



## When Traditional Meets Modern Pedagogies: A Case Study of Ma`had Aly Situbondo

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### ABSTRACT

This research aims to examine the learning processes of Mahad Aly Situbondo students in formulating contemporary fiqh law by integrating textual sources (*kitab kuning*) with contextual social realities. Additionally, it seeks to understand the significance of *fiqh* and *ushul fiqh* as core scientific disciplines at Mahad Aly Situbondo in training students to become jurists (mujtahids). Utilizing a case study approach predominantly based on qualitative research techniques, primary data were collected through interviews with several lecturers and students, as well as direct observations at the research site. Secondary data were sourced from reputable books and journals discussing Ma`had Aly Situbondo, covering its history, regulations, and development. The findings of this study indicate that Mahad Aly Situbondo employs an integrative learning system that combines traditional and modern pedagogies, elaborating on classical and contemporary scientific studies through textual, contextual, and critical approaches. This integrative system is a distinctive feature of Mahad Aly Situbondo, effectively merging shohibul manqul (revelation) and shohibul maqul (reason). This characteristic is closely linked to the study of fiqh and ushul fiqh, which form the scientific foundation for students at Mahad Aly Situbondo. These disciplines cultivate a moderate character in students, essential for their role as future jurists continuing the legacy of Islamic scholars. The fiqh products developed by the students are published in the Tanwirul Afkar (TA) magazine, addressing unresolved fiqh legal themes and current societal issues. The results of this study are expected to serve as a recommendation for other Ma`had Aly institutions to adopt integrative and innovative teaching systems.

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### ABSTRAK

Tujuan penelitian ini untuk mengkaji pembelajaran Mahasantri Ma`had Aly Situbondo dalam merumuskan hukum fikih kontemporer dengan memadukan antara teks (*kitab kuning*) dan konteks (realitas sosial). Selain itu, ingin mengetahui urgensi ilmu fikih dan ushul fikih sebagai konsentrasi keilmuan Ma`had Aly Situbondo dalam mencetak Mahasantrinya menjadi seorang kader ahli fikih (mujtahid). Penelitian ini menggunakan pendekatan studi kasus yang mengadopsi sebagian besar teknik penelitian kualitatif. Data primernya diperoleh dari wawancara kepada beberapa dosen dan mahasantri Ma`had Aly Situbondo dan observasi langsung ke lokasi penelitian. Sedangkan data sekundernya diambil dari buku dan jurnal bereputasi yang membahas tentang Ma`had Aly Situbondo, mulai dari sejarah, regulasi, hingga perkembangannya. Hasil penelitian ini menyimpulkan pembelajaran di Ma`had Aly Situbondo menerapkan sistem integratif yaitu menggabungkan pembelajaran tradisional dan modern dengan mengelaborasi kajian ilmu klasik dan kontemporer yang bertumpu pada pendekatan tekstual, kontekstual, dan kritis. Inilah ciri khas keilmuan Ma`had Aly Situbondo yang

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dianggap mampu memadukan antara shohibul manqul (wahyu) dan shohibul ma'qul (akal). Karakteristik ini tidak terlepas dari ilmu fiqh dan ushul fiqh sebagai konsentrasi keilmuan Mahasantri Ma'had Aly Situbondo. Kedua ilmu inilah yang membentuk karakter moderat Mahasantri Ma'had Aly Situbondo sebagai syarat menjadi kader ahli fikih penerus perjuangan para ulama. Hasil produk fiqh Mahasantri dimuat dalam majalah Tanwirul Afkar (TA) yang berisi tema-tema hukum fiqh yang belum tuntas dibahas, atau isu-isu yang sedang aktual (viral) di masyarakat. Hasil penelitian ini diharapkan bisa menjadi rekomendasi bagi Ma'had Aly lainnya untuk menerapkan sistem pembeajaran yang integratif dan inovatif.

## Introduction

The development of Islamic law in Indonesia occurred long before the Dutch and Portuguese came to colonize the archipelago (Falikul Isbah 2020). Islamic law experienced very rapid progress when Islamic kingdoms, such as the kingdoms of Demak, Samudra Pasai, and Banten, held political power in the archipelago. Until now, Islamic law is not only applied at the symbolic level but also the practical level (Amnan 2022). In addition, Islamic law has been adopted as the standard that individuals must follow in their daily lives, and ensure that their actions do not go beyond the boundaries of Islamic teachings (Faisol 2019). Therefore, it is imperative to ensure the legality and clarity of the law about contemporary issues that arise due to technological advancements and the evolution of the times (Purkon 2022).

The progress of the times inevitably creates complex social problems in society (Karčić 2019). Meanwhile, the texts of the Qur'an and Hadith that are used as a guide in solving community problems have not changed (Ishaq and Ridwan 2023). Of course, this becomes an anxiety for the community when a new problem arises that has no explanation in the two sources of law or the opinions of the scholars (Thalib, Kurniawan, and Kholiq 2020). This is because relying on classical fiqh products several centuries ago is no longer relevant if applied today (Anwar et al. 2025). Moreover, if guided by the textual meaning of the verses of the Qur'an and Hadith it will only lead to radicalism (Ridho and Sabil 2023).

