

From Classical Shafi'i Jurisprudence to Diverse Madhhab Perspectives: Shifting Literatures and Practices of Sharia Economic Law in Islamic Pesantren

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Abstract: Most *pesantrens* are traditionally known for their strict adherence to the Shafi'i school of thought. However, in recent years, many have actively engaged in economic and business activities that rely on legal contracts not necessarily rooted in Shafi'i fiqh doctrine. This trend suggests a shift not only in the literature referenced within *pesantren* but also in the practice of Islamic law, particularly in the realm of sharia economic law. This study aims to explore the transformation in the use of Islamic legal literature within *pesantren* and the factors contributing to this shift. Employing a qualitative research approach, this study gathers data through interviews with *pesantren* administrators in Banyumas Regency. The findings are analyzed using a sociological framework, specifically Arnold M. Rose's theory of legal change. The results indicate a discernible shift in Islamic legal literature across *pesantren*. While some institutions maintain a restricted scope of literature within their adopted *madhhab*, others adopt a more progressive stance by incorporating cross-*madhhab* references. This shift aligns with the increasing involvement of *pesantren* in economic and business activities, necessitating legitimacy from a diverse range of Islamic legal opinions. Several key factors drive this transformation, including technological advancements that have reshaped economic transactions, increased external engagement and networking, and the emergence of a social movement led by the *pesantren* business community advocating for financial independence. The *kiai* plays a crucial role in this legal transformation, serving as the ultimate authority in shaping the institution's legal and economic direction. This study contributes to the existing discourse by offering new insights into the evolving dynamics of Islamic law within *pesantren*, an area that remains relatively underexplored in academic research.

Keywords: Islamic Law; Sharia Economic Law; *Pesantren*; Islamic Legal Change.

Introduction

Islamic law, since its emergence over fourteen centuries ago, has experienced significant development, as reflected in the extensive body of legal literature authored by scholars from various schools of thought (*madhhab*). This diversity Islamic jurisprudence has continued to evolve and expand across different regions, including Indonesia, where the majority of Muslims adhere to the Shafi'i school. This historical inclination can be traced back to the early Islamic preachers in Indonesia, who predominantly followed this *madhhab* (Huda et al., 2023). The continuity of Shafi'i jurisprudence in Indonesia is largely attributed to *pesantren*, particularly those associated with Nahdlatul Ulama, which have played a vital role in preserving and transmitting its teachings (Rohmah & Zafi, 2020). The primary reference materials in *pesantren* continue to be classical fiqh texts, particularly the works of Shafi'i scholars, including *Safinah an-Naja*, *Taqrib*, *Fath al-Qarib*, and *Hasiyah al-Bajuri* (Aziz, 2018).

Compared to other Islamic legal institutions, *pesantren* hold a unique position as both centers of legal scholarship and practitioners of Islamic law. In contrast to the broader Muslim community, which primarily emphasizes religious practices, *pesantren* actively engage in both the study and formulation of

Islamic legal rulings. This process is facilitated through *Bahtsul Masa'il* forums, which serve as platforms for discussing contemporary legal issues (Munawir et al., 2022). While *pesantren* are traditionally known for their strict adherence to the Shafi'i school, this loyalty appears to be largely confined to rulings on worship-related matters. In the field of *muamalah* (Islamic economic law), many *pesantren* have increasingly participated in business and economic activities (Zaki et al., 2022). This includes *pesantren* in Banyumas, a region in Central Java that offers a distinctive case for study due to its unique characteristics compared to larger *pesantren* in other areas of Indonesia.

In the economic and business sectors, *pesantren* have implemented various business models and contractual arrangements, many of which are not explicitly addressed in classical fiqh (*kitab kuning*). One notable example is the establishment of cooperative institutions, which have become integral to *pesantren* economies. From a contractual perspective, cooperatives are classified under *shirkah* (partnership contracts), specifically as *shirkah ta'awuniyyah* (cooperation-based partnerships) or *shirkah mufawadah* (partnerships with equal capital and responsibility). However, classical Shafi'i jurisprudence recognizes only *shirkah 'inan* while rejecting other forms of *shirkah* (Mustofa, 2022). In addition to cooperatives, *pesantren* enterprises have expanded to include minimarkets, waqf banks, laundry services, and insurance ventures. These business activities involve intricate contractual mechanisms that pose challenges to traditional *fiqh* rulings.

This development signifies a significant transformation in both the theory and practice of Islamic law, particularly in the domain of Sharia economic law within *pesantren*. Although *pesantren* have traditionally been associated with adherence to the Shafi'i school, their economic and business activities often deviate from strict Shafi'i jurisprudence. This raises important questions regarding the evolution of Islamic legal literature in *pesantren*—whether they continue to rely exclusively on classical sources or integrate contemporary Islamic legal texts, including those from non-Shafi'i schools. Historically, *pesantren* have been recognized as inclusive institutions that acknowledge the legitimacy of rulings from multiple *madhhab* (Muhammad Daud, 2021).

