

LIVING FIQH AS SOCIAL DYNAMICS: A STUDY OF THE ACTUALIZATION OF FIQH OF CIVILIZATION IN PONDOK PESANTREN DARUL ULUM, BANDUNG, TULUNGAGUNG

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ABSTRACT

This study aims to examine the actualization of living fiqh of civilization in the dynamics of social religion in the Pondok Pesantren Darul Ulum Bandung, Tulungagung. This study departs from the awareness of the importance of transforming fiqh from normative discourse into adaptive and contextual social praxis, especially in the midst of increasingly complex social changes. Through a qualitative approach and case study method, this study explores in depth the values, practice patterns, and strategies for implementing fiqh of civilization in pesantren as a response to contemporary challenges. The results of the study show that Darul Ulum Islamic Boarding School practices fiqh that is not only based on text, but also considers social reality with the maqashid shari'ah approach. The developed fiqh is moderate, inclusive, and solutive to various community problems, such as issues of social justice, health, environment, and cultural pluralism. Pesantren play a strategic role as value producers and agents of social transformation that make fiqh a dynamic guide to life. The implementation of living fiqh in this pesantren can be seen in the integration of a curriculum that is responsive to contemporary issues, the involvement of santri in

community empowerment activities, and collective awareness of the importance of building an Islamic civilization that is rahmatan lil 'alamin. Thus, this research confirms that the living fiqh of civilization developed by Darul Ulum Islamic Boarding School is not only a renewal of Islamic thought, but also a concrete form of fiqh that lives in society and contributes significantly to equitable and sustainable social development.

Keywords: *Civilization Fikih, Living Fikih, Social Dynamics.*

Introduction

In the era of globalization and modernization that continues to grow, the concept of living fiqh is getting more attention as an approach that allows Islamic law to adapt to social change. In the midst of increasingly complex developments, the concept of living fiqh is increasingly relevant in the social dynamics of Islamic society. Living fiqh is not just normative law, but an adaptive approach, which continues to develop according to the needs and social challenges faced by Muslims. In the Indonesian context, Islamic boarding schools play a strategic role as Islamic educational institutions that not only educate in the religious realm, but also in social and cultural aspects. Islamic boarding schools become a center for the development of living fiqh, a place where the values of Islamic law are implemented and actualized in a form that is responsive to the reality of society.¹

¹ Zelfeni Wimra, Yasrul Huda, Mahlil Bunaiya, & Abdul Rahim Hakimi, "The Living Fiqh: Anatomy, Philosophical Formulation, and Scope of Study," *Juris: Jurnal Ilmu Syari'ah* 22, no. 1 (2023).

Living fiqh in Indonesian pesantren is a response to social developments that cannot be ignored by Muslims. As an adaptive form of Islamic law, living fiqh includes a reassessment and interpretation of the law that allows for adjustments in the social, cultural, and economic realms. In the context of pesantren, living fiqh becomes an integral part of education that shapes santri to be able to play a role in real life as agents of social change. In its implementation, living fiqh in pesantren does not only teach Islamic law normatively, but also contextually. This means that the Islamic values taught are adjusted to the social conditions of the community around the pesantren, so that fiqh can provide solutions to the problems faced. This approach allows santri to understand how fiqh does not only talk about worship and religious rituals, but also about social justice, economics, and interfaith tolerance.²

The social dynamics faced by Muslims today include challenges such as globalization, modernization, social justice issues, and technological developments that demand flexibility in the application of Islamic teachings. Through living fiqh, Islamic law can be actualized so that it can answer contemporary problems without losing the essence of its values. Indonesia, with its rich culture and pluralistic society,³ needs a more flexible and inclusive approach to Islamic law.⁴ This is where the pesantren plays an important role as an Islamic-based education and social transformation institution. Pesantren become the center for the development of living fiqh, where Islamic law is not only studied

² Moh. Asror Yusuf & Ahmad Taufiq, "The Dynamic Views of Kiai's in Response to the Government Regulations for the Development of Pesantren," *QIIS: Qudus International Journal of Islamic Studies* 8, no. 1 (2020): 1–22.

³ Yudian Wahyudi, *Ushul Fiqih versus Hermeneutika: Membaca Islam Dari Kanada Dan Amerika* (Yogyakarta: Pesantren Nawesea Press, 2007).