In today's modern era, all forms of traditional thinking are no longer needed and must even be eliminated. Anyone who does not move away from his conservative thinking will be abandoned by civilization (Ridho, Elmi, and Sibawaihi 2023). Likewise, religions that are unable to keep up with the progress of the times will slowly move to other religions that are more flexible and elastic in understanding the times (Shofi, Bayhaki, and Hesam 2023). Therefore, the scholars as the heirs of the Prophet Muhammad's knowledge always reinterpret the Qur'an and Hadith according to the context and social reality. This is because they believe that Islamic teachings have the potential to solve problems with their flexible nature (Valčiukas 2018). In other words, Islamic teachings can answer all the challenges that occur in every transition of time. In Islamic law, scholars refer to this reinterpretation as contemporary *ijtihad*.

*Ijtihad* is to devote all one's knowledge and abilities to formulate new laws that are relevant to current issues arising from technological and information advances due to globalization (Emon 2018). *Ijtihad* has the potential to overcome social problems and revitalize the conservative values of Islamic teachings so that they can remain relevant and adaptable to the times (Khan 2024). The role of *ijtihad* in answering all problems needs to be developed to adapt to changing times (Jalili, Ulfa, and Sahid 2023). Everyone who has a strong religious understanding is allowed to do *ijtihad* (Taufiq 2022). The existence of *ijtihad* is needed in all fields, ranging from social, economic, and customary, to political issues. Along with the many problems that occur in society, *ijtihad* needs to be expanded in its use (Setyawan et al. 2024).

However, the problem is that not all Muslims can find solutions to every problem that arises (Suryani et al. 2023). Only a handful of people can explore the law using the *ijtihad* method as taught by scholars (Afzal and Khubaib 2021; Subhi 2024). In fact, in today's modern era, most people argue and believe that the door to *ijtihad* is closed because they consider that no one has the capabilities of ancient scholars to solve social problems. However, some people still believe that the door of *ijtihad* remains open until the end of time (Muhaimin and Abror 2023). This kind of debate essentially opens opportunities for anyone competent to try to make *ijtihad*, including *santri* who are studying religious knowledge in *pesantren* (Pauzi, Hipni, and Radiamoda 2023).

As an Islamic educational institution, *pesantren* should implement an integrated system of traditional (*Salaf*) and modern (*Khalaf*) learning to adapt to modern Islamic education today (Ridho 2018). This is in line with Soekarno's criticism that traditional *pesantren* must emphasize learning *fiqh* integratively, not dichotomously. In other words, *fiqh* is not only understood from religious disciplines but also from general disciplines. Thus, knowledge of history is needed to understand *fiqh* comprehensively. The lack of knowledge about history makes *fiqh* uncontextualized and difficult to adapt to changing times (Kurniawan, Fitriani, and Miftah 2024). To overcome this, several *pesantren* in Indonesia have established Ma'had Aly, which is an Islamic religious higher education institution organized by *pesantren*, based on the yellow book, and has the aim of producing a cadre of jurists as a successor to the struggle of the *ulama* (Wajdi and Nur Aulia 2019).

One of the Islamic religious education institutions that focuses on producing cadres of jurists (*mujtahids*) is Ma'had Aly Situbondo. As the first cadre institution for jurists in Indonesia, Ma'had Aly Situbondo applies an integrative *fiqh* learning pattern, which combines classical and contemporary *fiqh* studies to answer all social problems of society (Juandi and Yasid 2016). This can be seen from several works by students and alumni of Ma'had Aly Situbondo, such as the book '*Revitalisasi Ushul Fiqh Dalam Proses Istinbath Hukum Islam*' by Dr. Wawan Juandi, M.Ag., '*Fiqh Politik; Relasi Agama & Negara Perspektif Islam*' by Prof. H. Abu Yasid, M.A., LL.M., '*Fiqh Progresif*' by Ma'had 'Aly Situbondo students, and the Tanwirul Afkar (TA) newsletter which is published once a month. These works are the products of their *ijtihad* laws aimed at solving complex problems in the modern era.

