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| RESEARCH ARTICLE

## Nahdlatul Ulama's *Fox Elite Fox Dei* in Contemporary Indonesia: An Aborted Baby of Deliberative Democracy?

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| ABSTRACT

As a major mass Islamic organization, Nahdlatul Ulama (NU) has been influential both in culture and politics in Indonesia. In consonance with the decline of democratic politics across the globe, NU internal organization experiences the practice of deliberative democracy with elite deliberation or fox elite fox Dei as its procedure of electing its top leader/Spiritual Leader or Rais Am. Two practices were done at the two NU National Congresses (Muktamar) in 1984 and 2015. This procedure is called Ahlul Hall Wal Aqd (AHWA), as one of the legacies of Muslim civilization. The paper makes an account of this elite deliberation to explore how effective the practice was in developing better practices of democracy. The research is qualitative, along with the perspective of the theory of deliberative democracy. It is our result that the practice of fox elite fox Dei has not been satisfactory in terms of some defects in implementing the rule of the game. NU's culture of deliberation under the methods of halaqah and Bah-tsul Masaail has been promising, but NU's elites have not been prepared to harvest it to improve the application of the AHWA procedure.

| KEYWORDS

Deliberative Democracy, Culture of Deliberation, Muktamar NU, AHWA.

| ARTICLE INFORMATION

**ACCEPTED:** 28 November 2022

**PUBLISHED:** 01 December 2022

**DOI:** 10.32996/ijcrs.2022.2.2.5

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### 1. Introduction

Though only twice AHWA was applied during Nahdlatul Ulama or NU's very long tenure (1926-2015), the application in 1984 during Suharto's presidency and in 2015 has meant really something. This seemingly half-hearted application reflects the stance of "moderate Muslims" groups, including NU, that is critical of treating the past legacy (known by scholars in Islamic studies as *Turaats*) of Muslim civilization. Being a Muslim group that promotes—as Azra calls it—"accommodationists" and tolerant Islam as cultural features of Muslims in South East Asia (Azra in Darajat, 2017, p.80), NU seems to be reluctant to benefit from this past history of AHWA.

This study looks into the phenomenon with the assumption that—borrowing the perspective of the critical theory in social science—there is a Center region of the Muslim world in the Arab peninsula and Peripheral regions like Asia or South East Asia. In contrast to the original notion that Capitalism has created dependence, integrating the rich in the Center and the poor in the periphery, in the Muslim world, there emerges dislocation on the parts of the Peripherals whereby the Center has been less attentive to integrating the Periphery. Therefore, within NU's huge society and the dynamics of so many clerics, NU develops a sense of self-confidence in responding to its own challenges. How has NU treated AHWA, given its road to adopting modernity and making Islam more culture-context? How did NU turn to AHWA in its internal contestation to elect NU's top leader or Rais Am in 1984 and 2015; to what extent is AHWA gaining the pave way to institutionalization? This paper accounts for these issues

## 2. Literature Review

As theorizing develops, Mansbridge (Curato et al., 2020) contends that “communication is deliberative in cases in which it is characterized by mutuality between speakers, generates reflection among them and is oriented towards matters of common concern” (Curato et al. 2020, p.5). Mansbridge’s concept is what Habermas calls public discourse; it requires the presence of communicative rationality: you may possess good reason, but without sharing and arguing with your counterparts, the reasoning is less fruitful. Here, the point is “the many is smarter than the few” —a point that is “a revival of the old Aristotelian argument that many heads are better than one” (Landemore, 2012). One of the twelve (12) empirical research findings on deliberative democracy is that this mode of democracy involves multi faced communication. Deliberative democrats account for it as “the varied articulations of reason-giving and consensus requirements of deliberation” (Curato et al. 2017, p. 30)

Instead of more voting centric democracies currently in danger, deliberative, talking-centric democracy is gaining greater attention from many scholars of political science. Deliberative democracy has the notion of representing the voice of people that requires deliberation amongst larger segments of society—deliberate before the vote. While normative theorists assume that Deliberative Democratic Theory is the culture-context of Europe, the practice of consensus conference or Democracy’s Dharma in modern Taiwan (Madsen, 2007) should be treated as acceptable culture-context deliberative democracy. The emphasis of the theory is on a larger portion of people engaged in deliberation; yet, in the circumstances as in the domain of the state, elite deliberation should also be accepted—as an earlier paragraph points out. It is through this elite deliberation that AHWA could be considered.