⁴ Rasyid Arbanur, "Social Fiqh and Its Implications for Community Life in Society 5.0," *Al-Ahkam: Jurnal Pemikiran Hukum Islam* 31, no. 2 (2021): 145.

theoretically, but also practiced and adapted to local needs.⁵ With living fikih, pesantren educate santri to understand that Islamic law can bridge between religious values and the reality of everyday life. This approach makes fiqh a foundation for life that is able to respond to various social problems, ranging from economic aspects, culture, to social justice issues.⁶

In Indonesia, pesantren have an important role in developing fiqh that is not only normative, but also contextual and responsive to the dynamics of society. Pondok Pesantren Darul Ulum in Bandung, Tulungagung, is one of the pesantren that actively actualizes the concept of fiqh of civilization, where fiqh is used as a living and relevant guideline to face contemporary challenges. Through this approach, Pondok Pesantren Darul Ulum seeks to make fiqh a moral and legal foundation that not only regulates personal life, but also shapes patterns of social, economic, and cultural interactions of the community.⁷

The concept of fiqh of civilization or fiqh integrated with socio-cultural development emerged as one of Islam's responses to the challenges of modernity and the complexity of today's society. Unlike the more normative traditional fiqh, the fiqh of civilization puts forward an adaptive and contextual approach, where Islamic teachings are not only implemented in the personal realm, but also in broader social, economic, political and cultural relations. Through the fiqh of civilization, Islamic law is interpreted as an instrument to

⁵ Dwi Runjani Juwita, "Fiqh Dalam Tradisi Pesantren," *El-Wasathiya: Jurnal Studi Agama* 2, no. 1 (2014).

⁶ Muhammad Ngizzul Muttaqin & Iffatin Nur, "Fiqh Jalan Tengah (Mempertemukan Maqashid Syari'ah, Hukum, Dan Realitas Sosial)," *Zawiyah: Jurnal Pemikiran Islam* 5, no. 2 (2019), <https://doi.org/10.31332/zjpi.v5i2.1509>.

⁷ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

form a harmonious and just society, in accordance with the principle of *rahmatan lil 'alamin* or bringing mercy to all nature.⁸

This article will discuss in depth how the actualization of living fiqh in Darul Ulum Islamic Boarding School becomes a representation of the social dynamics that are always developing in Indonesia. By highlighting the practice and implementation of fiqh of civilization in this pesantren, it is hoped that it can illustrate how the concept of living fiqh functions as an important instrument in shaping social harmony, as well as how pesantren play a role as a driver of social transformation based on inclusive and adaptive Islamic values.⁹

This research uses a qualitative approach to examine the actualization of civilization fiqh at Darul Ulum Islamic Boarding School, Bandung, Tulungagung. Data collection methods were conducted through participatory observation, in-depth interviews, and document analysis.¹⁰ Participatory observation was conducted to understand the daily interactions of santri and pesantren caregivers in implementing the fiqh of civilization in the pesantren environment and society. In-depth interviews were conducted with pesantren caregivers, teachers, and santri to explore their understanding of the concept of living fiqh and how it is applied in educational and social activities. In addition, document analysis was used to evaluate the curriculum, educational programs, as well as reports on social activities carried out by the pesantren.¹¹ The data

⁸ See Asmawi, "Murunah Ijtihad Jam'iyyah Nahdah Al-Ulama: Min Fiqh Al-Hadarah Ila Din Al-Ishrin," *Journal of Indonesian Islam* 17, no. 1 (2023).

⁹ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

¹⁰ M.Q. Patton, *Qualitative Evaluation Methods* (London: Sage Publication, 2003).

¹¹ E. W. Eisner, *The Enlightened Eye: Qualitative Inquiry and the Enhance-ment of Educational Practice* (New York: Macmillan, 1998).

obtained were thematically analyzed to identify patterns and contributions of the actualization of the fiqh of civilization in creating social dynamics in pesantren and the surrounding community. Through this approach, the research aims to provide a comprehensive picture of the role of the fiqh of civilization in building a better and civilized society.

Living Fikih as a Demand of Contemporary Society

Living fiqh refers to a dynamic and contextual concept of Islamic law, where fiqh teachings are not only understood as static norms, but as guidelines for life that can adapt to the times and the needs of society. This concept emphasizes the importance of flexible interpretation of Islamic law, so that it can be implemented in various aspects of daily life. Living fiqh invites Muslims to understand fiqh as an ongoing process, in line with the social, cultural and technological changes that occur in contemporary society.¹² Contemporary society is characterized by complexity and rapid dynamics. Challenges such as globalization, pluralism, technological advancement, and changing social values affect the way of life and mindset of humanity. In this context, society faces diverse problems, ranging from social conflicts, justice issues, to moral and ethical challenges. Therefore, a legal approach is needed that is able to provide real solutions to these problems, without compromising the basic values of Islamic teachings.¹³

¹² Rüdiger Lohlker, "Fiqh Reconsidered: Indigenization and Universalization of Islamic Law in Indonesia," *Interdisciplinary Journal for Religion and Transformation in Contemporary Society*, 2021, <https://doi.org/10.30965/23642807-bja10011>.

¹³ Mukhlis Latif, Muhammad Mutawalli, & Zuhilmi Paidi, "Fiqh Peradaban and the Actualization of Religious and State Life in the Modern Society," *Fikrah: Jurnal Ilmu Aqidah Dan Studi Keagamaan* 11, no. 1 (2023).

