept of democratizing education was indirectly implemented, emphasizing the importance of knowledge in the life of a Muslim, where knowledge is a shared possession, and every individual has the right to access it.

Regarding the aforementioned Jawi script, the subject of this discussion is a Kitab Jawi whit titled *Şirāt al-Mustaqīm* by al-Raniri and *Mir'at al-Ṭullab* by al-Sinkili. As will be discussed, these two *kitab*s were taken as the foundation texts to be reproduced for the Muslims of the following centuries. We begin the discussion with *Şirāt al-Mustaqīm* of al-Raniri (Nūr al-Dīn bin 'Alī al-Rānīrī, d. 1658), the first work on the subject to appear in the history of *kitab jawi* in the Malay world (W. M. S. Abdullah, 1991; Elias, 2007; Iskandar, 1995). This book, with the complete titles *al-Şirāt al-Mustaqīm fi Fiqh Madhhab al-Shāfi'i* (The Straight Path on *Fiqh* of *Shāfi'i* School of Law), was written under the spirit of the Islamic reform al-Raniri launched in the kingdom of Aceh, alongside his appointment to the position of *Shaykh al-Islam* (religious advisor) during the reign of Iskandar Thani (1607-1641), his patron. In line with the rising Islamic thought current in the network of '*ulamā'* with Mecca, al-Raniri established his reform of neo-Sufism, emphasizing the crucial importance of *sharī'ah* in Muslims life, in the place of heterodox Sufism of *wujudīyyah* that had gained prominence in Malay-archipelago since the 16th century (Azra, 2004; Daudy, 1978).

Another *fiqh* work of the same period is *Mir'at al-Ṭullab* by al-Sinkili ('Abd al-Ra'ūf bin 'Alī al-Jāwī al-Sinkīlī, 1615-1693), a Malay '*ālim* who also had an intellectual network with Meccan '*ulamā'* (Azra, 2004). Completed in 1074/1663, this work, with its complete title *Mir'at al-Ṭullab fi Tashīl Ma'rīfat al-Ahkām al-Shar'iyya li al-Malik al-Wahhab*, appears to be a special work dedicated to the kingdom of Aceh. It was written under the request of Aceh female ruler, Tajul 'Alam Syafiyat al-Din Shah (r. 1641-1675), whom is described as to have implemented God's rules in the *Jawi* land of Aceh (Sinkili, n.d.).

Being as such, *Mir'at al-Ṭullab* is different from *Şirāt al-Mustaqīm*, in the sense that the work of al-Sinkili was directed to be the manual for legal practices of the Aceh kingdom, and therefore belongs to *fiqh al-siyāsah*. In the beginning of every subject, the *kitab* states that it is obligatory for the judges (*qāḍī*) (Nasrun, 2012), to have knowledge on the laws concerned, which are elaborated in the discussions. As a result, the contents of *Mir'at al-Ṭullab* are also different from *Şirāt al-Mustaqīm*, where the issues of '*ubūdiyyah* constitute the major substance. In *Mir'at al-Ṭullab*, on the contrary, the discussions focus on the subjects of *mu'āmalah* and *siyāsah*.

Method

This article presents a historical analysis of the reasons for these Islamic facts which can be traced back to the 19th centuryth century. Take Malay *kitab jawi* as the main discussion material. In this article, the discussion regarding the above will be made with reference to the Malay language *kitab jawi* from *fiqh*. Methodologically, this study was analyzed with a historical-normative approach. The Historical Method is used to trace the historical aspect in the development of Islamic studies of the Shafii school, and the development of the Malay book from the 19th century. While normatively studying the legal reasoning in the concept of the teachings of the Shafii school and its development in the middle of the Malay world (Ngah, 1983).

Results and Discussion

In Two Classical *Kitabs* on *Fiqh*

The term classical is used here to refer to the periods of sixteenth and seventeenth centuries, when the *kitab jawi* on *fiqh* began to emerge in Southeast Asia. Two *kitab*s should be mentioned, *Şirāt al-Mustaqīm* by al-Raniri and *Mir'at al-Ṭullab* by al-Sinkili. As will be discussed, these two *kitab*s were taken as the foundation texts to be reproduced for the Muslims of the following centuries. We begin the discussion with *Şirāt al-Mustaqīm* of al-Raniri (Nūr al-Dīn bin 'Alī al-Rānīrī, d. 1658), the first work on the subject to appear in the history of *kitab jawi* in the Malay world (W. M. S. Abdullah, 1991; Elias, 2007; Iskandar, 1995).

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Reading *Şirāt al-Mustaqīm* shows that al-Raniri wrote this book to provide Muslims with guidelines for practising religious duties. The contents of the book start with basic issue of *fiqh*, the procedure of cleanness (*ṭahārah*) to gain the condition of purity. This issue, as can be found in almost all *fiqh* books, deals with the ways how the Muslims should perform several rituals to clean their bodies before prayer (*ṣalāt*). Three rituals of purification are elaborated: washing the body (*wuḍū'*) ablution (*gastl*), and the ritual that uses purified sand or dust (*tayammum*) when no clean water is available. From *ṭahārah*, the discussions continue with the main Islamic duties (*'ibādah*): prayer, almsgiving, fasting and pilgrimage. Besides the meaning and significance of these duties, the book also pays attention to the rituals that are performed in relation to the *'ibādah*. The book then discusses the issue of hunting (*perburuan*) and enumerates legal status of those the Muslims are allowed to have them (Ridla, 2012).

With *Şirāt al-Mustaqīm*, al-Raniri tried to establish the knowledge and practices of *fiqh* formulated on the basis of Shafi'i school of law. In the introductory pages, he states that he names the book *Şirāt al-Mustaqīm* and, with the blessing of Allah the Great, wishes it beneficial as was the case with the books of 'ulamā' that sourced his writing. He then mentions several famed *fiqh* works that have been recognized as the standard *kitab*s on the Shafi'i school: *Minhāj al-Ṭālibīn* by Muhyī al-Dīn Nawāwī (d. 676/1277-8), *Minhāj al-Ṭullāb* by Zakariya Yahyā al-Anṣārī (d. 926/1520), and *Tuhfat al-Muhtāj* by Shihāb al-Dīn Ahmad ibn Hajar Makī (Raniri, 1937). These books, especially the first two mentioned ones, circulated in *pesantren* in Java in the 19th century, and were acknowledged as one of the most authoritative sources of *fiqh* the 'ulamā' consulted to solve socio-religious affairs (Berg, 1887; Bruinessen, 1990). The same thing happens to indigenous peoples' acceptance of *fiqh* as a living norm (The Living Fiqh) in their lives (Wimra et al., 2023).

Another *fiqh* work of the same period is *Mir'at al-Ṭullab* by al-Sinkili ('Abd al-Ra'ūf bin 'Alī al-Jāwī al-Sinkilī, 1615-1693), a Malay 'ālim who also had an intellectual network with Meccan 'ulamā' (Azra, 2004). Completed in 1074/1663, this work, with its complete title *Mir'at al-Ṭullab fi Tashīl Ma'rifat al-Ahkām al-Shar'iyya li al-Malik al-Wahhab*, appears to be a special work dedicated to the kingdom of Aceh. It was written under the request of Aceh female ruler, Tajul 'Alam Syafiyat al-Din Shah (r. 1641-1675), whom is described as to have implemented God's rules in the *Jawi* land of Aceh (Sinkili, n.d.).

