

Cendekia: Jurnal Kependidikan dan Kemasyarakatan

Vol. 20 No. 1 (2022) : 106-118

Available online at <https://jurnal.iainponorogo.ac.id/index.php/cendekia>

## Social Fiqh as the Spirit of Pesantren College

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### ARTICLE INFO

#### Article History:

Received: January 10, 2022

Revised: February 22, 2022

Accepted: May 5, 2022

#### Keywords:

Social fiqh; spirit; pesantren college

### ABSTRACT

This research aims to take the values of social fiqh as the spirit of Pesantren College. This research employed literature research. Data sources were literature and various scientific works. This research develops social fiqh theory in education. Then, researchers used the Janice McDrury method with the collaborative group analysis of data theory to analyze the data. This process started from reading data, marking and studying keywords and themes, and coding to find the model searched for in the research. The research results show a void in the concept of Pesantren College, a new nomenclature in Higher Education under the Ministry of Religion. Furthermore, the researchers find that mainstream education ideology fails to provide a spirit for Islamic education, especially at Pesantren College. Considering the task of the caliph: worship (ibadatullah) and caring for life and earth (imaratul ardh), then Education should accommodate the needs of humans in carrying out these tasks. The manifestation of the caliphate task realizes human benefit for human life and universe goodness.

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#### How to Cite:

Baroroh, Umdatul, Nur Khoiriyah, & Muhammad Afiq. "Social Fiqh as the Spirit of Pesantren College". *Cendekia: Jurnal Kependidikan dan Kemasyarakatan* 22, No. 1 (2022): 106-118.

<https://doi.org/10.21154/cendekia.v1i1.3717>

## INTRODUCTION

Pesantren College is a new nomenclature of Islamic College under the Ministry of Religious Affairs. In 2015 the Ministry of Religious Affairs, through the Director-General of Islamic College (Diktis), made a decree of 3 pesantren universities under the name of the Pesantren Institute. Then in 2016 and 2018 as a row, there was one Pesantren College in Lebak and Pesantren University in Jombang.

It is a new idea that should be welcomed by academics and Muslims throughout Indonesia, especially among pesantren. The challenge for the next pesantren college is to explain the concept and model of the pesantren. Because the Ministry of Religious Affairs does not provide affirmation about the concept of Pesantren College, each Pesantren college has its interpretation and meaning of pesantren as a college model. There is no college model guide.<sup>1</sup>

Long ago, pesantren became an indigenous model for education in Indonesia.<sup>2</sup> But so far, pesantren still stands alone, both as a system and an institution. In a few decades, pesantren did not get the attention of the Indonesian government. It is mainly to be a role model for the education system. Happily, in the last two decades, pesantren have gotten much attention. The first is the recognition of santri status through the National Santri Day Celebration every October 22. The second is the publication of PMA No. 71 of 2015 on Ma'had Aly. The third is the addition of the nomenclature of pesantren universities under the Islamic college (DIKTIS) ministry of The Republic of Indonesia.

Before formulating concepts and models is established, pesantren college needs to formulate the clarity of spirit or spirit and philosophy of the values that want to be used as a foothold in education. It is essential because education is not neutral.<sup>3</sup> Pesantren is a traditional educational institution that transforms Islamic teachings through classics by earlier scholars known as the yellow book (*kitab kuning*).<sup>4</sup> However, as an educational institution that has rooted in the Indonesia Muslim communities, the majority of pesantren carry the spirit of religious moderation.<sup>5</sup> Education is essentially the implementation of a set of values from a particular ideology. Therefore, the emergence of new nomenclature at the higher education level is vital for affirming the concept of value as a distinction between pesantren and non-pesantren higher education, between pesantren college and Islamic colleges, such as IAIN and UIN.

As a Pesantren College, the spirit of the excellent value is the value of pesantren. But we know that the value of pesantren is vast and numerous. Pesantren as a system has given birth to a variety of noble values in education and thought. Among the existing values of pesantren, there is one monumental and original idea that is social fiqh. Social fiqh has a distinctive pattern and reflects the values of pesantren. One of its peculiarities is the effort

<sup>1</sup> Muhammad Khoiruddin, "Integrasi Kurikulum Pesantren Dan Perguruan Tinggi," *Cendekia: Jurnal Kependidikan Dan Kemasyarakatan* 17, no. 2 (2019): 219–34.

<sup>2</sup> Nur Kholis Majid, *Bilik-Bilik Pesantren Sebuah Potret Perjalanan*, cet 1 (Jakarta, 1997).

<sup>3</sup> Ifa Afida, "Implikasi Pendidikan Kritis Dalam Pendidikan Islam," *FALASIFA: Jurnal Studi Keislaman* 7, no. 1 (2016): 1–20.

<sup>4</sup> Mukaffan and Ali Hasan Siswanto, "Modernisasi Pesantren Dalam Konstruksi Nurcholish Madjid," *Cendekia: Jurnal Kependidikan Dan Kemasyarakatan* 17, no. 2 (2019): 285–300.

