Fiqh of Civilization at Traditional Islamic Boarding School: Contextualizing of Islamic Jurisprudence through Classical Texts of *Mu'amalat*

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Abstract: The culture of thought that is still traditionalist in most Islamic boarding schools raises questions about the relevance in the modern era. The use of yellow books as the main reference is considered extremely classic and generally in facing the complexity of modern society problems. Therefore, this study aimed to examine the contextualization of *fiqh mu'amalat* in the classic text of yellow book at Sidogiri Islamic Boarding School as one of the agendas of Halaqah *Fiqh* of Civilization. This was a qualitative study with primary data collected through observation and interview, while the secondary data was from literature studies on scientific writing references. Primary data included the results of interviews with the chairman of the supervisory board, the chairman of Bahtsul Masail, and the secretary of Islamic boarding school as well as observations of the business development activities of Islamic boarding school. Meanwhile, secondary data was in the form of written sources regarding the contextualization of *fiqh mu'amalat* supported by various references to books, journal articles, and other related documents. The results showed that the contextualization of *fiqh mu'amalat* at Sidogiri Islamic Boarding School was conducted through the elaboration of classic text (yellow book) with the reality of *mu'amalat* in modern society. Consistency in integrating the teachings of *Salaf* in the books of classical Ulema has succeeded in maintaining the application of the *mu'amalat* principles in every development of business units. The contextualization of *fiqh Salaf* started by making Bahtsul Masail an intellectual forum to answer the problems of *mu'amalat* in society. The results were actualized by making it a practical reference in every contract conducted in Islamic Boarding School Cooperative (Kopontren) business unit, Basmalah Store, and Baitul Mal wat Tamwil (BMT). The success of the economic empowerment confirmed that *fiqh* in Islamic boarding schools was not only studied dogmatically. This also showed the openness of Islamic boarding schools to accept progressive ideas in seeing new civilizations with their classical values. In conclusion, this study was expected to be an academic reference that pioneered the renewal of *fiqh mu'amalat* in the digital era.
Keywords: *Fiqh* of Civilization; *Fiqh mu'amalat*; Yellow Book; Traditional Islamic Boarding School; Sidogiri Islamic Boarding School.

Introduction

*T*he dynamic development of *fiqh mu'amalat* is inseparable from the demands of change, such as the birth of modern Islamic banking, which engages in insurance, bonds, mutual funds, and electronic transactions (S. N. Huda & Saripudin, 2022). This adaptation to modernity is an effort to ensure that Islamic principles remained firmly upheld in an ever-changing environment (Hayati et al., 2024). The process also prompted the collaboration between Ulema, business practitioners, and stakeholders in the modern business world (Siregar, 2023). Based on the practical aspect, *fiqh mu'amalat* needs to be reformulated using

several scientific tools and disciplines such as *ushul fiqh, qawaid fiqh, tasyrik tashrik, tasyrik* philosophy and *maqashid shariah* (Muchtar et al., 2023).

Islamic boarding schools have adopted several efforts regarding the contextualization of *fiqh* (especially *fiqh mu'amalat*) through the education system implemented. This was generally realized through various means, such as translating madzhab *fiqh*, writing commentaries (*syarh*) from prominent *fiqh* books, and autobiography referring to authoritative sources of madzhab extracted from the works of previous Ulema (Noor, 2020). Furthermore, the development of *fiqh mu'amalat* was also realized through intellectual forums such as Bahtsul Masail, where the fatwas played an important role in the implementation of national law in Islamic economics field (Pujiaty & Fauziah, 2023). The legal products from these studies were directly actualized in Islamic boarding school environment, particularly in the field of governance, including the management of internal and external business development (Yudo et al., 2023).

Based on the intensity and characteristics of this study, the capacity of Islamic boarding schools as legal development institutions was considered trustworthy, both at the normative and practical levels. This was observed in several boarding schools perceived as role models for the development of *fiqh* in Indonesia. For example, Al-Falah Islamic Boarding School Ploso Mojo Kediri published a book entitled *Fiqh Realitas*, a collection of the results of Bahtsul Masail (Azhari & Asmuni, 2023). Similarly, Sidogiri Islamic Boarding School compiled the book *Santri Salaf Menjawab* which contains answers to legal problems in the society (Kutsiyah, 2020). This school also formed a cooperative (Islamic Boarding School Cooperative (Kopontren)) as a forum for the actualization of *fiqh* and the empowerment of students (Pambudi & Hendratmi, 2020). The rapid development of the modern retail business was marked by the implementation of both e-money and commerce applications (B. Huda, 2021).

The thinking culture, still perceived as traditionalist in most Islamic boarding schools has led to discourse on the relevance in modern era. This was based on two reasons first, students mostly focused on the opinion of Imam Syafi'i madzhab during the exploration of law in yellow book. Therefore, the understanding of the broad Islamic law is oversimplified to only one opinion (S. Anwar et al., 2023). Second, graduates of Salafi-Traditional islamic boarding schools have weaknesses in the fields of methodology and general sciences (A. Ulfah, 2022). Literary texts such as yellow books mainly referenced for students were considered religious rather than scientific, such as literature on law, economics, and political science (Mashduqi, 2023). From the methodological and cultural aspects, traditionalismmakes it difficult for Islamic boarding schools to transition from monodisciplinary to multidisciplinary and interdisciplinary institutions. In fact, the integration of religious texts and general scientific disciplines is an absolute requirement for the renewal of *fiqh mu'amalat* in this contemporary era.