Ma'had Aly Zawiyah Jakarta is also an Islamic religious education institution that applies an integrative *fiqh* learning pattern. The characteristics of this institution are to combine traditional *fiqh* education with current issues and to contextualize *fiqh* teachings that are specific to the urban environment. In addition, it creates an ethical decision-making framework and integrates contemporary social issues relevant to urban Muslims (Uyuni et al. 2024). Similarly, Ma'had Aly As'adiyah Sengkang South Sulawesi also combines traditional and modern learning systems, such as *bandongan*, *jalsah* (participatory discussion), and *halaqah* (seminar) methods. In solving social problems, the *mahasantri* critically examines the yellow classical texts by paying attention to social reality. If no answer is found in the yellow book, they will formulate the law by applying the rules of *fiqh* and *ushul fiqh* (*tathbiq al-qawaid wa al-ushul*) (Afifuddin, Tajuddin, and Nisa 2023). In other words, the *mahasantri* is not only sufficient for the opinions of classical scholars but seeks solutions by conducting contemporary *ijtihad* to realize the public good. This mindset is called moderate (*wasathiyyah*) and balanced (*tawazun*) as the hallmark of Ma'had Aly's scholarship. The emergence of Ma'had Aly in Indonesia today emphasizes the importance of a contextual approach to understanding Islamic teachings to solve sociocultural problems in society.

Previously, similar research was written by Abd. Muqit, et. al. in 2023 entitled '*Desain Baru Dalam Menangkal Radikalisme Agama Melalui Pembelajaran Fiqh Multi Madhab di Mahad Aly Situbondo*'. The findings of this research show that Ma'had Aly Situbondo has successfully designed more moderate fiqh learning. This institution presents a new concept in fiqh learning known as progressive fiqh. The concept of progressive fiqh learning emphasizes the interconnection between clumps of knowledge and multi-madhab to foster a broad and moderate paradigm of santri. In addition, the purpose of progressive fiqh learning is to produce mujtahid cadres who are able to interpret fiqh contextually. This research describes the new design of fiqh learning at Ma'had Aly Situbondo in counteracting radicalism through the concept of progressive fiqh learning and its various methods. (Muqit, Nawafil, and Djuwairiyah 2023).

The research of Abd. Muqit, et al. (2023) above is different from the author's research which is more focused on the process of forming a cadre of fiqh experts and their ijihad products. In other words, the purpose of this research is to find out the learning system at Ma'had Aly Situbondo in producing a cadre of mujtahids who can combine text and context. In addition, it wants to know the role of fiqh and ushul fiqh as the scientific concentration of Ma'had Aly Situbondo in shaping the character of its students to become mujtahids. Ma'had Aly Situbondo is the first and oldest pesantren higher education in Indonesia which was founded in 1990 by National Hero KHR. As'ad Syamsul Arifin (Yasid 2010). Of course, this is unique in this research because it has produced many qualified alumni and made Mahasantri the successor to the struggle of the previous scholars. One of the urgencies of this research is to find out their ijihad method in producing fiqh legal products that address actual issues of society. The results of this study can later be used as recommendations for pesantren in Indonesia to reconstruct the traditional conservative learning system into modern multicultural learning.

## Methods

This descriptive research uses a case study approach that adopts mostly qualitative research techniques (Creswell and Creswell 2018). This research aims to find meaning, investigate processes, and gain a deep understanding of the learning system of the Mahasantri at Ma'had Aly Situbondo. In this research, the author conducted interviews with lecturers, mahasantri, and the editor-in-chief of Ma'had Aly Situbondo's Tanwirul Afkar (TA) magazine. In addition, the author also made direct observations of the research location in Sukorejo Village, Banyuputih District, Situbondo Regency to obtain primary data. To supplement the data, the author documents the work of Ma'had Aly Situbondo students in the form of the book '*Fikih Progresif*', magazines (TA), and so on. The book '*Fikih Progresif*' is a potpourri of legal products resulting from the ijihad of Mahasantri from the first batch to the fourth batch. Meanwhile, TA is a magazine that contains Mahasantri's thoughts on legal studies, book reviews, questions and answers, exemplary columns, and others. To maintain the validity of data from the aspect of subjectivity, the author uses the data triangulation method, namely comparing primary data with the results of previous research on the learning system at Ma'had Aly Situbondo. However, the author did not conduct interviews with Ma'had Aly Situbondo alumni who did not become teaching staff, due to time constraints and long distances. In other words, in this research, the author did not triangulate external sources.

In addition to primary data, secondary data for this research is taken from reputable books and journals that discuss Ma'had Aly Situbondo, starting from its history, and regulations, to its development. The data that has been collected is presented neatly, systematically, arranged in a certain relationship pattern, and organized. So that this data is no longer raw data, but has become information. This data analysis uses the techniques proposed by Miles, Huberman, and Saldana, namely data reduction, data presentation, and conclusion drawing (Miles, Huberman, and Saldana 2014). In other words, all existing data is grouped and simplified according to the needs of this research. After the data is simplified, it is presented in descriptive and tabular form to provide understanding to the reader and draw conclusions in this study.

## Results and Discussion

### Learning System at Ma'had Aly Situbondo

Ma'had Aly Situbondo is a Pesantrens higher education institution for the formation of cadres of ulama in the field of fiqh. The institution has two levels of education, namely; Marhalah Ula (M.1) and Marhalah Tsaniyah (M.2), both of which concentrate on the disciplines of fiqh and ushul fiqh. The purpose of establishing Ma'had Aly is to produce and produce cadres of mujtahid and *faqih zamanihi* who are able to answer every problem presented by the changing times (Juandi and Yasid 2016).