<sup>5</sup> Irfan Abubakar and Idris Hemay, "Pesantren Resilience: The Path to Prevent Radicalism and Violent Extremism," *Studia Islamika* A27, no. 2 (2020): 397–404.

to bring a balance between the values of divinity and humanity.<sup>6</sup>

This orientation became important between positivistic liberal educational ideologies and critical socialists. The presence of social fiqh as the spirit of pesantren college will be a new alternative to the future model of higher education that can combine human and divine values in education. Many studies have examined social fiqh. First, Zubaidi tried to make social fiqh a new alternative to the fiqh pattern through his writing entitled: "*Membangun Fiqh yang Berorientasi Sosial: Dialektika Fiqh dan Realitas Empirik Masyarakat.*" The results of this study have been published in the Journal of Al-Jami'ah, Vol. 44 No. 2 2006 M/1427 H.<sup>7</sup> Second, Siti Marfu'ah and Muhammad Mustaqim, through their research entitled "*Pesantren Sebagai Habitus Peradaban Islam Indonesia*" published by Research Journal Vol. 10 No. 1 February 2016.<sup>8</sup> In a different study, Faisal Rahman et al. have been researching "The Strategy of Developing Multicultural Education." The results show that education talks about global issues and minority issues, including multiculturalism.<sup>9</sup>

The three kinds of mentioned literature have not found academic studies about the importance of social fiqh as the spirit of pesantren college. The study of social fiqh is still primarily limited to the issue of fiqh. In contrast, the study of the value of pesantren in education is mainly focused on pesantren in general. Therefore, researchers feel that the study of social fiqh as the spirit of pesantren college should be done immediately to continue previous findings of the importance of pesantren values in higher education.<sup>10</sup> The *ruh* is a unique element of every human being. In the view of Daniel A. Helminiak and Bernard Lonergan, Spirit is a function of mental consciousness, outlook, knowledge, legal view, or other rational force.<sup>11</sup> Spirit is not only needed in philosophical literacy. But that spirit is needed by man in all actions in his life, including in human actions in the field of education.

## RESEARCH METHOD

This research employed literature research methods. This research was literature research. The data studied is some literature, either in publications, such as journals or related scientific books, or literature that is not published, such as research reports and academic documents.<sup>12</sup> The data collection technique used in this research is the collection of a literature review of primary and secondary data. The literature was books, journals, and academic documents. In addition to data literature, data analysis was done through FGD (Focus Group Discussion). This FGD is needed to gather information and explore ideas to deepen research data. Data analysis techniques in this study were based on Janice McDrury.

<sup>6</sup> Sahal Mahfudh, *Sahal, Mahfudh, Pesantren Mencari Makna, Jakarta: Pustaka Ciganjur, Cet. I/1999, Hal.* (Jakarta: Pustaka Ciganjur, 1999).

<sup>7</sup> Zubaidi, "Membangun Fiqh Yang Berorientasi Sosial: Dialektika Fiqh Dan Realitas Empirik Masyarakat," *Jurnal Al-Jami'ah* Vol. 44 No (2006).

<sup>8</sup> Marfu'ah, siti dan Muhamad, Mustaqim, "Pesantren Sebagai Habitus Peradaban Islam Indonesia," *Jurnal Penelitian* Vol. 10 No (2016).

<sup>9</sup> Faisal Rahman, Uus Ruswandi, and Mohamad Erihadiana, "The Strategy of Developing Multicultural Education," *Cendekia: Jurnal Kependidikan Dan Kemasyarakatan* 19, no. 2 (2021): 373–87.

<sup>10</sup> Spengler, Oswald, *The Decline of the West (An Abridged Ed.)* (Vintage Books, 2006).

<sup>11</sup> Daniel A. Helminiak, *The Human Core of Spirituality: Mind as Psyche and Spirit*, State University of New York Press/1996, Hal. 91. (State University of New York Press, 1996).

<sup>12</sup> Amir Hamzah, *Metode Penelitian Kepustakaan (Library Research): Kajian Filosofis, Teoretis Dan Aplikasi Proses Dan Hasil* (Depok: Rajawali Pers, 2020).

He says that the stages of data analysis in qualitative research include reading/studying data, marking keywords and ideas in the data, studying keywords and trying to find themes derived from data, writing down the models found, and coding.<sup>13</sup>

## RESULT AND DISCUSSION

### Ideology and Spirit of Education: A Critical Study

Spirit becomes an essential part of human life. It becomes the driver of man in acting and acting. Moreover, the word spirit is equated with the word spirit or soul. The two words may have similar meanings in language, but the two terms have differences. Oswald Spengler stated that *ruh* and spirit are different. According to him, the spirit can be seen as a spiritual component of humans that is impersonal or universal (UU Sisdiknas).<sup>14</sup>

Trace the ideology of education that has developed many ideologies with very diverse thought patterns. Ideology is the basis of a firm grip on ideas, theories, or systems that are recognized to be accurate, followed and fought for, and practiced, with commitment, dedication, and responsibility, even at the expense of any means.<sup>15</sup> The ideology of education can be grouped into three significant madhhabs: conservative, liberal, and capitalist ideologies. In O'Neil's explanation, the ideology of education is conservative and liberal.<sup>16</sup> The study chose an ideology in O'Neil's opinion that divided educational ideology into two major madhhabs: conservative and liberal.

