

Tracking the Genealogical Reasoning Reconstruction of Nahdlatul Ulama (NU) Fiqh: From 'Social Fiqh' to 'Civilization Fiqh'

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Abstrak

Fikih, atau dalam istilah lain ada yang menyebut sebagai hukum Islam, adalah konsepsi yang dijadikan panduan oleh umat Islam untuk mengatur kepentingan mereka dalam semua aspek kehidupan, memberikan dasar-dasar sistem ibadah, administrasi, perdagangan, politik, sosial, dan peradaban. Artikel ini bertujuan melacak dan mengelaborasi term "Fikih Peradaban" yang sedang digagas Nahdlatul Ulama (NU) menjelang satu abad kelahirannya. dengan mengeksplorasi dan mengurai genealogi pemikiran substantif wajah fikih NU sebagai bahan basis epistemologi gagasan "Fikih Peradaban". Metode dalam penulisan artikel ini menggunakan metode kepustakaan. Artikel ini menggunakan pendekatan deskriptif-analitik, berusaha memaparkan secara analitis-konsisten melalui pembacaan ketat mengurai transmisi konstruksi nalar fikih NU guna mendapatkan rumusan "Fikih Peradaban" yang segar dan mampu hadir di kancan modern. Hasil pembahasan artikel ini diantaranya: 1) Perlu ada pembacaan dan pemaknaan nalar tradisi Pesantren untuk memaknai ulang tradisi keilmuan Islam yang dipandang kurang adaptif terhadap perubahan realitas tatanan dunia baru namun tidak kehilangan identitasnya oleh arus modernitas; 2) NU perlu memperluas bahasan "Fikih Peradaban" bukan hanya persoalan politik dan negara bangsa. Hal yang secara genealogis dilakukan simultan oleh aktifis, akademisi serta Kyai NU, bahkan PBNU sendiri kurun (2000-2019). Persoalan menyangkut hak asasi manusia (fikih buruh), ketidakadilan gender (fikih perempuan), *extra ordinary crime* (fikih anti korupsi), pengrusakan lingkungan (fikih energi, fikih penanggulangan sampah). Maka tidak berlebihan bila "Fikih Peradaban" ke depan dapat membahas realitas masyarakat abad 21: ekonomi bebas, masyarakat teknologi *internet of think*, konstruksi pembentukan bangsa unsur terkecil: keluarga dengan membuat fikih *counter discourse* memotret isu *child free* yang dewasa ini mencuat, fikih demografi, dan lain sebagainya.

Keywords: *Nahdlatul Ulama; Fikih; Peradaban; Kemanusiaan; Modernitas .*

Abstract

Fiqh, or in another term were called as Islamic jurisprudence, are the conceptions which are required by the Muslims to organize their interests in all aspects of life, provide the basics of the system of worship, administration, commerce, politics, social, and civilization. This article aims to trace and elaborate on the term "Civilization Fiqh.," or known as "*Fiqh Peradaban*". It was initiated by Nahdlatul Ulama (NU) towards its one-century birth. By exploring and unraveling the genealogy of substantive thinking on the countenance of NU Fiqh as the epistemological basis for the ideas of "Civilization Fiqh". The library method is used in writing this article. This article uses a descriptive-analytic approach; it tries to explain in an analytical-consistent manner through rigorous reading to unravel the transmission of the NU Fiqh reasoning constructions to obtain a fresh and modern formulation of "Civilization Fiqh." The results of the discussion of this article include 1) It needs reading and interpretation of the reasoning of the Pesantren tradition to redefine the Islamic scientific tradition, which is seen as less adaptive to the changing realities of the new world order but has not lost its identity by the currents of modernity; 2) NU needs to expand the discussion of "Civilization Fiqh" not only on political issues and the nation-state. This genealogically was carried about simultaneously by NU activists, academics, ulama, even PBNU itself (2000-2019). Issues related to human rights (labor fiqh), injustice, gender (women fiqh), extraordinary crime (anti-corruption fiqh), and environmental destruction (energy fiqh, waste management fiqh). So it is no exaggeration if "Civilization Fiqh" in the future can discuss the reality of 21st-century society: free economy, internet technology society of think, building the smallest nation element: family with counter-discourse which capture the trending issue of childfree, demography fiqh, etc.

Keywords: *Nahdlatul Ulama; Fiqh; Civilization; Humanity; Modernity.*

Introduction

Welcoming the commemoration of the One Century Nahdlatul Ulama (further written NU—pen), the Nahdlatul Ulama Executive Board (PBNU) presents "*Halaqah Fiqh Peradaban*" (discussion while sitting in a circle talking about Civilization Fiqh) which will be held at 250 points throughout Indonesia. The Halaqah of Civilization Fiqh was held for the first time at the Krapyak Pesantren, Central Java, in August 2022. KH Afifuddin Muhajir on the occasion stated that the Civilization Fiqh was first discussed by NU, although in fact the substance of the idea of Fiqh of Civilization had long been discussed within NU itself, but today it is covered with a new concept.¹

¹ Muhammad Syakir NF, "PBNU Luncurkan Program Halaqah Fiqh Peradaban," NU Online, 2022, <https://www.nu.or.id/nasional/pbnu-luncurkan-program-halaqah-fiqh-peradaban-2kAWH>.

Genealogically, the reasoning of NU's Fiqh was alluded to by KH Ulil Abshar Abdalla, this sort of *Halaqah* had been carried out during the time of KH Abdurrahman Wahid (Gus Dur) when he was chairman of PBNU. At that time, during Gus Dur's era, the theme was "*Halaqah Rekontekstualisasi kitab kuning*" (discussion while sitting in a circle talking about Recontextualization of the Kitab Kuning) which was also started in Krapyak during the NU Congress in 1989.² In various Halaqas led by KH Sahal Mahfudh as Syuriah with Masdar F. Mas'udi intensively raising this issue to a debate hall during the 1992 Alim Ulama National Conference in Bandar Lampung. At that time criticism was launched. The climax of the idea of "Social Fiqh., or known as "*Fiqh Sosial*" by KH Sahal Mahfudh, followed by "legitimacy" which was decided as part of the re-actualization of Fiqh using the *manhaji* (by methodology) method at the 1994 NU Congress in Cipasung.

"Civilization Fiqh" on the one hand, and "Fiqh Civilization" on the other hand, at first glance, seemed to be a meaningless twisting of words. In fact, what was initiated by PBNU a century of its birth had a different authenticity from the context of "Fiqh Civilization" as described as the golden age of Islamic intellectuals which was problematic because it brings to the stigma of *ijtihad* (individual interpretation) nuances, it seems to be experiencing stagnant in the historical phase.³ Fiqh is basically the resultant interaction of ulama (Muslim scholars) with the social facts around them. In turn, history shows that Fiqh in every era and place will always justify plurality, and will always be different. NU as a major Islamic organization in Indonesia and known in the world stage has its own characteristics in understanding Fiqh simultaneously.

The study of NU Fiqh cannot be separated from the treasure of pesantren fiqh thought which has the nuances of *madhabi* Fiqh, the Fiqh standards of the four schools which accommodate the majority of schools of fiqh: The Hanafi madhab, the Maliki madhab, the Syafi'i madhab and the Hanbali madhab, although in the field, especially in Indonesia, the nuances are more obvious is Shafi'i madhab. As an agreement on the reference of Ulama, since

²Triono, "2 Tujuan PBNU Gelar Halaqah Peradaban," NU Online, 2022, <https://www.nu.or.id/nasional/2-tujuan-pbnu-gelar-halaqah-Fiqh-peradaban-bVnr8>.