Elite vis-a-vis the mass in Nahdlatul Ulama (NU) society is not exclusive. The widespread of kyai across a large number of *Pesantren* presents regional and elites in the locality; elites exist across large segments of the communities. NU’s structure of organization resembles the hierarchy of authority—in terms of administration and organizational rules of the game. But they do not necessarily represent the level of competence and authority in Islamic sciences. It is the elites of Islamic sciences living in dispersed regions—and in policy choices and orientation, they perform the voice of elites representing the communities—they are performing *fox elite fox Dei*.

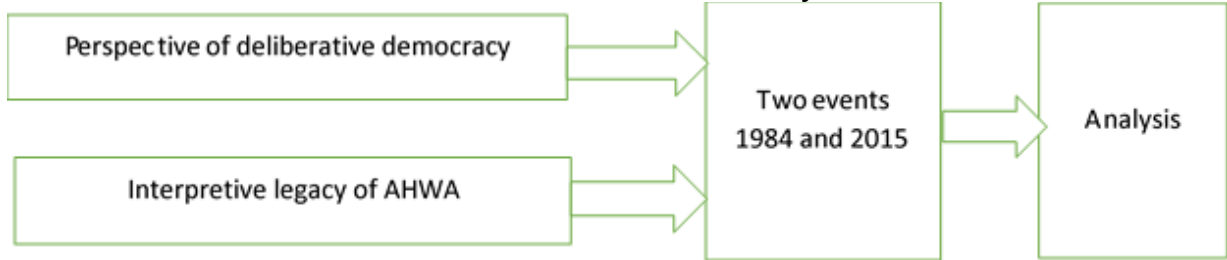
*Ahlul Hall Wal Aqd* (AHWA) is basically a credible figure to conduct a *syura* (deliberation). According to Bennet (2014), AHWA literally means “those who loose and bind (people of authority and influence)”; the few elites who are responsible for deliberating on strategic issues and coming to a collective decision—a mode of democratic processes which, in contemporary democratic theory, is called deliberative democracy. So many scholars in Islamic studies often claim that *syura* (deliberation) is basically not a democracy—a claim that seems misleading. A similar claim also takes place in contemporary political thoughts of prominent thinkers like al-Mawdudi, Rasyid Ridha, and Salafi-based Syeikh Albani: AHWA is claimed to be the only modality to appoint a Caliph within Khilafah Islamic political system. Such an approach assumes that AHWA is generative of the theory of an Islamic state (Gunther & Kaden, 2016). It is our approach that AHWA can be instrumental to any ideas of political ideals, not exclusively inherently part of the Khilafah system. In Nusantara, this instrumental value of *syura* or deliberation gained evidence in the history of Walisongo, who performed AHWA functions to appoint Kings of the Islamic Kingdom across Nusantara (Zamharir et al., 2020). In other words, AHWA to many segments of Muslim society is not linked inherently within the theory of Khilafah. Long before such a political thought, AHWA was a procedure of deliberation among the elites and is an institutionalized format of the *syura*—the mandate of the Quran, requesting the CEO of the government to conduct a meeting and consult with credible figures. Deliberative democracy and AHWA are treated with the same value in this paper.

