Ma'had Aly's Scientific Development Pattern: Comparative Study of *Fiqh* Studies in Ma'had Aly Salafiyah Syafi'iyyah Situbondo and Ma'had Aly Al-Hikamus Salafiyah Babakan Ciwaringin Cirebon

Agus Umar[1], Marhamah[1], Farhah[1] and Isti Nurhayati[1]
[1]Islamic University of Jakarta, Balai Rakyat Street Utan Kayu Matraman, Jakarta, Indonesia

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Abstract: This study examines the pattern of *fiqh* scientific development in Ma'had Aly Salafiyah Syafi'iyyah Situbondo East Java and Ma'had Aly Al-Hikamus Salafiyah Babakan Ciwaringin Cirebon, West Java. This study uses qualitative research methods with a comparative approach to see similarities and differences made in these two institutions in developing *fiqh* science. The results showed that the pattern of *fiqh* scientific development in both ma'had aly (Higher Islamic Boarding School) had similarities in all aspects of development both in the aspects of epistemology, research, basic framework and curriculum structure, extra-curricular activities, and scientific publications. The epistemology aspect states that the trend of the development of *fiqh* scholarship is studied by studying *fiqh* and *ushul fiqh* simultaneously and emphasizing the objectives of *shari'ah* (*maqashid al-shari'ah*) point of view. Research aspects developed using historical analysis methods so that the context that underlies Islamic law is made. The subject of *ushul fiqh* gets a large portion in the curriculum. The extra-curricular aspect organizes activities on *al-bahth al-masa'il* (problem and solution) and aspects of scientific publications are publishing scientific journals and books

1   INTRODUCTION

This study reports the pattern of *fiqh* scientific development in Ma'had Aly Salafiyah Syafi'iyyah Situbondo, East Java and Al-Hikamus Salafiyah Babakan Ciwaringin Cirebon, West Java. This is a qualitative research method with a comparative approach conducted to examine the pattern of scientific development carried out by the two pesantren (Islamic Boarding School) institutions of higher education in the study of *fiqh*.

In this study the problems are stated as follows:
1) The pattern of scientific development is considered important as a model for the implementation of ma'had aly education for policy makers and practitioners of education,
2) The model of scientific development in ma'had aly becomes a reference for other ma'had aly who organize the same specificity (takhasus), namely *fiqh* and *ushul fiqh*. The Ministry of Religion as a government institution that regulates the implementation of education in ma'had aly has established a policy that every ma'had aly may only hold one takhasus. This is so that the aim of education in ma'had aly for

the development of Islamic religious sciences (*tafaqquh fi al-din*) can be achieved because ma'had aly only focuses on one area of science. If this goal can be achieved then the Government's ambition for Indonesia to become a world education destination will also be achieved by the existence of a strong, well-known and world-recognized ma'had aly into the center of Islamic religious sciences. As part of the Ministry of Religion policy, the Government wants educational institutions in Indonesia to be in demand by many overseas students as so far many Indonesian citizens have studied abroad to study Islamic religious sciences such as Saudi Arabia, Egypt, Sudan, Morocco and other countries.

The research is motivated by the fact that ma'had aly as an educational institution which, despite its long standing, has only recently been recognized by the Government since 2016 after the Ministry of Religion issued Minister of Religion Regulation (PMA) Number 71 of 2015 concerning Ma'had Aly. As a regulator, the Ministry of Religion drafted various regulations derived from the PMA including the Director General of Islamic Education's Decree on Education Standards, Research Standards and the Standards of Service to the Ma'had Aly Community

and the Decree of the Director General of Islamic Education concerning the Education Qualifications and Competencies of Ma'had Aly Students Candidate. Up to now, the Ministry of Religion has issued a Decree of the Director General of Islamic Education regarding the Permit to Establish Ma'had Aly to 36 Islamic boarding schools with various *takhasus* of certain Islamic disciplines. Thus, ma'had aly is still considered as a new educational institution that needs to be developed so that it can meet the standards set by the Government. On the other hand the regulations made by the Government are also considered to be very minimal in order to fulfill the needs of the implementation of ma'had aly, for example the Graduates Competency Standards which are currently under discussion and other standards.