³Judging from the tradition of transmitting *ijtihad* which is quite rigid and strict, by giving birth to the *syarah* and *hasyiyah* traditions. See: Ahmad Hasan, *The Early Development of Islamic Jurisprudence* (Islamabad: Islamic Research Institute, 1988), 24–25.

the beginning to solve religious problems related to NU Fiqh, it is necessary to use references to the four madhabs.⁴

On the other hand, NU has a kind of populist convention among the *nahdliyyin* (NU followers) community⁵, combining the good things from the tradition of classical Islamic thought (*turats*) and the good things from the treasury of modern civilization (*hadatsah*).⁶ The romanticism movement see the past through tradition (*turats*) to take a swing forward to meet modernity (*hadatsah*) it is something that needs to be consistently embodied. In this case, Clifford Geertz saw that going backward is progress itself,⁷ so that it can become the basis for evaluating the continuity of the reconstruction of each paradigm of knowledge, especially Fiqh reasoning to meet the problems that will be faced in the future.

There is no exaggeration if this article contains that romanticism. Written to fill the "epistemic" void regarding the development of NU's Fiqh discourse which is always given expressive space that is self-critical. Examine what has been done and try to contribute to be done later in the future. Basically, studies that discuss NU Fiqh reasoning have been carried out for almost the last three decades. Among them is Ahmad Zahro's dissertation (2001) entitled "*Lajnah Bahtsul Masail Nahdlatul Ulama (Institute for discussing religious problems in Nahdlatul Ulama) 1926-1999: Telaah kritis terhadap keputusan hukum Fiqh*" (Critical analysis of fiqh legal decisions) which was in print under the title "*Tradisi Intelektual NU: Lajnah Bahtsul masa'il 1926-1999*" (NU Intellectual Tradition: Institute for discussing religious problems 1926-1999) published by LKiS. It was a serious study of the NU Fiqh tradition in the *Bahtsul masa'il* (discussing religious problems) tradition from 1926-1999. The results of the research he conducted came to the postulate that (1) there is no standard Fiqh book (*kutub al-mu'tabarah*); (2) *Bahtsul masa'il* (discussing religious problems) is dominated by the use of the *qauli* (take book) method rather than *manhaji* (using methodology) method; (3) the

⁴ Muhib Rosyidi, "MembumikanTeks Agama Ala Nahdlatul Ulama," *Journal of Qur'an and Hadith Studies* 2, no. 1 (2013): 23. Compare with: Zuhairi Misrawi, *Hadratul Syaikh Hasyim Asy'ari; Moderasi, Keumatan, Dan Kebangsaan* (Jakarta: Kompas, 2010), 107.

⁵The rule reads: *المحافظة على القديم الصالح والأخذ بالجديد الأصح*

⁶Compare: Mohammed Arkoun, *Nalar Islami Dan Nalar Modern: Berbagai Tantangan Dan Jalan Baru* (Jakarta: INIS, 1994).h. 5 Or in Hassan Hanafi's language it is called *turats al-gharbiyyah*.

⁷ Clifford Geertz, *Islam Observed: Religious Development in Marocco and Indonesia* (London: The University of Chicago, 1971).

validity of the majority of results in *Bahtsul masa'il* (discussing religious problems) is declared.⁸

Furthermore, M. Imdadun Rahmat et al. (2002) wrote a collection of anthology renewal of *Bahtsul Masa'il's* way of thinking. The main idea is the insistence that *Bahtsul masa'il* (discussing religious problems) can enrich his methodology with various other disciplines of scientific study, as well as apply the principles of *usul Fiqh* (principles of Islamic jurisprudence). This collection of articles written by NU figures was not born out of a vacuum, they hope a breathe of fresh air for NU in general through *Bahtsul masa'il* (discussing religious problems) to be able at the forefront of answering increasingly complex social, economic, political, and cultural issues.⁹

In addition, there are also figures who offer the idea of actualizing NU Fiqh which emerged in the period 1989-1994 through the hands of KH Sahal Mahfudh with the idea of "Social Fiqh."¹⁰ there are also other names such as KH Ali Ya'fie,¹¹ KH Abdurrahman Wahid, A. Qodri Azizy and Masdar F. Masudi became a source of romanticism to be used as material for the reconstruction of NU's Fiqh reasoning towards "Civilization Fiqh" in this article.

In addition, there are several research papers that examine specifically "Social Fiqh," including Sumanto Al-Qurtuby's undergraduate thesis which was in print by the title "*Sahal Mahfudh: Era baru Fiqh Indonesia.*" (*Sahal Mahfud: The New Era of Indonesia Fiqh*)¹² In his observations, the discourse of Social Fiqh, which is triggered by KH Sahal Mahfudh's thoughts, is able to be explored, even in the process of developing a method towards modern scientific *ijtihad* (individual interpretation). However, as a thought, it must be positioned at an unfinished level, it is intended developed with the right formulation.

⁸ Ahmad Zahro, *Tradisi Intelektual NU: Lajnah Bahtsul Masa'il 1926-1999* (Yogyakarta: LKiS, 2004).

⁹ M Imdadun Rahmat, *Kritik Nalar Fiqih NU: Transformasi Paradigma Bahtsul Masa'il* (Jakarta: Lakpesdam, 2002).

¹⁰ Sahal Mahfudh, *Nuansa Fiqh Sosial* (Yogyakarta: LKiS, 2012). See also: Sahal Mahfudh, *Wajah baru Fiqh Pesantren* (Jakarta: Citra Pustaka in Collaboration with the Mathali'ul Falah Family (KMF), 2004).

¹¹ Ali Ya'fie, *Initiated Social Fiqh: From Environmental Issues, Insurance to Ukhuwah* (Bandung: Mizan, 2000).

¹² Sumanto Al Qurtuby, *K.H Sahal Mafudh: Era Baru Fiqh Indonesia* (Yogyakarta: Cermin, 1999).

There is also Jamal Ma'mur Asmani's research (2014), entitled "*Fikih sosial Kiai Sahal Sebagai Fikih Peradaban*" (Social Fiqh Kiai Sahal as Civilization Fiqh)¹³ As a student, he is very concerned about the ideas of KH Sahal Mahfudh, he has even discussed the narrative of "Social Fiqh" as "Civilization Fiqh," which in turn (2015) published a book "*Mengembangkan Fiqh sosial K.H M.A Sahal Mahfudz Elaborasi Lima ciri Utama.*" (Developing Social Fiqh of K.H M.A Sahal Mahfudz Elaboration of Five Main Characteristics)¹⁴ In Jamal Ma'mur Asmani's observation, KH Sahal Mahfudh's conception of Social Fiqh has five main principles, including: (1) contextual interpretation of Fiqh texts; (2) changing the pattern of the qauli madhab (textual) to the manhaji madhab (methodological); (3) basic verification of the main teachings (*ushul*) and branches (*furu'*); (4) Fiqh exists as social ethics, not positive state law; (5) open insight into the methodology of philosophical thinking.