For two big Muslim organizations in Indonesia, NU and Muhammadiyah, the AHWA procedure has not been mandatory—*syura* is mandatory as prescribed in the Quran; however, the AHWA procedure is optional. AHWA is one of the legacies—that is accepted half-heartedly by “Modernist” Muslims such as Muhammadiyah and “Traditionalist” Muslims such as NU in Indonesia. Such a sense of reluctance may be the logical consequence of adopting modern political theories without sufficient knowledge about deliberative democracy. Evidence is indicated that in Indonesia, there are interpretations that have downgraded al-Nawawi’s criteria for qualification of AHWA, especially when AHWA and the institution of people’s representatives in Indonesia—*Dewan Perwakilan Rakyat* (DPR) and *Majlis Permusyawaratan Rakyat* or MPR—are carelessly equalized (Bay, 2011).

## 3. Methodology

The study is qualitative research, employing meta-analysis: results from previous studies—findings and conclusions—are analyzed again within the theoretical perspective that is used in the study. The legacy of AHWA is reconstructed using the tool of perspective of political science—deliberative democracy. Data are collected from e-journals mainly accessed on Google Scholars, consisting of the two events of Nahdlatul Ulama’s national congress in 1984 and 2015, respectively. The conceptual basis of AHWA is traced through the past legacy of the early Muslim society during the life of the Prophet Muhammad and Salafy generation. The approach to the study is historical, following the historical approach to the study of political thought for the sociological dimensions; and normative from the doctrinal dimensions. The epistemological umbrella is constructivism. The chart below describes the method.

**Chart 01: Method of The Study**



#### 4. Results and Discussion

##### 4.1 Structural Organization of Nahdlatul Ulama

Basically, NU's national policy is processed both by the NU National congress or Mukhtar and MUNAS Alim Ulama. NU's structure of organization consists of organizational structure from the top at the national level, PBNU (as the executive body or Tanfidziah, accompanied by its consultative body or Syuriah), and its down line apparatus from PWNU at the regional level and local. The line of authority is top-down. A large number of pesantren across Indonesia are not part of the organization. In terms of the mechanism of key decisions and policy-making at the national level, another forum is available, along with NU National Congress or Mukhtar—this forum is MUNAS Alim Ulama (deliberation at national level among experts in Islamic sciences). Products coming from MUNAS Alim Ulama can further proceed to be some of the agenda of Mukhtar. It can be said that an NU Mukhtar is solely held by PBNU.

In the two events of the NU National Congress in 1984 and 2015, however, there is another *ad hoc* forum or procedure that is most prestigious for a few ulama to deliberate on electing the top leader of NU, *Rais Am*. And that is the AHWA forum or procedure. As an *ad hoc* forum, AHWA exists on a temporary basis; AHWA has not been part of regular NU administration and leadership. Apart from the above mechanisms, both formal and informal forums for deliberation have also been organized; these discursive forums are *halaqah* and *bah-tsul masaail* (BM).

##### 4.2 The Culture of Deliberation: Halaqah, Bah-tsul Masaail (BM), and Collective Ijtihad

Deliberation amongst segments and elites of NU seems to be deeply rooted in three (3) social institutions—*halaqah*, *bah-tsul masaail*, and collective *ijtihad*. First, the capacity to deliberate amongst the segments of Muslim society may be best to be traced to the educational system of the early Muslim period—*halaqah* and Khan (Inn) Mosques) have further been developed in Muslim society into socio-political life. "... *tradisi halaqah merupakan ciri utama sistem pembelajaran dan jaringan keilmuan yang dipertahankan disepertaran Masjid Al-Haram Mekkah dan Masjid Al Nabawi Madinah Al-Munawarah*" (Azra in Fadli, 2016, p. 294). Khan (Inn) Mosques) were the expansion of *halaqah*, whereby "food court" and corollary facilities were provided outside mosques. Let us bring this description to a broader perspective to make things clear: the setting of *halaqah* in Britain, Malaysia, and Indonesia. In Britain, a stigma has been made as if *halaqah* were a project of Islamic education "established by members of an 'extremist' Muslim group, Hizbut Tahrir, in order to inculcate children into 'extremist' ideology" (Ahmad, 2012, 726); following Ahmad's observation; *halaqah* can be defined as circle-technique of learning where a teacher and students sit on the floor; the institution began in the life of the Prophet Muhammad (Ahmed, 2014). In modern Malaysia, *halaqah* and *pondok* or Khan (Inn) mosque are not described separately. Potential deliberation was made available when there were times or certain situations where "Students were urged to study and discuss it, highlights with each other in order to have better orientation for advanced instructions in given areas" (Ma'arof et al., 2015, p.71). The reference of Ma'roef et al. in exploring Malaysian *pondok* is Nakosten's work, *History of Islamic Origins of Western Education A.D. 800 - 1350*, published in 1964 by the University of Colorado Press.