In a plural and diverse society, the need for laws that can adapt to change becomes increasingly important. Living fiqh offers a way out to understand Islamic law more comprehensively and inclusively. Adaptive law allows Muslims to respond to various contemporary issues with a more dialogical and solutive approach. For example, issues such as human rights, gender equality and social justice can be answered through a living fiqh approach, where Islamic law applies not only to individuals but also to the wider community.¹⁴

Pesantren as Islamic educational institutions have a strategic role in developing and actualizing living fiqh. Through participatory and interactive teaching methods, pesantren can equip santri with a contextual understanding of the law. In pesantren, santri are taught not only to study fiqh texts, but also to discuss and analyze the relevance of these teachings in everyday life. This approach helps santri understand Islamic law as a guide to life that can be adapted to different social conditions.¹⁵

The implementation of living fiqh can be seen in various social practices in society. In this context, living fiqh not only functions as a legal norm, but also as a source of inspiration for individuals and communities to behave in accordance with Islamic values that are *rahmatan lil 'alamin*. For example, social programs based on the values of justice, tolerance and solidarity, initiated by various Islamic organizations, show how living fiqh can be a guide in

¹⁴ Zaid M Eyadat, "Fiqh Al-Aqalliyât and the Arab Spring: Modern Islamic Theorizing," *Philosophy & Social Criticism* 39, no. 8 (2013).

¹⁵ Muhammad Latif Fauzi, "Traditional Islam in Javanese Society: The Roles of Kyai and Pesantren in Preserving Islamic Tradition and Negotiating Modernity," *Journal of Indonesian Islam* 6, no. 1 (2012).

overcoming social problems and building harmony in the midst of diversity.¹⁶

While living fiqh offers many opportunities to update the understanding of Islamic law, it also faces challenges. One of them is resistance from more conservative groups who tend to resist change and flexible interpretations of Islamic law. Therefore, it is important to create a space for constructive dialog and discussion among Muslims so that living fiqh can be widely accepted and implemented. Through education and socialization efforts, it is hoped that people can understand the importance of living fiqh as a response to the demands of the times.

Overall, living fiqh emerges as an answer to the increasingly complex demands of contemporary society. This concept invites Muslims to not only understand Islamic law as a rigid rule, but as a flexible and responsive guide to life. With the support of Islamic educational institutions such as pesantren, living fiqh can be actualized in everyday life, provide solutions to various social problems, and help create a harmonious and just society. Thus, living fiqh has the potential to become a bridge between Islamic teachings and dynamic social reality, so that it remains relevant in facing the challenges of the times.¹⁷

Living fiqh is basically rooted in the principle of *maqashid shari'ah*, which is to protect and maintain the five main objectives of sharia: religion, soul, mind, offspring, and property. In the context of living fiqh, maqashid is not only a guideline in determining the law, but also a parameter for the success of the application of the law itself in society. When a fiqh rule is applied in society but does

¹⁶ See Reza Fauzi Nazar, "Corak Pembaruan Pemikiran Hukum Islam Dalam Konsep 'Fiqh Sosial' K.H. Sahal Mahfudh," *Asy-Syari'ah* 23, no. 1 (2021).

¹⁷ Anjar Nugroho, "Fikih Kiri: Revitalisasi Ushul Fiqh Untuk Revolusi Sosial," *Al-Jami'ah: Journal of Islamic Studies* 43, no. 2 (2005).

not bring benefits or even cause harm, then living fiqh encourages a review of its understanding and application. That way, Islamic law is not trapped in textual formality, but rather in achieving the ethical and social goals of the teaching itself.¹⁸

In practice, living fiqh often comes in the form of Muslim communities' responses to real problems they face. For example, in the issue of inheritance distribution for women in indigenous communities, or contract mechanisms in the digital economy, Muslim communities often make adjustments that remain in line with the basic principles of Islam. These adjustments are not born from a rejection of sharia, but rather as a form of internalization of Islamic values in accordance with the local context. This phenomenon shows that living fiqh develops from the bottom-up, not just a product of top-down religious authorities.

In certain areas of Indonesia, such as in pesantren villages or urban Muslim communities, living fiqh can be seen in religious traditions that are creatively transformed. For example, the practice of earth alms, haul traditions, or new forms of digital muamalah contracts that are given a touch of local values, show how living fiqh with the community has its own color. This tradition becomes a space for interpretation of Islamic law that continues to grow, making the community not only an object, but also a subject of law. They do not passively wait for fatwas, but actively interpret the law in accordance with Islamic values and their social context.

One of the main strengths of living fiqh is its ability to accommodate plurality. In a pluralistic society like Indonesia, differences in religious practice are inevitable. Living fiqh opens

¹⁸ M. Ainur Rifqi & A. Halil Thahir, "Tafsir Maqasidi: Building Interpretation Paradigm Based on Mashlahah," *Millah: Jurnal Studi Agama* 18, no. 2 (2019).

space for acceptance of diversity in fiqh practice, as long as it does not conflict with the main principles of Islam. This means that the existence of various madhhabs and approaches to fiqh is not seen as a threat, but rather as a wealth that must be nurtured. This plurality also strengthens Islam's position as an inclusive, dialogical and humanist religion.