This article aims to discuss "Civilization Fiqh" which is still "in the midst of" seeking faces through various "*Halaqah*" that will be held sometime until early next year. This article tries to trace and elaborate on the term "Civilization Fiqh" which is being initiated by NU by exploring and analyzing the genealogy of substantive thinking on the countenance of NU's Fiqh as the epistemological basis for the idea of Civilization Fiqh.

Of course, romanticism and reconstruction cannot be separated. This article uses an approach descriptive-analytic, trying to explain analytically and consistently through rigorous readings to unravel the transmission of the construction of NU's Fiqh reasoning in order to obtain a fresh formulation of "Civilization Fiqh". It is intended to be able to make a contribution in the eyes of the world as expected by PBNU itself.

Results and Discussion

1. Fiqh and Shari'a: A Debate Hall

To start the discourse, it is necessary to analyze the concept of Fiqh terminology as a branch of Islamic discipline that has a unique position. In fact, Islam as a doctrine in its history came with a legal signature known as Shari'a. In the early days, shari'a covered all aspects of religion, including

¹³ Jamal Ma'mur Asmani, "Fikih Sosial Kiai Sahal Sebagai Fikih Peradaban," *Al-Ahkam* 24, no. 1 (April 2014): 31, <https://doi.org/10.21580/ahkam.2014.24.1.130>.

¹⁴ Jamal Ma'mur Asmani, *Mengembangkan Fikih Sosial KH. MA. Sahal Mahfudz: Elaborasi Lima Ciri Utama* (Jakarta: Elex Media Grafindo, 2015).

belief (tawhid—God's oneness), rituals (human-God relations), ethics and laws inherent in all aspects of human life (human-human relations). It's just that in its development the notion of sharia has shifted and expanded. More or less around the 2nd and 3rd Hijri centuries, an independent science emerged that discussed beliefs, namely 'aqidah/monotheism, besides ethics was discussed with its own science, namely morality, until finally the Shari'a itself was embodied through Islamic law called *Fiqh*. As the result the meaning of sharia experienced a historical continuity.

Fiqh itself means understanding, or knowledge (about something) from a grammatical point of view.¹⁵ In the Qur'an, the word *Fiqh* is used in its general sense: understanding, knowledge. Among them in QS At-Taubah: 122:

﴿وَمَا كَانَ الْمُؤْمِنُونَ لِيَنفِرُوا كَآفَّةً فَلَوْلَا نَفَرَ مِن كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ﴾

It is not right for the believers to march forth all at once; a group should go forth to acquire deeper knowledge of the religion, in order to admonish their people when they return to them, so that they may be cautious.

In the end, *Fiqh* also experienced a narrow term and became an independent discipline which was categorized by Ibn Khaldun as *min al-'ulum al-haditsati fi al-millah* (various religious knowledge in modern civilization).¹⁶ Furthermore, Ibn Khaldun defines the term *Fiqh* as Allah's laws relating to the actions of *mukallaf* (humans who have been subject to the law) such as obligatory, haram, sunnah (*nadb*), makruh, and mubah: which are issued from the Al-Quran and Sunnah.¹⁷ Meanwhile, TM Hasbi Ash-Shiddieqy argues that during the time of *Fiqh* sahabah, it was understood as knowledge obtained based on in-depth investigation. All religious knowledge at that time was called *Fiqh*. In the second century, namely during the time of the *mujtahids*, *Fiqh* was understood as laws that were learned from the Al-Quran and the Sunnah of the Prophet by way of *ijtihad*.¹⁸

¹⁵ Achmad Warson Munawwir, *Kamus Al-Munawwir* (Yogyakarta: Pustaka Firdaus, 2002).

¹⁶ Ibnu Khaldun, *Muqaddimah* (Jakarta: Pustaka Firdaus, 2014), 543.

¹⁷ Khaldun, 545.

¹⁸ M Hasbi As-Shiddieqy T, *Pengantar Hukum Islam* (Jakarta: Bulan Bintang, 1994).

The keyword of *ijtihad*, that is, as understood by Ahmad Baso¹⁹ It is a human effort to involve reasoning, both theoretical and practical, in understanding, describing, exploring and elaborating religious precepts. In other words, as stated by KH Sahal Mahfudh, Fiqh in short is a reflection of the Shari'a.²⁰ Therefore it can be understood that there is a significant difference between Fiqh on the one hand and sharia on the other hand.

The term of shari'a refers to the source of law (*mashadir al ahkam*), which is eternal in nature, manifests God's law (divine law) in the Qur'an and Sunnah: the sayings, deeds, and decrees of the Prophet. While Fiqh is an attempt by *ijtihad* to understand God's law by scholars (jurist law) on verses that are not strictly developed, as well as additional rules made to support the operationalization of the Al-Quran and Sunnah.²¹

This uniqueness of Fiqh invites H.A.R Gibb to see Fiqh as a symbol of the true Islamic spirit which determines the expression of Islamic philosophy and the important substance of Islam itself.²² In fact, Fiqh occupies an important position in Islamic intellectual civilization, so it is only natural that Joseph Schacht considers that the position of Fiqh is very central in the religious space of Muslims.²³ Obviously, there is a demarcation line between Shari'a and Fiqh in terms of meaning, both of which are engaged in the realm of Islamic law. However, it is no exaggeration that Fiqh is an intellectual product par excellence resulting from the womb of Islamic civilization. If Greece is identified with "Philosophical Civilization" then the Islamic world according to Muhammad 'Abid Al-Jabiri can be called "Fiqh Civilization."²⁴

2. The Fiqh Civilization: between Rigidity and Flexibility

The significance of Fiqh as a branch of Islamic discipline has gained a place with its splendor so that Islam is identified with "Fiqh Civilization". The assumption is indeed based on that Islam is identical in that most of its teachings have legal nuances (religion of law): Religion which was revealed

¹⁹Ahmad Baso, *NU Studies: Pergolakan Pemikiran Antara Fundamentalisme Islam Dan Fundamentalisme Neo-Liberal* (Jakarta: Erlangga, 2006), 38.

²⁰ Mahfudh, *Nuansa Fiqh Sosial*, 19.

²¹ Acep Djazuli, *Ilmu Fiqh: Penggalan, Perkembangan Dan Penerapan Hukum Islam* (Jakarta: Kencana, 2006), 7.

²² H. A. R. Gibb, *Mohammadenism* (New York: Oxford University, 1962), 106.

²³ Joseph Schacht, *An Introduction to Islamic Law* (Oxford: The Clarendon Press, 1982), 1.

²⁴ Muhammad 'Abid Al-Jabiri, *Takwin Al-'Aql Al-'Arabi* (Beirut: Markaz Dirasat al-Wahdah al-'Arabiyyah, 1989), 96.

by Allah SWT through revelations conveyed to Muhammad SAW, indeed in some cases raises the view that it needs to be carried out without exception (taken for granted) without reduction in the slightest, so that his teachings seem completely normative and formalistic-legal oriented.