The learning system at Ma'had Aly applies traditional learning patterns like Pesantrens in general, such as *bahtsul masail*, *mudzakarah*, *pengajian pasaran*, *bandongan*, and *muhafadzah* (Muqit, Nawafil, and Djuwairiyah 2023). However, the difference lies in the aspect of the study, namely elaborating the study of classical and contemporary sciences. The purpose of using this elaboration method is so that the students of Ma'had Aly remain steadfast in the thoughts of classical scholars and are able to combine them with the thoughts of contemporary scholars because all current societal problems require new laws that are born from the thoughts of today's intellectuals (Interview, Asmuki, 2024).

This learning method in Ma'had Aly Situbondo has been widely applied in several other Ma'had Aly. For example, Ma'had Aly Nurul Qarnain Jember also integrates traditional and modern learning patterns by applying humanistic learning approaches, expository, *mudzakarah* (memorization), deliberation (discussion), *bandongan*, and *pengajian pasaran* (Interview, Achmad Nakhliid Syafi'i, 2025). However, the uniqueness of the learning method at Ma'had Aly Situbondo lies in its critical and selective study in understanding the Yellow Book text. The mahasantri do not just accept the opinions of the scholars, they comment on and find out the reasons for the scholars to express their opinions, and choose opinions that provide benefits in answering the problems of social reality. Some mahasantri often express their disagreement with the opinions of scholars who are no longer relevant to the times. If a problem arises that has no explanation in the yellow book, then they will conduct collective *ijtihad* with senior lecturers in the *Bahtsul Masail* forum (Interview, Afifuddin Muhajir, 2024).

The *Bahtsul Masail* learning system is a learning method similar to a discussion. This method is applied to help students of Ma'had Aly Situbondo in solving social problems that continue to grow day by day (Murtadlo 2019). In addition, the *mudzakarah* and *muhafadzah* methods are the main priorities of the learning system at Ma'had Aly Situbondo, considering that these methods also greatly assist students in their learning activities.

The learning format at Ma'had Aly is divided into three times, namely morning, afternoon, and evening. Morning to afternoon educational activities are in the form of lectures in general. While the evening is used for discussions between students who are

directly guided by *musyrif* (the term for young lecturers). The basic guidelines that are the basis of the education system at Ma'had Aly Situbondo are morals and knowledge. Viewed from the scientific aspect, Ma'had Aly has an ideal that students are ready to answer social problems, especially in Islamic law issues. This idea requires the institution to implement an accommodating and comprehensive learning system. In addition, this paradigm directs students to always be open to the school of thought system. In other words, not only understanding the science of *ushul fiqh* from the aspect of knowledge alone, but also being able to be a reference in answering a problem (Interview, Khoiruddin Habzis, 2024).

To realize this, Ma'had Aly Situbondo applies several methods, including; first, intensive book learning, namely understanding several books by ancient scholars. Second, learning the *bahtsul masail* method which is taken in two ways, namely casuistic and thematic. This means that Ma'had Aly students are presented with a case by finding a solution contained in the yellow book, then combining various opinions that are in accordance with the problem that occurs and then deciding the law. Third, public lectures by inviting guest lecturers to discuss contemporary problems such as gender, human rights, and so on. Fourth, special lectures, namely the application of reading and interpreting books by classical scholars without any critical study. This method is carried out by referring to the traditional Pesantren education system that has been running so far to maintain the tradition of the teachings of the *salaf* pesantren (Interview, Ahmad Iqbal Fathoni, 2024).

Table 1. List of Concentration Books at Ma'had Aly Situbondo

Science	Level	Books	Methods
Fiqh	Marhalah Ula (M.1)	<i>Fath al-Mu'in</i>	<i>Mudzakarah</i>
Ushul Fiqh		<i>Ghayat al-Wushul</i>	<i>Bandongan</i>
Qaidah Fiqh		<i>Ilmu Ushul al-Fiqh</i>	<i>Pengajian Pasaran</i>
Ilmu Kalam		<i>Al-Madkhal</i>	<i>Muhafadzah</i>
Ulumul Qur'an		<i>Al-Ibanah 'an Ushul al-Dinayah</i>	<i>Mudzakarah</i>
Fiqh	Marhalah Tsaniyah (M.2)	<i>Manna' al-Qatthan</i>	<i>Bandongan</i>
Ushul Fiqh		<i>Fath al-Wahhab</i>	<i>Mudzakarah</i>
Tasawwuf		<i>Jam'u al-Jawami'</i>	<i>Bandongan and Mudzakarah</i>
Hadis		<i>Maqashid al-Syariah</i>	
Tafsir		<i>Ihya' Ulumiddin</i>	<i>Bandongan and Muhafadzah</i>
		<i>Ibanah al-Ahkam</i>	
		<i>Rawa'i al-Bayan</i>	<i>Bandongan and Muhafadzah</i>