Research on *pesantren* has been widely conducted across various studies, though the majority have primarily focused on their educational aspects. With the increasing number of *pesantren* establishing business units, scholarly attention has begun to shift toward their economic activities. However, these studies have largely overlooked the legal aspects of *pesantren* businesses. For instance, Mursyid (2011) identified various economic models that *pesantren* can adopt. Further developments in this area have been highlighted by Saputro et al. (2022), who noted the role of HEBITREN (*Himpunan Ekonomi dan Bisnis Pesantren*) as a platform for communication and coordination among *pesantren* in managing their economic ventures. Yaqin (2023) observed that several business practices implemented by *pesantren* do not have a direct precedent in classical Islamic legal literature, particularly within the Shafi'i school of thought. Meanwhile, Mustofa (2022) emphasized that the economic activities in *pesantren* are influenced by legal studies derived from the literature traditionally used in these institutions, which have evolved over time. Despite these contributions, no study has specifically examined the dynamics of Islamic law in *pesantren*, particularly concerning the literature and practice of Sharia economic law.

Analyzing how *pesantren* reconcile their legal literature with practical application is crucial. The adaptation of legal texts inevitably shapes the implementation of Islamic law, resulting in shifts in economic jurisprudence and contractual frameworks. Consequently, the long-held assumption that *pesantren* consistently adhere to the Shafi'i school in all aspects of Islamic law requires re-evaluation within the contemporary context.

Building upon this context, this study aims to examine the evolving use of Islamic legal literature in *pesantren* and identify the key factors driving this transformation. By exploring how *pesantren* navigate the interplay between tradition, economic imperatives, and evolving jurisprudence, this research seeks to enhance the understanding of the dynamic relationship between Islamic law and socio-economic developments within *pesantren* communities.

Literature Review

Discussions on Islamic legal literature in *pesantren* have also explored the development of a more diverse range of legal texts. However, the implementation of these texts and their impact on legal practice remain underexamined. Harisah emphasized the need for revitalizing Islamic law, particularly Sharia economic law in *pesantren*, as a means of resolving legal conflicts within society (Harisah, 2020). Mursyid (2011) also highlighted the necessity of reforming the *pesantren* education curriculum to align with economic developments in the era of free markets. Additionally, Muhammad Daud (2021) observed efforts to incorporate cross-madhhab *fiqh* perspectives into both the teaching and practice of several *pesantren*. Building upon these previous studies, this research seeks to complement existing scholarship by focusing on the dynamics of literature usage in *pesantren*, particularly in relation to the doctrines and theories of Islamic law. To analyze the relationship between the Islamic legal doctrines taught through *pesantren* literature and their practical application, as well as the correlation between legal transformations and the social factors influencing them, this study employs the theory of legal change.

Arnold M. Rose states that legal change is influenced by three key factors. First, the progressive accumulation of technological advancements and discoveries (Rose, 1967). Second, interactions or conflicts between different communities. Third, the emergence of social movements. According to this theory, law functions more as a consequence of social change rather than as its primary driver. Rose's theory of legal change is grounded in the reciprocal relationship between law and society, asserting that while law reflects the prevailing values and norms within a society, it also actively contributes to shaping and transforming them. Legal change, as Rose describes, is a complex and multidimensional process shaped by both internal and external factors. The first factor highlights that technological advancements – such as machinery, television, computers, and the internet – necessitate the creation of new legal frameworks to regulate their use and societal impact. The second factor emphasizes that intercultural interactions, whether through peaceful engagement or conflict, facilitate legal transformation. When diverse cultures interact, their legal systems, norms, and values influence one another, prompting adaptation and modification. The third factor identifies social movements as catalysts for legal change, often arising from dissatisfaction with existing social conditions. These movements frequently succeed in advocating for legal reforms that align with their demands (Syarhan, 2021).

Islamic law, like other legal systems, undergoes adaptations and modifications in response to social changes (Azhari, 2016). The concept of *ijtihad* in Islamic jurisprudence underscores the necessity of continually reassessing Islamic law to ensure its relevance to changing times and contexts (Mustofa, 2013). Within Islamic legal thought, social, cultural, and geographical transformations serve as critical variables in determining whether legal modifications are both possible and necessary. Ibn Qayyim al-Jauziyyah (1977) identifies four primary social factors that drive legal change: (1) temporal conditions, (2) geographical context, (3) circumstances and intentions, and (4) prevailing customs or traditions. He articulates these principles in his *fiqh* maxim: *taghayyur al-fatwa bi hasb taghayyur al-azman wa al-amkinah wa al-ahwal wa al-niyyat wa al-'awa'id* – meaning that fatwas may change in accordance with shifts in time, place, circumstances, intentions, and societal customs (Nurjaman & Witro, 2021).