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Looking at the contents, the trade-related issues are the first to appear in *Mir'at al-Ṭullab*, such as the agreement to make a trade transaction (*ba'i*), the status of usury (*ribā'*), the rules of cooperation (*shirkah*), and other conceptual languages which come to be known nowadays as Islamic or *sharī'ah* economics. The discussions continue with the subjects of philanthropy, such as *hibah* (the granting ownership of a property to another) and *shadaqah* (voluntary charity). These two key concepts are discussed in relation to the strengthening of state management of Muslims socio-economic affairs, which seems to have constituted one of the main reasons behind the writing of *Mir'at al-Ṭullab*. Criminal law (*jināyah*) is another major issue of discussions, about which the text gives detail aspects of legal knowledge and procedures that should be followed by the kingdom's officers.

With the above facts, it is clear that Aceh kingdom in the seventeenth century served an important intellectual ground for the rise of two different *fiqh* books, purported and designed for different objectives, but they are complementary each other. However, looking at the specific context of the nineteenth century, only one gained supremacy in Islamic intellectual life, namely the *fiqh* ala al-Raniri in his *Şirāt al-Mustaqīm*, known as the *fiqh* of 'ubūdiyyah. In this respect, the textual tradition already mentioned above is taken as an explanation, which is evidenced in the rise of a celebrated *fiqh* work to discuss in the following section.

Sabīl al-Muhtadīn: the Power of Commentary

Sabīl al-Muhtadīn (*Sabīl al-Muhtadīn lī al-Taḥqīq fī Amr al-Dīn*, The Way of the Guided in the Learning of Religious Affairs) is the next *fiqh* work in Malay archipelago which appeared more than a century later after the two work mentioned. Muhammad Arshad al-Banjari (1707-1812), its author, began writing this *kitab* as he was requested in 1778 by the ruler of Banjar kingdom in Kalimantan, Sultan Tamidullah, who commissioned him to compose a book on *fiqh* based on the Shafī'i school of law, rendering it in the Jawi language of expression.

Al-Banjari dedicated his work to the ruler, praising him as the one with high spirit, and elegant in speaking and thinking, as well as having well performance in both religious and worldly affairs of the kingdom (Banjari, n.d.-a). In addition, al-Banjari's engagement in community life in his home town is possibly another factor that encouraged him to write the *fiqh* book. As is known, not long after he returned from Mecca in 1776, al-Banjari was granted by the ruler an area to build a community settlement, known until today as Pagar Dalam (Steenbrink, n.d.), in which he was elevated to being a leader who provided the Muslims with religious instructions.

Sabīl al-Muhtadīn is a commentary to *Şirāt al-Mustaqīm*, taking work as a basic text to expound and to close up the meaning of every point. *Şirāt al-Mustaqīm*, a widely-used *fiqh* book of the time, was not sufficient any longer (Banjari, n.d.-b). While praising it as the best *fiqh* book in Jawi language, in terms of its sound sources and explanation, was concerned however with the fact that some of its expressions were delivered in Aceh language (*mengandung ia atas Bahasa Aceh*), making it difficult to understand especially for those who had no knowledge of the language. In addition, some expressions are also misplaced by others and are therefore distorted, which most likely happened in the process of copying this book.

Sabīl al-Muhtadīn follows the similar discussions as *Şirāt al-Mustaqīm*. It starts with the issue of *ṭahārah* and the related rituals, and continues with Islamic main duties (prayer, alms giving, fasting, and pilgrimage). As well, it gives special discussions on certain rituals that are performed in relation to, or to accomplish the implementation of, the basic duties. Also, the last part is devoted to discussing the issue of hunting and of *halal*. The difference is the fact that *Sabīl al-Muhtadīn* has a more comprehensive elaboration on every point, making this book three times bigger than the *Şirāt al-Mustaqīm*. The edition printed in Patani, which is referred to here, has 253 pages and consists of two volumes.

With *Sabīl al-Muhtadīn*, al-Banjari strengthened the Islamic intellectual movement al-Raniri had already grounded in his *Şirāt al-Mustaqīm*, the establishment of Shafī'i school in Southeast Asia. Therefore, like al-Raniri, al-Banjari also made references to the well-regarded *fiqh* books of the school that widely circulated in the region and the Muslim world, such as *Sharḥ al-Manhāj* by Shaykh al-Islam Zakariya al-Ansārī (1423-1520), *Mughnī al-Khatīb* by Shirbinī (1570), and *al-Tuhfah* by Ibn Hajar al-Haitamī (ca. 1503-1565) (Banjari, n.d.-b). In this particular respect, the rise of *Sabīl al-Muhtadīn* had strong drive to the increasing voice of *Şirāt al-Mustaqīm* in the founding of Shafī'i *madhhab* and ultimately the supremacy of *fiqh* in the areas.

In line with the rising *sharī'ah*-oriented discourse in the 19th century, the *fiqh* book of al-Raniri gained well acceptance in the Islamic intellectual map of Malay-archipelago. *Şirāt al-Mustaqīm* was taken to be an authoritative source by al-Banjari of 18th century to write *Sabīl al-Muhtadīn*. This explains the fact that the recent edition of *Sabīl al-Muhtadīn* which was reprinted in Southeast Asia, takes *Şirāt al-Mustaqīm* inserted in the margin, showing that these two Jawi books of *fiqh* have close textual relations. As is known, al-Banjari finished writing *Sabīl al-Muhtadīn* on Sunday 27 Rabi' al-Akhir 1195 (22 April 1780/1), and was printed in

Mecca and then in Cairo by Muṣṭafā al-Bābī al-Halābī in Dhul al-Hijjah 1343 (1924/5) (Iskandar, 1995; Madmarn, 1999).

Unlike *Ṣirāt al-Mustaqīm*, al-Sinkili, *Mir'at al-Ṭullab*, had another intellectual picture. Having been directed to be a manual for legal practices in the kingdom of Aceh, its circulation became more limited to the political elites of the Archipelago, and hence was neglected amidst the rising trend of Islamic intellectual development which began emphasizing the primacy of *fiqh*. As well, this was related to fact that the contents of the book, as already explained, had hardly much to do with the issue of *'ubūdiyyah*, which constituted the main substance of *fiqh*. As a result, *Mir'at al-Ṭullab* was not used as an Islamic learning material. The work remains in the manuscript form and was not in circulation in both *surau* and *pesantren* (Bruinessen, 1990). *Mir'at al-Ṭullab* is only mentioned in nineteenth century Malay text of the Riau-Lingga kingdom, *Tuhfat al-Nafis* by Raja Ali Haji (d. 1873) (Haji, 1982), and perhaps was used in the learning centre in Penyengat, showing that this text existed within the political elites in the network among the kingdoms.

Being as such, *Sabīl al-Muhtadīn* emerged as a leading *fiqh* book at the dawn of modern Southeast Asia, by taking *Ṣirāt al-Mustaqīm* of al-Raniri in the 17th century as the basic text to expound. The two books became the leading sources of *kitab jawi* which greatly contributed to the growing *fiqh*-oriented Islam in the 19th century. In the Malay speaking areas in Southeast Asia, *Sabīl al-Muhtadīn* is quite popular and is taken as an important source for Islamic learning (Bruinessen, 1990). This trend of Islamic thought proceeded alongside the establishment of *pondok* as the learning institutions in the Malay world.

Pondok and the Institutionalization of Islam

In the field of socio-religious life, *pondok* has become part and parcel of the socio-religious of Malay, equal to *pesantren* in Java and *surau* in Minangkabau. Regardless of the time when *pondok* started to exist (Liow, 2009), this institution of learning was of great influence in the development of Islam in Malay areas in Southeast Asia in the 18th century. The story of Da'ud al-Fatani (Shaykh Dā'ūd 'Abd Allāh al-Faṭānī, 1769-1847), a leading Malay *'ālim* of Patani origin, is illustrative of the fact that *pondok* appeared already as an established institution of learning in a leading Islamic stronghold in the region. He is reported to have learned Islam with Shaykh Abd al-Rahman in Pondok Pauh Bok in Patani (H. W. M. S. Abdullah, 1999; Bradley, 2016; A. F. al-Fatani, 2009; Hooker, 1988).