In Indonesian history, *halaqah* is generative of Redfield's notion of great tradition (Redfield in Fadli, 2016) and Azra's theory of a network of ulama across the Nusantara Archipelago. *Halaqah* is a forum for the teaching-learning process whereby a patron is at the centre in a circle with the clients (*Santri*) sitting around him (Fadli, 2016). In Lombok's case, the network of *halaqah* among Tuan Guru has instituted a bigger format of *halaqah*. Among the notable patrons of Tuan Guru is a prominent Guru who organized a higher level of *halaqah* whereby the clients are ulama. The Tuan Guru's name is Syaikh Abdul Karim; the huge *halaqah* is claimed to have attracted so many ulama across Nusantara, including those coming from the Lombok region" (Fadli, 2016).

The second social institution mushrooming amongst NU society and has created a culture of deliberation is *bah-tsul masaail* (BM), literary means of discussing problematic issues. BM is not a mere method of studying through discourse; BM is—in the eye of Adib and A'dlom (2018) a distinct school of studying Islamic Jurisprudence. Zuhro (in Nasih, 2009) made a historical development of BM from 1926 to 1999. The most institutionalized BM in NU society is the establishment of *Taswir al Afkar* in 1929 in Surabaya, initiated by KH Abdul Wahab Chasbullah—in which the focus of deliberation is on socio-political issues (Nasih 2009, 112). From

the first NU Congress to the 30<sup>th</sup> Congress, there were 39 times BM sessions, consisting of Syariah national conferences, BM at MUNAS Ulama NU, BM at a meeting of the NU party (Khadapi & Kholid, 2017, p. 6)

Deliberation within BM Forum has also taken place focusing on sustainable development—whose results are popularly called a green fatwa. Out of eight (8) areas of ecological threat, two may be worth mentioning; first prohibition (*haram*) of illegal fishing. This fatwa was based on Islamic Law, Referring to eight sources—all are in the Arabic language. The second fatwa is to allow the sinking of illegal fishing vessels; the discourse and discussion referred to about 15 references books on Fiqih—again, all are in the Arabic Language. The deliberation on ecology by Ulama of NU was first held in Mukhtar NU in Cipayung, Tasikmalaya, in 1994 and the halaqah by PBNU in 2007, respectively (Mufid, 2020).

The practice of discourse also takes place among NU intellectuals under NU's civil society: LKiS (*Lembaga Kajian Islam dan Sosial*) in Yogyakarta, el-SAD (*Lembaga Studi Agama dan Demokrasi* in Surabaya, Lakpesdam (*Lembaga Kajian dan Pengembangan Sumberdaya Manusia*). At the societal level, the practice of BM at various segments of NU communities; has been practiced in several pesantren-s, BM by regional NU organization, and are done in some other circumstances. In short, BM provides ample room for deliberation. Therefore, it is reasonable that Marom (2012) has come to the conclusion that NU internally has been closely associated with deliberative democracy.