This assumption was even exacerbated when the product of *ijtihad* in the form of a Fiqh text was made into an "authoritative" text.²⁵ Even though the greatness of "Fiqh Civilization" is mostly fixated on Fiqh texts which are nothing but developments in the form of comments (*syarh*), or even comments on comments (*hasyiyah*) the main text actually disappears. So Fiqh loses its relevance to the reality of practical social life in society.²⁶ The above conditions gave rise to the rather pejorative postulate of "Fiqh Civilization" that this science (Fiqh) seems stagnant, rigid, and "necessary" like Gus Dur's criticism, experiencing a phase that must be applied throughout without exception in the aspects of Muslim life in all social orders, nations, and countries without being given the freedom of reinterpretation or correction.²⁷

This is because from the beginning the fundamental structure of the Shari'a was not matched by substantive productivity through the method of *ijtihad*, so finally "*Fiqh*" tends to be legal-formalistic and stagnant. "Fiqh Civilization" has confined the movement of the times which has had the effect of making it difficult to accept all changes, even though the reality of Muslim life continues to evolve along with the times.²⁸

On the other hand, in its spread and development, Islam as a religious entity always intersects with various civilizations and cultures which are the product of humans and has a relative tendency: to develop in accordance with the development of the situation and conditions that surround it.²⁹ Until finally the demarcation of dualism view of Fiqh appears between dynamism and conservatism; relativism and absolutism, traditionalism and modernism, and fundamentalism and liberalism, which have an impact on the epistemic paradigm of Islamic reasoning in general and Fiqh in particular so that it

²⁵ Raisul, "Pemikiran Hukum Islam Khaled Abou El Fadl," *Mazahib* 14, no. 2 Desember (2015): 145–58.

²⁶ Mahfudh, *Nuansa Fiqh Sosial*, 21.

²⁷ See: Abdurrahman Wahid, *Pergulatan Negara, Agama Dan Kebudayaan* (Jakarta: Desantra, 2001), 93.

²⁸ John L. Esposito, *Ancaman Islam: Mitos Atau Realitas?* (Bandung: Mizan, 1996), 46.

²⁹ Wahid, *Pergulatan Negara, Agama Dan Kebudayaan*, 109.

experiences patchwork and turns into many faces (multi faces) not one with various reconstruction and reinterpretation efforts.

M. Amin Abdullah stressed that Fiqh should not only be understood as a matter of divinity, belief, faith, and ultimate concern but needs to be reconstructed and reinterpreted to be seen as historical-cultural issues formulated by the scholars to answer the historical-actual interests of their people so that it is necessary to a reinterpretation of Islamic teachings.³⁰

3. Development of the NU Fiqh Reasoning Tradition

The rigidity of "Fiqh Civilization" in genealogical transmission can be traced to NU as *jam'iyah Islamiyah* (an Islamic religious organization) which was born in Surabaya on 16 Rajab 1344 H/31 January 1926 ad and adheres to the teachings of *Ahlussunnah Wal Jamaah* (Sunni). The basic assumption is that the roots of the NU tradition will always be identified with the *pesantren* tradition³¹ It is no exaggeration that *pesantren*, as portrayed by Martin Van Bruinessen, view Fiqh as a "special" branch of knowledge and is even important because of its role, because it is very intensive as a reference in daily religious practices.³² This characteristic then determines one of the characteristics of *pesantren* reasoning as adherents of the *madhabi* fiqh.

The reasoning of the *madhabi* fiqh itself is a form of orthodoxy in the opinion of the school's Fiqh book, the followers of the schools, and the authority of the schools that is taught and transmitted in *pesantren*. Indirectly, this has succeeded in building the construction of madhab fanaticism in *Pesantrens*, more specifically the Shafi'i madhab of thought.³³ Furthermore, in *pesantren* understanding seems to crystallize into a "patent" tradition, a kind of ideology, so that its books are standardized and are known as *al-kutub al-mu'tabarrah*: authoritative collection of books in legal decision-making activities.³⁴ Even though it was stated from the beginning that "authoritative" is still "debatable."

³⁰ M. Amin Abdullah, *Studi Agama: Normativitas Dan Historisitas* (Yogyakarta: Pustaka Pelajar, 1996), 5.

³¹ F Hakim, "Variasi Nalar Fiqh Di Kalangan Pesantren," *FALASIFA: Jurnal Studi Keislaman* 8, no. September (2017): 241-58.

³² Martin van Bruinessen, *NU: Tradisi, Relasi-Relasi Dan Kuasa* (Yogyakarta: LKiS, 1994).h. 12

³³See:Nurcholish Madjid, *Bilik -Bilik Pesantren* (Jakarta: Paramadina, 2004), 13.

³⁴More complete:Zahro, *Tradisi Intelektual NU: Lajnah Bahtsul Masa'il 1926-1999*.h. 84-96

The maintenance of traditions carried out by NU is really very important, because it is the basis for the "authenticity" form of maintaining the *turats* (treasures) of Sunni scholars who with their efforts optimized *ijtihad* to answer various *ummah* and religious problems of their time. The Fiqh brought by the propagators of Islam to Indonesia through these trustees was "patented" and then adhered to and practiced with unique nuances according to the characteristics of Indonesia. Of course, it doesn't mean that this is without historical intervention, because this transmission can be seen as a portrait of a counter-discourse movement against the face of Islam which is full of discourse battle halls (*ghazwat al-fikr*).³⁵

Strong attachment to the Shafi'i madhab (*syafi'iyah*) then gave rise to a sort of "assumption" that seemed reluctant to look at the treasures of other schools of thought that were recognized and legalized as contained in the Nahdlatul Ulama statute. To underline, basically intellectual engagement does not mean the NU Fiqh tradition, and *pesantren* Fiqh directly refers to the books of Imam As-Shafi'i himself, such as *Al-'Umm*, or the works of scholars belonging to the Shafi'i madhab which are still close in transmission such as the book of Al-Shafi'i. -*Mukhtashar* Imam Al-Buwaiti, *Al-Mukhtashar* Imam Al-Muzanni, *Nihayat al-Mathlab* by Imam al-Haramain Al-Juwaini. However, other Shafi'i Fiqh books are popular in *pesantren*.

Since NU was founded until now, this tradition has fused into a routine official forum from the central level (PBNU) to the regions (Territory, Branch, Sub-Branch and Twig),³⁶ without exception in *pesantren*. The NU Scholars (Ulama) exchange references (*maraji'*) and discuss to answer legal solutions to the actual reality of people's lives. This forum originally appeared in the form of *Bahtsul Masail* (discussing various problems) faced by the NU community. This forum was successfully legitimized as part of the policy direction so that it was able to legitimize NU's Fiqh reasoning as well as on

³⁵Apart from the fact that NU was born as the image of traditional Islam at the *pesantren* level, there are things that directly or indirectly indicate the formation of NU. Among them was what Jamaluddin al-Afghani had initiated with Pan-Islamism: uniting the entire Islamic world, a reform movement that emerged in Egypt and parts of the Middle East. On the other hand, a nationalist movement arose which undermined the Turkish Ottoman Caliphate, became a discourse war about the position of Islam in world civilization and pushed into *fiqh* discourses. See more clearly in: Ali Haidar, *Nahdlatul Ulama Dan Islam Di Indonesia: Pendekatan Fikih Dalam Politik* (Jakarta: Gramedia Pustaka Utama, 1994), 40.