The role of *pondok* strengthened as the Patani kingdom was under the siege of Siam, creating the condition favourable for the *pondok*-affiliated leaders, the *'ulamā'*, to emerge as the elites in the place of the declining power holders. One crucial point to highlight is the fact that *pondok* facilitated the *'ulamā'*, locally called *tok guru*, to institutionalise Islam to be integrated with Muslims life, more than the *'ulamā'* had done in the kingdoms, as *qādī* and *mufti*. Mostly located within the communities in the rural areas, *pondok* functioned as religious and civil institutions which Islamized local people. The *'ulamā'* of *pondok* were recognized as Muslim leaders who enjoyed high respect among the people. They were consulted on various issues beyond the religious domain.

Based on more recent development, the study of Joseph Liow demonstrates that *tok guru* of Patani *pondok* is regarded as not only knowledgeable, many of them had experiences of studying Islam in Mecca, but also pious person who performed religious duties; and this recognition exists among the students of *pondok* and the community of the village where the *pondok* is established (Liow, 2009). The same impression can also be gleaned from the work of Robert Winzeler on the *pondok* in Kelantan. His field research in 1966-67 demonstrates that the community of *pondok* "regarded themselves with varying degrees of explicitness as followers and students of the guru and were generally so regarded" (Winzeler, 1974). The leader of *pondok* or *guru pondok* had such a determinant position in the making of religious belief among the Muslims both within and outside the wall of *pondok*. Winzeler continues noting the learning institution of Kelantan as follows:

"The influence of a guru and the significance of the pondok does not stop with this immediate community. A frequent sight around pondok is procession of men and boys in white skull caps and scarves on foot or riding bicycles on their way to pray at a feast or conduct a burial. Similarly, the

advice of a guru in particular is sought about a variety of spiritual matters of concern to many Malays." (Winzeler, 1974).

Based on the above situation, the leader of *pondok* had strong authority beyond the religious sphere, and therefore were elevated to become influential leaders among the Muslims (Liow, 2009; Man, 1983). This condition can also be observed in Java. The rural setting of *pesantren* – the *pondok*-like institution in the island – led the *kiyai* (the leaders of *pesantren*) to become the respected social elites. Supported by their superiority of Islamic knowledge, their position as the heads of villages provided the '*ulamā*' with sources of authority to be involved in social and religious affairs of the villagers. In this respect, what Thomas Stanford Raffles, the Governor-General of the then Dutch East Indies, observed in the Javanese village confirmed such a condition. He stated that the '*ulamā*', besides being consulted "in all cases of marriage, divorce, and inheritance", were "bound also to remind the villagers of the proper season for the cultivation of the lands (Raffles, 1978). Such integration of '*ulamā*' with the Muslim community can also be gleaned from the work of John Crawfurd, a colonial administrator during the British interregnum in Java. He described them as being "a peaceful, contented, and respectable portion of the Javanese peasantry, living in terms of perfect equality of the ordinary cultivators (Crawfurd, 1820).

The same picture of '*ulama*' can also be found in Aceh. The '*ulamā*' of Aceh began to take aloof from the kingdom as it started to decline after the reign of Iskandar Tsani (1637-1641) and was under the female rulers. The '*ulamā*' were transformed into religious leaders in *pesantren*-like institution, *dayah* in remote areas. Dayah Tanoh Abay, for instance, was established near the mountain Seulawah, almost fifty kilometres from Banda Aceh (W. Abdullah & Fairusy, 1980). The same is true with Dayah Tiro. It was established in Pidie in the village of Tiro, by an '*alim*' with the name Shaykh Faqih Abdul Wahab al-Haitami, who came to be more popularly known as Teungku Chik Tiro (Hasjmi, 1975). The *dayah* provided the '*ulama*' with ample spaces to present an intimate formulation of Islam to the villagers. The '*ulama*' of *dayah* were believed as having spiritual power "to command a blessing or a curse, and to have the power of causing sickness or ensuring recovery. They know the formulas appointed of Allah for sundry purposes, and their manner of living is sufficiently devout to lend force to their spoken words" (C. S. Hurgronje, 1906).

Turning to the *pondok* of Patani, the Siamese attempt to subjugate the Patani kingdom enhanced the above process that caused the leaders and the community of *pondok* to engage in upholding what were believed as the main pillars of their identity as Malay-Muslims in the increasingly Siam-dominated Patani. In addition to the centre of Islamic learning, the *pondok* in Patani and Malay peninsula acted as the hub of Malay cultural and religious dynamics under the leadership of the '*ulamā*'. This can be explained by the fact that the *pondok*-based community in Patani had to encounter the impact of the Siamese policy which was hostile to the Malay culture and tradition.

As is known, in 1898 the kingdom of Siam began launching the policy of Education Proclamation, which was directed to modernize the education system as well as to make it more accessible to the general public (Wyatt, 1984). And, one very prominent issue of the policy was concerned with the integration of ethnic minorities into a coherent Siamese national identity, which was based on the Buddhist values. In so doing, the kingdom promulgated Thai language to be a formal language of the nation and was compulsory in the education system, which was formulated in association with a traditional monastic curriculum of the Buddhist Sangha (Scupin, 1989).

The issue of language became a major factor in the rise of uneasy relationship between Siam and Malay Muslims in Southern areas in the 19th and continued to the early 20th centuries. Instead of sharing the Thai national identity, the Muslims of Patani identified themselves as Malay (*orang Melayu*) with different language (*Jawi*) and culture. Nothing from Thai culture exist in Malay dominated areas of former territory of Patani kingdom. As a result, not only did the Malay Muslims of Patani persisted speaking *Jawi*, but they also had no access to and knowledge about the government bureaucracy and system of administration which was in Thai language (Aphornsuvan, 2006; Liow, 2009). Likewise, the usage of *Jawi* created the condition in which they gravitated to become part of *orang Melayu*, like those of Malaysian

states of Kelantan and Kedah, instead of associating themselves with Siam as the central government in Bangkok expected.

In this respect, what is crucial to note is that *pondok* served as an institutional basis for the maintenance of Malay language and culture of Patani Muslims; *pondok* became part and parcel of the ways the Muslims had to cope with the Siamese power and its primary agenda of conceptualizing national identity. As Liow asserts, the narrative of being pure Malay in the Thai-dominated state continued to be upheld among the Malay-Muslims of the southern areas, and even was transferred to the later generation (Liow, 2009). And the education of *pondok* was of special significance in this cultural preservation. In *pondok*, both learning instruction and social communication were in *Jawi*; also, it was in relation to the *pondok* that the intellectual activities of writing *Jawi* books nurtured.