Sidogiri Islamic Boarding School has excellent capability in renewing *fiqh mu'amalat*. Yellow book as a text is dialogued with the reality of *mu'amalat* activities and transformed into a dynamic *fiqh* in response to environmental changes (Fazlurrahman et al., 2022). *Fiqh* obtained through Bahtsul Masail forum was consistently actualized in business units, such as Sidogiri Islamic Boarding School Cooperative, Baitul Mal Wat Tamwil Urusan Guru Tugas (BMT UGT) Sidogiri, and BMT Mashlahah (Mustofa, 2022). Despite the consistent contextualization of *fiqh*, Sidogiri never abolished the traditionalist values, both in the education system and legal study culture (Aminulloh & Rahmat, 2023). This is evident in the existence of comparative studies between Islamic boarding schools, fast book reading method called *Al-Miftah lil Ulum* as preparation for early-age education, routine Bahtsul Masail activities focused on religious issues, as well as An-Najah cadre formation to deepen the belief of *Ahlussunnah wal Jama'ah* and social sciences (Siswati et al., 2022).

According to a reconstructive perspective, Sidogori Islamic Boarding School adopted a fundamental principle, namely transforming *fiqh* from conventional to new paradigm, termed *Fiqh* of Civilization. This concept focused on the need to read and interpret the tradition of Islamic knowledge perceived as less adaptive to the changing realities of the new world order, without losing the identity to modernity (Nazar

& Hamid, 2022). The existence of openness shows that Islamic boarding school is not an old-fashioned, conservative, and exclusive institution, rather it uses progressive ideas and civilization (Nasruddin, 2022).

This study stated that the essence of progressiveness in *Fiqh* of Civilization is the main orientation of Sidogiri Islamic Boarding School, realized by synergizing the theoretical-textual and practical-rational methods based on welfare enhanced through Bahtsul Masail activities. The theoretical-textual method adopted the linguistic theories of Al-Quran, semantics (*dilalah*), and semiotics (*alamah*), to explore both explicit and implicit meanings in the text. Meanwhile, the practical-rational method uses the development of sciences outside *Ushul Fiqh* to investigate environmental realities by defining, mapping, and measuring practical welfare (Mashduqi, 2023). This study also examined the contextualization of *fiqh mu'amalat* through classical texts in yellow book, both from the legal studies and practical aspect associated with the activities of empowering students through the development of business units.

Literature Review

Fiqh of civilization is a conceptual idea that led to the evolution of progressive, modern, and productive intellectual and social works. This concept was relevant to Social *Fiqh* initiated by Sahal Mahfud, who stated that *fiqh* should be based on the text, but perceived reality transformatively (Riyadi & Achmad, 2024). Meanwhile, *Fiqh* of Civilization was the agenda of halaqah to welcome a century of Nahdlatul Ulama as a fundamental moment for Islamic boarding schools in Indonesia (Nasruddin, 2022).

These institutions were recognized as a medium for implementing intellectual forums to welcome the agenda of Halaqah *Fiqh* of Civilization. The main aim was to read and interpret the tradition of Islamic knowledge perceived as less adaptive to the changing realities of the new world order, without losing the identity to modernity. According to Nazar and Hamid, (2022), Nahdlatul Ulama should have expanded the discourse on *Fiqh* of Civilization to political and nation-state issues, as well as other sciences such as *fiqh mu'amalat*. The contextualization of *fiqh mu'amalat* in the digital era needs a suggestion of progressiveness from *Fiqh* of Civilization agenda. The dynamics of current technological developments led to the evolution of new legal problems alongside the advent of electronic-based transactions that had not been discussed explicitly in classical books (Siswadi & Soemitra, 2022).

Previous studies on the contextualization of *fiqh mu'amalat* in Islamic boarding schools are extremely interesting, because these institutions still uphold traditionalist values, where yellow book is the main reference for exploring the law (Alfinur, 2024). In this contemporary era, technological development tend to have an impact on *mu'amalat* activities, presenting various types of new contracts (*akad*). The condition is a challenge for traditional islamic boarding schools that are able to adapt to synthesizing *fiqh mu'amalat* with modern science. Additionally, *Fiqh* of Civilization agenda was also recognized as another appropriate medium.

Previous investigations evaluated several analysis relevant to this current study. First, the investigation on *Fiqh* of Civilization, theoretically, Nazar and Hamid, (2022), discussed the genealogy initiated by Nahdlatul Ulama. Several preliminary studies also associated *Fiqh* of Civilization with other global issues including strengthening the value of religious moderation in Islamic boarding schools (Nasruddin, 2022), *Nyadran* religious traditions (Hasan et al., 2023), problems related to implementing a rule of law (Latif & Mutawalli, 2023), fatwa and political disputes (Taufiq, 2023), including the actualization of religious values in modern society (Latif & Mutawalli, 2023).

Second, the investigation on the contextualization of *fiqh mu'amalat* in yellow book recommended for Islamic boarding schools. Putra and Yusri, (2019) analyzed these books in respect to the field of science and legal exploration. Considering the implementation process, it was reported that the application of *fiqh mu'amalat* principles succeeded in realizing the economic independence of Islamic boarding schools (Suyuthi et al., 2023). Furthermore, the contextualization was also carried out in institutions or business units owned by Islamic boarding schools such as financing cooperative entities (Mislakhudin, n.d.) and *wadi'ah akad* for students savings (Hambali, 2022).

The novelty of this study was derived from existing investigations by analyzing the contextualization of *fiqh mu'amalat* in the classic text of yellow book at Sidogiri Islamic Boarding School as halaqah *Fiqh* of Civilization agenda. The study is a continuation of the investigation carried out by Mustofa on *fiqh mu'amalat* based on yellow book and the implementation in Sidogiri Islamic Boarding School cooperative (Mustofa, 2022). The following points were scrutinized in depth in this study, the progressiveness of *fiqh mu'amalat* analysis in Islamic boarding schools, elaborations between classical texts and general knowledge in response to contemporary *mu'amalat* problems. In addition, this study reviewed how Sidogiri incorporated the classic text into the activities of the diverse business units.