Conservative ideology assumes that humans have essentially a relatively fixed nature. This ideology departs from the belief that ilahiyah values must represent the standard of goodness and morality. Therefore, ethical values are directed at adherence to beliefs and behaviors derived from revelation. Consequently, students will be guided to receive the truth of revelation with obedience without any critical reasoning being taught. They ignore critical reason in understanding revelation but instead emphasize making revelation the standard of truth.

Suppose conservative ideology puts truth to the standard of revelation. In that case, liberal ideology no longer believes in the authority of revelation. In the view of this school, it is believed that man can seek and discover the truth without having to go through revelation. Ilahiyah's ethical values do not determine truth. Instead, it is determined by the conformity of the relationship between the human self and nature and the surrounding environment.

In this modern era, liberal ideology has won the battle of *madzhab* in education. Almost all education systems worldwide, especially the Western world and countries that make the West a mecca, follow a liberal ideological view. Conservative ideology in Education is considered outdated and inappropriate with the demands of the accelerating changing times. Conservative madhhabs are considered to concentrate on forming protégés who can enliven the greatness of their cultural and religious heritage without being able to use it as a solutive approach in the face of reality. It can be understood because the aim of education in the view

<sup>13</sup> Hamzah.

<sup>14</sup> Prayitno, *Dasar-Dasar Teori Dan Praksis Pendidikan* (Jakarta: Gramedia Widiasarana, 2009).

<sup>15</sup> Prayitno.

<sup>16</sup> William F. O'Neil, *Ideologi-Ideologi Pendidikan*, (Yogyakarta: Pustaka Pelajar, 2008).

of this madhhab is indeed directed at efforts to convey cultural and historical heritage through a core of knowledge that has been gathered.<sup>17</sup>

In the two madhhabs of educational ideology above, both have different views on the spirit of education. Furthermore, the two were like two opposing camps. It can be understood because the second ideology becomes the antithesis of the first opinion.

In the conservative madhhab of education, truth rests on *ilahiyyah* values, so the spirit developed in this madhhab is to teach science to introduce learners to existing *ilahiyyah* values. On the contrary, recognizing the ability of the individual human being to determine the truth, the spirit of liberal education is to find the human ability to answer the problems of life faced.

In the two madhhabs above, no one can answer the needs for Islamic education. Education as a process of acquiring knowledge occupies a crucial position in Islam because Islam places science as a prerequisite for all human actions. Respect is undoubtedly not excessive if we understand that science is a condition of the legitimate deeds of man before Allah. Therefore, Islam also motivates humans to seek knowledge and appreciate scientists highly. The Prophet's Hadith states unequivocally that his law is fardhu. While in the Quranic verse asks that in every group of humans, there is someone who fielded himself to *tafaqqub fiddin*.<sup>18</sup>

Islamic education aims to form a human being who can serve through worship and piety to Allah SWT. Therefore, seeking knowledge increases human faith and piety to Allah with noble morals. This goal is in line with the opinion of Al-Abrasy, as quoted by Heri Gunawan, who asserts that the purpose of Islamic education is the formation of noble human beings (*akblaq al-karimah*).<sup>19</sup> Seeing this goal, studying science in Islam is not merely knowing and developing the knowledge but also applying it in life to increase piety to Allah Swt in noble morals. It distinguishes between the philosophy of the meaning of Islamic education and secular education. In secular education, with the spirit of positivism, education is directed to encourage humans to have skills that can produce independence in life following the demands of changing times. The success of education and educational institutions through the extent to which output can be absorbed in the world of work can ultimately improve welfare and economic independence.

Although the philosophy of secular education has many different madhhab differences, modern education madzhab is won by a school of pragmatism or progressivism. According to this last madhhab, schools or educational institutions aim to increase practical intelligence so that learners are more active in solving various problems presented in the context of experience in general. William F. O'Neil refers to this characteristic of progressiveness as progressiveness that is earthly, exploring, active, and evolutionary. The direction of secular education thus appears to be with Islamic education, whose orientation is the cultivation of values that can increase human *kesalehan* and *ketaqwaan*.

Islamic education aims to consider the true meaning of human life. Man as Caliph of Allah has a duty and responsibility to worship Allah. Thus, education aims to prepare or

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<sup>17</sup> Redja Mudyahardjo, *Pengantar Pendidikan Sebuah Studi Awal Tentang Dasar-Dasar Pendidikan Pada Umumnya Dan Pendidikan Di Indonesia*, Cet. VII/2012, Hal. 163 (Jakarta: Rajagrafindo Persada, 2012).

<sup>18</sup> Yusuf Al Qardhawi, *Pendidikan Islam Dan Madrasah Hasan Al-Banna* (Jakarta: Bulan Bintang, 1980).