Titin Samsudin (2018) identifies three general forms of dialectical interaction between Islamic law and social change: (1) acceptance of change (*tahmil*), (2) rejection of change (*tahrif*), and (3) modification of change (*taghyir*). In the third approach, social change is adjusted in a manner that ensures it remains aligned with the principles of *sharia*. In other words, modifications are made to accommodate social transformations while maintaining adherence to Islamic legal principles. Islamic law, like positive law, operates within a reciprocal relationship with social change. It has the capacity to influence societal transformations, while social change, in turn, can shape legal developments. The evolution of legal rulings in response to social change demonstrates the dynamic and adaptive nature of Islamic law. The issuance of fatwas by scholars from various *madhhab* reflects the continuous efforts of Islamic jurists to align legal formulations with contemporary societal conditions, all while remaining committed to the fundamental objectives established in the Qur'an and Hadith (Tolkah, 2021).

Siroj (2021) argues that Islam can be regarded as a form of progressive law, as the principles inherent in progressive legal theory align with the transformative and dynamic nature of Islamic law. Several key aspects of progressive law are also reflected in Islamic legal principles. One of the fundamental objectives of Islamic law is to ensure human welfare and uphold justice, which aligns with the core purpose of progressive law. Moreover, progressive law is characterized by its continuous evolution, allowing for legal adaptation and transformation—a characteristic also present in Islamic law. Additionally, progressive law emphasizes the role of conscience, spiritual intelligence, and ethical conduct in legal implementation. This principle is likewise integral to Islamic law, where both *mujtahids* and judges are subject to rigorous qualifications. These qualifications not only demand intellectual and emotional competence but also emphasize the necessity of strong moral character and integrity in legal decision-making.

Recent studies have increasingly focused on the application of Islamic legal principles within contemporary contexts. Research on the reformulation of *ijtihad* underscores the necessity of updating *fiqh* by integrating both classical sources and modern socio-cultural realities. A. Qodri Azizy's work on the reformulation of Islamic jurisprudence in Indonesia highlights the importance of developing a localized *madhab* that is attuned to the nation's distinctive socio-cultural dynamics (Sumitro & Ali, 2015). Azizy's approach advocates for an eclectic methodology that facilitates the integration of Islamic legal principles with national law to address contemporary legal challenges. This perspective has been particularly influential in the development of Islamic economic law in Indonesia, where the incorporation of *fiqh* into the modern legal framework has demonstrated both progressiveness and adaptability in response to evolving societal norms (Fata, 2013).

In this context, the dissemination of Islamic economic law through digital platforms, such as Instagram (@muamalah_daily), plays a vital role in facilitating contemporary discussions on Islamic jurisprudence. The utilization of social media platforms serves as a bridge between classical *fiqh* texts and modern legal practices, offering accessible interpretations that engage a wider audience (Hayati, 2021). This digital transmission has been instrumental in shaping public perceptions of Islamic economic principles, thereby contributing to the broader discourse on *sharia* law in the digital era.

Method

This study is a field-based research project that examines *pesantren* with longstanding traditions of economic and business activities. The research focuses on selected *pesantren* in Banyumas Regency, including Pesantren Nurul Huda (established in 1986), Pesantren Al-Ikhsan (est. 1983), Pesantren Al-Masda (est. 2010), and Pesantren Darussalam (est. 2003). Employing a juridical-sociological approach, this study explores the relationship between the doctrines of Islamic law, as taught through *pesantren* literature, and their practical application. Additionally, it investigates the legal shifts occurring within *pesantren* and the social factors contributing to these transformations. Data collection involved in-depth interviews with *pesantren* administrators responsible for curriculum development and those overseeing economic ventures. The findings on legal shifts within *pesantren* are then analysed through the lens of legal sociology to identify the key factors driving these changes.

Results and Discussion

Business Activities in *Pesantren* and Its Relation to Islamic Legal Doctrine

Pesantren, as traditional Islamic educational institutions, have played a fundamental role in preserving and disseminating religious teachings, particularly those rooted in the Shafi'i school of thought. In practice, the majority of *pesantren* in Indonesia consistently adhere to the Shafi'i school as the primary reference in the teaching Islamic jurisprudence (*fiqh*), particularly in matters of worship (Aji, 2014). However, over time, the growing demands of economic development have led to a shift in the practice of *muamalah* (Islamic economic law), necessitating a more adaptable approach to *fiqh*, including greater openness to interpretations from other schools of thought. This phenomenon underscores that *pesantren*

function not only as religious educational institutions but also as social entities that must respond to economic transformations and the evolving landscape of Islamic legal thought.