The third forum is NU's Collective Ijtihad. While this becomes more institutionalized in NU, the dynamic of the role of kyai includes their socio-political sphere—which internally makes up some forms of factionalism amongst elite "groups" (Jati, 2012, pp. 96-97). Collective *Ijtihad* is perceived by Hosen as the norm justified by the saying of the prophet Muhammad: when asked by Ali what to do when Qur'an or Hadist do not provide the basis for a solution, "*The prophet replied, (you should) have meetings with scholars—or in another version—and consult with them. Do not make a decision on 'single opinion' basis*". (Hosen, 2004, p. 7). On the basis of the above saying, BM in NU becomes a distinct school of issuing fatwa; Syafi'i (2018) calls it *Madhazab Manhaji/Jama'iy*—production of a fatwa is no longer made by individual religious scholars (Mujtahid, i.e. persons with authority to do ijtihad), but rather by a group of ulama on a collective basis or *ijtihad Jama'iy*. And the method is through deliberation prior to the final formulation of a fatwa.

Elite deliberation in NU experience involves ulama at the local levels as well as regional and national. One most successful efforts are drafting "*Kembali ke Khittah 1926*" (Going Back to NU's 1926 Religio-philosophical Ground), a move to stay away from power politics. The success was likely a result of deliberation that was led by Abdurahman Wahid, touring Indonesia, deliberating with a large number of elite ulama. The committee, known as Majelis Twenty-Four or Majelis Dua Puluh Empat, responsible for preparing the draft, had 24 "Young NU" team members like Mustofa Bisri, Sahal Mahfudh, Mahbub Junaidi, Zamroni, and Umar Basalim (Pranoto, 2013, p. 72). Bringing back to the origin of the 1926 NU vision, this mass Islamic organization with thousands of clerics is determined to perform what NGOs generally do, with the spirit and promotion of making NU a GERSOSAG or Gerakan Sosial Keagamaan or the social movement with religion as its basis (Nurhasyim & Ridwan in Pranoto, 2013, p.73). Still, varieties of perception of "*Kembali ke Khittah 1926*" prevail: Quoting Feillard, Marom (2012) recalls Gus Dur's perception that it does not mean leaving (power) politics totally, but it is a means of NU's strategy to obtain better bargaining position (Marom, 2012, p.16). In short, for the NU political party, No; being a political force, Yes

#### **4.3 Mukhtar Nahdatul Ulama in 1984 and 2015**

From the list of consecutive events of the NU Congress from 1926 to 1956, it is observed that it should be remarkable thing that KH Hasyim Asy'ari kept on being elected Rais Akbar (Pranoto, 2013, pp.131-136). It was the long tenure of leadership, i.e. sixteenth times of the Congress. This should mean something: as far as the very idea of "the loose and blind" of AHWA, this should mean that KH Hasyim Asy'ari had been the most authoritative and influential elite. In 1956, the post of ketua umum (general chairman of PBNU), the early times of heated rivalry for being the chairman of NU, at the expense of the decline of the influence of ulama (Syuriah)—who should be otherwise more powerful. KH Idham Khalid was appointed Ketua Umum or General Chairman through his power politics, whose post in government was Deputy Prime Minister in the Parliamentary Cabinet. His post was held along with his Spiritual Leader KH Hasjim Asy'ari at Consultative Council or Syuriah (Pranoto, 2013, p.138). After the death of KH Hasyim Asy'ari, there emerged several elites who shared more or less the same level of being authoritative and influential; the "big boss" was gone, and new bosses were there, in contestation—in the absence of exploring and developing AHWA "doctrine".