Method

This qualitative study obtained data in the form of words and recorded information, mainly focusing on the contextualization of *fiqh mu'amalat* in the classic text of yellow book recommended in Sidogiri Islamic Boarding School. The investigation also included a theoretical evaluation conducted by bibliographic analysis through a literature review in which books, journal articles, theses, and dissertations on the major issues were explored. Additionally, empirical investigations were conducted through in-depth interviews with important figures using the purposive sampling method. These figures include Shofiyul Muhibbin, Chairman of the Sharia Supervisory Board and Bahtsul Masail of the Miftahul Ulum Sidogiri Islamic Boarding School, Hasanuddin, Chairman of Lajnah Muraja'ah *Fiqh*iyyah (LMF) of Sidogiri Islamic Boarding School, Munjil Anam, Secretary of Sidogiri Kopontren, and Ahmad Wildan Husin, class III student of Aliyah Madarasah Miftahul Ulum Sidogiri.

The primary data comprised the results of the interviews and observations of Islamic boarding school activities, particularly in incorporating *fiqh mu'amalat* texts into various business development. Meanwhile, the secondary data consisted of debates and opinions regarding the contextualization of *fiqh mu'amalat* supported by various references, journal articles and other related documents. The acquired data were evaluated by applying the content analysis method, operationally used to identify the special characteristics contained in a particular message in the form of communication, written information in a text, book, magazine, newspaper, television advertisement, radio news, or all other documented objects produced objectively, generally, and systematically (A. K. Ulfah et al., 2022). The analysis was carried out by adhering to these steps, first, mapping the books taught at Sidogiri Islamic boarding school. Second, mapping *fiqh* books taught, this was followed by third, mapping and analyzing the contents in relation to mu'amalat. Fourth, analyzing the discourse of *fiqh mu'amalat*, and fifth, contextualizing the text of *fiqh* mu'amalat in the verdict of Bahtul Masail of Islamic boarding school. The method included both those carried out by students, teachers and financial institutions with the practice of modern economic activities, performed by Islamic boarding school.

Results and Discussion

Fiqh mu'amalat of *Salaf* Islamic Boarding Schools: Actualization and Contextualization of Yellow Book Texts

Salafiyah or classical Islamic boarding schools were the first models to be developed. These institutions were located in rural areas, characterized by simplicity, modesty and pure sincerity. In terms of learning, *Salafiyah* only taught Islamic religious knowledge, or classical books written by previous Ulema. The teaching methods adopted include *bandongan, sorogan*, memorization and deliberation (Adib, 2021). These institutions differed from *Khalaf* or modern Islamic boarding schools which in addition to teaching religious studies and classical books also impacted general knowledge. The system applied a classical method, while the evaluation process used had clear and modern standards (Suparji et al., 2021).

Classical groups or *Salafiyah* Islamic boarding schools were closely associated with classical treasures commonly known as yellow books, mainly studied to this day. According to H. A. Anwar and Maman, (2023), the learning methods commonly applied were the *bandongan* and *sorogan*. Yellow Book learning was integrated with the education curriculum, where graduating students were not assessed by grades

and numbers, but by the ability to master certain books. Students are then enrolled in other Islamic boarding schools or employed (Nihwan & Paisun, 2020).

Fiqh is a prominent field of knowledge studied in these boarding schools and has become an academic tradition. Nurcholish Madjid stated that there were four fields of knowledge, namely *Fiqh*, Tasawwuf, Tauhid, and Nahwu-Sharraf Science (M. Munir, 2021). Zamakhsyari Dhofier stated that there were eight Islamic Boarding School knowledge, namely *nahwu* and *sharraf, fiqh, ushul fiqh, hadith, tafsir, tauhid, tasawwuf* and ethics, as well as other branches such as *tarikh* and *balaghah* (Holil et al., 2024). Martin Van Bruinessen reported that there were ten categories based on books often recommended in these schools, including *fiqh*, doctrine (*aqidah, ushul al-din*), classical Arabic grammar, (*nahwu, Sharraf, balaghah*), collections of hadith, *tasawwuf* and *tarekat*, morals, prayers, *wirid* and *mujarrabat, qishâsh al-anbiya', maulid, manâqib,* etc (Ismah, 2022).

Fiqh mu'amalat is an integral topic in *fiqh*, contained in virtually all classical *fiqh* books. Aflah (2022) stated that the materials also contained discussions about various *akad*, both *tijarah* and *tabarru* taught and studied in classical Islamic boarding schools, through classical and non-classical forums. Additionally, classical and non-classical studies are taught in madrassah system, and through *shawir*, deliberation or Bahtsul Masail forum, respectively. In both studies, the students referred to yellow books covering classical and contemporary themes. The following books were used as references in discussions and studies on the issue of *fiqh mu'amalat* in Bahtsul Masail forum *al-'Aziz Sharh al-Wajiz, al-'Umdah, al-Bayan fi Fiqh al-Imam al Syafi'i, al-Fatwa al-Fiqhiyyah al-Kubra, and al-Fawaid al-Janiyyah* (Mustofa, 2022).