The predominance of the Shafi'i school in *pesantren* education across Indonesia is closely linked to the historical development of Islam in the archipelago. Arab scholars introduced the Shafi'i school as early as the 13th century, and it subsequently became an integral aspect of Islamic propagation (*dakwah*) in the region (Asroni, 2022). This adherence remains strong, particularly in matters of worship, as Shafi'i jurisprudence has been deeply embedded within the *pesantren* education system. Classical *fiqh* literature, such as *Kasyifah as-Saja syarh Safinah an-Naja* and *Fath al-Qarib syarh Taqrib*, continues to serve as the primary reference for the instruction of Islamic law, particularly in relation to acts of worship (Aji, 2014).

While the Shafi'i school remains the primary reference in matters of worship, *pesantren* have increasingly embraced perspectives from other schools of thought in the realm of *muamalah*. This shift corresponds with the economic development of *pesantren*, which necessitates legal adaptability to address contemporary challenges (Rohmah & Zafi, 2020). For example, cooperative business models within *pesantren* represent a form of *syirkah* (partnership) that is not explicitly recognized in classical Shafi'i jurisprudence. Likewise, financial transactions such as ATM transfers, insurance, and various online payment methods have become more prevalent in *pesantren*, despite the absence of explicit legal foundations for these practices in traditional Shafi'i texts.

This study examines four selected *pesantren* as research sites—two established in the 1980s and two relatively newer institutions founded after the year 2000. Despite differences in their founding periods, these *pesantren* share a common adherence to the Shafi'i school of thought in Islamic law while actively engaging in various economic and business activities. The primary *fiqh* texts taught and used as references in these institutions include *Kasyifah as-Saja syarh Safinah an-Naja*, *Fath al-Qarib syarh Taqrib*, and *Fath al-Mu'in*.

The economic development of *pesantren* is motivated by the pursuit of financial independence, as well as the need to fulfill the daily necessities of both students and the surrounding communities. The establishment of various business ventures within *pesantren* necessitates a well-defined legal framework. As revealed through interviews with *pesantren* administrators, they actively seek legal justification for their economic practices based on the texts they have studied. However, when these texts do not provide sufficient guidance, they explore alternative sources, including references from other schools of thought.

This approach results in the practice of *talfiq*, which involves synthesizing legal rulings from multiple schools of thought to develop a more comprehensive legal judgment. According to (Rana, 2017), *talfiq* is often regarded with skepticism by *pesantren* communities that traditionally adhere to the Shafi'i school. However, in the context of *muamalah*, this practice has gained wider acceptance. *Talfiq* functions as a pragmatic solution that allows *pesantren* to adapt Islamic legal principles to evolving social and economic conditions while maintaining adherence to fundamental Sharia principles. According to Melania Fajarwati, the business manager of Pesantren Darussalam:

"The fundamental principle in muamalah is permissibility (*ibāhah*). Consequently, as long as there is a scholarly opinion that permits a particular transaction, adhering to that opinion is considered acceptable, regardless of the school of thought" (interview on July 6, 2024).

Despite its flexibility, the integration of cross-madhhab literature within the economic practices of *pesantren* also presents potential normative conflicts. Traditional Shafi'i jurisprudence imposes stringent restrictions on certain contractual mechanisms, whereas the Hanafi and Maliki schools provide more lenient interpretations. While some *pesantren* administrators regard openness to other schools of thought as essential for maintaining the relevance of their economic activities, others adopt a more cautious approach, carefully selecting rulings that align with the ethical values of their institutions. As expressed by one interviewee from Pesantren Nurul Huda:

"We recognize the necessity of adopting legal rulings that accommodate economic realities while exercising caution in selecting opinions that remain consistent with *pesantren* ethical principles" (Muhammad Ajir Ubaidillah, interview on July 5, 2024).

A distinctive practice concerning legal literature persists in *pesantren*, where classical texts continue to serve as primary references in daily religious studies. However, in addressing contemporary business practices not explicitly covered in traditional texts, *pesantren* supplement their references with cross-*madhhab* works such as *al-Fiqh 'ala Mazahib al-'Arba'ah* and *al-Fiqh al-Islami wa Adillatuh*. Three of the four *pesantren* studied—Darussalam, Al-Masda, and Nurul Huda—acknowledged their willingness to follow (*taqlid*) legal opinions beyond the Shafi'i school. In contrast, Pesantren Al-Ikhsan maintains exclusive adherence to Shafi'i jurisprudence. Hamid Mustofa of Pesantren Al-Ikhsan (interview, July 12, 2024) asserted that business practices within their institution remain strictly within the framework of the Shafi'i school, and students (*santri*) are not permitted to adopt rulings from other *madhhab* as the basis for their economic activities. However, this position appears inconsistent, as the studied literature does not explicitly validate certain business practices currently undertaken within the *pesantren*.