The first adoption of the AHWA procedure was in Situbondo Congress in December 1984. It is indicated that the adoption of the AHWA procedure—in the context of the decay of NU politics as Suharto had a firm grip on power implementing Guided Democracy—was chosen more on political consideration, not on the democratic ideal. The emerging force of NU non-political groups ("progressive group") exerted efforts to win over the status quo in the PBNU ("conservative") that was allegedly influenced politically by the regime in power. As Bruinessen noted, among the opposing faction were KH M Dachlan, Imron Rosjadi, Kiai Bisri Syamsuri, and Kiai Ahmad Siddiq (Bruinessen, 1994, pp. 72-72). Bruinessen also noted that there were serious discussions and

heated debates over the choice of AHWA, and it was finally accepted. One fundamental output of this first adoption was NU's path to go back to 1926 Khittah.

After several years of absence, the second adoption of the AHWA procedure in the 2015 NU National Congress brought with it a number of feedback. The 2015 NU National Congress was described by the mass media as most shocking given the heated debate over the new rule of the game (AHWA) urged and drafted by the central office of NU, along with a walk-out and cries of two notable ulama to cool down congress-men. Or, as quoted by Saat, Greg Fealy describes this heated atmosphere the Congress shows "administrative disorder, heated verbal and sometimes physical between delegates, swirling rumors of political interference and manipulation".

*"First, the Congress was to elect the organization's General Chairman (Ketua Umum) as well as its Spiritual Guide (Rais Am). NU's incumbent Chairman, Said Agil Siradj, was being challenged by equally strong members of the religious elite: Kyai Salahuddin Wahid...; Kyai Muhammad Idrus Ramli; Muhammad Adnan; and Kyai As'ad Said Ali" (Saat, 2015, p.3).*

The following is the chart describing the mechanics and context of the AHWA procedure in the NU National Congress 1984 and 2015, respectively.

**Chart 02: Characteristics of AHWA by the Two Congresses**

<b>Characteristics</b>	<b>AHWA 1984</b>	<b>AHWA 2015</b>
Socio-political	Suharto's grip on potential opposing forces	Under Joko Widodo's presidency
Figure	KH Idham Khalid as Ketua Umum PBNU, with his faction supporting the regime, superior influence over ulama (Syuriah). Method: representative, one-man-one-vote. a. Majority of the ulama are not happy with the decline of ulama position. b. MUNAS ulama agree that AHWA be applied	
Procedure	a. Drafting AHWA; bringing Syuriah back to its superior authority; deliberation. b. Application: elected one-plus-six prominent ulama as AHWA. Method: congress-men make an oral consensus. c. Deliberation at AHWA Session: electing Rais Am and Ketua Umum PBNU	d. Drafting AHWA (by PBNU), with intense consultation with prominent ulama; bringing Syuriah back to its superior authority e. Application: 1. Congress-men argue whether or not the AHWA mechanism is applied. 2. Agreed: Stage 01: representative democracy with nominees are voiced by representatives. Stage 02: Fox Elite. Elected nine (9) prominent ulama as AHWA out of the number of prospective members (sort listed). 3. AHWA Session: electing Rais Am. 4. Method of election of Ketua Umum PBNU: votes by representatives
New Figures	KH As'ad SA as Rais Am KH Mahfud Siddiq, Ketua Umum PBNU	KH Ma'ruf Amin KH Said Agil Siradj, Ketua Umum PBNU
Elected/appointed Ketua Umum PBNU	The general chairman is elected on oral consensus	One-man one vote; representatives of branches & regions
Post-1984 Congress (1984—2015)	In NU National Congress of the 28 <sup>th</sup> , 29 <sup>th</sup> , 30 <sup>th</sup> , 31 <sup>st</sup> , 32 <sup>nd</sup> The procedure for electing Rais Am is voting	Immediate feedback after the 2015 Congress: several "factions" express the feeling of disappointment

Excerpt /developed from Ubaidillah, 2018, pp.130-153

From the secondary data presented above, it becomes obvious that (1) there is a strong indication that after the first "experiment" of applying the AHWA procedure, the elite ulama of NU had not been eager to further improve the way AHWA is to be employed: four times of consecutive congresses after 1984 National Congress, AHWA was made absent; (2) the fact that dissatisfactions with crucial results of 2015 Congress were expressed by several parties—including prominent ulama—it is very likely that once again,