As is studied, *pondok* in 19th century Patani and Peninsula had already learning materials that consisted of both Arabic and *kitab jawi* circulated in the learning circles in the Middle East and Southeast Asia. In reference to the list of books provided by Madmarn, the *pondok* of Patani used such leading books on *fiqh* as *Bulūgh al-murām min adillat al-ahkam* by al-Ḥāfiz ibn Aḥmād ibn ‘Ali ibn Ḥājar al-Asqalānī (773-852) and *Kitāb al-Iqnā fi hall alfāz Abi Shujā’* by Muḥammad al-Shirbīnī al-Khatib (d. 1570). While on *tafsīr* (Qur’anic commentary), the well-known *Tafsīr al-Jalālayn* by Jalāl al-Dīn Muḥammad ibn al-Maḥallī (1389-1459) and Jalāl al-Dīn ‘Abd al-Raḥmaān ibn Abī Bakr al-Suyūtī (1445-1505) is included. On Arabic language, several books are mentioned, *Matn al-ajurrūmiyah* by Abū ‘Abd Allah Muḥammad ibn Dā’ūd al-Sinhāji, known as Ibn al-Jurrūm (1273/4-1323), *al-Alfiyah li ibn Mālik* by Jamāl al-Dīn Muḥammad ibn Allah al-Mālik (1274), and *Kitāb Jawāhir al-Maknūn* by Shaykh Makhlūf al-Minyāwī (Madmarn, 1999).

In addition to the Arabic books, which were also used in the *pesantren* of Java in the 19th century (Berg, 1887), *pondok* of Patani also served as the centres for the studying the *kitab jawi* written by Patani ‘*ulamā’*. The works of Shaykh Da’ud al-Fatani were taken by his students in Mecca to be the learning materials in *pondok* they founded after returned to Patani and Malay Peninsula. Such well-known books on *fiqh* as *Īdāh al-Bāb*, *Ghayāt al-Taqrīb*, *Sullam al-Mubtadī*, as well as *Jam’ al-Fawā’id* and *al-Bahja al-Saniyya* on Sufism, were used in the *pondok* in Patani and in the Malay states of Kelantan and Terengganu (Bradley, 2016; Madmarn, 1999). The last two sites appeared as new homes of Patani diaspora following the fall of Patani kingdom under the Siamese power.

Much more importantly, the above condition led *pondok* to contribute to the growth of intellectual discourse that focused on the affairs of Muslims’ daily life. In the 19th century, this scholarship strengthened, to the extent that it exceeded the subjects of Sufism that had enjoyed popularity in the previous centuries. This can be seen in the prominence of *fiqh*-oriented issues of the *kitab jawi* written by Malay ‘*ulamā’* of the period, as will be discussed below. The ‘*ulamā’* of *pondok* strongly engaged in the efforts to build pious Muslim communities that practiced Islamic teachings in their life, in order to be able to maintain Malay-Islamic culture and values in the changing landscape of their traditional home of culture and worldview.

Producing the Knowledge: Da’ud al-Fatani and the Growth of *Kitab Jawi*

The above facts of both textual and institutional development appear to have grounded the foundation the growth of *fiqh* books in Southeast Asia in the 19th century, leading this discipline to constitute a chief subject of Islamic thought. The Malay ‘*ulamā’* appeared to engage much in the writing of *kitab jawi* on *fiqh*, which were in substance the same as the Arabic *kitab*s circulated in the centres of Islamic learning of *pondok* and *pesantren* in Java. In this part, the discussion will be directed to present a general survey on the *fiqh* books written by Malay ‘*ulamā’* of Patani origin, which constituted the leading authors of *kitab jawi* during the period of the 19th century. Special attention will be given to the works of the aforementioned Malay leading ‘*ālim* of Patani, Da’ud al-Fatani, who emerged as an eminent leader in the Islamic intellectual development in Southeast Asia of the period.

In this respect, *Furū’ al-Masā’il wa Uṣūl al-Waṣā’il* (The Branches of Problems and the Roots of Means) is the first *kitab jawi* to discuss. Da’ud al-Fatani completed writing this book in 1257/1841 in Mecca, and first printed in Cairo in 1859/1276 by Dār al-Kutub al-‘Arabiyya and then in Mecca (1885). Darul Ma’arif

in Pulau Penang printed this book based the edition of Cairo, which consists of two parts with 275 pages and 394 pages each. Since it first appeared, this book has received great appreciation. Snouck Hurgronje described it as “a great work on Law and Dogma”, which was widely used in the areas of today Indonesia (S. Hurgronje, 1931). This appreciation is also evidenced by the fact that there existed huge number of copies of this work in manuscript form, in addition to the printed versions which are still in circulation in In Patani and Malay peninsula. As such, *Furū' al-Masā'il* is considered as a major work of Da'ud al-Fatani in the field of *fiqh* (Bradley, 2016; Hooker, 1988; Madmarn, 1999).

Presumably driven by the trend of religious-intellectual interest existed in the 19th century, Da'ud al-Fatani in the introductory pages of this book provides us with the narrative of spirit to produce Islamic knowledge relevant with the public discourse. After praising Allah and His Messenger, he wrote that both his heart and thought guided him to take up questions and answers like pearls and jewels, some precious branches regarding the law of *sharī'ah*, from the two great Arabic books, namely *Fatāwā' Shams al-Millah wa al-Dīn* (The Legal Opinions of the Sun of the Religious Community and of the Religion) by Shaykh Muhammad al-Ramlī, and *Kashf al-Lithām 'an As'ilat al-Anām* (The Lifter of the Veil from the Questions of all Beings) by Ḥusayn ibn Muḥammad al-Maḥallī (D. al-Fatani, n.d.-a).

As such, *Furū' al-Masā'il* was largely translated from the two works mentioned by the two leading scholars of Shafī'i school of law. Although the works are not mentioned in the list of *kitab*s of both *pondok* and *pesantren*, the substances of their contents are similar to the public knowledge on *fiqh* that circulated in both the communities of learning institutions and the mass people. In reference to the mentioned Arabic books, Da'ud al-Fatani formulated the religious problems to which the answers are needed by the believers of both the educated (*muta'alimīn*) and the common people (*'awām*) (D. al-Fatani, n.d.-a). *Furū' al-Masā'il* was dedicated to provide the especially Malay Muslims of Southeast Asia with religious guidance concerning what were regarded essential in Islam, on which the Islamic teachings are to be implemented in the believers' everyday life.

Based on the reading of *Furū' al-Masā'il*, each of the two volumes discusses different subject of *fiqh*. The first volume deals mainly with the prescriptions of worship (*'ubūdiyyah*); after short explanation on the basic foundation of religion (*uṣūl al-dīn*), the book delves into the elaboration of the main pillars of Islam, starting from the rituals of cleansing the body (*taharah*) and continues with those of prayer (*sembahyang*), alms-giving (*zakaat*), fasting (*puasa*), and pilgrimage (*hajī*). The final chapter is concerned with the legal issue of hunting (*berburu*) and slaughtering (*sembelih*). The second volume focus the discussions on the *fiqh* of social-economic affairs (*mu'āmalah*), which is detailed into several subjects: buying and selling (*jual-beli*), cooperation (*sirkah*), economic transactions, trading (*ijarah*), endowment (*wakaf*), marriage (*nikah*), inheritance (*waris*), and crime (*jinayah*). All those mentioned are the subjects Da'ud al-Fatani purposely took up from the two Arabic sources, which are compiled (*dihimpunkan*) in the work under this discussion (D. al-Fatani, n.d.-a).

The next *kitab jawi* of Da'ud al-Fatani is *Bugyat al-Ṭullāb li Murīd Ma'rifat al-Ahkām bi al-Ṣawāb* (The Goals of the Seekers in the Knowledge of Laws and Truth). In term of size, 480 pages in two volumes, this book can be included in the list of the most extensive works of Da'ud al-Fatani on *fiqh*, next to *Furū' al-Masā'il*. The discussions focus on the main subjects of *'ubūdiyyah*, the five pillars of Islam, which are discussed in great detail, and none of the *mu'āmalah* issue is touched upon. Most likely for this reason that in the margin of *Bugyat al-Ṭullāb* that was printed in Pulau Penang, which is referred to here, another *fiqh* book of Da'ud al-Fatani on social-economic subjects is inserted in the margin, as will be discussed below.