Mauluddin (2016) found that *pesantren* facing contemporary economic challenges tend to adopt a more flexible approach by referring to moderate scholars and drawing from other schools of thought, such as the Hanafi and Maliki traditions. This suggests that adaptability in *fiqh muamalah* has become an essential aspect of the transformation of *pesantren* into institutions that are not only centers of religious education but also economically sustainable entities. Since the 1990s, *pesantren* have undergone substantial reforms in both their curricula and management, including initiatives to integrate modern disciplines into traditional education, such as Sharia economics and contemporary Islamic law (Basyit, 2017).

This transformation further underscores that *pesantren* are no longer solely conservative institutions centered on classical religious studies but have evolved into more adaptive and progressive entities in response to contemporary developments. Elyunusi et al. (2024) asserts that modern *pesantren* face the challenge of modernization, necessitating a balance between preserving traditional values and meeting present-day demands. Consequently, *pesantren* have broadened their role beyond religious education to encompass skill development and the acquisition of knowledge relevant to modern economic engagement, particularly in the field of Islamic finance.

In alignment with this transformation, *pesantren* have initiated various modernization efforts since the early 1990s, encompassing curriculum development, institutional restructuring, and management reforms (Basyit, 2017). As their engagement in economic and financial activities expands, *pesantren* are increasingly encouraged to reevaluate the Islamic legal doctrines they have traditionally followed, fostering the development of a more contextualized and applicable legal framework. However, despite these advancements, some *pesantren* continue to adhere strictly to the Shafi'i school of thought and remain reluctant to adopt perspectives from other legal traditions.

Factors Influencing the Shifting of Islamic Law in *Pesantren*

The evolution of Islamic legal literature and practices within *pesantren* corresponds with Arnold M. Rose's perspective that law is inherently influenced by social change. In practice, legal transformations in *pesantren* are not isolated phenomena but are closely linked to broader societal developments. Rose identifies three key drivers of legal change: technological advancements, intercultural interactions, and social movements (Syarhan, 2021). These factors do not function independently; rather, they interact in multifaceted ways, fostering a dynamic environment that continuously shapes and redefines legal practices within *pesantren*.

A significant technological transformation has taken place within *pesantren*, reflecting broader societal shifts. Khoiriyah & Riyadi (2023) observes that *pesantren* have evolved from a traditional-modern paradigm to a modern-modal approach, influenced by the increasing role of modernity in religious and educational institutions. Traditionally, *pesantren* imposed strict limitations on technology use, particularly in restricting access to external media. However, with the growing accessibility of information and communication technology, many modern *pesantren* have begun utilizing digital platforms, thereby broadening their engagement with alternative legal perspectives. Mustofa (2022) argues that this technological adaptation not only shapes educational content but also directly contributes to economic and legal transformations within *pesantren*, particularly in their integration of diverse *fiqh* sources.

In addition to technological advancements, intercultural interactions have played a significant role in shaping legal transformations within *pesantren*. As *pesantren* increasingly engage with government institutions, financial entities, and other religious organizations, these interactions inevitably influence the interpretation and application of Islamic law. This study finds that *pesantren* administrators actively establish partnerships with various institutions to ensure regulatory compliance, secure funding opportunities, and gain access to external resources. Beyond formal institutional collaborations, long-standing networks among *pesantren* serve as vital channels for knowledge exchange. *Pesantren* representatives frequently participate in the *Bahsul Masail* forum, a dedicated platform for discussing contemporary Islamic legal issues. Through these forums, *fiqh* rulings are not only deliberated but also disseminated across different *pesantren*, contributing to the gradual standardization of certain legal interpretations within the broader institutional framework.

The third factor influencing legal transformations in *pesantren* is the rise of social movements, particularly those advocating for economic self-sufficiency. One of the most prominent movements in this context is HEBITREN (*Himpunan Ekonomi dan Bisnis Pesantren*), a network that connects *pesantren* engaged in business activities (Saputro et al., 2022). HEBITREN has played a pivotal role in fostering *pesantren*-based entrepreneurship by providing structured business models grounded in Islamic legal principles while simultaneously promoting financial independence. The four *pesantren* analyzed in this study are all affiliated with HEBITREN, illustrating how this network has facilitated the incorporation of modern business practices within *pesantren* economies. Over time, HEBITREN's influence has extended beyond its direct members, inspiring other *pesantren* to implement similar economic initiatives (Tobing et al., 2024).

These three factors—technological advancements, intercultural interactions, and social movements—do not operate independently but rather intersect in significant ways. For example, the adoption of digital financial services has not only revolutionized economic transactions within *pesantren* but has also increased their exposure to international Islamic financial models, necessitating adaptations in legal interpretations. Likewise, HEBITREN does not function in isolation; it strategically utilizes technological developments and global financial networks to promote the widespread implementation of modern Islamic economic models within *pesantren*. Therefore, legal shifts in *pesantren* should not be perceived solely as responses to economic necessity but rather as outcomes of a broader, interconnected transformation in which technological advancements, economic strategies, and the evolution of *fiqh* mutually influence and reinforce one another.