Bahtsul Masail taught in *Salaf* Islamic Boarding Schools was a contextualization of *fiqh mu'amalat* as well as the application of problem-solving learning methods (Munawir, 2022). The development of *fiqh mu'amalat* model in Islamic boarding schools was directed at strengthening the tradition ideology of *Salaf* Ulema as reported in *fiqh* books. The contextualization of *fiqh mu'amalat* is evident in three models, first, defending the ideologies of *Salaf* Ulema. For example, when responding to societal problems, these schools study *'ibârah*. However, when problems with inappropriate *'ibârah* solution are encountered, *ilhaqiy* method was applied by analogizing actual issues with those contained in *Salaf* books. The methoddoes not mean the provisions of *fiqh* contained in *Salaf* books was changed, rather an adjustments to make the provisions more flexible in the application process (Asfiyak, 2020).
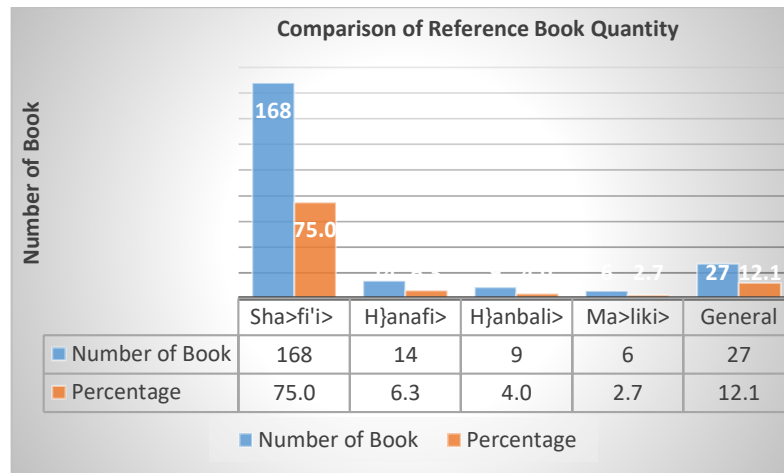
Second, actualizing the ideology of *Salaf fiqh* as the development of Islamic Boarding School economy. This was intended to support the independence of the institutions, and impact life skills in students (Hasanah & Huda, 2023). Internalization of *Salaf* teachings values in the development of Islamic Boarding School businesses was also aimed to improve the welfare of the society. An example is BMT UGT of Sidogiri Islamic Boarding School, initially established to end the practice of loan sharks that was rampant, especially among traders (Putri et al., 2024). The difficulty encountered in obtaining capital for business funding made loan sharks a viable option, because the requirements were easy. The intention of cleansing the surrounding of usury, including the hope that the items consumed and used by students were *halal*, was the main reason for the establishment of BMT UGT. It was believed that the knowledge impacted by Islamic boarding schools would be difficult to benefit from if the source of funds received were questionable (Senoajie & Hadi, 2020).

Third, reviving the tradition of publishing solutions to current societal problems in books, often engaged in by classical Islamic boarding schools. Meanwhile, Al-Falah published a book entitled *Fiqh Realitas* a collection of the results of Bahtsul Masail, Ploso Mojo Kediri. Similarly, Sidogiri wrote a book titled *Santri Salaf Menjawab* which contained solution to legal societal problems (Riza, 2024). Hidayatul Mubtadi'in Lirboyo actively published books on *fiqh mu'amalat* namely *Uyun al-Masa'il li al-Nisa', Esensi Pemikiran Mujtahid, Dekontruksi dan Rekontruksi Khasanah Islam, Masailul Ummah, Fenomena, Jawaban dan Solusi, Paradigma Fiqh Masa'il, Kontekstualisasi Hasil Bahtsul Masa'il,* and *Mutiara Samudera Fiqh* (K. Anam et al., 2024).

Fiqh mu'amalat in Book by *Salaf* Ulema

Books used in Sidogiri Islamic Boarding School, both in *madrasiyah* and *ma'hadiyah* activities, were mostly written by Syafi'iyah Ulema. The following chart was constructed using the number and percentage of reference books based on madzhab.

Diagram 1. Number and Percentage of Books Studied in *Ma'hadiyah* Activities at Sidogiri Islamic Boarding School Based on *Fiqh* Madzhabs

	Sha>fi'i>	H}anafi>	H}anbali>	Ma>liki>	General
■ Number of Book	168	14	9	6	27
■ Percentage	75.0	6.3	4.0	2.7	12.1

The significant references to books written by Syafi'iyah Ulema at Sidogiri Islamic Boarding School was based on the fact that classical and semi-modern institutions mainly adhered to the Imam Syafi'i madzhab, dominant in Indonesia. This has been in existence since the development of Islamic boarding schools in the country. Currently, these institutions developed from alumni of *Salaf Islamic* also adhered to Imam Syafi'i madzhab.

Imam Syafi'i madzhab was followed due to the superiority. Furthermore, in terms of legal order sources, the madzhab was more valid than Hambali madzhab. This was because, Hambali included the *dhoif* hadith, while it was excluded by Syafi'i. There were more Shafi'i adherents, and then in Indonesia, no books were published by Hambali madzhab, except *Kitab al-Kafi* by Ibnu Qudamah, and Shafi'i books. These attributes made Imam Syafi'i madzhab more popular among scholars (Halimah & Mahmudah, 2023).

The deputy chairman of Sharia College and Council of Sidogiri Islamic Boarding School, Muhibbin stated that the main reason for the use of yellow books was because those published by *Salaf* Ulema were basically comprehensive. Additionally, the solutions to various contemporary *fiqh* problems had been stated in the books, both implicitly and explicitly. The solutions depend on how teachers and students apply *qawl* of Ulema in the book to resolve *fiqh* (S. Muhibbin, personal communication, Agustus 2022). The use of *qawl* Ulema can be performed by *qauli* (taken for granted) or *ilhaqi* by analogy of the legal content in *qawl* Ulema with the problems currently being discussed.

There are 48 books on *fiqh mu'amalat* often referred to by teachers and students were used to solve societal problems, as shown in the following table.