<sup>19</sup> Heri Gunawan, *Pendidikan Islam Kajian Teoritis Dan Pemikiran Tokoh* (Bandung: Rosda Karya, 2014).

equip humans to perform their duties as Caliphs of Allah on earth with both functions and responsibilities. This view of education is embraced by the social fiqh Kiai Sahal. This view is also in line with the view of Langguglung Hasan. He asserted that Islamic education aims to achieve the goal of human life itself, which is to become the caliph of Allah on earth. He further asserted that the task of education is to maintain and maintain human life to carry out these responsibilities. He then concluded that the purpose of education is to form a 'caliph' person based on noble morals, such as submission, obedience, and surrender to Allah.

### Overview Pesantren & Social fiqh

Pesantren is called the most original institution by various parties in Indonesia.<sup>20</sup> The word "pesantren" is derived from *Tamil*, meaning *guru ngaji*. Some also state that the word "pesantren" is derived from the Indian language "Shastry," which means holy book or science books.<sup>21</sup> Zamakhsyari Dhofier explained that pesantren has particular unique characteristics. Special characteristics: 1) There is a *pondok* or dormitory as a residence for santri, 2) There is a mosque as a place of worship and carry out pesantren activities regularly, 3) Santri who resides and follows learning activities fostered or guided by Kiai, 4) Kiai who guides and directs the students in total, 5) The *Kitab Kuning* that becomes characteristic as a guide to the teaching of *santri*.<sup>22</sup>

Pesantren, with the values and systems that have been developed, has succeeded in very dynamic religious thoughts in developing Islamic knowledge. One of the significant results is the extraordinary idea of social fiqh. Social fiqh is a fiqh thought initiated by Kiai Sahal. This thinking is oriented toward changing fiqh's mindset, which tends to be legal and formal to a pattern of fiqh oriented to benefit (*maslahah*). This benefit-oriented (*Maslahah*) fiqh is not only a product of thought as usual, but social fiqh as a new, benefit-oriented (*maslahah*) model is also a concept of thought that explains the spirit of fiqh that can create good in human life.

Etymologically, social fiqh consists of arranging two words, namely fiqh and social. The word fiqh in language means 'al-fahmu' or understanding.<sup>23</sup> While in terms, fiqh is the knowledge of the laws of shari'ah which are charitable in nature (*amaliyah*) that are dug through detailed propositions (*dalil-dalil*).<sup>24</sup> While the word social comes from English, social, which means touch, happiness to get along, or community.<sup>25</sup> The word is then absorbed in Indonesian with the meaning of something about society. There is also what means paying attention to the public interest (like helping, donating, etc.).<sup>26</sup>

In terminology, social fiqh is the science of sharia law that is "*amaly*" (related to human deeds) which is dug through detailed "propositions" (*dalil-dalil*) for the benefit (*kemaslahatan*)

<sup>20</sup> Dwi Priyanto, "Inovasi Kurikulum Pesantren Memproyeksikan Model Pendidikan Alternatif Masa Depan," *Jurnal Ilda'* Vol. 4 No. (2006): 21.

<sup>21</sup> Zamakhsyari Dhofier, *Dinamika Pesantren, Tradisi Pesantren, Studi Tentang Pandangan Hidup Kyai* (Jakarta: LP3ES, 1994).

<sup>22</sup> Dhofier.

<sup>23</sup> Al-Ghazali, *Al-Mustashfa* (Beirut: Dar al Kutub al Ilmiyyah, 2020).

<sup>24</sup> Umar Sulaiman Al Asyqar, *Tarikh Al-Fiqh al-Islami* (Kuwait: Maktabah Al-Falah, 1982).

<sup>25</sup> John M. Echols & Hasan Shadzily, *An English-Indonesian Dictionary* (Jakarta: PT. Gramedia, 1989).

<sup>26</sup> Dept. Pendidikan Nasional, *Kamus Besar Bahasa Indonesia* (Jakarta: PT. Gramedia Pustaka Utama, 2020).

of the people.<sup>27</sup> The definition has the consequence that all laws, both related to *ibadah* and *mu'amalah*, must be able to guarantee the realization of the welfare of the people (*Kemaslabatan Ummah*). *Kemaslabatan Ummah*, in the view of fiqh, is referred to as the purpose of sharia or maqashid shari'ah. Imam Ghazali explained that "*Maqosid Shari'ab*" is: 1. *Hifdz'u al-Din* (keeping religion) 2. *Hifdz'u al-Nafs* (guarding the soul) 3. *Hifdz'u al-Aql* (keeping the mind) 4. *Hifdz'u al-Nasl* (keeping offspring) 5. *Hifdz'u al-Mal* (guarding treasures). It's good in the ushul fiqh review and has several divisions.<sup>28</sup> Al Ghazali in *Al-Mustashfa* divides the benefits into three: first, *maslahah dharuriyyah* (urgent welfare is fulfilled). Secondly, *maslahah hajjiyyah* (secondary welfare), and third, *maslahah tahsiniiyyah* (tertiary welfare).