One central point to stress here is that *Bugyat al-Ṭullāb*, like *Furū' al-Masā'il*, was directed to the advancement of Shafī'i school of law in Southeast Asia, following the spirit of in this respect, *Bugyat al-Ṭullāb* is the same as *Furū' al-Masā'il*, in that both contributed to the advancement of Islamic intellectual ideas based on Shafī'i school of law in Southeast Asia. *Bugyat al-Ṭullāb* was written with the same footsteps of *Ṣirāt al-Mustaqīm* and *Sabīl al-Muhtadīn*. Therefore, references to the well-known *fiqh* books of the schools were made. In the introductory pages of *Bugyat al-Ṭullāb*, Da'ud al-Fatani notes that he (described himself as being poor and weak and not having sufficient comprehension and knowledge) compiles religious

teachings, some of which are derived from the *fiqh* books like *Minhaj* (*Minhāj al-Ṭālibīn* by Nawāwī [d. 676/1277-8]) with its commentaries, *Tuhfat al-Muhtaj* by Ahmad bin Hajar (d. 973/1565-6), *Nihāyat al-Muhtaj* by Sham al-Ramli (d. 1004/1595-6) and *Mughni al-Muhtaj* by Khatib Sharbinī (d. 977/1569-70). Daud al-Fatani also mentions *Fath al-Wahhab* and *Tahrir* (*Tahrir tanqih li al-lubāb fi fiqh al-Imām al-Shafī'i*) by Zakariya Anṣārī. Those are the chief sources of this *kitab* (D. A.- Fatani, 1980).

As briefly mentioned above, another *fiqh* book of Da'ud al-Fatani is inserted in the Penang edition of *Bugyat al-Ṭullāb*, that is *Nahj al-Rāghibīn wa Sabīl al-Muhtadīn* (Direction for the Inquirers and the Path for the Guided). Completed in the year 1226/1810, this book was written on the request of Jawi friends who repeatedly asked Da'ud al-Fatani to compose a work in Malay concerning the subjects which were needed by the Muslims of the time, the rules and guidelines of economic transactions. And, based on the well-known *fiqh* books of Shafī'i school of law, Da'ud al-Fatani presents this book to especially the Muslim of Patani with the expectation that it would be beneficial for himself in the Last Day (D. al- Fatani, n.d.-c).

Looking at the contents, *Nahj al-Rāghibīn* seems to widen the subject of *Bugyat al-Ṭullāb*. *Nahj al-Rāghibīn* is to provide the Muslims with regulations concerning the issues of *mu'amalah*, financial transaction and the economic affairs in general. The book begins the discussions with the rules of selling and buying and everything related to the subject, giving emphasis to the implementation of *fiqh*-based rules in order to make the economics develop in the right ways according to the Islamic principles. As such, the book strongly urges the Muslim avoid the un-Islamic practices of transaction, notably *ribā'* (usury) (D. al- Fatani, n.d.-c).

The book also discusses the economic practices that had long existed among the people, namely pawning, cooperation (*shirkah*) and illegally-forced seizure of property (*gaṣb*). As is assumed, the book sets forth the *fiqh*-based manuals on these practices, which are to be taken as guidelines for the Muslims as they deal with such cases (D. al- Fatani, n.d.-c). Other issues the book pays attention to are the revitalisation of the abandoned property (*ihyā' al-mawāt*) (D. al- Fatani, n.d.-c), the endowment (*waqf*), donation (*hibah*), and taking care of the abandoned people, as well as the status and the distribution of *ganīmah* (booty) (D. al- Fatani, n.d.-c).

In addition to the "encyclopaedic" *kitabs* on *fiqh*, Da'ud al-Fatani also paid attention to the specific rituals of *ṣalāt*, one of the main pillars of Islam. He wrote few works on this subject, the most well-known of which is *Munyat al-Muṣallī* (The Desire of the One who do Prayer). As its title suggests, the book explains how to perform ritual (*ṣalāt*) based on the Qur'an and Hadith, as well as the sayings of the '*ulamā'*'. Da'ud al-Fatani wrote this book as a manual for Malay Muslims concerning the proper words and gesture of prayer, beginning with *takbīrat al-ihrām* (raising two hands up to the shoulders while saying *Allāhu akbar*) and ending with the sitting for the last part of prayer, called *tahiyah* and *salam*. This thirty-seven-page book was completed in Mecca 1226/1242.

Few years before the completion date of *Munyat al-Muṣallī*, Da'ud al-Fatani in 1227/1812 had already finished writing a book special on *takbīrat al-ihrām*, entitled *Bulūg al-Marām pada Bicara Kayfīyyat Muqāranāt Takbīrat al-Ihrām* (Reaching the Goals Concerning the Manners of Comparison of *Takbīrat al-Ihrām*), and another one entitled *Kitab Sebanyang Jum'at* (Book of Friday Prayer, which was completed 1232/1817). Designed as manuals for prayer, these two books were written in simple language and short, in order to be easily digested by the Muslims who do not understand Arabic. Another his work on *ṣalāt* is *al-Bahja al-Mardiyyah fi 'Udhr Takhalluf al-Ma'mūm 'an al-Imām* (The Satisfactory Joy in the Imam's Excuse of the Delay of the Congregant), completed in 1843/1259. This five-page treatise was written as an addendum to *Munyat al-Muṣallī*, and therefore was inserted in the margin of the last mentioned work that was printed among others by Dar al-Ma'arif, Pulau Penang (Bradley, 2016; Hooker, 1988).

In addition, Shaykh Da'ud al-Fatani also wrote some works on certain issues of *fiqh*, the first of which is *Idāh al-Bāb li Murīd al-Nikāh bī al-Ṣawāb* (The Clarifying Chapter for the One who Desires to Know the Right Way of Marriage) on marriage. This work, also called *Bab al-Nikāh*, is a small handbook (60 pages) that deals with the issues of marriage, such as the rule of marriage, dowry and divorce (D. al- Fatani, n.d.-b). This book was completed in Mecca in 1809/1224, and first printed in Cairo by Dār al-Ihyā' al-Kutub al-

'Arabiyyah, which was then reprinted in Pulau Penang by Dar al-Ma'arif. Like other *fiqh* books, the writing of this *Bab al-Nikāh* referred to the well-regarded *fiqh* books of Shafi'i school of law, notably *Minhāj al-Ṭālibīn* (by Muhyī al-Dīn al-Nawāwī), *Fath al-Wahhāb* (by Shaykh Zakariya al-Ansari), *al-Nihāyah* (by Shihab al-Dīn Muhammad al-Ramlī), and *al-'Uddah wa al-Silāh* (by Muhammad ibn Ahmad) (D. al-Fatani, n.d.-b; Hooker, 1988; Madmarn, 1999).

The second one is on inheritance, entitled *Gāyat al-Taqrīb fī al-Irth wa al-Ta'sib* (The Goal of Approximation in Inheritance and Genealogy). It is a short treatise, with 24 pages, which discusses the rules of inheritance (*farā'id*), one of the central issues in Muslims affairs. As is assumed, this book is directed to provide the Muslims with Islamic guidance to handle the disputed subjects out of distribution of property, which is potential to become a source of social casualties. This small book was completed in 1226/1811 and, like *Idāh al-Bāb*, printed in Cairo by Dār al-Iḥyā' al-Kutub al-'Arabiyyah and then reprinted by Dar al-Ma'arif in Pulau Penang (Bradley, 2016; Hooker, 1988). In Patani-Malay Muslims, the issue the book addresses is of crucial importance, leading a Patani 'ālim of more recent generation, Imam Haji A. Umar bin Haji A. Nok, to rewrite this work of Da'ud al-Fatani with an additional explanation, *Ka'idah bagi Gāyat al-Taqrīb* (1954-5). As its title suggests, this book is to guide the implementation of the laws of the division of inheritance (Hooker, 1988).