Table 1. Books in *Fiqh mu'amalat*

No	Name of the Book	No	Name of the Book
1	*al-'Aziz Syarh al-Wajiz*	25	*Bughyah al-Mustarshidin*
2	*al-'Umdah*	26	*Hashiyah Bujayrimi 'ala al-Khatib*
3	*al-Bayan fi Fiqh al-Imam al-Syafi'i*	27	*Faraid al-Fawaid fi Ikhtilaf al-Qawlayni li Mujtahid Wahid*
4	*al-Fatwa al-Fiqhiyyah al-Kubra*	28	*Fath al- 'Allam Sharh Murshid al-Anam Ilá ma Yajibu Ma'rifatuhu min al-'Aqa'id wa al-Ahkam*

5	*al-Fawaid al-Janiyyah*	29	*Fath al-Mu'in bi Syarh Qurrah al-A'yn*
6	*al-Fawaid al-Mukhtarah*	30	*Tanwir al-Qulub fi Mu'amalah 'Allam al-Ghuyub*
7	*al-Fiqh al-Islami wa Adillatuh*	31	*Fath al-Qarib al-Mujib fi Syarh Alfadh al-Taqrib*
8	*al-Fiqh 'la al-Madzahib al-Arba'ah*	32	*Fath al-Wahhab bi Sharh Minhaj al-Tullab.*
9	*al-Fiqh al-Hanafi fi Thaubih al-Jadid*	33	*al-Fiqh al-Manhaji 'ala Madhhab al-Imam al-Syafi'i*
10	*al-Fiqh al-Manhaji*	34	*Hashiyah al-Bajuri*
11	*al-Hawi al-Kabir*	35	*Hashiyah al-Sharqawi 'ala Syarh al-Tahrir*
12	*al-Iqna' fi Halli Alfaz Abi Shuja'*	36	*Hashiyah Qalyubi wa Amirah 'ala Syarh al-Mahalli 'ala Minhaj al-Talibin*
13	*Al-Irshad*	37	*Hashiyatani 'ala Kanz al-Raghibin*
14	*al-Majmu' Syarh al-Muhadhdhab*	38	*Hasyiyah al Jamal 'alá al-Minhaj*
15	*Al-Mausu'ah al-Fiqhiyyah al-Kuwaytiyyah*	39	*I'anah al-Talibin 'ala Halli Alfaz Fath al-Mu'in*
16	*al-Mughni*	40	*Is'ad al-Rafiq wa Bughyah al-Tasdiq*
17	*al-Muhtaj fi Syarh al-Minhaj*	41	*Kifayah al-Akhyar fi Ghayah al-Ikhtisar*
18	*al-Muhadhdhab*	42	*Matan al-Ghayah wa al-Taqrib*
19	*al-Tawshih 'Ala Ibn Qasim*	43	*Matn Kanz al-Daqaiq*
20	*al-Wajiz fi Fiqh al-Imam al-Syafi'i*	44	*Mauhibah Dzil Fadl Hashiyah 'ala Syarah Ibni Hajar 'ala Muqaddimah Ba Fadal*
21	*al-Wasit fi al-Madhhab*	45	*Mugni al-Muktaj*
22	*al-Zawajir 'an Iqtiraf al-Kabair*	46	*Nihayah al-Mukhtaj*
23	*Badai' al-Sanai' fi Tartib al-Shara'i'*	47	*Nihayah al-Zayn*
24	*al-Bariqah al-Mahmudiyyah fi Syarh Tariqah Muhammadiyyah wa Syari'ah Nabawiyyah*	48	*Tuhfah al-Tullab*

Source: Sidogiri Islamic Boarding School Library and reference books of Bahtsul Masail collection

Based on the table, majority of references in the study of *fiqh mu'amalat* at Sidogiri Islamic boarding school are *Salaf* books. Meanwhile, only a few references focused on modern books, and of the 48 *fiqh mu'amalat* books, only 8 were modern. This implied that only 12% of the total number of *fiqh* books were used as references in the study of *fiqh mu'amalat* at boarding school.

Several other methods and sciences asides yellow books were used to solve contemporary issues for example, drinking water production issues associated with environmental conservation (S. Muhibbin, personal communication, August 2022). Experts who understand the problems discussed were also invited.

Modern books used as references in the issue of *fiqh mu'amalat* include *al-Fawaid al-Janiyyah, al-Fawaid al-Mukhtarah, al-Fiq al-Islami wa Adillatuh, al-Fiqh 'la al-Madzahib al-Arba'ah, al-Fiqh al-Hanafi fi Thaubih al-Jadid, al-Fiqh al-Manhaji,* by Shaikh 'Alam al-Din Abu Faid Muhammad Yasin bin Muhammad 'Isa bin Udik al-Fadani (d. 1990 AD), Habib Ali Hasan Baharun (1420 H), Wahbah al-Zuhayli, Abd al-Rahman bin Muhammad 'Awad al-Jaziri (d. 1941 AD/1360 H), Abdu al-Hamid Mahmud Tamhaz, and the works of al-'Allamah Mustafa al-Khin, Shaykh Mustafa, Dib al-Bugha and Ali al-Sharbaji, respectively. The following books *Al-Mausu'ah al-Fiqhiyyah al-Kuwaytiyyah,* and *al-Fiqh al-Manhaji 'ala Madzhab al-Imam al-Syafi'i"* were written by Mustafa Sa'id al-Khin (1923-2008 AD), while *Maahibah Dzil Fa dl Hashiyah 'ala Syarah Ibni Hajar 'ala Muqaddimah Ba Fadal* was published by Muhammad Mahfuz ibn 'Abdullah ibn 'Abd al-Mannan al-Tarmasi (d. 1920 AD).

Muhibbin, stated that contemporary issues could be resolved using *Salaf* and modern books, including other methods and sciences asides from yellow books. A typical example is the study of *mu'amalat* regarding cryptocurrency law, online buying and selling, deposits as well as other contemporary *fiqh* problems (S. Muhibbin, personal communication, August 2022). This also required the invitation of experts who understand the problems discussed.

The books mentioned earlier focused on *mu'amalat* issues which consisted of various *akad* used in daily economic activities. The *akad* included buying and selling, *istibdal, Bay' al-Salam akad, Bay' al-Istisna', Bay' al-Murabahah*, the *Khiyar* chapter, *al-Ijarah, al-Mudarabah, Hawalah, Rahn, Qiradh, Shirkah, Wadi'ah, Wakalah, Kafalah, Mauzara'ah, Mukhabarah*, and *Musaqah*.