Referring to the Quran, Kiai Sahal recognizes that humans are the caliph of Allah on earth.<sup>29</sup> They understand that humans, as a caliph on earth, make humans able to understand the purpose and direction in living their life. It also helps humans understand the essence of themselves as human beings. Understanding the nature and essence of humanity becomes an essential element for humans to find the purpose of life and guidelines in living their lives.

Imam Al-Qurthubi, in his commentary, explained that the caliph (*keholifah*) could be understood as one who can sort out the good among humans and tyranny (*kekholiman*) and reject the sins (*dosa*) and sightedness (*kek Haraman*) of them.<sup>30</sup> That explanation gives us the idea that the caliphate (*kekhalifahan*) is, in principle, responsible for the survival of life on earth by realizing good (*kemaslabatan*) and rejecting self-sufficiency (*kemafsadahan*) and tyranny (*kedzoliman*).

Therefore Kiai Sahal affirmed that the task of the caliphate (*kekhalifahan*) is divided into two. First is *ibadatullah* (worship to Allah) and *imaratul ardh* (maintaining the preservation of earth).<sup>31</sup> These two tasks indirectly represent the effort to build relationships in both vertical and horizontal dimensions. It reminds us that whatever is done by humans in this world must always pay attention to two dimensions that are sacred and profane. Humans always need guidelines to find spirit in doing activities.

Ibadatullah, or worship of Allah, is the activity of worshiping Allah in every activity of human life in this world. *Ibadah* itself in the study of fiqh is divided into two. There is worship that is only related to God. *Ibadah* is called *ibadah mabdah* (or worship that is purely related to Allah), such as prayer, fasting, zakat, and Hajj. This worship of *ghairu mabdah* in fiqh regulates human actions directly related to humans or other universes. Human actions concern acts related to economic issues (*Mu'amalah*), marriage issues (*munakahab*), or related to criminality (*jinayah*), or related to state regulation (*siyasah*).

The scope of fiqh includes fiqh "*Ibadah*" and fiqh "*Muamalah*". The breadth of fiqh, which includes dealings with God and humans, shows that all human actions cannot be separated from God. Therefore, although his affairs are worldly, they must still be worth worship. It must be intended as a form of obedience and worship to Allah. On the other hand, in the view of social fiqh, worship is not merely *kebusyuan* facing Allah. But our attention

<sup>27</sup> Umdah El Baroroh & Tutik N. Janah, *Fiqh Sosial Masa Depan Fiqh Indonesia., Cet. II/2018, Hal. 41* (Pati: IPMAFA Press dan PUSAT FISI, 2018).

<sup>28</sup> Al-Ghazali, *Al-Mustashfa*.

<sup>29</sup> "Alquran: Surat Al-An'am:16," n.d.

<sup>30</sup> Ibn Katsir, *Tafsir Ibn Katsir* (Beirut: Dar al fikr, 2020).

<sup>31</sup> MA. Sahal Mahfudh, *Nuansa Fiqh Sosial* (Yogyakarta: LKiS, 2018).

and concern in establishing good relationships towards the life around us are also worth worship.

In addition to *ibadatullah*, the duty of a caliph on earth is *imaratul ardh*, or to purify life on earth.<sup>32</sup> As *Khalifatullah*, human is commanded to do good and forbid harming. Kiai Sahal insists that the two tasks must be carried out simultaneously, not to choose one of them. Leaving one of them will hinder the achievement of the benefit that can lead to the happiness of the world and the hereafter (*sa'adah fid darain*).<sup>33</sup> Many people do not realize it. They do not know the meaning of humanity. Many people cannot carry out the mandate as a caliph or realize themselves as a caliph but do not understand the duty of a caliph.

Many people think that the task of a caliph is merely to worship. So, when they worship feel that is enough and separated from their responsibilities. Or vice versa, just feel the need to purify life on earth. Therefore, they are busy improving the quality of life on earth but forget the task of worship. So that the achievements they get in the world cannot lead them to happiness in the hereafter. The disconnection of the world's life with the purpose of the hereafter resulted in man experiencing spiritual emptiness. They will lose the value and meaning of what they do in the world. That fact is more and more we get in the modern world today. Today's advancement of modern world life has changed human life quickly and proudly. But many people experience emptiness and loss of meaning in living life. It is due to the absence of spiritual value that connects the value of modernity with the human self and its God. For a man who has understood the task of the caliphate and carries out his functions in a balanced manner, he will be able to achieve the happiness of the world (*dunia*) and the hereafter (*akhirat*). Kiai Sahal refers to such a person as a person who is *shalih akram*. The happiness of the world and the hereafter indicates that his life on earth has genuinely succeeded in realizing the benefit of the life of beings and the universe as wide as possible, including for himself. If so, then the person in the Hereafter will get a reward of happiness due to their sincerity in doing good on earth. It is the essence of the meaning of *shalih akram*.