Islamic law, through its inherent mechanism of *ijtihad*, exhibits a distinct capacity for adaptation in response to evolving socio-economic conditions. Within the context of *pesantren*, Rose's theory of legal change provides a valuable analytical framework for examining how traditional religious institutions incorporate contemporary realities into their legal interpretations. Although firmly grounded in classical *fiqh*, *pesantren* function within a dynamic socio-economic landscape, requiring an ongoing reconciliation between tradition and modernity.

However, the application of Rose's theory to the *pesantren* context presents certain limitations. His framework primarily underscores the role of the state in driving legal transformation, which may not fully account for the decentralized and autonomous nature of Islamic legal development within *pesantren*. Unlike state-regulated legal systems, *pesantren* function within a community-driven framework, where legal interpretations evolve organically through intellectual discourse, social networks, and the influence of religious scholars. Therefore, while Rose's theory offers a broad understanding of legal adaptation, a more nuanced and empirical approach is required to capture the intricate micro-level dynamics of legal change within *pesantren*.

In addition to structural factors, the role of the *kiai* (*pesantren* leader) remains fundamental in shaping legal and economic policies. Within *pesantren*, the *kiai* serves as the highest intellectual and moral authority, exerting significant influence over the interpretation and application of Islamic law (Rusydiyah & Ar, 2020). This authority extends beyond religious rulings to encompass decision-making in business and economic affairs.

The *pesantren* administrators involved in this study consistently emphasized that in situations of legal uncertainty, they seek guidance from the *kiai*. Dhofier (2019) characterizes the authority of the *kiai* as nearly absolute, highlighting that the *pesantren* structure is inherently hierarchical, with the *kiai* functioning as both a spiritual and institutional leader. Consequently, although economic and technological developments contribute to the evolution of legal interpretations, any resulting changes must ultimately conform to the *kiai*'s direction and approval.

In *pesantren* governance, the leadership of the *kiai* embodies a blend of charismatic and democratic authority (Mustaan, 2020). Although the *kiai* retains ultimate decision-making power, many consults advisory boards and *pesantren* business managers in economic matters. In some instances, *pesantren* have implemented a leadership regeneration system, wherein the *kiai* delegates certain decision-making responsibilities to younger scholars and administrators (Fanani, 2022). This decentralization has enabled *pesantren* to address contemporary economic challenges while preserving their traditional foundations. Thus, the legal and economic transformations within *pesantren* are influenced not only by external socio-economic factors but also by internal leadership structures. The interplay between tradition and innovation takes place within this leadership framework, ensuring that any adaptations remain aligned with the broader ethical and religious principles upheld by the *pesantren*.

The evolving legal landscape within *pesantren* has significant implications for the study of Islamic law. The incorporation of cross-*madhhab* literature in certain *pesantren* has broadened students' exposure to various schools of Islamic jurisprudence, moving beyond a rigid, single-school framework. This shift is essential in cultivating future Islamic legal scholars who are equipped to engage with diverse legal perspectives in an increasingly globalized context. Furthermore, the changing economic landscape within *pesantren* requires ongoing innovation in Islamic legal thought. With the expansion of Islamic finance and the introduction of new contractual frameworks, *pesantren* scholars must actively contribute to the development of *ijtihad*-based solutions that uphold traditional principles while addressing contemporary challenges. Future research should further explore the mechanisms by which *pesantren* navigate legal transformations, particularly in relation to state policies, international Islamic finance institutions, and transnational Islamic legal networks. Examining how *pesantren* mediate between these various influences will offer valuable insights into the future development of Islamic legal adaptation in Indonesia and beyond.

Conclusion

The evolution of Islamic legal practices within *pesantren* reflects a dynamic interaction between tradition and modernity, influenced by technological advancements, intercultural exchanges, and social movements promoting financial independence. As *pesantren* expand their economic activities, legal literature has undergone a significant transformation, with some institutions maintaining strict adherence to the Shafi'i school, while others incorporate cross-*madhhab* perspectives to address emerging financial complexities. Technological progress has facilitated greater access to global Islamic legal discourse, while organizations such as HEBITREN have fostered economic self-sufficiency, reinforcing the need for legal adaptability. However, the *kiai* remains the central authority in legitimizing these changes, ensuring that new interpretations remain aligned with the ethical and religious principles of the *pesantren*. Ultimately, *pesantren* must navigate a delicate balance between economic pragmatism and their commitment to Islamic jurisprudential traditions, adapting legal frameworks while preserving their foundational values.