### Curriculum and Learning Approaches

The teaching and learning process at Ma'had Aly Situbondo is based on three approaches, namely; first, the textual approach. This approach understands texts linguistically and literally. This is done in two ways, namely guidance with a lecturer and the application of discussion methods. Second, the contextual approach. This approach understands texts carefully which emphasizes the science of *maqashid as-syariah* critically. This study is carried out across schools of thought and is delivered in several public lectures, preparation of written works, manuscript studies and so on. Third, the critical approach. This approach functions to train oneself to try to see the works of the mujtahid imams by combining classical books and contemporary references (Interview, Irsyadul Ibad, 2024).

From the curriculum aspect, Ma'had Aly Situbondo has a set of educational designs containing a combination of traditional and modern educational systems which are used as basic guidelines in organizing the lecture process. This curriculum is designed using the traditional academic and Pesantren approaches. The curriculum can be grouped into four, including; [1] The main material includes the science of al-Qawaid al-Fiqhiyyah, Tafsir Ayat Ahkam, Hadith Ahkam, Akidah and Tasawwuf. [2] The concentration material is the science of fiqh and ushul fiqh. Fiqh material consists of classical and contemporary fiqh. While ushul fiqh material includes Linguistic Theory, Legal Theory, *Maqashid Sharia* Theory, and Legal Source Theory. [3] Supporting material includes several disciplines, such as *Ulum al-Qur'an*, *Ulum al-Hadist*, Fiqh Science, *Sirah Nabawiyyah*, Philosophy and Research Methodology. [4] Supplementary materials include Scientific Writing Techniques, Social Analysis, Advocacy Techniques, and Field Work (Interview, Izzul Madid, 2024).

In its implementation, the Ma'had Aly Situbondo curriculum does not use the Semester Credit System model as is generally the case in Islamic universities. However, the curriculum is designed to be integrated with an annual model, namely that in one year, Ma'had Aly Situbondo students are required to complete a package of materials that have been determined by the academic section. Each material that is a course is taken from the yellow book and this applies to all other materials such as fiqh principles, ushul fiqh, and so on (Interview, Izzul Madid, 2024).

The curriculum at Ma'had Aly Situbondo is almost the same in the field of fiqh with its various branches of knowledge in accordance with its graduates who are later expected to become cadres of ulama and fiqh experts. In developing its curriculum, Ma'had Aly prioritizes moderate principles to realize the teachings of Islam which are *rahmatan lil 'alamin* in the reality of modern life which is multi-complex (Gazali and Malik 2009).

Based on the above principles, to realize all of that is to study Islamic jurisprudence intensively, both traditional and modern Islamic jurisprudence. The application of both models of Islamic jurisprudence is none other than to combine the traditional and modern systems, such as the application of Islamic jurisprudence that is not only guided by the Shafi'i School as is generally the case with Islamic jurisprudence in Pesantrens. However, there needs to be a method of studying Islamic jurisprudence across schools, because with this method it will open the horizons of the students of Ma'had Aly to see and study every different opinion between schools. In fact, Ma'had Aly also emphasizes the development of Islamic jurisprudence methodology, so that some of its legal decisions sometimes deviate from the Shafi'i school of thought. Thus, all Islamic jurisprudence problems in society can be resolved without having to *mauquf* (stop without answering) because the answers to new problems that occur in the midst of society should not be ignored.

The tradition of educational learning in Ma'had Aly Situbondo is very different from the tradition in the usual salaf boarding schools, because in general *salaf* boarding schools still adhere to the textual principles of yellow books and the application of analogy methods. If these two methods do not find the answer, then the *salaf* boarding school will say mauquf. The tradition and model of educational learning in Ma'had Aly Situbondo has gone beyond the textual tradition of the *salaf* boarding school model by developing the tradition of methodology and *maqashid sharia*. On this basis, sometimes some *salaf* boarding schools accuse Ma'had Aly Situbondo of being a liberal boarding school (Interview, Tris Utomo, 2024).

To maintain the quality of its educational process, Ma'had Aly Situbondo applies strict standards, namely the minimum score for students is 7 and completing a scientific paper in the form of a treatise (thesis (S.1) for Ma'had Aly Marhalah Ula and thesis (S.2) for Marhalah Tsaniyah) which is a requirement for graduation from Ma'had Aly. The determination of this minimum score is to maintain the quality of Ma'had Aly Situbondo

as an institution for cadres of fiqh experts can be maintained. The consequence of this regulation is that students who do not meet the standard score will be returned to the original dormitory they occupied or expelled from the Ma'had Aly higher education institution.