Shalih is taken from the word *ومصلحة - ومصلحا - صلاحا - يصلح - صلح*, which means good or deserved.<sup>34</sup> From language reviews, the word shalih is often matched with the word *نافع* or valuable, such as *mashlahah*. It is a derivation *صلح*. It is also defined by *manfa'at*. In ushul fiqh, *mashlahah* is *jalbu al-manfaab*.<sup>35</sup> In one hadith, it is said that the best of men is the most beneficial for man. This hadith becomes the standard for human life. The meaning of any human being is determined by the extent of the usefulness given to human life.

If we relate to the definition of good, then expediency means realizing the benefit itself. It is in line with the purpose of Shari'ah. People who can be meaningful to people who can give benefits (expediency) to the broadest human and universal. Or in other words, it is a person capable of doing good for himself and others. In comparison, the word *akram* is a form of *tajidhil* (meaning of virtue or more) of the word *كريم* (noble).

<sup>32</sup> *Alquran*, Hud: 61

<sup>33</sup> Mahfudh, *Nuansa FIqh Sosial*.

<sup>34</sup> Hamid Abdul Qodir & Muhammad An Najjar Ibrahim Musthofa, Ahmad Zayyat, *Al-Mu'jam al-Wasith* (Teheran: Maktabah Al-Islamiyyah, 2008).

<sup>35</sup> Al-Ghazali, *Al-Mustashfa*.



The mentioned definition shows that *shalih akram* is an ideal figure that becomes the profile of someone whose praxis applies the spirit of social fiqh values. It is essential to understand the meaning of social fiqh. The philosophical basis departs from the fundamental meaning of the concept of humanity that already exists in Islam, namely as a *khalifatullah* with both functions; worship and *imaratul ardh*, at once. The error is then manifested in the realization of *mashlahah* for the whole universe.

Classically fiqh means a collection of laws that the scholars (مجموعة الأحكام المستنبطة excavated)), or as a system of knowledge used to formulate laws extracted from detailed propositions. The highest is as a *manhaj* or legal *istimbath* methodology excavated from the propositions of a complex nature. Philosophically, social fiqh is not just a collection of laws or legal *istimbath* methods alone. Social fiqh is the spirit of methodological thought (روح الفكر المنى) for humans that can be applied in all aspects of human life, including in the area of education.

This finding shows that fiqh is not enough to practice or apply the law formalistically. Applying such a law has resulted in the shock of thinking among humankind. In addition, it also makes the law in fact in the community. The law simply ceases as a justification tool for pragmatic and political interests. Often laws are used to support practical political power and will be abandoned when it no longer suits those interests. Thus, fiqh or law does not have the power to be a solution to the problems of society. This ethical act in its praxis level requires a set of codes of ethics and morality that must be considered by legal subjects, both as diggers and as implementers. The subject of the law here is the active human being who in fiqh is nicknamed *mukallaf*. The code of ethics and morality is called the fundamental values of *shalih akram*. The primary value of *shalih akram* is formulated from the values that exist in *pesantren* that have existed, namely: *kehirsh* value, *amanah* value, *tawadhu* value, *istiqomah* value, *uswah hasanah* value, *zuhud* value, value *kifah mudawamah*, value of *i'timad alan nafs*, and *tawassuth* value.

The nine values above are then added, namely the value of *barakah*. This *barakah* value becomes the effect or result of implementing the value of 9 above. The formulation of the value of NDSA is what has been traced to *santri* and *maha santri* *Kiai Sahal* in the *Mathali'ul Falah* neighborhood.

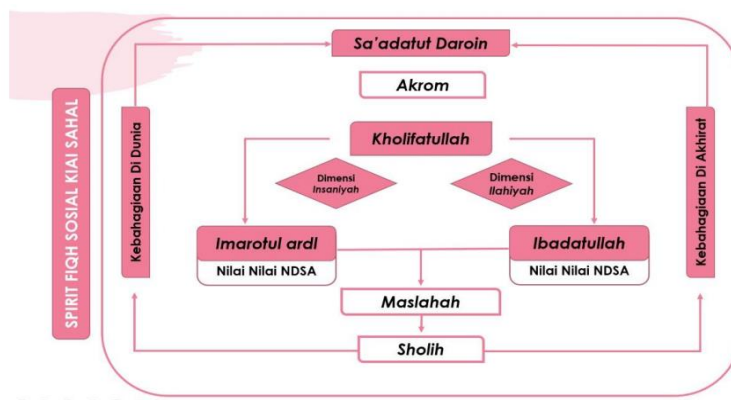


Figure 1. The formulation of the value of NDSA

## Social fiqh & Spirit College Pesantren

Looking at the growing pattern of education ideology globally, researchers mapped that every educational ideology has a spirit. It shows that the concept of thought is always driven by values laid as a foothold of thinking and action. From the two madhhabs of educational ideology above, it can be mapped that the conservative madhhab has a spirit of maintaining values derived from revelation or God. This spirit is embodied in the concept of education by directing educational outcomes as guardians of *Ilahiyyah* values and prevailing traditions. The spirit of social fiqh represents part of Allah's worship in the view of Islam.