References

- Aji, D. K. (2014). Mazhab Kaum Santri (Implementasi Mzahab Syafi'i di Pondok Pesantren Roudlotuth Tholibin Seputih Surabaya Lampung Tengah). 4(01).
- Al-Jauziyyah, I. al-Qayyim. (1977). *I'lam al-Muawaqi'in 'an Rabb al-'Alamin*. Dar al-Fikr.
- Arnold M. Rose. (1967). *Sociology: The Study of Human Relations*. Alfred A. Knopf.

- Asroni, A. (2022). The History of Indonesian Islam (From the Early Period to Emergence of Islamic Kingdoms). *LITERATUS*, 4(1), Article 1. <https://doi.org/10.37010/lit.v4i1.678>
- Azhari, F. (2016). Dinamika Perubahan Sosial Dan Hukum Islam. *Al-Tahrir: Jurnal Pemikiran Islam*, 16(1), Article 1. <https://doi.org/10.21154/al-tahrir.v16i1.322>
- Aziz, M. S. (2018). Pribumisasi Hukum Islam di Pesantren. *Usratuna*, 1(2).
- Basit, A. (2017). Pembaharuan Model Pesantren: Respon Terhadap Modernitas. *Kordinat: Jurnal Komunikasi antar Perguruan Tinggi Agama Islam*, 16(2), 293-324. <https://doi.org/10.15408/kordinat.v16i2.6444>
- Dhofier, Z. (2019). *Tradisi Pesantren: Studi tentang Pandangan Hidup Kyai*. LP3ES.
- Elyunusi, M., Haris, A., & Marno. (2024). Reconstruction of Islamic Boarding Schools: Curriculum, Management and Educational Ethics Perspective of KH. Imam Zarkasyi. *EDUTEC : Journal of Education And Technology*, 7(4), Article 4. <https://doi.org/10.29062/edu.v7i4.781>
- Fanani, Z. (2022). Kekuasaan dan Otoritas Kepemimpinan Kyai dalam Proses Pengambilan Keputusan di Ponpes PPAI Daarussalam Wagir Malang. *Idarah (Jurnal Pendidikan dan Kependidikan)*, 5(2), 221-230. <https://doi.org/10.47766/idarah.v5i2.72>
- Fata, A. K. (2013). Pembaharuan Hukum Islam dan Problem Otentisitas Agama. *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan*, 13(2), Article 2. <https://doi.org/10.18326/ijtihad.v13i2.163-178>
- Harisah, H. (2020). Revitalisasi Hukum Ekonomi Syariah di Pesantren Madura Sebagai Resolusi Konflik Masyarakat. *SALAM: Jurnal Sosial dan Budaya Syar-i*, 7(1), 35-48. <https://doi.org/10.15408/sjsbs.v7i1.14543>
- Hayati, R. F. (2021). Transmisi Hukum Ekonomi Syariah di Ruang Digital (Kajian Terhadap Akun Instagram @muamalah_daily). *JURIS (Jurnal Ilmiah Syariah)*, 20(1), 19-33. <https://doi.org/10.31958/juris.v20i1.2903>
- Huda, Y., Burhanuddin, J., & Kooria, M. (2023). Strengthening the Shafi'i Madhhab: Malay Kitab Jawi of Fiqh in the 19th Century. *JURIS (Jurnal Ilmiah Syariah)*, 22(2), 259-273. <https://doi.org/10.31958/juris.v22i2.10282>
- Khoiriyyah, K., & Riyadi, A. A. (2023). Changes in the Tradition of Islamic Studies at Pesantren: A Grounded Theory Approach. *Ta'dib: Jurnal Pendidikan Islam*, 28(1), 63-71. <https://doi.org/10.19109/td.v28i1.17394>
- Mauluddin, S. (2016). Karakteristik Hukum Islam (Konsep dan Implementasinya). *Jurnal Ilmiah Al-Syir'ah*, 2(1), Article 1. <https://doi.org/10.30984/as.v2i1.218>
- Muhammad Daud, Z. F. (2021). Fiqh Across Madhhabs: An Alternative to Pesantren Students' School of Thought Exclusivism in the Post-Truth Era. *Mazahib*, 143-168. <https://doi.org/10.21093/mj.v20i1.3081>
- Munawir, A., Rois, M., & Jauhariyah, H. (2022). Corak Ijtihad Bahtsul masail (Pondok PEsantron Lirboyo). *HUKAMA: Journal of Islamic Law*, 1(1), Article 1.
- Mursyid, M. (2011). Dinamika Pesantren dalam Perspektif Ekonomi. *Millah: Journal of Religious Studies*, 171-187. <https://doi.org/10.20885/millah.vol11.iss1.art8>
- Mustaan, A. G. (2020). Gaya Kepemimpinan Kiai dalam Membangun Kemandirian Ekonomi Pesantren. *Muhasabatuna : Jurnal Akuntansi Syariah*, 2(2), Article 2. <https://doi.org/10.54471/muhasabatuna.v2i2.825>
- Mustofa, I. (2013). Ijtihad Kontemporer sebagai Upaya Pembaruan Hukum Keluarga di Indonesia. *Al-Manahij: Jurnal Kajian Hukum Islam*, 7(2), 207-224. <https://doi.org/10.24090/mnh.v7i2.565>
- Mustofa, I. (2022). Fikih mu'amalah berbasis kitab kuning dan implementasinya di koperasi pondok pesantren sidogiri [Doctoral Thesis, Sekolah Pascasarjana UIN Syarif Hidayatullah Jakarta]. <https://repository.uinjkt.ac.id/dspace/handle/123456789/71136>