The next work is *al-Ṣayd wa al-Zabā'ih* (Hunting and the Antelope), which addresses the *halal* issue in relation to the slaughtering of animals. In fact, this subject had already been discussed in the Jawi books of previous century. The aforementioned *Ṣirāt al-Mustaqīm* by al-Raniri in the 17th century took the subjects of hunting and slaughtering as one of its discussions, placing it in specific chapter on "*Kitab Hukum Perburuan dan Menyembelih Dia*" (The Book of the Laws of Hunting and [Animals] Slaughtering". Together with the chapter on "*Kitab Hukum Segala yang Halal Memakan Dia*" (The Book of the Law of Halal [Food] to Consume), al-Raniri began Islamizing the practices that had long been existed within the society (Raniri, 1937). Da'ud al-Fatani with his undated work *al-Ṣayd wa al-Zabā'ih* can be assumed as to have revitalized the issue al-Raniri had already addressed. He urged the Muslims take the *halal* principles to be the foundation of food consuming, including the animals they have from hunting; the animals should be slaughtered according to the Islamic teaching.

Still among the works of Da'ud al-Fatani, there appear some books which take the issues of *fiqh* as part of general introduction to Islam. This can be gleaned from *Sullam al-Mubtadi' fī Ma'rifat Ṭariqat al-Muhtadī* (The Ladder of the Beginners in the Understanding of the Path of the Guided), which was completed in 1252/1836. Looking at the contents, this book is aimed at providing the readers with a general view on Islam. And Da'ud al-Fatani in the introductory pages of this *kitāb* notes that *Sullam al-Mubtadī* is a small treatise (with 51 pages) but with a plenty of benefits and advantages which is sufficient for ordinary Muslims (D. al-Fatani, 1936; M. N. al-Fatani, n.d.). As such, in addition the subjects of *ibādah*, *Sullam al-Mubtadi'* also discusses the subjects of Islamic belief ('*aqidah*) and of economic transaction (selling and buying). Also included in the discussions are the subjects of Islamic criminal law (*jināyah*), punishment for crime against God (*hudūd*), and *jihād* (striving and struggling in the path of Islam).

Another work with similar feature is *al-Jawāhir al-Saniyya* (The Shining Gem). This book was written in 1252/1836 and was purported, somehow like *Sullam al-Mubtadi'*, to be an introduction to the Islamic knowledge, of which *fiqh* constitutes one leading subject, besides doctrine ('*aqidah* and *uṣūl al-dīn*) and Sufism. The book discusses the *fiqh* of ritual prayer, fasting, alms-giving, and pilgrimage, next to those of theology. Also like other works of Da'ud al-Fatani, *al-Jawāhir al-Saniyya* was written in reference to the major *fiqh* books of Shafi'i school of law, notably the aforementioned *Minhaj al-Ṭālibīn* by al-Nawāwī and its commentaries, augmenting the development of the law school in Malay-archipelago and Southeast Asia at large (Bradley, 2016; Hooker, 1988).

Reproducing the Knowledge: *Kitab Jawi* on *Fiqh* after Da'ud al-Fatani

Alongside his elevation of being the leader of Malay '*ulamā'*, the works of Da'ud al-Fatani appear to have inspired the especially Patani scholars to follow his path in Islamic scholarship. As will be shown, some names are recorded to have written important works on *fiqh*—certainly beside other subjects of

Islamic knowledge (Burhanudin, 2022a) – which contributed to the rise of Patani scholars as the leading authors of *kitab jawi* of the 19th century.

In this respect, Zayn al-'Abidin bin Muhammad al-Fatani (popularly known as Tuan Minal, 1820-1910) is the first 'ālim to mention. He was a leading exponent of Patani 'ulamā' after Da'ud al-Fatani who contributed to the advance of *kitab jawi* in the late 19th century. And, in line with the Islamic public discourse of the time, *fiqh* became his major concern, as is attested by his important work on the subject, *Kashf al-Lithām 'an As'ilat al-Anām* (The Unveiling Inquiry concerning the Questions on Humankind). Completed in 1883 and first printed in Cairo in 1890 and reprinted in 1925, and then in Singapore by Sulayman Mari Press, this two volume book is one of the most comprehensive works on *fiqh* in the early modern Southeast Asia.

The subjects the book discusses are various, ranging from cleansing procedures (*tahārah*) to the rule of inheritance (*kitāb al-farā'id*) and then criminal law (*jināyah*). Like *Furū' al-Masā'il* of Da'ud al-Fatani, as already discussed, the first volume of *Kashf al-Lithām* (407 pages of Cairo edition) is to discuss the *fiqh* of 'ubūdiyyah. The second volume (486 pages) examines such socio-political issues as inheritance, marriage, distribution of booty, political rebellion, crime affecting life (*qiṣās*), and the judge (*qāḍī*); all those mentioned are categorized as the *fiqh* subjects of *mu'amalah* and *siyāsah* (social and political affairs). Perhaps in order to strengthen the discussions on the *fiqh* of 'ubūdiyyah, which gained supremacy in the Islamic discourse of the period, the publisher of Cairo edition, and then of Singapore, inserted another *fiqh* book *Wishāh al-Afrāh wa Iṣbāh al-Falāh* (The Sash of Joy and the Light of Victory) by another Patani 'ālim Muhammad bin Ismail Da'ud al-Fatani into the margins.

As such, Zayn al-'Abidin in the introduction to his *Kashf al-Lithām* wrote that this work was written based on the request of his friends (*setengah daripada sahabatku*), for whom he provided explanations regarding some *fiqh* subjects which were nothing more valuable than in the easily comprehended expression of Malay language. Therefore, he expected this book to be the guidance for most of the Muslims and the venue for learning on *fiqh*. For this reason, Zayn al-'Abidin assured the readers that the discussions of *Kashf al-Lithām* had strong basis on the authoritative sources of Shafī'i school, mentioning *Manhaj al-Tullab* by Zakariyyā' al-Anṣārī (d. 926/1520), *al-Furū'* by Husayn bin Muḥammad al-Mahallī, and *Fath al-Mu'in* by Zayn al-Dīn al-Malībārī (d. 1975/1567) (Z. al-'Abidin bin M. al-Fatani, 1925).

In regards *Wishāh al-Afrāh*, the book which is inserted in *Kashf al-Lithām*, it should be noted that Muhammad Isma'il, the author, wrote this small work to explain the pillars of Islam and of the faith, with strong emphasis given to the subject of prayer (*sembahyang*). The book was directed, so Muhammad Isma'il wrote, "to be a warning for those who abandon the practice of ritual prayer", and therefore all aspects of the prayer are discussed in detail, including the rituals of purity before the prayer, as well as the benefits of doing prayer here in this world and in the Hereafter (M. bin I. D. al-Fatani, 1925). The author completed writing this 64 pages small book in 1312/1895, and was printed in Cairo by Dār Ihyā al-Kutub al-'Arabīyah, and then Pulau Penang y Darul Ma'arif, but without date (Hooker, 1988; Madmarn, 1999).