The development of information technology and social media has also become a new arena for the development of living fiqh. Discussions of Islamic law are no longer limited to recitation forums or pesantren halaqah, but reach digital spaces such as podcasts, YouTube channels, and online forums. This phenomenon shows that people are increasingly involved in the process of social *ijtihad*, where they interpret and practice Islamic law based on the understanding that grows from their daily lives. However, this digital space also brings its own challenges, such as the spread of superficial or even extreme legal understanding. Therefore, strong fiqh literacy is an important requirement for the development of healthy and responsible living fiqh.¹⁹

In the context of interfaith relations, living fiqh also plays an important role as a bridge of dialogue. Islamic principles of peace, justice and respect for others are the basis for harmonious relations in a multicultural society. In practice, living fiqh in society often shows the tolerant and accommodating face of Islam. This is different from the image of radical Islam that is often portrayed in the media. Living fiqh actually shows that Islam can be present in a friendly and solutive manner in a plural and challenging public space.

¹⁹ Muhammad Ngizzul Muttaqin, Iffatin Nur, & Ahmad Muhtadi Anshor, "Social Media Fiqh: Social Media Use Intensity and Family Harmony in Tulungagung Regency," *The Journal of Society and Media* 6, no. 1 (2022), <https://doi.org/10.26740/jsm.v6n1.p207-231>.

The implementation of living fiqh also requires ethical awareness in every layer of Muslim society. This awareness includes an understanding that every action and legal decision is not only assessed from the aspect of legality, but also from its impact on social life. For example, in economic affairs, although a practice is considered legal according to fiqh law, if it causes social inequality, then living fiqh encourages finding a more just and humane solution. In this case, the value of justice becomes the main parameter that should not be ignored in every application of the law.

The role of ulama in the context of living fiqh is not only as fatwa givers, but also as facilitators of dialog between text and context. Ulama are required to not only master sharia knowledge deeply, but also understand the social, cultural and political dynamics in society. With this ability, they can guide the ummah towards a more contextual and solutive understanding of Islam. More than that, scholars must also open space for public participation in the process of social ijtihad, so that living fiqh truly belongs to the community, not the exclusive property of certain groups.²⁰

Ultimately, living fiqh is a manifestation of the spirit of tajdid (renewal) in Islam which is rooted in the historical dynamics of Islamic civilization itself. From time to time, Muslims have shown an extraordinary ability to respond to changing times while maintaining the integrity of the teachings. Living fiqh is an intellectual heritage as well as a practice that confirms that Islamic law is not a frozen doctrine, but a spirit that lives in the pulse of society. This is where Islam shows its true face: dynamic, adaptive, and oriented towards the benefit of the people. By continuing to develop living fiqh,

²⁰ Jasser Auda, *Fiqh Al-Maqasid Inatat Al-Ahkam Bi Maqasidiha* (Herndon: IIIT, 2007).

Muslims can answer the challenges of the times with confidence and remain loyal to the noble values of Islamic teachings. Not only as a legal norm, but also as an inspiration for life that guides people in building a civilized, inclusive and sustainable civilization. Living fiqh is not just an alternative to classical fiqh, but a continuation of the collective *ijtihad* of Muslims to make religion a blessing for all nature.²¹

Jurisprudence of Civilization: Building Islamic Thought for Global Challenges

Civilization jurisprudence refers to the understanding and application of Islamic law that does not only focus on ritual and personal aspects, but also includes social, cultural and political dimensions in the context of broader civilization building. This concept emphasizes the importance of fiqh as an instrument to build a just, civilized and sustainable society. The jurisprudence of civilization seeks to harmonize Islamic teachings with the evolving realities of modern society, making it a guide to face complex global challenges.

In the era of globalization, Muslims are faced with various challenges that require critical and responsive thinking. Issues such as climate change, social injustice, intercultural conflict, and global economic dynamics require Muslims to take an active position in finding solutions. Therefore, the fiqh of civilization must be able to accommodate the social and cultural changes taking place in the international world, providing new insights that are relevant to

²¹ See Mukti Tabrani, "Maqashid Revitalization in Global Era: Istidlal Study from Text to Context," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 2 (2018).

addressing these challenges with an approach based on Islamic values.²²

The jurisprudence of civilization functions as an instrument that can be used to build a prosperous and just society. In this context, Islamic law is not only considered as a set of rules governing individual life, but also as a guideline for creating a social system based on justice, equality and shared prosperity. Through the application of the fiqh of civilization, Muslims are invited to contribute to sustainable economic, educational and health development. The Islamic values contained in the fiqh of civilization are highly relevant to be applied in the context of global development. For example, the principles of justice, compassion and social solidarity can be the basis for designing inclusive and sustainable development programmes. By integrating these values, Muslims will not only act as beneficiaries, but also as active agents of change in realising a better society.²³

Education is a key aspect in the development of the fiqh of civilization. Through education based on Islamic values and relevant social contexts, the younger generation can be trained to think critically and creatively in facing global challenges. Pesantren, as Islamic educational institutions, play an important role in instilling an understanding of the fiqh of civilization to santri, so that they can become individuals who are able to bring positive changes in society. One of the great challenges in a global society is how to establish constructive intercultural and interreligious dialogue. The

²² Firmanda Taufiq & Ahalla Tsauro, "Nahdlatul Ulama (NU) and the Fiqh of Civilization (Fikih Peradaban): Strategies, Contributions, and Challenges in Overcoming the Humanitarian Crisis," *International Journal Ihya' 'Ulum Al-Din* 26, no. 1 (2024).