³⁶See: Sahal Mahfudh, "*Bahtsul Masail dan Hukum NU Istinbath: Sebuah Catatan Pendek*" in M Imdadun Rahmat (ed.), *Kritik Nalar Fiqh NU: Transformasi Paradigma Dahtsul Masa'il* (Jakarta: Lakpesdam, 2002).h. xiii

the other hand with the *madhabi* Fiqh reasoning pattern. Of course, this does not mean denying that the personal thoughts of the figures are an integral part of the NU Fiqh reasoning itself.³⁷

This means that it is always agreed that the method of taking the law of the *Bahtsul masa'il* (discussing religious problems) forum be taken from "authoritative" Fiqh books, most of which are *qauli* (takebook), *taqirir jama'i* (decision making for the *Bahtsul masa'il* (discussing religious problems) forum), a little *ilhaqi* (*qiyas* or analogical model with main sources of Fiqh reference books) and rarely use the *manhaji* method or applying *usuliyah* (principle of Islamic jurisprudence) and *fiqhiyah* (legal maxim) principles directly. Although the *manhaji* method is rarely applied, it is not at all that in the NU tradition, *pesantren* are not taught the field of *usul Fiqh* (principles of Islamic jurisprudence) as a methodological basis.

Basically there are several popular books such as 1) *Al-Luma* by Imam As-Syairazi, author of the reference book of the Shafi'i madhab of *Al-Muhadzdzab* (d. 476/1083 AD); 2) *Jam' al-Jawami'* by Imam As-Subki (d. 771 H/1369 AD); 3) *Lata'if al-Isyarat* by Abd al-Hamid al-Qusdi (d. 1334 H/1916 AD); 4) *Al-Asybah wa al-Nadzha'ir* by Jalaluddin As-Suyuthi (d. 911 H); 5) *Al-Waraqat* written by Imam Al-Juwaini (478 H/1085 AD) and 6) *Al-Bayan* the book of Abd al-Hamid Hakim (d. 1379 H/1959 AD).³⁸

However, as mentioned, the style of *usul fiqh* (principles of Islamic jurisprudence) methodology studied is "rarely" developed in the deliberation forums that are held. Most of the methods still use in the *qauli* (take book) pattern referring to the book of Fiqh. Some reasoned that implementing *usul fiqh* (principles of Islamic jurisprudence) as a whole is synonymous with *ijtihad* activities, while the growing stigma is that the door of *ijtihad* has closed, so that the authority to implement methodological *manhaj* using *usul fiqh* (principles of Islamic jurisprudence) seems to have disappeared. that is because after the era of the *mujtahid mutlaq mustaqil* (someone who is able to make his own rules in making fiqh legal conclusions) the founders of the

³⁷ Ali Maschan Moesa, *Nasionalisme Kiai: Konstruksi Sosial Berbasis Agama* (Yogyakarta: LKiS, 2007), 149.

³⁸According to Bruinessen's records, there are seven books of fiqh proposals which include the book *Bidayat al-Mujtahid* by Ibn Rushd (d. 594 H/1198 M), a follower of the Maliki Mazhab

See: Martin Van Bruinessen, *Kitab Kuning (Pesantren, Tarekat Dan Tradisi-Tradisi Islam Di Indonesia)* (Bandung: Mizan, 1999), 115.

schools of thought were no longer possible and it was difficult to find scholars of the same level, given the tough conditions.³⁹

Achmad Siddiq, who wrote *Khittah Nahdliyyah*, gave a simple view of the NU tradition : first, for those who meet the requirements and the means to draw conclusions, they can consult or discuss, second, for those who cannot afford or fulfill it, they are obliged to follow *taklid* because forcing someone to explore Fiqh is not only inappropriate but harm Muslims.⁴⁰ The dynamics of NU's Fiqh reasoning indeed shows the stretching of a journey that moves slowly but simultaneously, until then comes what is then initiated by transformative intellectuals who want flexibility in understanding the Fiqh of the NU community themselves, i.e. KH Abdurrahman Wahid, Masdar Farid Mas'udi, A. Qodri Azizy , KH Sahal Mahfudh and many of them.

4. Social Fiqh: The Beginning of Shifting Paradigm

At the beginning of its development, "*Fiqh*" was always juxtaposed with the area where the Fiqh lived, call it "*Fiqh hijaz*" or "*Fiqh Syamiy*" to refer to two things at once, namely the views of Fiqh scholars in the areas of Mecca, Medina, Syria and its surroundings or the prevailing Fiqh group and growing in Mecca, Medina, Syria. Likewise, "*Fiqh Iraq*" for Iraq, "*Fiqh Khurrasani*" for Iran's Persian region, or "*Fiqh Maghribi*" for Morocco. With the same meaning, we can also call "*Fiqh Indonesia*" as Hasbi As-Shiddieqy had initiated in his time to explain the views of Indonesian ulama Fiqh or a set of Islamic laws that were formulated and developed in Indonesia.⁴¹

In later developments, "*Fiqh*" is more closely associated with certain themes of study, such as "*Fiqh Ibadah*" for discussion of collections of laws relating to rituals of worship. Likewise "*Fiqh jinayah*" which focuses on a set of criminal laws, "*Fiqh munakahat*" to refer to aspects of marriage, which was later called "*Fiqh al-ahwal as-syakhsiyyah*" (family law) or "*Fiqh mu'amalah*" as a legal study Islam related to economic issues. In fact, more specific and specific Fiqh studies have developed, such as environmental Fiqh (*Fiqh al-bi'ah*), land Fiqh (*Fiqh al-ardh*), women's Fiqh (*Fiqh an-nisa*), maritime Fiqh

³⁹ Ali Mutakin, "Kitab Kuning Dan Tradisi Intelektual Nahdlatul Ulama (NU) Dalam Penentuan Hukum (Menelisik Tradisi Riset Kitab Kuning)," *Syariah Jurnal Hukum Dan Pemikiran* 18, no. 2 (November 2018): 195, <https://doi.org/10.18592/sy.v18i2.2270>.

⁴⁰ Achmad Siddiq, *Khittah Nahdliyyah* (Surabaya: Khalista, 2005).

⁴¹See more details: Mahfudz Junaedi, "Fikih Indonesia: Epistemologi Sosio-Kultural" 9, no. 2 (2018): 291.

(*Fiqh al-bahr*).), health fiqh, minority fiqh (*Fiqh al-aqalliyat*), interreligious fiqh, multiculturalism fiqh, and there are still many Fiqh "ideas" with various discussions. This includes social Fiqh (*Fiqh al-ijtima'iyah*), as well as civilizational Fiqh (*Fiqh al-hadharah*).