Liberal ideology criticizes conservative ideology. For liberal ideology, education must prepare results that can solve problems in the field of praxis according to the circumstances faced. They said that education with a conservative ideology is considered to fail to prepare educational outcomes that can overcome problems following the demands of the times. According to them, the value of education is not determined by *Ilahiyyah* values passed down through generations. The value of education, in the view of the liberal school, comes from the spirit of man's ability to determine his actions. With his mind and freedom, the human can overcome life's problems under the conditions faced. So, education in a liberal view is directed to explore the great potential of humans and actualize it in tangible steps with the provision of science. The spirit of social fiqh presents part of the spirit of *imaratul ardh*. From there, it becomes clear that the two madhhabs of the educational ideology above have not been able to provide a spirit that can combine human needs in carrying out their duties. The task in question is as a caliph on earth with two functions: *ibadatullah* and *imaratul ardh* at once.

Suppose we choose one of the above ideologies for Islamic education. In that case, we cannot answer the need to understand the task of *kehalifahan*. Therefore, the ideology of Islamic education tries to be present to fill that void. Through a fundamental understanding of the goals and duties of humanity, Islamic education must be brought there, as affirmed by Langgulong Hasan, who stated that the purpose of Islamic education is to achieve the goal of human life itself, which is to become the caliph of Allah on earth. Hasan asserted that the task of education is to maintain human life to carry out these responsibilities. He then concluded that the purpose of education is to form a 'caliph' person based on noble morals, such as submission, obedience, and surrender to Allah.

After understanding the meaning of spirit, the ideology of world education, and the philosophical meaning of social fiqh, researchers found some essential things related to this research. The initial assumption of the research is that social fiqh is vital to be used as the spirit of pesantren college. The social fiqh in this research is placed as a spirit that encourages humans to carry out the duties of the caliphate: *ibadatullah* and *imaratul ardh*. More substantial than the classical definition of fiqh, which speaks to the ceremonial law of human order ranging from *tabarab* to *mua'amalah* in formal legal products, social fiqh is understood as a way of thinking (*manhajul fikri*) to achieve the purpose of life that is *sa'adatuddaroini*.

Researchers find this spirit to be a proposal to fill the void of educational ideology not found in conservative or liberal thought. Conservative thinking assumes that the truth is only stagnant to the truth of revelation (*ilahiyyah*) by negating the source of logical truth (*insaniyyah*). Consequently, this ideology glorifying divinity cannot encourage humans to be

more productive and valuable. Instead, liberal thought teaches the logical mind without judging revelation as a thinking foundation. In other words, the new liberal ideology represents the human *insaniyyah* dimension but cannot answer the needs of the *ilahiyyah* dimension of humans.

The *madhhab* of Islamic educational ideology tries to mediate both, answering the needs of *ilahiyyah* and *insaniyyah* dimensions. But it turns out that, in reality, Islamic education only managed to answer the *ilahiyyah* dimension and has not been able to realize the needs of the *Insaniyyah* dimension. At this point, pesantren colleges need to provide fiqh social positions as a spirit for Pesantren colleges. This spirit is then implemented in the vision, mission, and objectives of Pesantren College and implemented in governance at its praxis level. At this point, pesantren colleges need to provide fiqh social positions as a spirit for Pesantren Higher Education. This spirit is implemented in the vision, mission, and objectives of Pesantren College and implemented in governance at its praxis level. By developing social fiqh as a spirit in Pesantren College, it is expected to be able to make education follow the highest goal of humanity: educated human beings who have understood the nature of humanity (as caliph) and the functions and responsibilities that must be carried out in their lives (*ibadatullah* and *imaratul ardh*).

## CONCLUSION

The reason for choosing social fiqh as the spirit of Pesantren College is motivated by the failure of mainstream education ideologies to provide a spirit for Islamic Education, especially pesantren. Social fiqh is understood as a way of thinking (*manhajul fikri*) to achieve the purpose of life: *sa'adatuddaroini*. Kiai Sahal refers to such a person as a person who is *shalih akram*. The happiness of the world and the hereafter indicates that his life on earth has genuinely succeeded in realizing the benefit of the life of beings and the universe as wide as possible, including for himself. If so, the person in the Hereafter will be rewarded for happiness due to their sincerity in doing good on earth. It is the essence of the meaning of *shalih akram*. That social fiqh is vital to be used as the spirit of pesantren college. The social fiqh in this research is placed as a spirit that encourages humans to carry out the duties of the caliphate: *ibadatullah* and *imaratul ardh*. More substantial than the classical definition of fiqh, which speaks to the ceremonial law of human order ranging from *tabarab* to *mua'amalah* in formal legal products, social fiqh is understood as a way of thinking (*manhajul fikri*) to achieve the purpose of life that is *sa'adatuddaroini*.