²³ Abdullah Ahmed Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Right, and International Law* (New York: Syracuse University Press, 2006).

jurisprudence of civilization can provide an ethical foundation to create a space for dialogue that respects and understands differences. By upholding the values of pluralism and tolerance, Muslims are expected to contribute to building a harmonious society, where every individual can coexist safely and peacefully.²⁴

The jurisprudence of civilization provides a framework for responding to contemporary issues facing society. For example, in the context of climate change, Muslims can use fiqh principles to encourage sustainability practices that are in line with Islamic teachings on caring for the earth. In this way, the fiqh of civilization not only provides legal guidance, but also serves as a source of inspiration for positive social action.

Although the fiqh of civilization has great potential, there are a number of challenges to be faced in its implementation. One of these is resistance from more conservative groups who may resist change and renewal of thought in fiqh. Therefore, it is important to create an open and inclusive space for discussion among scholars, academics and the general public to encourage a broader understanding of the jurisprudence of civilization. Jurisprudence of civilization comes as an answer to complex and dynamic global challenges. Through the application of adaptive and contextual fiqh, Muslims are expected to take an active role in the development of a sustainable and equitable civilization. By utilising universal Islamic values, the fiqh of civilization is not only a legal basis, but also a source of inspiration to create a harmonious and inclusive society. In this context, the development of the fiqh of civilization becomes increasingly important to build Islamic thought that is responsive to

²⁴ Muhammad Nida' Fadlan & Rangga Eka Saputra, "Islam, Radicalism, Democracy, and Global Trends in Southeast Asia," *Studia Islamika: Indonesian Journal for Islamic Studies* 24, no. 3 (2017).

global challenges and contributes to the overall benefit of humanity.²⁵

The jurisprudence of civilization does not exist in a vacuum. It was born from the realisation that Muslims must continue to translate Islamic teachings into social practices that are relevant to the times. Therefore, the development of the jurisprudence of civilization requires a creative and contextual methodological approach. Ijtihad becomes the main instrument in building a fiqh that is dynamic, flexible, and able to answer current realities. This Ijtihad is not only individual, but also collective, through scientific forums involving various disciplines and social backgrounds.

Within this framework, maqashid shari'ah (the goals of sharia) plays a central role. The jurisprudence of civilization places maqashid as the main foundation in formulating policies and laws that favour the public good.²⁶ Goals such as protecting religion, soul, mind, offspring, and property must be translated into development efforts that are able to bring distributive justice, community empowerment, and protection of the environment. Thus, fiqh no longer only talks about literal halal and haram, but also about the values that underlie human life in an integral way. One concrete example of the application of maqashid shari'ah in the fiqh of civilization is in the economic sector. In this context, an Islamic economic system that promotes justice, transparency and sustainability is highly relevant as a solution to rampant social inequality and economic exploitation. The concepts of zakat, waqf and Islamic finance are not only spiritual instruments, but also

²⁵ Abu al-Hasan Ali al-Nadvi, *Islam Membangun Peradaban Dunia*, Ter. M. Ruslan Siddieq (Jakarta, 1990).

²⁶ Aksin Wijaya & Shofiyullah Muzammil, "Maqasidi Tafsir: Uncovering and Presenting Maqasid Ilahi-Qur'ani into Contemporary Context," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (2021).

strategic mechanisms in distributing wealth fairly and equitably. This shows that the fiqh of civilization has great transformative power if applied appropriately.

The jurisprudence of civilization also requires reinterpretation of religious texts with a contextual hermeneutic approach. This means that Muslim scholars and intellectuals must dare to explore the deepest meanings of Islamic teachings that are in accordance with the needs of the times. This reinterpretation is not a form of neglect of tradition, but rather respect for the spirit of sharia which always supports change towards benefit. In this case, the approach of scholars such as Imam Syatibi²⁷ or Ibn Ashur²⁸ who emphasise *maqashid shari'ah* is an important reference in building the theoretical basis of the fiqh of civilization. At the global level, the fiqh of civilization encourages Muslims to engage in international diplomacy based on Islamic ethics. Issues such as world peace, human rights, poverty eradication, and strengthening the role of women are part of the big agenda that Muslims must respond to constructively. This engagement is not only through official forums, but also through civil society movements, educational institutions, and interfaith networks that promote the values of peace and justice.

The jurisprudence of civilization also pays great attention to environmental issues. The Islamic principle of *khalifah fi al-ardh* (caliph on earth) implies the responsibility of humans to maintain the balance of the ecosystem. In practice, this requires Muslims to engage in advocacy for nature conservation, carbon emission reduction, waste management and sustainable lifestyles. The

²⁷ Abu Ishaq al-Shatibi, *Al-Muwafaqot Fi Ushul Al-Syari'ah* (Beirut: Dar al-Kutub al-Ilmiyah, 2004).