There are at least two important things that must be considered in realizing character education as implemented by Ma'had Aly Situbondo, namely; strategies and methods of character education learning. Comprehensive learning can be done using the inculcation method, role models, facilities, and skills development. While the application of character education can be done with various integration strategies. The strategies that can be done are integration in daily activities and integration in programmed activities. Then, with the character education method, theoretically the success of the character education process is influenced by the accuracy of a teacher in choosing and applying the approach to instilling character values. The effectiveness of the character education process is influenced by the accuracy of the approach chosen by the teacher in teaching the material.

From the explanation above, it shows that Ma'had Aly Situbondo prioritizes quality over quantity. Thus, it can be said that even though Ma'had Aly has been recognized by the Indonesian Ministry of Religion as a higher education institution for Pesantrens that is equivalent to other universities, this institution still holds tightly to the traditions of the Salaf and exists as an institution that produces millennial cadres of Islamic jurisprudence experts. So in accepting new students, Ma'had Aly Situbondo holds several MQK (*Musabaqah Qiraatul Kutub*) competition events as a manifestation of maintaining the teachings and traditions of the Salaf Pesantrens. In addition, prospective students must pass several stages of examinations from various fields of science, both oral and written examinations. They must be able to master several sciences that are a requirement for determining the acceptance of new students, such as Islamic jurisprudence, *ushul*, Islamic jurisprudence, Islamic jurisprudence methods, and *nahwu* (Interview, A. Muhyiddin Khatib, 2024).

### **The Urgency of Fiqh Science and Ushul Fikh in Ijtihad**

The need for *ushul fiqh* is never extinguished, because the movement of society is very dynamic, especially for the development of science and technology. Therefore, it seems as if Islamic law is racing with the development of science and technology (Rajafi 2023). There are many new issues that need to be determined as legal, where the issues have not been explicitly ruled by the fuqaha in the past. There are several benefits in studying the science of *ushul fiqh*, including; [1] Islamic religious knowledge will live and develop by following the development of human civilization. [2] Staticism and confusion in religious knowledge can be avoided. [3] People can serve religious knowledge as public consumption in a world of knowledge that is always advancing and developing following the needs of human life throughout the ages. [4] At least, people can understand why the classical mujtahids formulated fiqh as we see it today, what guidelines and norms they used in formulating that law. If they find something or an object that requires judgment or Islamic religious law, what do they do to determine it; which procedures they follow in establishing their laws (Ifandi and Hasanah 2024; Sapiudin, Zainuddin, and Salman 2022).

The science of *ushul fiqh* has an important role for a mujtahid in determining the law based on the arguments of sharia. Its central role lies in its power as a tool capable of developing Islamic law by the dynamics of the times (Al-Hafizh, Rozy, and Rais 2021). The benefit of studying *ushul fiqh* is to be able to understand Islamic law that comes directly from the Qur'an and Hadith so that it does not always depend on the understanding of others whose sources are unknown. The presence of *ushul fiqh* provides methods, principles, and rules that must be followed by a mujtahid to ensure that his *ijtihad* is valid and by the rules of sharia. In other words, *ushul fiqh* is a method that must be mastered



by a mujtahid so that his ijtiḥad is correct and can provide benefits for Muslims (Harisudin 2021).

As the foundation of fiqh, Hashim Kamali said that the current uṣul fiqh must be reconstructed to synergize with the times and the advancement of science. Because, when fiqh is required to adapt to the progress of the times, then uṣul fiqh as its main tool must also be updated. Kamali combines two models of approach to formulate the theory of Islamic law, namely the doctrinal-normative approach and the empirical-historical approach. Empirical-historical approach. The doctrinal-normative approach is the basic concept of uṣul fiqh as a tradition in the discourse of classical scholars. Meanwhile, the empirical-historical approach is a new format that has become a trend of study in the contemporary era (Hefni, Mustofa, and Ahmadi 2025). The same thing was also stated by Agus Moh Najib that the redesign of uṣul fiqh as the foundation for fiqh and Islamic law is an urgent step to take, due to changes in conditions, situations, times, and places as a result of the times (Karimullah 2023).

There are two requirements that must be met by someone if he wants to become a fiqh expert and mujtahid, including; knowing in depth the texts of the Qur'an and Hadith and all the knowledge related to them, knowing in depth the science of uṣul fiqh because this science is the main basis in ijtiḥad, knowing in depth the science of *nasīkh-mansūkh*, which evidence is already *mansūkh* (erased) and which is not *mansūkh*, knowing in depth the science of Arabic grammar and the sciences related to it such as the science of *nahwu* and *saraf*, and others (Apriantoro and Muthoifin 2021).