Bahtsul Masail as a Media for Contextualizing *Fiqh mu'amalat* Texts

Bahtsul Masail in Islamic boarding school is a forum for students to discuss, study and debate various *fiqh* issues encountered daily. These actual or contemporary problems are associated with the current developing era and socio-culture (Setiawan & Maliki, 2020). Meanwhile, references regarded as legal materials in the forum were certified books (*al-kutub al-mu'tabarah*) that contained normative *fiqh* studies, fatwas and the results of investigations by *salaf al-salih* Ulema whose knowledge and capabilities had been tested and recognized (Ya'cub et al., 2020, p. h. 53).
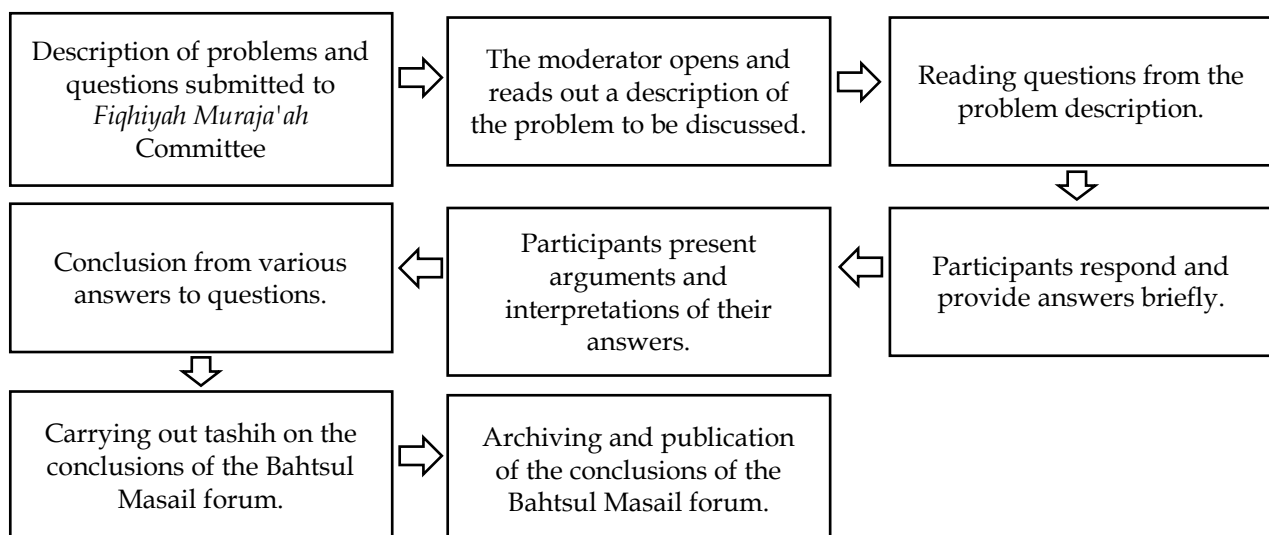
The method of finding and determining the law used in Bahtsul Masail forum of Sidogiri Islamic boarding school is generally the same as those used by students and teachers in other institutions and LBMNU (Nahdlatul Ulama Bahtsul Masail Institution) at all levels. However, three methods namely *qawli, ilhaqi,* and *manhaji* were used to determine the law (*istinbat al-hukm*) used in Bahtsul Masail forum.

Bahtsul Masail forum at Sidogiri Islamic boarding school was organized by an agency called LMF, responsible for managing all stages. In general, there is no significant difference with other institutions, both in terms of process and methods, except for the participants. In Bahtsul Masail forum at participants consisted of teachers and students who focused on *fiqh* studies (A. W. Husin, personal communication, November 18, 2022).

Bahtsul Masail process starts with the moderator explaining the problems previously submitted to the forum. At this stage, the moderator or leader of Bahtsul Masail session describes the problem that led to the questions. The next step is to read the questions based on the description, then the moderator invites the participants to state respective answers and opinions briefly. The moderator invites participants to put forward arguments and interpretations from various references, generally from books that had been studied or are available in Islamic boarding school library.

The next stage is the reading of the inferences drawn from the various opinions, arguments and *dilil* put forward by participants. Subsequently, the answers agreed on by participants of Bahtsul Masail were validated. In relation to this perspective, there is a special agency at Sidogiri Islamic Boarding School responsible for validating the results, namely Lajnah Tashih Bahtsul Masail constituting nine members selected by the caretakers of the institution. The final stage is the archiving of the results of the document. Furthermore, the archive of answers from Bahtsul Masail is then published as a book and disseminated through the consultation column on Sidogiri Islamic Boarding School website. The sequence of Bahtsul Masail process at Sidogiri Islamic Boarding School was simplified as shown in the following diagram.

Schematic Chart of Bahtsul Masail Process at Sidogiri Islamic Boarding School.

There are several methods for determining the law on various issues discussed during Bahtsul Masail forum. Muhibbin, the Head of Bahtsul Masail at Sidogiri Islamic Boarding School stated that in determining the law on a case discussed during the forum, both teachers and students, generally using *qawli*, *ilhaqi* and *manhaji* methods, although the term commonly used is *naql* or quoting (S. Muhibbin, personal communication, August 2022). Hasanuddin, the head of LMF, stated that participants of Bahtsul Masail did not use the term *istinbat* law rather preferred *naql* and *ta'bir* obtained from *Salaf* books studied (Hasanuddin, personal communication, November 17, 2022).

Based on the observations and statement made by the Head of Bahtsul Masail Sidogiri Islamic Boarding School, the most widely used method was *ilhaqi*. This was because not all problems encountered daily had textual answers in *Salaf* books. When carefully explored, the texts in the book could be used as *ta'bir* in solving emergent *fiqh* problems. Furthermore, *ilhaqi* method demands contextualization of the texts in *Salaf* books (S. Muhibbin, personal communication, August 2022).