- Nurjaman, M. I., & Witro, D. (2021). The Relevance of the Theory of Legal Change According to Ibnu Qayyim Al-Jauziyyah in Legal Products by Fatwa DSN-MUI Indonesia. *El-Mashlahah*, 11(2), Article 2. <https://doi.org/10.23971/elma.v11i2.3181>
- Rana, M. (2017). Talfiq dalam Bermazhab (Kajian Pemikiran Ibrahim Hosen). *Mahkamah : Jurnal Kajian Hukum Islam*, 2(1). <https://doi.org/10.24235/mahkamah.v2i1.1611>
- Rohmah, A. N., & Zafi, A. A. (2020). Jejak Eksistensi Mazhab Syafi`i di Indonesia. *Jurnal Tamaddun : Jurnal Sejarah dan Kebudayaan Islam*, 8(1). <https://doi.org/10.24235/tamaddun.v8i1.6325>
- Rusydiyah, E. F., & Ar, Z. T. (2020). Relasi Kuasa Kiai Pesantren dan Pejabat Publik dalam Merumuskan Kebijakan Pendidikan Islam di Madura (Analisis Teori Kekuasaan Michel Foucault). *Jurnal Review Politik*, 10(01), 27–50. <https://doi.org/10.15642/jrp.2020.10.1.27-50>
- Samsudin, T. (2018). Dinamika Hukum Islam dan Perubahan Sosial. *Istinbath : Jurnal Hukum*, 15(1), Article 1. <https://doi.org/10.32332/istinbath.v15i1.1072>
- Saputro, A., Wardani, P. A. K., & Ramadani, K. D. (2022). Hebitren dan Pemberdayaan Ekonomi Pesantren di Soloraya. *Literasi : Jurnal Kajian Keislaman Multi-Perspektif*, 2(2), 316–333. <https://doi.org/10.22515/literasi.v2i2.5424>
- Siroj, A. M. (2021). Hukum Islam sebagai Hukum Progresif. *AT-TURAS: Jurnal Studi Keislaman*, 8(2), Article 2. <https://doi.org/10.33650/at-turas.v8i2.1934>
- Sumitro, W., & Ali, F. V. A. (2015). Reformulasi Ijtihad Dalam Pembaruan Hukum Islam Menuju Hukum Nasional: Ikhtiar Metodologis A. Qadri Azizy Mentransformasikan Fikih Timur Tengah ke Indonesia. *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan*, 15(1), Article 1. <https://doi.org/10.18326/ijtihad.v15i1.39-60>
- Syarhan, M. (2021). Socio-Cultural and Legal Changes in Indonesia. *Jurnal Hukum Progresif*, 9(2), Article 2. <https://doi.org/10.14710/jhp.9.2.135-145>
- Tobing, F. A. B. L., Harahap, I., & Daulay, A. N. (2024). Optimization Strategy for The HEBITREN Program and Halal Value Chain in Developing The Sharia Economy. *ISLAMICONOMIC: Jurnal Ekonomi Islam*, 15(1), Article 1. <https://doi.org/10.32678/ijei.v15i1.738>
- Tolkah. (2021). Islamic Law and Social Change: How does Islam take a Stand? *Britain International of Humanities and Social Sciences (BIoHS) Journal*, 3(1), Article 1. <https://doi.org/10.33258/biohs.v3i1.398>
- Yaqin, A. (2023). Student Health Insurance; Islamic Law Study On The Management Model Of Health Insurance In Islamic Boarding Schools (Pondok Pesantren). *Hukum Islam*, 23(1), Article 1. <https://doi.org/10.24014/jhi.v1i23.20829>
- Zaki, I., Zusak, M. B. F., Mi'raj, D. A., & Hasib, F. F. (2022). Islamic community-based business cooperation and sustainable development goals: A case of pesantren community in Indonesia. *International Journal of Ethics and Systems*, 38(4), 621–632. <https://doi.org/10.1108/ijoes-12-2021-0218>