The formation of mujtahid character towards Ma'had Aly students is certainly inseparable from the role of fiqh and uṣul fiqh sciences that have been chosen as the concentration of the institution. In the process of character formation at Ma'had Aly, there are mujtahid character traits found in students, namely their ability to combine reason and text. On the one hand, they respect the text as the word of Allah SWT, but on the other hand, they also respect the ability of reason as a gift from Allah SWT. This is in line with what was conveyed by Afifuddin Muhajir, that Ma'had Aly is able to combine between *shohibul manqul* and *shohibul ma'qul* (Muhajir 2018). Abu Yasid calls it a combination of reason and revelation. This can be seen from the ability of Ma'had Aly students to decide actual legal issues through discussion. Then the results of the discussion are formatted in the form of the Tanwirul Afkar bulletin which is published once a month. In the discussion forum, the students do not only present texts that are already listed in the yellow books. However, they also use logic in deciding a law either by the *qiyas* method (analogy) or by the *maslahah mursalah* method that is in line with the objectives of sharia.

According to a Ma'had Aly Situbondo student fiqh is the most concrete face of Islam compared to the other two faces of Islam, namely faith and morals. Because fiqh concerns the laws that regulate human behavior, both in relation to God and between fellow human beings. Fiqh is divine because it is sourced from the Qur'an and Hadith either directly or indirectly. In addition, it is also human because fiqh is a rule that is not ready to use because it still requires legal exploration using the ijtiḥad method. As a product, fiqh requires a process of exploration from its source, and that process requires methods and rules, while the methods and rules in question are none other than uṣul fiqh.

Fiqh as a product of the ijtiḥad of the *fuqaha* can change according to the situation and conditions that occur. The possibility of changing fiqh laws caused by situational and conditional factors illustrates that fiqh science is elastic (Anwar et al. 2025). Fiqh has relativity in terms of who the fiqh is based on, whether to Imam Abu Hanifah, Imam Malik, Imam Syafi'i, Abu Hanifah, or Imam Ahmad. Its relativity can also be observed from where fiqh was born, whether in the city of Iraq, Medina, Andalusia or other regions. Although the character of fiqh is relative, it must still be practiced by the mujtahid who gave birth to it and his followers (Muhajir 2018; Muslih et al. 2023).

By comparing the above description and the previous description of fiqh, it is seen that fiqh and ushul fiqh have a close relationship. Ushul fiqh is a science that studies general rules that are applied to the Qur'an and Hadith. Meanwhile, fiqh is the fruit of ushul fiqh which is the result of the ideas of the mujtahid imams who have reached the standard to become mujtahids and their work is called a fatwa which can be used by the general public as a guideline in everyday life.

### Tanwirul Afkar; Jurisprudence Products from Ijtihad

Tanwirul Afkar (TA) is a magazine published by Ma'had Aly students of Salafiyah Syafiiyah Sukorejo Situbondo Islamic boarding school (Huda 2024). This bulletin was born on August 15, 1997, exactly seven years after the Ma'had Aly Situbondo institution was established. Since its birth, Tanwirul Afkar has always been present to introduce the identity of the thinking of Ma'had Aly Situbondo students with the typology of usuly reasoning, which is a way of thinking that prioritizes text and context dialogue with a methodological approach, not just textualist. Although this TA is a product of fiqh thinking, the form and model of its study are different from the tendency of law-making institutions in general. The themes developed in the TA have a fairly high idealism in addressing various contemporary religious issues. In answering these issues, the TA collaborates between the opinions of classical scholars and the *instinbath al-ahkam* (digging up the law) methodology built by the scholars (Yaqin, Wardi, and Mulyadi 2022).

Since its inception in 2008 (editions 1-500), the TA bulletin has been published in the form of sheets each week with one folded A4 sheet of paper. Because it was only in the form of sheets and it was feared that it would not be able to accommodate comprehensively, then starting with edition 501, the editorial team of the TA bulletin class of 2008 took the initiative to turn TA, which was only one sheet, into a magazine containing around 80 pages. With the addition of these pages, the TA bulletin is expected to be able to answer contemporary problems that occur in society more comprehensively and responsibly (Interview, Ahsanul Arifin, 2024).

Of the many TA magazines that have been published since the third batch until now, there are several that have been published as books, including; the book *Fiqh Rakyat (Pertautan Fiqh dengan kekuasaan)* published by LkiS in 2000; *Fiqh Realitas (Respons Ma'had Aly Terhadap Wacana Hukum Islam Kontemporer)* published by Pustaka Pelajar in 2005; and *Fiqh Today (Respons Fiqh Tradisional Terhadap Persoalan Modern)* published by Erlangga in 2007; *Fikih Progresif (Bunga Rampai Pemikiran Santri Ma'had Aly dalam Buletin Tanwirul Afkar)* published by Ibrahimy Press in 2014. In addition, in publishing their fiqh thoughts, some Mahasantri also convey them through online media (Interview, Abdullah Faqih, 2024).