Table 2. Contemporary *Fiqh mu'amalat* Issues in Book of Bahtsul Masail Results of Sidogiri Islamic Boarding School

No	Problem	Answer	Reference Book
1	The price difference between cash sales and futures sales.	It is not valid, but according to the majority of Ulema the process is valid.	*Hashiyah al Jamal* 3/73; *Radud 'ala al Abatil* 2/329-330.
2	The law on credit sales at a price different from the cash. price.	Valid, because it does not include combining two contracts (*akad*) into one, provided that the payment period is agreed upon.	*I'anah al-Talibin* 3/16.
3	The law of buying and selling money, such as IDR 1,000,000 is sold for IDR 1,100,000.	The law is valid and permissible because it does not include usury and is intended to sell the physical form of the goods, not the monetary value.	*Kifayah al-Akhyar* 1/249; *Faraid al-Fawaid* 168; *Nihayah al-Mukhtaj* 3/318; *Mauhibah Dzil Fadl* 4/29.
4	Law of buying and selling credit.	Classified, if the credit is with a voucher, then it is valid with a sale and purchase *akad*. When the electric credit is valid a gift *akad* is given to the seller in exchange for the price of the electric credit.	*Mugni al-Muktaj* 6/259; *al-Majmu'* 15/388.
5	Law of purchasing goods with a guarantee.	If the guarantee is not mentioned in the *akad*, then the law is obligatory. Some state it is Sunnah, however, when mentioned during *akad*, the sale and purchase agreement is canceled.	*Al-Adzkar* 281-281; *Tuhfah al-Mukhtaj fi Sharh al-Minhaj* 17/64.
6	Law of utilizing pawned goods.	It is permissible with the permission of the person who pawns and the use is not a condition stated during the *akad*.	*Al-Fiqh al-Manhaji* 3/278-280; *al-Fawaid al-Janiyyah* 277; *al-Ashbah wa al-Nazhair* 106.
7	Law of renting a womb.	It is invalid, because the condition of the rented goods must be able to be *ibah}ah*, while womb is not.	*Hashiyah al-Bajuri* 2/28; *Nihayah al-Zain* 328.
8	Franchise Law.	The law is not permissible, however, according to some Hanbaliyah Ulema it is permissible.	*Al-Mausu'ah al-Fiqhiyyah al-Kuwaytiyyah* 1/264; *al-Mugni* 6/7.

9	Law of Money Politics	It is *haram* or not permissible.	*Hashiyah Bujayrimi 'ala al-Khatib* 4/330.
10	Law of cellular operator promotions that sometimes harm consumers.	It is permissible if there is no agreement in the *akad*.	*Is'ad al-Rafiq* 2/82; *al-Zawajir 'an Iqtiraf al-Kabair* 1/399.
11	Law of building factories in water catchment areas.	It is not permissible as long as the area is indeed a place of public interest.	*Al-Fiqh al-Islami* 4/57; *Hashiyah al-Qalyubi* 3/89.
12	Law of electronic transactions (E-commerce).	The law is valid while still meeting the applicable requirements.	*Al-Fiq al-Islami wa Adillatuh* 4/463; *al-Fawaid al-Mukhtarah* 246; *Sharh al-Yaqut al-Nafis li al-Shaykh bin Muhammad bin Ahmad 'Umar al-Shatira* 365; *Hashiyah Bujayrimi 'ala al-Khatib* 8/246.
13	Law of spare part guarantees with exchange of new goods.	The law is permissible on the condition that it does not contain elements of fraud.	*al-Muhtaj fi Syarh al-Minhaj* 17/61; *Bariqah Mahmudiyyah fi Syarh Tariqah Muhammadiyyah wa Shari'ah Nabawiyyah* 3/432; *Al-Mausu'ah al-Fiqhiyyah al-Kuwaytiyyah* 15/228.
14	Law of taking money for consumption by business managers in the Shrikah *akad*.	The law is permissible on the condition that the withdrawal of the money is not in the name of a person, but in the name of the agreed operational costs.	*Tuhfah al-Mukhtaj fi Syarh al-Minhaj* 21/340; *Bughyah al-Mustarshidin* 298; *Mausu'ah al-Fiqhiyyah al-Kuwaytiyyah* 26/69.

Source: Sidogiri Islamic boarding school's Bahtsul Masail collection book "*Santri Salaf Menjawab*" volumes 1-2.

Actualization of *Fiqh* Mu'amalat Text in the Development of Islamic Boarding School Economy: Contribution of Traditional islamic boarding schools to *Fiqh* of Civilization

The center for economic development in Sidogiri Islamic Boarding School Kopontren is responsible for building four miniature sharia business ecosystems, namely PT Sidogiri Mitra Utama, PT Sidogiri Mandiri Utama, PT Sidogiri Pandu Utama and PT Sidogiri Fintech Utama. In addition, each sharia ecosystems operates a business according to the specified field (M. Anam, personal communication, November 17, 2022).

Several *akad* in *fiqh mu'amalat* were contextualized and actualized in the economic development of Sidogiri Islamic Boarding School, specifically in the management of capital from investors, namely *shirkah, wakalah, mudarabah, bai' al-muajjal, istisna'* and *Ijarah akad*. Subsequently, the public capital was used in the management and development of Islamic boarding school economy. Kopontren party provided diverse opportunities for the public in the economic development of the institution.