This research focuses on Ma'had Aly Salafiyah Syafi'iyyah and al-Hikamus Salafiyah institutions. The reason for choosing these two institutions is because there are similarities in *takhasus*, which are the same as holding *takhasus fiqh* and *ushul fiqh*. In this study the main research questions used are how best practices are carried out by Ma'had Aly Salafiyah Syafi'iyyah and al-Hikamus Salafiyah in developing *fiqh* studies? Then clarified with sub questions, namely:

1. In what ways is Ma'had Aly Salafiyah Syafi'iyyah and al-Hikamus Salafiyah in developing *fiqh* science?
2. What aspects are developed by Ma'had Aly Salafiyah Syafi'iyyah and al-Hikamus Salafiyah which contribute to the scientific development of *fiqh*?

2 LITERATURE REVIEW

2.1 Ma'had Aly

The definition of ma'had aly as in the Minister of Religion Regulation No. 71 of 2015 concerning Ma'had Aly is an Islamic religious college that organizes academic education in the field of mastery of Islamic religion (tafaqquh fi al-din) based on yellow books (*kutub al-turath*) organized by Islamic boarding schools. Since the regulation on ma'had aly was published in 2015, the Ministry of Religion officially issued establishment permits for 13 ma'had aly in 2016. However, the actual establishment of ma'had aly was established in 1990 when for the first time ma'had aly was founded by the late KHR As'ad Syamsul Arifin, former chairman of the Salafiyah Syafi'iyyah Islamic Boarding School in Situbondo (Wahid 2005). The Islamic higher education institution is planned to be the center of *fiqh* studies or *tafaqquh fi al-din* institutions that can answer various religious and social issues in accordance with the perspective of Islamic law. The establishment of ma'had aly in Situbondo then inspired other large Islamic boarding schools to establish the same education, including Ma'had Aly Al Hikmah Brebes in 1997, Ma'had Aly Al-Hikamus Salafiyah 1998, Ma'had Aly Hasyim Asy'ari in 2006, Ma'had Aly Al-Fithrah in 2007 and other ma'had aly.

Pondok Pesantren (Islamic Boarding Schools) are one of the oldest educational institutions in Indonesia. There are not many references revealed when the first Islamic boarding school was established, but it is almost certain that Islamic boarding schools were established along with the spread of Islam by Wali Songo (nine saints) in Indonesia, especially on the island of Java. However, it is known that the first Islamic Boarding School was once founded by Sheikh Maulana Malik Ibrahim. His graduate, also known as Sheikh Maulana Maghribi (d. 822 H) was the person who first spread Islam in Indonesia called Wali Songo or nine saints (Yasid 2009).

Religious and educational missions are an orientation developed by wali songo in establishing pesantren in the middle of society. The lack of historical records regarding the certainty of the first time the Islamic boarding school in Indonesia, where and who the founder was, was relatively difficult to find. The reason is that religious learning activities - both the formation of formal education termed pesantren - have taken place everywhere, along with the ongoing Islamization of several regions (Rais 2015).

In a further development, Islamic Boarding Schools were faced with a dilemma to hold various activities and developments in the community. On the one hand, pesantren are required to adapt to the context of social dynamics. But on the other hand, pesantren must be able to maintain their identity as a special educational institution that was pioneered by the scholars and 'Auliya back to several centuries ago.

One of the adaptation processes that have been carried out by the pesantren is forming a community school carried out by a young kyai who had graduated in Mecca in the early 20th century. The pesantren teaching system was removed and replaced by the Dutch government education system when colonizing Indonesia. However, the style of Islamic boarding school education was allowed and recognized and even officially changed to a school model and classes in Mataram. This Dutch colonial policy resulted in the obstruction of the development of Islam and Islamic boarding schools. Thus,

people's understanding of Islam is relatively low and even quite alarming.