The emergence of Social Fiqh in both NU and Indonesia was born with the idea of publishing two books entitled *Wacana Fiqh sosial* KH Ali Ya'fie and *Nuansa Fiqh Sosial* KH Sahal Mahfudh in 1994. Both of these books do not definitively talk about the meaning of Social Fiqh because both not a purely scientific work that talks specifically and methodologically about " Social Fiqh " itself, but a compilation of papers. However, its presence illustrates the meaning, theory, and orientation of the discourse of " Fiqh Civilization," while at the same time showing the anxiety of the adherents of tradition. Thus, this discourse emerged not from a vacuum and as a response or reaction to the assessment of traditional Fiqh which diluted its sacred values.⁴²

Social Fiqh certainly cannot be separated from the four methodological sources of *usul fiqh* (principles of Islamic jurisprudence) as *istinbath al-ahkam* to reach Fiqh products namely: Al-Quran, Sunnah, Ijma' and Qiyas. *Istinbath ahkam* itself is the most fundamental "spare part" and influences the resulting Fiqh product.⁴³ In *bahtsul masail* NU, for example, the KH Sahal Mahfudh forum was involved, the term *istinbath ahkam* was not raised. Because as explained, it tends to have the connotation of *istikhrāj al-Hukum min an-nushush* (taking out laws from primary texts), namely the Al-Quran and Sunnah which can only be carried out by *mujtahid mutlaq* (someone who is able to make his own rules in making fiqh legal conclusions).⁴⁴

From this it can be judged that NU's legal *istinbath* through *Bahtsul masa'il* (discussing religious problems) is a common way of thinking about Fiqh with a literal understanding method (Dutch: letterlijk). The pattern of thinking tends to override aspects of legal relevance to the problems that are currently developing. In the end, the rule that states "the law goes according to 'illat'" becomes paralyzed in the face of a rigid view in understanding the

⁴² Mahsun Fuad, *Hukum Islam Indonesia Dari Nalar Partisipatoris Hingga Emansipatoris* (Yogyakarta: LKiS, 2013).h. 111

⁴³ Reza Fauzi Nazar, "Corak Pembaruan Pemikiran Hukum Islam Dalam Konsep 'Fiqh Sosial' K.H Sahal Mahfudh," *Asy-Syari'ah* 23, no. 75 (August 2021), <https://doi.org/10.15575/as.v23i1.9262>.

⁴⁴ Mahfudh, *Nuansa Fiqh Sosial*, 27.

text.⁴⁵ Therefore, KH Sahal Mahfudh criticized conservative-traditionalists and fundamentalists who always linked Fiqh textually. He was annoyed at the opinion of the scholar who did not want to pay attention to the dimensions of space and time that had delivered the products of Islamic law.⁴⁶

It was this reason that made KH Sahal Mahfudh join the group of NU's productive thinkers in a "*halaqah*" forum to formulate a productive theoretical framework for Fiqh in accordance with the times. One of the results of the "*halaqah*" forum was the emergence of the term "*ber-madhab manhaji*," it's mean following standards of the majority of fiqh schools by applying *usuliyah* (principle of Islamic jurisprudence) and *fiqhiyah* (legal maxim) principles. And the emergence of the idea of popularizing it in 1987 (the initial idea) and in 1998 with the support of KH Sahal Mahfudh and KH Imron Hamzah, seminars were held with the theme "*Telaah kitab secara kontekstual*" (examine the book contextually) in Watu Congol Pesantren, Muntilan, Magelang. In fact, in mid-October 1989 a "*halaqah*" (limited discussion) was held on "The Future of NU." One of the speakers was A. Qodri Azizy who stressed the need for a redefinition of having a madhhab until the term of *ber-madhab fi al-manhaj* like above.⁴⁷

The treasures of Fiqh traditions are truly abundant with the diversity of schools of thought, besides that, as KH Sahal Mahfudh stated, Fiqh covers various aspects of life including worship, *mu'amalah* (an economical issues), *munakahat* (aspects of marriage), *jinayah* (criminal law), and so on.⁴⁸ of course it is very sufficient as a source of *turats* (classical books). The problem is when Fiqh is understood as a scientific civilization that is "old-fashioned" dealing with texts regardless of context and is minimally developed. In other words, what is needed is to become *tajdid* (renewal) and then integrate it, not deconstruct it haphazardly like some circles who are dazzled by western thought, while still being responsive to modernity (*hadatsah*).

In the current situation that is all sophisticated, accelerating technology and modernity, it is necessary to be a fast response to all problems in life, both

⁴⁵ Fuad, *Hukum Islam Indonesia Dari Nalar Partisipatoris Hingga Emansipatoris*, 115.

⁴⁶As an example, one rule of usul fiqh "*al-hukmu yadurru ma'a 'ililasitijadian wa 'adaman*" or "*la yunkiru taghayyur al-ahkam bi taghayyur al-amkinah wa-al-azminah*" is an example of a rule that is responsive to changes in spatial dimensions and time.

⁴⁷The chronology of the emergence of the Manhaji school of thought is more complete in: Zahro, *Tradisi Intelektual NU: Lajnah Bahtsul Masa'il 1926-1999*, pp. 128-132

⁴⁸ Mahfudh, *Nuansa Fiqh Sosial*, 19.

those related to ideology, politics, law, economy, culture, and even religion. Human civilization has always experienced changes and developments from time to time. At that time, Fiqh was faced with two choices, namely: First, "Fiqh Civilization" was still perpetuated, which meant that Fiqh remained rigid (taken book), absolute, stagnant so that Fiqh was indirectly abandoned by society, because they felt they were unable to provide solutions to problems that occur, in other words Fiqh becomes a rule of law that is heavenly and not down to earth. Or second, Fiqh is developed dynamically and is able to respond to problems that occur according to the context of reality.

An offer to shift the paradigm from the second option which seems to have been made by Gus Dur, KH Sahal Mahfudh and several other figures. Discourse that tries to offer more flexible Fiqh reasoning without being uprooted from the roots of tradition. Initiating *manhaji* fiqh which, if understood from various writings, fatwas and opinions, can be categorized into social historical thinking approach, namely thinking that responds to *Al-Waqi* issues (actual reality) while trying to answer societal problems without leaving the authenticity of *turats* (the treasures of the classical books), but can consider the dynamics that occur in a very dynamic society.⁴⁹

5. The Civilization Fiqh: Efforts to Revitalize Turats

The Civilization Fiqh is NU's effort to be more advanced on the world stage discussing the fate of world civilization, as well as the Islamic world through the treasures of Islamic thought: Fiqh. The meaning of "Civilization Fiqh" is certainly far from the pejorative meaning of "Fiqh Civilization" which is stagnant, which is intended as an effort to participate in answering problems in the global discourse on civilization.

The phrase Civilization Fiqh or *Fiqh al-Hadharah* has actually been introduced by Muhammad Imarah, he stated that Islam does not only contribute to Muslims, but to humanity as a whole. The starting point is the spirit of *ijtihad* (individual interpretation) which is channeled through the corridors of Fiqh and human balance between reason, texts, experimentation, and intuition. According to him, the process of understanding what was taught by the Prophet in building civilizational Fiqh should be pursued with historical awareness, not just historical reading. He quoted Sayyidina Ali bin

⁴⁹ Qurtuby, *K.H Sahal Mafudh: Era Baru Fiqh Indonesia*, 83.

Abi Talib's message when asking the Prophet Muhammad about his Sunnah, the Prophet replied: "reason is the basis of my religion."⁵⁰

Therefore, there is actually nothing new in Civilization Fiqh as a renewal movement, but its projection, if it is not excessive, wants to restore the essence or substance of Fiqh as understood by scholars as an effort to interpret and reflect on sharia on reality which is dynamic and flexible by way of *ijtihad*. This kind of contextualization of Fiqh is needed so that scientific discourse can continue to develop and not stop in stagnation. With the awareness that Muslims, while upholding religious principles, must maintain the identity and ideals conveyed through revelation, as the religion of *rahmatan lil'aalamiin* (realizing peace and compassion for humans and the universe). As a result, Islam or the Islamic world must be present and no longer be eliminated as a third country in the arena of world civilization.