## REFERENCES

- Abubakar, Irfan, and Idris Hemay. "Pesantren Resilience: The Path to Prevent Radicalism and Violent Extremism." *Studia Islamika* A27, no. 2 (2020): 397–404.
- Afida, Ifa. "Implikasi Pendidikan Kritis Dalam Pendidikan Islam." *FALASIFA: Jurnal Studi Keislaman* 7, no. 1 (2016): 1–20.
- Al-Ghazali. *Al-Mustashfa*. Beirut: Dar al Kutub al Ilmiyyah, 2020.
- "Alquran: Surat Al-An'am:16," n.d.
- Asyqar, Umar Sulaiman Al. *Tarikh Al-Fiqh al-Islami*. Kuwait: Maktabah Al-Falah, 1982.

- Daniel A. Helminiak. *The Human Core of Spirituality: Mind as Psyche and Spirit*, State University of New York Press/1996, Hal. 91. State University of New York Press, 1996.
- Dhofier, Zamakhsyari. *Dinamika Pesantren, Tradisi Pesantren, Studi Tentang Pandangan Hidup Kyai*. Jakarta: LP3ES, 1994.
- Dwi Priyanto. “Inovasi Kurikulum Pesantren Memproyeksikan Model Pendidikan Alternatif Masa Depan.” *Jurnal Ibda’* Vol. 4 No. (2006): 21.
- Gunawan, Heri. *Pendidikan Islam Kajian Teoritis Dan Pemikiran Tokoh*. Bandung: Rosda Karya, 2014.
- Hamzah, Amir. *Metode Penelitian Kepustakaan (Library Research) : Kajian Filosofis, Teoretis Dan Aplikasi Proses Dan Hasil*. Depok: Rajawali Pers, 2020.
- Ibn Katsir. *Tafsir Ibn Katsir*. Beirut: Dar al fikr, 2020.
- Ibrahim Musthofa, Ahmad Zayyat, Hamid Abdul Qodir & Muhammad An Najjar. *Al-Mu’jam al-Wasith*. Teheran: Maktabah Al-Islamiyyah, 2008.
- Janah, Umdah El Baroroh & Tutik N. *Fiqh Sosial Masa Depan Fiqh Indonesia,, Cet. II/2018, Hal. 41*. Pati: IPMAFA Press dan PUSAT FISI, 2018.
- John M. Echols & Hasan Shadzily. *An English-Indonesian Dictionary*. Jakarta: PT. Gramedia, 1989.
- Khoiruddin, Muhammad. “Integrasi Kurikulum Pesantren Dan Perguruan Tinggi.” *Cendekia: Jurnal Kependidikan Dan Kemasyarakatan* 17, no. 2 (2019): 219–34.
- Mahfudh, MA. Sahal. *Nuansa Fiqh Sosial*. Yogyakarta: LKiS, 2018.
- Majid, Nur Kholis. *Bilik-Bilik Pesantren Sebuah Potret Perjalanan*. Cet 1. Jakarta, 1997.
- Marfu’ah, siti dan Muhamad, Mustaqim. “Pesantren Sebagai Habitus Peradaban Islam Indonesia.” *Jurnal Penelitian* Vol. 10 No (2016).
- Mukaffan, and Ali Hasan Siswanto. “Modernisasi Pesantren Dalam Konstruksi Nurcholish Madjid.” *Cendekia: Jurnal Kependidikan Dan Kemasyarakatan* 17, no. 2 (2019): 285–300.
- Nasional, Dept. Pendidikan. *Kamus Besar Bahasa Indonesia*. Jakarta: PT. Gramedia Pustaka Utama, 2020.
- Prayitno. *Dasar-Dasar Teori Dan Praksis Pendidikan*. Jakarta: Gramedia Widiasarana, 2009.
- Qardhawi, Yusuf Al. *Pendidikan Islam Dan Madrasah Hasan Al-Banna*. Jakarta: Bulan Bintang, 1980.
- Rahman, Faisal, Uus Ruswandi, and Mohamad Erihadiana. “The Strategy of Developing Multicultural Education.” *Cendekia: Jurnal Kependidikan Dan Kemasyarakatan* 19, no. 2 (2021): 373–87.
- Redja Mudyardjo. *Pengantar Pendidikan Sebuah Studi Anal Tentang Dasar-Dasar Pendidikan Pada Umumnya Dan Pendidikan Di Indonesia, , Cet. VII/2012, Hal. 163*. Jakarta: Rajagrafindo Persada, 2012.
- Sahal Mahfudh. *Sahal, Mahfudh, Pesantren Mencari Makna, Jakarta: Pustaka Ciganjur, Cet. I/1999, Hal.* Jakarta: Pustaka Ciganjur, 1999.
- Spengler, Oswald. *The Decline of the West (An Abridged Ed.)*. Vintage Books, 2006.
- William F. O’neil. *Ideologi-Ideologi Pendidikan,*. Yogyakarta: Pustaka Pelajar, 2008.

Zubaidi. “Membangun Fiqh Yang Berorientasi Sosial: Dialektika Fiqh Dan Realitas Empirik Masyarakat.” *Jurnal Al-Jami’ah* Vol. 44 No (2006).