Table 3. *Akad* **Contextualization in the Development of Sidogiri Islamic Boarding School Economic Institution**

No	Types of *Akad*	Normative Provisions and Reference Books	Contextualization	Contextualization Method
1	*Wakalah*	The transfer of authority and power in general, but may be *wakalah* for business *akad* activities such as sales and purchase,	*Wakalah akad* is actualized in the form of granting full authority by the capital provider to Kopontren to	The main method used is *Ilhaqi*.

		guarantees, partnership, partnership, lease, lease, qirad and others. (*al-Mabsut*, XXII/p. 51, *al-Shirbini, Mughni Al-Muhtaj Ila Ma'rifah al-Alaz al-Minhaj*, VIII/pp. 2, 290, 310, *al-Majmu' Syarh al-Muhadhdhab* volume XIV p. 109).	invest business capital through agency under Kopontren which operate in the field of goods and services.	
2	*Mudarabah*	*Akad* between two parties to run a business where one party is the investor and one party runs the business. If the profit is made then it is divided into two, namely for the party who owns the capital (*sahibul mal*) and the business actor or who runs the capital (*mudarib*) with a percentage or the amount according to the agreement. Meanwhile, if a loss occurs, it will be borne by the capital owner. (*al-Majmu' Syarh al-Muhadhdhab*, XIV/h. 359; *Ibn Qudāmah, Al-Mughnī, al-Zuh}aili*, X/pp. 140, *Badai' al-Sanai' Fi Tartib al-Syara'i'*, XIII/pp. 15, *al-Zuhaili, Al-Fiqh al-Islami Wa Adillatuh*, V/pp. 566).	The mudarabah *akad* is used in capital investment for the development of Kopontren through several businesses under it. The largest investment is through PT. Sidogiri Mitra Utama with *Basmallah* retail.	The main method used is *Ilhaqi*.
3	*Al-Bay'*	The exchange of goods for money is performed directly (*yadan biyadin*) which is performed voluntarily in one assembly. (*Fath al-Qarib*, p. 30, *Fath al-Mu'in*, pp. 66-67, *Kifayah al-Akhyar,* I/pp. 193-226, *Nihayah al-Zayn*, p. 223-230, *al-Qawa 'id al-Fiqh al-Kubrá,* I/pp. 91, *Syarh Zad Al-Mustaqna',* VII/pp. 115, and *al-Zuhaili, Al-Fiqh al-Islami Wa Adillatuh*, V/pp. 67-68).	The sale and purchase agreement is implemented with *al-bay' bithaman al-muajjal akad*. PT. Sidogiri Mitra Utama in its operations has one transaction that uses the *al-bay' bi al-thaman al-muajjal akad*, namely when the supplier sells its goods to *Basmallah* retail. The suppliers send their goods first to *Basmallah* retail, PT. Sidogiri Mitra Utama does not pay in cash, but pays in installments according to the agreement between the two parties. The payment period is 1 week.	The main method used is *Ilhaqi*, but it is strengthened by *Qawli* and *Manhaji*.
4	*Istibdal*	Basically, this *itibdal akad* is similar to *al-bay'* contract, namely bartering or exchanging goods for goods or currency values. The provisions of this *istibdal akad* are contained in the books *Tuhfah al-Muhtaj* volume X p. 408, *Asna al-Matalib* volume VIII p. 300, *Hashiyah I'anah al-Talibin, Hashiyah al-Jamal 'ala Syarh Manhaj al-Tullab*	The *istibdal akad* is implemented in transactions using *E-maal* cards.	The main method used is the *Ilhaqi* , but it is strengthened by *Qawli* and *Manhaji*.

		Volume XI p. 22, and *Hashiyah I'anah al-Talibin 'ala Halli Alfaz Fath al-Mu'in* Volume III p. 48.		
5	*Qard*	Normatively, the *qard akad* is a debt contract between one party and another party. *Tuhfah al-Muhtaj* volume IX p.34, *Tuhfah al-Muhtaj* volume IX p. 40, and *al-Fiqh al-Islami Wa Adillatuh*, V/p. 3786.	The *qard akad* is implemented in economic development at the Sidogiri Islamic boarding school in the form of issuing *E-Maal* cards (debit cards). The cardholder (generally a student) hands over a sum of money to Kopontren manager of Sidogiri Islamic boarding school. The owner or holder of *E-Maal* card can be categorized as a Debtor, while Kopontren manager is a creditor. The money is physically in the possession of the Kopontren, but in terms of value it is under the control of the owner and cardholder.	The main method used is *Ilhaqi*, but it is strengthened with *Qawli*.

Source: Collection Book of Bahsul Masail of Sidogiri Islamic boarding school "*Santri Salaf Menjawab*" volumes 1-2 and results of interviews with the Chairman of the Sharia Supervisory Board and Bahtsul Masail of Sidogiri Islamic Boarding School as well as Secretary of Sidogiri Kopontren

Sidogiri Islamic Boarding School is perceived as a role model for economic empowerment based on the teachings of *Salaf* by other institutions in the country. Additionally, through the development of cooperatives, the school had successfully managed business development by establishing the following three companies, PT. Sidogiri Mitra Utama, PT. Sidogiri Mandiri Utama, and PT. Sidogiri Pandu Utama outside the main focus better known as an educational institution (Pambudi & Hendratmi, 2020). The economic movement carried out in Islamic boarding school is massive with significant impact on the people around Sidogiri Pasuruan and East Java in general. The actualization of *Salaf* values in Sidogiri business unit also improved the welfare of the surrounding people, putting an end to loans free from usury *akad* that was a burden (Zuliana et al., 2021).

Conclusion

In conclusion, the successful empowerment initiatives pioneered by Sidogiri to improve Islamic boarding school economy led to the contextualization of *fiqh mu'amalat Salaf*. This focused on the elaboration of classical texts or yellow books with the reality of modern societal *mu'amalat*. The consistency in integrating the teachings of *Salaf* in books of classical Ulema succeeded in maintaining the application of *mu'amalat* principles in every development of the respective business units. Additionally, the contextualization of *fiqh Salaf* started by establishing Bahtsul Masail an intellectual forum for solving the problems of *mu'amalat* in society. The results obtained were then actualized by making it a practical reference in every *akad* that was performed, both in Kopontren business unit, Basmalah Store, and BMT. The success of the economic empowerment showed that *fiqh* was not studied dogmaticallyThis proved the openness of Islamic boarding schools in accepting progressive ideas associated with new civilization while maintaining classical values.

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Conflict of Interest

This authors declares no conflicts of interest.

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