The facts show that since the end of World War II, global society has entered the inevitable reality of modernity. In addition, Western hegemony over the ideal concept of modernity gripped Islamic scientific reasoning, so that Muslims were trapped in the abyss of falsification when trying to understand the reality of a new civilization. One side of conservative reasoning is too sacred to religion and ignores the dynamic realities of human life. On the other hand, the reason modern civilization is trapped in Western hegemony so that it loses its Islamic identity which is summarized in the classical treasures.

For Samuel P. Huntington, today's world is no longer faced with ideological or economic battles. The ideological battle was over with the end of the Cold War between the United States and the Soviet Union. Currently, unconsciously the world is in a civilizational battle.⁵¹ Civilization battles are different from pre-existing wars, which pitted two great powers against each other. The battle of civilizations is a reaction to the domination and hegemony of Western civilization. In this battle, world civilizations fight against hegemony and create modern civilizations without being trapped in western co-optation. Islam as the antithesis of the hegemony of western civilization must be directly involved in the discourse of world civilization itself.

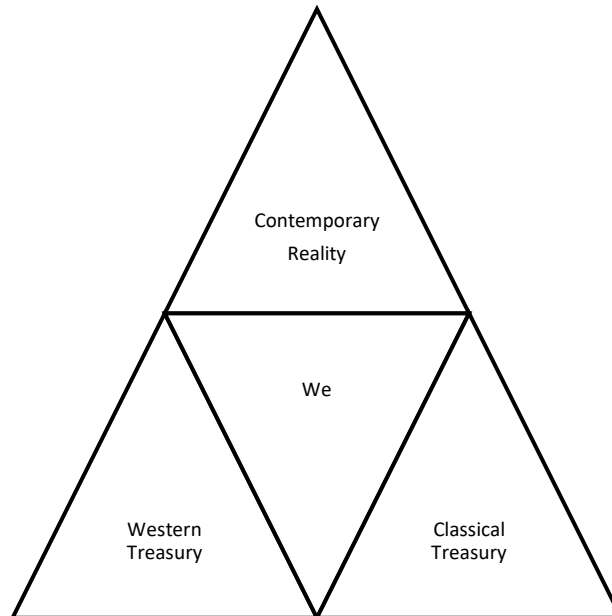
⁵⁰ Muhammad Imarah, *Fii Fiqh Al-Hadharah Al-Islamiyyah* (Kairo: Dar al-Islam, 2012).

⁵¹Samuel P. Huntington's phenomenal and controversial idea in his book "*The Clash of Civilizations and the Remaking of World Order*" (1996)

For convenience, Hasan Hanafi's epistemic can be borrowed with the projection of "*Al-Turats wa al-Tajdid*," (Tradition and Modernization) a theoretical framework that seeks to photograph the "pyramid" of civilization, that humans cannot be separated from the three roots of thinking, namely: 1) Yesterday (*Al-Madhi*) with the personification of *turats qadim* (Islamic classical treasures themselves); Tomorrow (*Al-Mustaqbal*) with the personification of *Turats Gharbi* (Western Treasures); and Now (*Al-Hali*) with the personification of *Al-Waqi'* (present reality). These three thinking bases are used as "three frontation" (*al-jabhah al-tsalatsah*) which is understood that our position is in the civilizational triangle.⁵² In *turats qadim* we place classical treasures as a reference for thinking that has a broad and deep civilizational history that is at the same time rooted deep down and—at the same time, *turats gharbi* is placed as a side of modernity as a guest of civilization which has a history spanning about two centuries (when Islam began to acknowledge the existence of Western significance that Islam had to come dressed as a disciple). Whereas in *Al-Waqi'* it is placed as a contemporary reality that is around us as a field for planting, grafting, and interacting to borrow Abed Al-Jabiri's language between *turats* (traditionally) and *hadatsah* (modernity). According to Hasan Hanafi, the correlation between the three is very strong, so that it is impossible to separate one another. This is where the process of acculturation (*al-tatsaqquf/al-tahaddur*) is inevitable.⁵³ Schematically the pyramid can be seen as follows:

⁵²View in: Hasan Hanafi, *Muqaddimah Fi 'Ilm Al-Istighrab* (Kairo: Dar al-Funniyah, 1991).h. 9

⁵³ Hasan Hanafi, *Al-Turats Wa Al-Tajdid, Mauqufina Min Al-Turats Al-Qadim* Hasan Hanafi, *Al-Turats Wa Al-Tajdid, Mauqufina Min Al-Turats Al-Qadim* (Beirut: Al-Muassasah Al-Jam'iyah li al-Dirasah wa al-Nasyr wa al-Tauzi', 1992), 14–19.



Furthermore, related to the projection of *the Civilization Fiqh* seen in the discourse fronted by the leadership of KH Yahya Cholil Staquf and KH Ulil Absar Abdalla as Chair of the Lakpesdam PBNU namely first, the projection of Civilization Fiqh can bring out of intellectual discourse passion, dialogue of Islamic thought, refreshing stagnation which only dwells on matters The trivial things that often appear recently, especially in-depth Islamic studies today seem to fade away. In this case, NU is trying to "repeat" the intellectual brilliance when NU was under Gus Dur who massively presented the halls of Islamic thought in the Arab and Western world. Second, the discourse of "Civilization Fiqh" is an attempt to re-contextualize the treasures of Islamic scholarship that exist in one of the traditions of the classical Fiqh tradition with the reality of a new civilization.

Unfortunately, the theme and discourse raised by the NU "*Halaqah Fiqh Peradaban*" (discussion while sitting in a circle talking about Civilization Fiqh) event were "reduced" if not exaggerated, "mostly" only on *Siyasah* (political) issues. The discussion that is presented is not far from the issue of *Fiqh al-Siyasah* (political fiqh) in various contexts and perspectives: the relationship between religion and the state, patterns of relations between Muslim infidels, Islamic state, nation-state, and so on. Even though there are complex components regarding civilization in the social order. As stated by Huntington, civilization is a cultural entity. This cultural unity is formed in the smallest to the largest scope; environment, ethnicity, country, and religion.

The highest cultural unity in human groups that seems to distinguish humans from other species is ultimately called civilization. There are eight civilizations that exist in this modern era: ⁵⁴Talking about civilization is a complex matter because of its connection with the identity of large groups of people in the world. Ibn Khaldun in the *Muqaddimah* has been talking about civilization for a long time.

Ibn Khaldun interprets civilization more clearly and complexly than what was conveyed by Huntington. Civilization is not only a matter of identity but also economic independence and social stability which is embodied in both material and immaterial aspects. Civilization is the highest peak of the unity of the social order. Therefore, the discourse on civilization cannot be seen from one point of view of the elements of the founding of civilization, but from all the aspects that make up this highest identity. At least, the supporting elements for the establishment of civilization can be seen in the economic, social, legal, cultural, and religious aspects apart from just the political aspect.