The next *kitab jawi* of Muhammad Isma'il is *al-Bahr al-Wāfi wa al-Nahr al-Ṣāfi* (The Fulfilling Ocean and the Pure River). Corrected by his son (Muhammad Nur), this *kitab* provides the readers with detail explanations on *fiqh* issues, giving examples of illustration relevant with the Malay Muslims in Southeast Asia, in order to make it easy to be digested (A. F. al-Fatani, 2009). Another work that belongs to this 'ālim is *Maṭla' al-Badrayn wa Majma' al-Baḥrayn* (The Rising Place of Two Full Moons and the Joining of the Two Seas). This famous book explains the pillars of Islam and faith (*iman*), the science of the Unity of God ('*ilm al-tawḥīd*'), and the science of jurisprudence ('*ilm al-fiqh*'). Muhammad Isma'il introduced his book by stating that he added to the discussions some essential things from the *fiqh* chapters, next to those of '*ilm al-tawḥīd*', with the expectations that both of the Islamic knowledge are bore in our minds; he compiled several subjects of *fiqh* from many authoritative books, and translated them into Malay language (M. I. D. A.-Fatani, n.d.).

To be added to this *fiqh*-oriented discourse are the works of another leading Malay 'ālim of Patani origin at the turn of the twentieth century, Ahmad bin Muhammad Zayn al-Fatani (popularly known as

Ahmad Patani, 1856-1906). *Bahjat al-Mubtadīn wa Farḥāt al-Mujtadīn* (The Joy of the Beginners and the Pleasure of Those who Seek Answers) is one of his works on the subject, despite its contents also include the subject of doctrine. As the title suggests, this small pamphlet was directed for the beginners, as was affirmed by the author as he stated that it is an introduction, like a snack or the first delicious fruits they enjoy before having dinner (A. bin M. Z. al-Fatani, n.d.).

Another book of Ahmad al-Fatani is *al-Fatāwa al-Faṭāniyah* (The Religious Opinions of Patani). Looking at the issues, *al-Fatāwa* deals with the actual and somehow debated subjects in mainly Malay regions of Southeast Asia. And Shaykh Ahmad responded each of 160 questions from the *fatwa* seekers, which are concerned with various aspects of socio-religious affairs in Muslims life. Of all the questions, and the answers, the majority deal with the *fiqh* issues: rituals of prayer, alms giving, inheritance, marriage and divorce, and economic transaction. Some questions refer to the issues of theology (the questions on the attributes of God) and the relation among Muslims and with non-Muslims. The last point especially refers to the experience of Muslims of Cambodia (A. bin M. Z. al-Fatani, 1957; Rahimmula, 1992).

The last Patani scholar to mention is Muhammad Nur bin Muhammad Ismail al-Fatani (1873-1944). He engaged in the trend of *fiqh*-oriented discourse of Patani 'ulamā', along with his careers as a respected 'ālim which led him to be appointed as a judge (*qāḍī*) in the High Court (al-Mahkamah al-Kubra) of Mecca (A. F. al-Fatani, 2009). His engagement is attested by the fact that wrote *Kifāyat al-Muhtadī*, as a commentary to the mentioned work of Da'ud al-Fatani, *Sullam al-Mubtadī*, which was regarded as having been too short and yielded problems amidst its strong significance to those who begin studying Islam. He wrote that the book is named *Kifāyat al-muhtadī pada menerangkan cahaya Sullam al-Mubtadī* with the reason "to accomplish the advantage attributed to the *Sullam* of Shaykh Da'ud". It was completed its writing in Medina in 9 Rabī' al-Thānī 1351 (12 August 1932) (M. N. al-Fatani, n.d.).

Conclusion

The growth of *kitab jawi* on *fiqh*, along with the learning institutions of *pondok*, constituted an important hallmark in the history of Islamic intellectual development in 19th century Southeast Asia. They marked the rise of knowledge which was oriented to Muslims socio-religious life, primarily in the field of worship (*'ibādah*), taking the Shafī'i school of law as a systematic formulation to determine the *'ubūdiyyah* practices. In this respect, *kitab jawi* greatly contributed to the trend of knowledge formation, both in the learning activities in *pondok* and the Islamic public discourse. The knowledge of *fiqh* appeared to have gained supremacy in the 'ulamā's scholarly attention relevant with Muslims socio-religious interest. As such, the term *fiqh*-oriented Islam, which is noted in the beginning of this article, has strong basis in the Islamic configuration in the 19th century. And, this knowledge provided Muslims of Southeast Asia with cultural capital to engage in, and to deal with, the changing condition of modernity in their past, now, and the future.

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Conflict of Interest

This article does not contain any conflicts of interest or biases that are detrimental to humanity.

References

Abdullah, A. (2000). *Kajian Ilmu Kalam di IAIN: Menyongsong Perguliran Paradigma Keilmuan*

- Keislaman Pada Era Milenium Ketiga. *Al-Jami'ah Journal of Islamic Studies*, 65(VI), 84–88.
- Abdullah, H. W. M. S. (1999). *Syeikh Daud bin Abdullah Al-Fathani: Ulama dan Pengarang Terulung Asia Tenggara*. Hizbi.
- Abdullah, W., & Fairusy, M. D. al-. (1980). *Katalog Manuskrip Perpustakaan Pesantren Tanoh Abèe Aceh Besar*. Pusat Dokumentasi dan Informasi Aceh.
- Abdullah, W. M. S. (1991). *Khazanah Karya Pusaka Asia Tenggara Vol. 2*. Khazanah Fathaniyah.
- Ahmad, S. (2000). Aplikasi Konsep Ulama Dan Intelektual: Suatu Penilaian Kritis. *Jurnal Usuluddin*, 11, 19–28.
- Aphornsuvan, T. (2006). *Nation-State and the Muslim Identity in the Southern Unrest and Violence*, in *Understanding Conflict and Approaching Peace in Southern Thailand* (I. Yusuf & L. P. Schmidt (eds.)). Konrad-Adenauer Stiftung.
- Asad, T. (2009). The Idea of an Anthropology of Islam. *Qui Parle*, 17(2), 20–21. <https://doi.org/https://doi.org/10.5250/quiparle.17.2.1>
- Awang, C. O. (1996). *The Methodology Of Teaching In Islam: With Special Reference To The Traditional Educational Method In Malaysia*. University of Edinburgh.
- Azra, A. (2004). *The Origin of Islamic Reformism in Southeast Asia: Network of Malay-Indonesian 'Ulamā in the Seventeenth and Eighteenth Centuries*. Allen and Unwin and University of Hawai'i Press.
- Banjari, M. A. al-. (n.d.-a). *Sabīl al-Muhtadīn li al-Tafaqquh fi Amr al-Dīn*. Matba'ah bin Halābī.
- Banjari, M. A. al-. (n.d.-b). *Sabīl al-Muhtadīn li al-Tafaqquh fi Amr al-Dīn*. Matba'ah bin Halābī.
- Berg, L. W. C. van den. (1887). *Het Mohammedsche Goddiens Onderwijs on Java En Madoera En Daarbij Gebruikte Arabische Boeken*. Bataviaasch genootschap van kunsten en wetenschappen.
- Bradley, F. R. (2016). *Forging Islamic Power and Place: The Legacy of Shaykh Dā'ūd 'Abd Allāh al-Faṭānī in Mecca and Southeast Asia*. University of Hawaii Press.
- Bruinessen, M. (1990). *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(2), 247–248. <https://doi.org/https://doi.org/10.1163/22134379-90003218>
- Burhanudin, J. (2022a). The Popularizing of Sunni Doctrines in Southeast Asia: Sifat Dua puluh in Malay Kitab Jawi of the 19th Century. *Ulumuna Journal of Islamic Studies*, 26(2), 269–195.
- Burhanudin, J. (2022b). Two Islamic Writing Traditions in Southeast Asia: Kitab Jawi and Kitab Kuning with Reference to the Works of Da'ud al-Fatani Dan Nawawi al-Bantani. *Al-Jami'ah: Journal of Islamic Studies*, 60(1), 1–28. <https://doi.org/https://doi.org/10.14421/ajis.2022.601.1-28>
- Crawford, J. (1820). *History of the Indian Archipelago: containing an account of the manners, arts, language, religions, institutions, and commerce of its inhabitants, vol. 2*. Constable and Hurst, Robinson and Co.
- Daudy, A. (1978). *Syeikh Nuruddin ar-Raniriy: Sejarah, Karya dan Sanggahan terhadap Wujudiyah di Aceh*. Bulan Bintang.
- Elias, A. bin. (2007). *Raniri's Širāt al-Mustaqīm An Annotated Transliteration of the Text Together with a Preliminary Analysis and Its Significance to the History of the Islamization of the Malay World*. Kuala Lumpur.
- Fatani, A. bin M. Z. al-. (n.d.). *Bahjat al-Muhtadīn wa Farhāt al-Mujtadīn*. Dar al-Ma'arif.
- Fatani, A. bin M. Z. al-. (1957). *al-Fatāwa al-Faṭānīyah*. Matba'ah Fataniyah.
- Fatani, A. F. al-. (2009). *Ulama Besar dari Patani*. Majelis Uagama Islam dan Adat Istiadat Melayu.
- Fatani, D. A.-. (1980). *Bugyat al-Ṭullāb li Murīd Ma'rīfat al-Ahkām bi al-Šawāb* (1st ed.). Muhammad al-Nahdi.
- Fatani, D. al-. (n.d.-a). *Furū' al-Masā'il wa Uṣūl al-Waṣā'il*. Dar al-Ma'arif.
- Fatani, D. al-. (n.d.-b). *Idāh al-Bāb li Murīd al-Nikāh bi al-Šawāb*. Dar al-Ma'arif.
- Fatani, D. al-. (n.d.-c). *Nahj al-Rāghibīn wa Sabīl al-Muhtadīn*. Muhammad al-Nahdi.
- Fatani, D. al-. (1936). *Sullam al-muhtadī fi ma'rīfat tariqat al-muhtadī*. Muṣṭafā al-Bābī al-Halabī.
- Fatani, M. bin I. D. al-. (1925). *Wishāh al-Afrāh wa Iṣbāh al-Falāh, inserted in the margin of Kashf al-Lithām*. Dār Ihyā al-Kutūb al-'Arabiyya.