²⁸ Muhammad Thahir Ibn 'Asyur, *Maqasid Al-Syari'ah Al-Islamiyyah* (Tunisia: Dar Sukhun Li al Nashr wa al Tawzi', 2007).

environmental jurisprudence that developed from this concept shows that the jurisprudence of civilization is able to expand the scope of Islamic law to areas that previously received less attention. In politics, the fiqh of civilization promotes the principles of justice, deliberation and public responsibility as core values in governance. This demands the active participation of Muslims in building a political system that is clean, transparent and serves the interests of the people. The concept of *siyasah shari'iyah* based on *maqashid shari'ah* is an alternative model for a democratic and equitable political system. This is important to prevent abuse of power and ensure that citizens' rights are protected.

The application of the fiqh of civilization must also pay attention to local diversity and the cultural wisdom of the community. Islam that is *rahmatan lil 'alamin* does not reject culture, but filters it through sharia values. Therefore, the fiqh of civilization must be able to accommodate local practices that do not contradict Islamic principles. This approach will strengthen Islam's position as a religion that is grounded and not alienated from existing social realities. The success of the fiqh of civilization is largely determined by the leadership of visionary Muslim scholars and intellectuals. They must have the moral and intellectual commitment to make fiqh a means of social transformation, not just a means of legitimising the status quo. This leadership must also be collective, promoting collaboration across schools of thought, disciplines and sectors of life. In this way, the fiqh of civilization can become a major force in building a tolerant and empowered civil society.²⁹

²⁹ Abdurrohman Kasdi, "Reconstruction of Fiqh Nusantara: Developing the Ijtihad Methodology in Formulating Fiqh from Indonesian Perspective," *QIJJIS: Qudus International Journal of Islamic Studies* 7, no. 2 (2019).

On the other hand, digitalisation and the development of information technology open up new opportunities for the development of the fiqh of civilization. Through social media, online learning platforms and global networks, the ideas of the jurisprudence of civilization can be widely disseminated and discussed. Technology allows for cross-border dialogue spaces that accelerate the transformation of Islamic thought. However, it also requires strong digital literacy so that Muslims are not trapped in extreme and superficial narratives. The jurisprudence of civilization cannot be separated from the spirit of *tajdid* (renewal) and *ishlah* (improvement) that characterises the Islamic intellectual movement. Historically, thinkers such as Al-Ghazali,³⁰ Ibn Khaldun,³¹ and Muhammad Abduh³² have shown that fiqh can be an extraordinary force for social reform. By continuing this tradition of *tajdid*, the fiqh of civilization is expected to present a progressive, solutive and friendly face of Islam towards the plurality of the times.

Islamic civil society also plays an important role in realising the fiqh of civilization. Religious organisations, non-governmental organisations and value-based communities can be key actors in disseminating contextualised fiqh ideas and practices. They can be the bridge between the normative values of fiqh and the real needs of everyday people. This involvement will strengthen the social roots of the fiqh of civilization so that it does not only become an elitist discourse among academics. In the context of Nahdlatul Ulama (NU), the fiqh of civilization is a central concept initiated to answer global challenges through the *maqashid* approach. NU

³⁰ Muhammad Ibn Muhammad Al-Ghozali, *Al-Mustasyfa Min Ilmil Ushul* (Beirut: Dar al-Fikr, 1999).

³¹ Ibn Khaldun, *Muqaddimah Ibn Khaldun* (Mesir: Dar al-Arabi, 2000).

³² Hasaruddin, "Pembaharuan Hukum Islam Menurut Muhammad Abduh," *Jurnal Ar Risalah* 12, no. 1 (2012).

encourages the strengthening of Islam Nusantara as a form of actualization of fiqh that is friendly to local culture and responsive to the dynamics of the times. Through forums such as Religion of Twenty (R20), NU shows how the fiqh of civilization can be a contribution of Indonesian Islam in building a peaceful and just global order.³³

Finally, the fiqh of civilization is a huge project that demands collective work, patience and the courage to change. It is not just a normative discourse, but must be realised in public policy, education curriculum, social relations, and daily religious practice. The jurisprudence of civilization must be able to become an alternative narrative that frees people from backwardness, injustice and violence. It is the path to an Islamic civilization that is rooted in tradition, open to modernity, and on the side of humanity.

Actualization of Fikih Peradaban at Pondok Pesantren Darul Ulum, Bandung, Tulungagung

Pondok Pesantren Darul Ulum in Bandung, Tulungagung, is known as an Islamic educational institution that is committed to integrating the teachings of fiqh with the social context of society. Through the actualization of the fiqh of civilization, this pesantren tries to answer the challenges of the times with a responsive and relevant approach. The following is an analysis of how Darul Ulum Islamic Boarding School actualises the fiqh of civilization and its impact on society.³⁴

³³ Rahmat Hidayat Pulungan, "Religion Twenty (R20) Sebagai Sumber Etik," *Www.Kompas.Com*, 28 Oktober, 2022, <https://www.kompas.com/tren/read/2022/10/28/205244765/religion-twenty-r20-sebagai-sumber-etik?page=all>.