Image. 1 Example of Jurisprudence Product of Student's Ijtihad



In the book, the themes chosen are related to fiqh legal issues that have not been thoroughly discussed or issues that are currently actual (viral) in society. The TA editorial team often looks for themes that challenge and invite controversy in academic circles. Therefore, the disbursement of interesting themes requires TA managers to keep abreast

of the situation and conditions on social media. In the end, the selection of this kind of theme has an impact on the emergence of pros and cons for readers. Some are in favor because fiqh is dynamic and elastic, while others find it strange and think TA has gone beyond the bounds of reasonableness. The pros and cons can be seen in TA magazines that contain crucial and controversial themes. For example, the issue of marriage. Amid the tendency of certain communities to consider forced marriage as normal, TA concluded that forced marriage was not allowed in religious teachings. When there are still doubts among the community about establishing good relations with non-Muslims, TA states that there is no compelling reason not to get along with fellow adherents of the celestial religion because they have the same god. When discussing this issue, TA titled a controversial article "Reconciling Jesus and Muhammad".

The above papers are a form of Ma'had Aly Situbondo student's ability to combine text and reason, reason and revelation proportionally. In other words, they are more open and less rigid in understanding the yellow book texts. Thus, through the *ijtihad* method, they are able to produce a new law that is relevant to new problems that arise in the current era of modernity. According to them, the yellow book is a product of human reason that may still be right and wrong, therefore do not be too rigid in understanding the text of the yellow book, let alone accepting it as it is. They also said that some fiqh laws are elastic and some are constant. Fiqh laws that are elastic must be recycled in order to be able to follow the dynamics of the development of the times.

Fiqh requires at least two intelligences, namely intellectual-academic intelligence and transmissive intelligence. According to As-Syāthibî's explanation in his *al-Muwāfaqat*, to become a fiqh expert requires two main requirements, namely; mastering legal texts and understanding the objectives of Islamic law (Al-Syāthibi 2002). Therefore, the expected fiqh experts to be born from Ma'had Aly Situbondo are not people who have memorized a myriad of opinions of scholars regarding fiqh issues from various fiqh books, but rather the birth of humans who have the potential and readiness to answer every fiqh problem with the capital of Islamic law texts and *maqāshid al-syarī'ah*. Thus, every time a new problem is presented, they can spontaneously present an answer to the problem by referring to the prevailing situation and conditions.

## Conclusion

This study found that Mahad Aly Situbondo employs an integrative approach that combines traditional and modern pedagogies by elaborating on classical and contemporary scientific studies through textual, contextual and critical methodologies. In studying the Kitab Kuning, a textual approach is used to understand the text linguistically and literally, while a contextual approach is applied when examining cross-mazhab fiqh and contextualizing it with social realities based on *maqashid al-syariah*. At this stage, a critical approach is essential to formulate laws that benefit Muslims by comparing or combining the thoughts of classical and contemporary scholars. This integrative system is a distinctive feature of Mahad Aly Situbondo, effectively merging *shohibul manqul* (revelation) and *shohibul maqul* (reason). This characteristic is closely linked to the study of fiqh and *ushul fiqh*, which form the scientific foundation for students at Mahad Aly Situbondo.

If *fiqh* is considered a product of the *ijtihad* of previous scholars, then *ushul fiqh* is a set of methodologies to formulate new laws that are relevant to contemporary societal issues. These two sciences cultivate a moderate character in students, essential for their role as future jurists continuing the legacy of Islamic scholars. The fiqh products developed by the students are published in the Tanwirul Afkar (TA) magazine, addressing unresolved fiqh legal themes and current societal issues. The editorial team of TA selects themes that

challenge and invite controversy among academics, staying abreast of news developments on social media to attract readers. The results of this study are expected to serve as a recommendation for other Ma'had Aly institutions to adopt integrative and innovative teaching systems. As times change, the learning system in pesantren will continue to evolve, and future researchers are encouraged to build upon this study and provide further recommendations for the advancement of pesantren education in Indonesia.

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## Interview

- Interview with Khairuddin Habzis, Leader of Ma'had Aly Situbondo, December 23, 2024
- Interview with Izzul Madid, Deputy Leader of Ma'had Aly Situbondo, December 23, 2024
- Interview with Asmuki, Ma'had Aly Situbondo Lecturer, December 28, 2024
- Interview with Ahmad Iqbal Fathoni, Ma'had Aly Situbondo Lecturer, December 23, 2024
- Interview with Irsyadul Ibad, Ma'had Aly Situbondo Lecturer, December 28, 2024
- Interview with Tris Utomo, Ma'had Aly Situbondo Lecturer, December 30, 2024
- Interview with A. Muhyiddin Khatib, Ma'had Aly Situbondo Senior Lecturer, December 30, 2024

Interview with Ahsanul Arifin, Editorial Team of Tanwirul Afkar (TA) Ma`had Aly Situbondo, December 30, 2024

Interview with Abdullah Faqih, Ma`had Aly Situbondo student, December 30, 2024

Interview with Afifuddin Muhajir, Deputy Director of Ma`had Aly Situbondo, April 26, 2025

Interview with Achmad Nakhlid Syafi`i, Director of Ma`had Aly Nurul Qarnain Jember, April 27, 2025