- Fatani, M. I. D. A.-. (n.d.). *Maṭla' al-Badrayn wa Majma' al-Bahrayn*. Dar al-Ma'arif.
- Fatani, M. N. al-. (n.d.). *Kifāyat al-Muhtadī pada Menerangkan Cahaya Sullam al-Mubtadī*. Matba'at Muhammad al-Nahdi.
- Fatani, Z. al-'Abidin bin M. al-. (1925). *Kashf al-Lithām 'an As'ilat al-Anām*. Dār Iḥyā al-Kutūb al-'Arabiyya.
- Gelvin, L., & James, N. G. (2014). *Global Muslims in the Age of Steam and Print*. University of California Press.
- Haji, R. A. (1982). *Tuhfat al-Nafis* (V. Matheson (ed.)). Fajar Bakti.
- Hamid, I. (1985). *Malay Civilization and Islam*. Penerbit Fajar Bakti Sdn. Bhd.
- Hasjmi, A. (1975). Pendidikan Islam di Aceh dalam Perjalanan Sejarah. *Sinar Darussalam*, 63, 9–10.
- Hooker, V. M. and M. B. (1988). Jawi literature in Patani: The maintenance of an Islamic Tradition. *Journal of Malayan Branch of the Royal Asiatic Society*, 61(1), 20–21.
- Hurgronje, C. S. (1906). *The Achehnese*, vol. 2. Brill.
- Hurgronje, S. (1931). *Mekka in the Latter Part of Then 19th Century*. Brill.
- Iskandar, T. (1995). *Kesusasteraan Klasik Melayu Sepanjang Abad*. Universiti Brunei Darussalam.
- Kooria, M. (2022). *Islamic Law in Circulation: Shāfi'i Texts across the Indian Ocean and the Mediterranean*, *Cambridge Studies in Islamic Civilization*. Cambridge University Press.
- Liow, J. C. (2009). *Islam, Education and Reform in Southern Thailand*. ISEAS.
- Madmarn, H. (1999). *The Pondok & Madrasah in Patani* (1st ed.). Penerbit Universiti Kebangsaan Malaysia.
- Man, W. K. C. (1983). *Muslim Elites and Politics in Southern Thailand*. Universiti Sains Malaysia.
- Mujani, S. (2014). Mu'tazilah and the Modernization of the Indonesian Muslim Community: Intellectual Portrait of Harun Nasution. *Studia Islamika*, 1(1), 105. <https://doi.org/https://doi.org/10.15408/sdi.v1i1.868>
- Nasrun, M. (2012). Fikih Melayu Alam Melayu Era Pra Kolonial. *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 12(1), 99–111.
- Ngah, M. N. bin. (1983). *Kitab Jawi: Islamic Thought of the Malay Muslim Scholars, Research Notes and Discussions Paper* (33rd ed.). Institute of Southeast Asian Studies.
- Nor, W. M. (1997). Budaya Ilmu Sebagai Asas Pembangunan Tamadun. *Jurnal Pendidikan Islam*, 3(1), 51–67.
- Othman, M. R. (1988). *The Middle Eastern Influence On The Development Of Religious And Political*.
- Raffles, T. S. (1978). *The History of Java*, vol. 2. Oxford University Press.
- Rahim, R. A. A. (1994). Hubungan Antara Ulama Dan Pemerintah Di Dalam Sejarah Tamadun Umat Islam. *Jurnal Pengajian Melayu*, 4.
- Rahimmula, P. (1992). *The Patani Fatāwā: A Case study of the Kitāb al-Fatāwā al-Fatāniyyah*. University of Canterbury at Kent.
- Raniri, N. al D. M. J. al. (1937). *al-Ṣirāt al-Mustaqīm fi fiqh madhhab al-Shāfi'i*. Matba'at Mustafā al-Babī al-Halabī.
- Ridla, M. R. (2012). Sosiologi Hukum Islam (Analisis terhadap Pemikiran M. Atho' Mudhzhah). *Al-Ihkam*, 7(2), 298.
- Scupin, R. (1989). *Education and Development for Muslims in Thailand*", in *Aspects of Development: Islamic Education in Thailand and Malaysia* (R. Scupin (ed.)). Universiti Kebangsaan Malaysia.
- Sinkili, A. Al. (n.d.). *Mir'at al-Tullab fi Tashil Ma'rifat al-Ahkām al-Shar'iyya li al-Malik al-Wahhab*. Cod. Or. 5873 B.
- Steenbrink, K. A. (n.d.). *Beberapa Aspek tentang Islam di Indonesia Abad ke-19*. Bulan Bintang.
- Wimra, Z., Huda, Y., Bunaiya, M., & Hakimi, A. R. (2023). The Living Fiqh: Anatomy, Philosophical Formulation, and Scope of Study. *JURIS (Jurnal Ilmiah Syariah)*, 22(1), 185. <https://doi.org/10.31958/juris.v22i1.9491>
- Winzeler, R. L. (1974). *The Social Organization of Islam in Kelantan*", in *Kelantan: Religion, Society and Politics in a Malay State* (W. R. Roff (ed.)). Oxford University Press.
- Wyatt, D. K. (1984). *Thailand: A Short History*. Yale University Press.
- Zakaria, I. (2012). Islam and Its Philosophy in Malay Culture. *Jurnal Hadhari Special Edition*, 92.