³⁴ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

Pondok Pesantren Darul Ulum applies an educational approach that emphasises a contextual understanding of fiqh. By incorporating contemporary issues in the curriculum, santri are trained to think critically and be able to relate Islamic teachings to the realities faced. For example, learning about human rights, social justice, and the environment is not only taught in theory, but also in practice, giving students a holistic understanding of the fiqh of civilization.³⁵

The actualization of the fiqh of civilization at Darul Ulum Islamic Boarding School is not only limited to teaching, but also involves santri as agents of change in society. Through various social programmes, santri are encouraged to take an active role in solving existing social problems. For example, they are involved in community empowerment activities, such as skills training, health counselling, and programmes to improve the quality of life of the surrounding community. In this way, the fiqh of civilization is actualised in the form of concrete actions that provide direct benefits to society.³⁶

Darul Ulum Islamic Boarding School has a strong interaction with the local community. This can be seen from the various collaborative activities conducted with the local community. By holding seminars, workshops, and social activities, the pesantren is able to create a space for dialogue between santri and the community. This interaction not only strengthens social relations,

³⁵ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

³⁶ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

but also provides an opportunity for santri to implement the values of the fiqh of civilization in a real context.³⁷

Although Pondok Pesantren Darul Ulum succeeded in actualising the fiqh of civilization, challenges remain, especially from more conservative circles who may reject approaches that are considered liberal. To overcome this challenge, pesantren need to take a more dialogical and inclusive approach. This can be done through education that encourages understanding and tolerance, so that people can better accept the concept of the fiqh of civilization as part of their daily lives.³⁸

In the actualization of the fiqh of civilization, Darul Ulum Islamic Boarding School also shows awareness of social and environmental issues. Programmes that focus on environmental sustainability, such as waste management, reforestation, and education about the importance of protecting nature, are part of the pesantren curriculum. Thus, santri not only understand fiqh from a legal perspective, but are also trained to become environmental stewards and pioneers of social change.³⁹

The actualization of fiqh of civilization in Darul Ulum Islamic Boarding School contributes to the development of more progressive Islamic thought. By integrating fiqh teachings with contemporary challenges, this pesantren tries to create a new narrative of Islam that is more inclusive and adaptive. This thinking is important in the context of globalisation, where intercultural interactions are increasing. Jurisprudence of civilization becomes a

³⁷ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

³⁸ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

³⁹ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

means to build a bridge of understanding between Islam and the wider social context.⁴⁰

The impact of the actualization of fiqh of civilization at Darul Ulum Islamic Boarding School is not only visible in the short term, but also has long-term implications. By equipping santri with a contextual understanding of fiqh, this pesantren helps create a generation that not only understands the law, but also has empathy and high social awareness. This will contribute to the development of a better and more sustainable society in the future.⁴¹

The actualization of the fiqh of civilization at Pondok Pesantren Darul Ulum is a clear example of how Islamic educational institutions can adapt and contribute in facing the challenges of the times. With a responsive educational approach, the active role of santri as agents of change, and strong interaction with the community, this pesantren shows that the fiqh of civilization can be implemented in a real and positive way. Although challenges remain, the commitment to integrate Islamic teachings with social reality shows that fiqh can serve as a foundation for building a more civilised and just society.⁴²

The actualization of the concept of living fiqh at Pondok Pesantren Darul Ulum departs from the understanding that fiqh does not only regulate individual relationships with God, but also serves as a guide in fostering social relationships between individuals in the community. In the midst of a society that faces modern challenges such as shifting values, cultural plurality, and

⁴⁰ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

⁴¹ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

⁴² Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

technological developments, this pesantren integrates the values of Islamic law with the needs of the community. The living fiqh approach applied allows fiqh to remain relevant and solutive, where the teachings of Islamic law are interpreted more broadly so that they can answer complex social problems.⁴³

Pesantren Darul Ulum also emphasises a dialogical approach in the fiqh learning process, so that santri are actively involved in understanding and examining current issues from a fiqh perspective. This aims to develop critical and innovative thinking among santri, so that they are not only implementers of the law, but also drivers of social change. In addition, the fiqh of civilization applied at Darul Ulum helps students to identify relevant local and global challenges, and find solutions that are in line with the principles of Islam that are *rahmatan lil alamin*.⁴⁴

Thus, Darul Ulum Islamic Boarding School seeks to be a pioneer in the application of inclusive and adaptive fiqh, making fiqh not only a normative instrument, but also a foundation that actively encourages the creation of a just and prosperous society. This approach is expected to create social harmony in the midst of differences, while maintaining the relevance of Islamic law in guiding people towards a better life. One important aspect in studying living fiqh as a social dynamic is how Islamic values can internalise local culture without losing the substance of sharia. In Darul Ulum Islamic Boarding School, the fiqh of civilization does not stand as a rigid system and separate from reality, but rather melts into the social dynamics of the surrounding community. This can be seen in the acceptance of local religious traditions such as