In order for the discourse on Civilization Fiqh is able to make a major contribution to the dialogue of real-world thoughts, its discussion must be expanded and revitalized. The problem of civilization is not limited to political issues and the reality of the nation-state. Civilization is further concerned with universal human values. This is recorded by the genealogy of Fiqh reasoning with studies that have been carried out by several post-Social Fiqh NU figures to bridge the discourse on the *Al-Waqi* phenomenon. Some are in the form of ijtihad thoughts among NU activists with their respective segments, on the other hand, a "serious" studies are fronted by PBNU. Among them are Marzuki Wahid and Rumadi with the study "*Fiqh Mazhab Negara (2001)*" (Fiqh of State School).⁵⁵ In addition, there is KH Husein Muhammad with a focus on "*Fiqh Perempuan (2007)*" (Women Fiqh),⁵⁶ also with the study "*Fiqh Keseharian Buruh Migran (2012)*" (Islamic Fiqh of daily migrant

⁵⁴ Stanis Klau, "Benturan Peradaban Samuel P. Huntington (Sebuah Analisis Perang Pemikiran Barat - Islam Dalam Tinjauan Komunikasi) Oleh:," *Al Qodiri: Jurnal Pendidikan, Sosial Dan Keagamaan* 19, no. 3 (2022): 676.

⁵⁵The study was carried out quite seriously in photographing the paradigm and dynamics of Indonesian law and legal politics in the arena of a modern state. Although the nuances of turats fiqh do not really appear. See more details: Marzuki Wahid and Rumadi, *Fiqh Madzhab Negara: Kritik atas Politi Hukum Di Indonesia* (Yogyakarta: LKiS, 2001).

⁵⁶KH Husein Muhammad tries to reconstruct fiqh reasoning against the stigma of gender bias in the treasures of classical fiqh *turats*. This concentration was lifted consistently by him. See: Husein Muhammad, *Fiqh Perempuan* (Yogyakarta: LKiS, 2007).

workers)⁵⁷ which was explored by Imam Nakha'i and Marzuki Wahid. Followed by Marzuki Wahid's discourse "*Fiqh Indonesia* (2014)." (Indonesian Fiqh)⁵⁸

The actual Fiqh study segment initiated by PBNU was also carried out and documented involving various internal parties from the PBNU LBM Team and Lakpesdam PBNU as well as externally in the past few years. Among them is the study of Anti-Corruption Fiqh with the presented book "*Jihad Nahdlatul Ulama melawan Korupsi*" (2016) (Jihad Nahdlatul Ulama against corruption)⁵⁹, then discussing resources namely "*Fiqh Energi*" (2017) (Energy Fiqh)⁶⁰, the study of the inclusion of disabilities with "*Fiqh Penguatan Penyandang Disabilitas*" (2018) (Fiqh of strengthen for people with disabilities)⁶¹, or studies on "*Fiqh Tembakau*" (2018) (Tobacco Fiqh)⁶², and "*Fiqh Penanggulangan sampah Plastik*" (2019) (Plastics waste Management Fiqh).⁶³

And then, the discourse presented in "*Halaqah Fiqh Peradaban*" must be able to touch on issues that are really lacking in Islamic *turats* discourse. This is something that several activists, academics and Ulama NU, and even PBNU itself have been doing simultaneously on their way. Issues concerning human

⁵⁷Migrant workers (TKI) in fact have problems and problems they face. Of course, this idea was born as a form of strengthening aspects of human rights. The treasures of Islamic jurisprudence are actualized to answer the problem of the treatment of migrant workers in other countries regarding their rights and obligations. See: Imam Nakha'i and Marzuki Wahid, *Fiqh Keseharian Buruh Migran* (Cirebon: ISIF, 2012).

⁵⁸What Marzuki Wahid and his team did was conduct a study and offer counter legal ideas for the KHI draft with the "assumption" that the KHI has so far been gender biased. He carried out the reconstruction of Indonesian law in the treasures of interpretation of usul Fiqh and Fiqh *turats*. This study offers a counter discourse on Indonesian legal political hegemony in the form of Compilation of Islamic Law See: Marzuki Wahid, *Fiqh Indonesia: Kompilasi Hukum Islam Dan Counter Legal Draft Kompilasi Hukum Islam Dalam Bingkai Politik Hukum Indonesia* (Bandung: Marja, 2014).

⁵⁹ Ahmad Ishomuddin et al., *Jihad Nahdlatul Ulama Melawan Korupsi* (Jakarta: Lakpesdam PBNU, 2016).

⁶⁰ Abd. Moqsith Ghazali et al., *Fikih Energi Terbarukan: Pandangan Dan Respons Islam Atas Pembangkit Listrik Tenaga Surya (PLTS)* (Jakarta: Lakpesdam PBNU, 2017).

⁶¹ PBNU Bahtsul Masail Institute (LBM), Islamic Boarding School and Community Development Association (P3M), Unibraw Center for Disability Studies and Services (PSLD), *Fiqh Penguatan Penyandang disabilitas* (Jakarta: Lembaga Bahtsul Masail PBNU, 2018).

⁶² A. Sa'dudin Fathuddin et al., *Fikih Tembakau: Kebijakan Produk Alternatif Di Indonesia* (Jakarta: Lakpesdam PBNU, 2018).

⁶³ PBNU Bahtsul Masail Institute (LBM) and PBNU Disaster Management and Climate Change Institute (LPBI), *Fiqh Penanggulangan Sampah Plastik* (Jakarta: PBNU Bahtsul Masail Institute, 2019).

rights, injustice, gender, extraordinary crime (corruption), and environmental destruction. So it is not an exaggeration if "Civilization Fiqh" can discuss the reality of 21st-century society: free economy, internet technology society of think, the construction of the formation of the smallest element of the nation: the family by making counter-discourse see the issue child-free phenomenon which is currently sticking out, demographics Fiqh, and etc. As a result, the revitalization of *turats* was able to give rise to a new Fiqh, the Fiqh which is able to answer new problems with new styles, new approaches, and new epistemic. However, they are still present to bring universal Islamic values and are still the same as what the Prophet Muhammad really blamed.

Conclusion

Genealogically, the NU's Fiqh begins with the reasoning of madhabi Fiqh as a treasure that cannot be separated from the consistency of maintaining traditions within NU. However, responding to these changes, the dynamics of the NU Fiqh reasoning shows the movement of individual nahdliyyin themselves who position themselves as reformers to enrich the treasures of Islamic discourse. The reasoning of NU's began to be seen when the ideas of Social Fiqh from the past two decades were presented and took the form of *madhabi* Fiqh reasoning. Civilization Islamic of Fiqh also must be an attempt by the NU's culture movement to repeat the glory of Social Fiqh. It combines the treasures of *turats*, modernity and the reality of the conditions that occur. As a note, genealogically " Civilization Fiqh " is a series of actual discourses carried out by NU circles where the discussion of "*halaqah*" and the formulations that will later be discussed in the organization's official forum should be sharpened. Civilization is not limited to political issues and the reality of the nation-state. Civilization concerns universal human values. Or in other words, it is necessary to take exploratory steps towards *turats* that are oriented towards the reality of Muslims. Fiqh must be actualized, revitalized and not just displayed, followed and advised. Fiqh is able to become the basis and starting point to boost the power of Muslims in Indonesia and in the world to create a New World Order. Civilization is not limited to political issues and the reality of the nation state. Civilization concerns universal human values. Or in other words, it is necessary to take exploratory steps towards *turats* that are oriented towards the reality of Muslims.

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