AHWA has not been applied with sufficient satisfaction. In social science, this issue falls under the problem of the institutionalization of AHWA. Such a situation should be a consequence of treating AHWA as a mere ad hoc forum. Compared to what Ubaidillah calls AHWA as an institution during the life of the best Caliphs in the past glory of the Muslim world, the application by NU was not an institution. In fact, improvement of the procedure was made in the 2015 National Congress; however, no further efforts were made afterwards—again, AHWA was made extinct because of its *ad hoc* forum. Such a decline of concern is very likely in sharp contrast with the use of terms and concepts indicating a strong determination to adopt AHWA—*shohibul maqam, munadh-dhim, muhaarik, qiyadah diniyah* (Ubaidillah, 2018, pp.159-160), that were on the air in public discourse during the preparation phase. Such a seriousness turned out to eventually diminish upon completion of the 2015 congress.

From the discourse on the AHWA procedure by NU ulama before the 1984 congress and 2015 congress, the mainstream view is that the AHWA procedure is a typical legacy of the Muslim world and is not one modality of democracy. NU ulama's consent to apply it is not sufficiently backed-up by scientific studies on this legacy of the Muslim world. As a result, NU seems to be half-hearted in adopting it. It seems ridiculous that on one side strong voice was expressed to adopt this past legacy or Turaats, but on the other side, hardly any development or institutionalization of AHWA has been done. This indicates that NU is at a cross road: with insufficient knowledge about deliberative democratic theory, NU seems unable to bring Spiritual Leader back onto the stage, whereby NU remains under the shadow of power politics. News on political interference was in Indonesian mass media on the days of the 2015 congress. Several papers also made an account of this. Here is an example of a paper article, "Intervensi Partai Politik dalam Sukses Kepemimpinan Mukhtar NU Ke-33 di Jombang Tahun 2015" or "Political Party's Intervention in the Succession of Leader at the NU Congress in Jombang in 2015" (Syafi'i et al., 2019).

## 5. Conclusion

After the death of KH Hasyim Asy'ari, the most authoritative and influential, there emerged several elites who shared more or less secondary level of being authoritative and influential; the "big boss" is gone, and new bosses had been in contestation—in the absence of exploring and developing AHWA "doctrine".

Given the historical evidence of highly politicized elites amongst NU leaders, it becomes obvious that AHWA, as deliberative democracy, has been problematic. The two implementations in 1984 and 2015 reflect this problem of determination. The second explanation seems to be NU's lack of exploring this legacy—quite probably as an implication of NU's stance to finding their own "paradigm" whereby the past legacy of AHWA has—to a greater extent—been neglected. It is indicative that in the NU organization, the elites—having high respect for leadership clerics—so far have possessed good "practitioners" in politics or are better literate politically, such that AHWA can be "played" for power, at the expense of marginalizing less politicized ulama. The "political" interest is kept paramount in the contestation employing AHWA. After the winning of bringing back to Khittah 1926, this faction (being "progressive" in the vision and missions) desires to keep the ideals going. So those efforts are exerted to remain in power. The two experiences are then like mothers giving a baby birth, but an aborted baby of exercising deliberative democracy. Should the superior status of a Spiritual Leader be back, whose main role is controlling Tanfidiyah, it seems a big challenge that in the future, NU is to think about re-inventing this past Tuurats by benefiting an interdisciplinary approach to developing it. Whenever there is no strong determination to start a new life, one may not be able to expect Bangkit Ulama or Awakening Ulama in a real sense.

**Funding:** This research was funded by Universitas Nasional.

**Conflicts of Interest:** The authors declare no conflict of interest.

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**Publisher's Note:** All claims expressed in this article are solely those of the authors and do not necessarily represent those of their affiliated organizations, or those of the publisher, the editors and the reviewers.

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