⁴³ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

⁴⁴ Research results at Pondok Pesantren Darul Ulum Bandung Tulungagung, June-August 2024.

selamatan, kenduri, and haul traditions, which are harmonised with Islamic teachings through an inclusive fiqh approach. This process marks that a living and grounded fiqh can be a social glue and a means to maintain the collective identity of Muslim communities.⁴⁵

Living fiqh in this pesantren also represents a form of praxis from fiqh thinking that does not only stop in the textual space, but incarnates in the form of transformative actions. When fiqh is not only read as a collection of legal-formal norms, but as a social ethic that guides collective behaviour, then the pesantren is able to play a role as a value producer as well as a facilitator of change. Thus, Darul Ulum Islamic Boarding School is not only a place for the reproduction of classical laws, but also an arena for contestation of thought and a space for the birth of social innovations based on Islamic values. This phenomenon strengthens the argument that the fiqh of civilization must be positioned as part of an Islamic epistemology that is open to change. In this view, fiqh is not a finalised legal system, but a reflective and creative process that is constantly evolving. Therefore, the actualization of the fiqh of civilization does not only require mastery of the nash (text), but also of the social reality ('*urf*) in which the law applies. At Pesantren Darul Ulum, this approach is carried out through contextual learning that connects fiqh with issues such as gender, poverty, ecological crisis, and local democracy.⁴⁶

In a sociological perspective, living fiqh at Darul Ulum Islamic Boarding School shows a dialectical relationship between text and

⁴⁵ See Wildani Hefni, *Fikih Moderasi Beragama: Humanisme Keberagamaan Dalam Nalar Kehidupan Kontemporer Di Indonesia Dalam Kontestasi Nalar Keberagaman Kontemporer: Dari Konstruksi Identitas Menuju Koeksistensi Sosial* (Yogyakarta: LKIS, 2021).

⁴⁶ See RR Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023).

context, between scholars and people, and between teachings and actions. This process forms a pattern of interaction of Islamic law that is responsive to changes in social structure, without losing its normative identity. Pesantren acts as a social space that transforms fiqh from a system of rules into a tool of social reflection and criticism. Fiqh is no longer interpreted as a final product, but as a process that is participatory and open to enrichment of meaning. Further analysis shows that the actual applied fiqh of civilization in the pesantren has shifted the role of santri from learning objects to transformative subjects. The santri do not only receive teachings dogmatically, but are invited to dialogue fiqh with the challenges of the times. With this method, the pesantren succeeded in forming social agents who have intellectual capacity and moral alignment towards marginalized groups and humanitarian issues. Living fiqh here becomes an empowering force, not just preserving.

Furthermore, the actualization of the fiqh of civilization in this kind of pesantren space also shows the correlation between the discourse of Islamic law and ecological awareness. The approach applied not only focuses on the vertical relationship between humans and God, but also horizontal relations between humans and between humans and nature. In the context of climate crisis and environmental degradation, living fiqh becomes important as an alternative narrative to the excesses of exploitative modernity. This shows that fiqh can and must develop into a collective consciousness to care for the earth and ensure the sustainability of life.⁴⁷ Finally, the study of the actualization of civilization fiqh at Darul Ulum Islamic Boarding School opens space for theoretical and praxis reflections on the position of fiqh in contemporary society. It

⁴⁷ See Pradana Boy ZTF, "The Sociology of Law in the Context of Islamic Legal Scholarship in Indonesia," *Journal of Social Studies (JSS)* 18, no. 2 (2022).

shows that fiqh can be an effective instrument of social change when it is lived through a contextual, dialogical, and community needs-based approach. Living fiqh is not only about how the law is understood, but also how it is implemented collectively to create a more just, harmonious, and humane social order. Pondok Pesantren Darul Ulum, with all its challenges and opportunities, has proven that living fiqh is fiqh that is able to answer the challenges of the times.

Conclusion

Pondok Pesantren Darul Ulum Bandung Tulungagung is a concrete representation of the actualization of living fiqh of civilization that is adaptive and contextual in facing social dynamics, especially in the environment of education and public health. This pesantren does not only make fiqh as a collection of rigid legal norms, but develops fiqh as a living social ethic that is responsive to the needs of the times. Through a qualitative approach and case study, this research found that the flexibility of ijtihad based on maqashid sharia became the main foundation in formulating and implementing strategies to solve social problems holistically and sustainably. The principles of moderation, inclusiveness and alignment with the public good characterise the fiqh of civilization approach applied. This is reflected in the active involvement of pesantren in social programmes, community empowerment, and commitment to contemporary issues such as social justice, health, environment, and sustainable development. Thus, the fiqh of civilization carried out by Pondok Pesantren Darul Ulum is not just a normative idea, but has become a praxis that animates community life and strengthens the role of pesantren as a centre for social transformation based on Islamic values that are *rahmatan lil 'alamin*.

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