The challenge that must be received by Islamic Boarding Schools in the past is how to manage and build a good madrasa education model. However, along with the rapid development around the pesantren the challenges received were also greater where adjustments and reforms were demanded by not removing identity as an institution that had a moral and noble personality. Therefore, several large Islamic boarding schools such as Salafiyah Syafi'iyah Situbondo, Zainul Hasan and Nurul Jadid Probolinggo, Darul Ulum Jombang and others have built higher education institutions which are now known as ma'had aly (Yasid 2009).

Scientific development in ma'had aly is a group of Islamic religious sciences with a deepening of the specificities (*takhasus*) of certain Islamic disciplines including Al-Quran and Al-Quran Sciences (*al-qur'an wa 'ulumuhu*), Tafsir and the Science of Tafsir (*tafsir wa 'ulumuhu*); Hadith and Hadith Sciences (*hadith wa 'ulumuhu*); Fiqh and Ushul Fiqh (*fiqh wa ushuluhu*); Islamic Akidah and Philosophy (*'aqidah islamiyyah wa falsafatuha*); Sufism and Tarekat (*tashawwuf wa thariqatuhu*); Falak Science ('astronomy'); Islamic History and Civilization (date of Islam *wa tsaqafatuhu*); or Arabic Language and Literature (*lughah 'arabiyyah wa adabuha*). Every *ma'had aly* is only allowed to develop 1 (one) Islamic discipline.

2.2 Ma'had Aly Curriculum Development

In language the curriculum comes from Greek curir which means running. The term curriculum has a narrow and broad meaning. In a narrow sense the curriculum is a number of subjects given by the teacher/school to students in order to obtain a diploma or certificate. In its broad meaning the curriculum can mean all the experiences that are expected to be mastered by students under the guidance of the teacher. This experience includes intra-curricular, co-curricular and extra-curricular activities both in the classroom and outside the classroom (Hunkins and Ornstein 2016). While the meaning of curriculum development is planning learning opportunities intended to bring students towards desired changes and assess where those changes have occurred in student self (Albilehi, Han et al. 2013). Through the above understanding, the development of the ma'had aly curriculum is a number of learning plans both intra-curricular, co-curricular and extra-curricular for ma'had aly

students so that they are able to achieve the educational goals held in ma'had aly.

2.3 Fiqh Scientific Development in Ma'had Aly

Ma'had aly with *fiqh* and *ushul fiqh* specificity is very dominant than ma'had aly with other dicipline. Recorded in the Ministry of Religion data there are around 9 ma'had aly in Indonesia who have *fiqh* and *ushul fiqh* specificity namely Ma'had Aly Situbondo, Ma'had Aly Al-Hikamus Salafiyah Babakan Ciwaringin Cirebon, Ma'had Aly Sheikh Ibrahm Al-Jambi, Ma'had Aly Sumatra Thawalib Parabek West Sumatra, Ma'had Aly Mudi Mesra Aceh, Ma'had Aly At-Tarmasi Tremas, Ma'had Aly Maslakul Huda Pati, Ma'had Aly Kebon Jambu Cirebon and Ma'had Aly Al Zamachsyari Malang.

The tradition of developing *fiqh* science has long taken root in various Islamic boarding schools in Indonesia. In the structure of religious teachings, *fiqh* is closely related to religious and social practices carried out by the community. So ma'had aly as an educational institution is also called by a social institution that serves and responds to the religious and social problems of the community (Yasid 2017).

In language terminology, the word of *fiqh* means understanding. According to Imam Abu Hanifah (d. 150 H) the term *fiqh* is understanding something that becomes a rights and obligations of someone else, or understanding particular laws based on the arguments. Whereas according to Syafi'i (d. 204 H), *fiqh* is knowing practical laws (practices) obtained through *istinbath* law based on tafshili (detailed) evidence. It can be implied from this definition that jurisprudential law is very practical and can be applied as a recipe and guidance for *mukallaf* (mature) in carrying out daily activities in religious and public life. What can be emphasized from the above definition is that the condition of jurisprudence based on evidence of transcendental poetry and the process of making legal arguments, requires the involvement of a logical *ijtihad* or *istinbath* (Saputra 2018).

On the basis of the evidence, revelation can be divided into two types, namely:

1. *Tafshili* evidence, is detailed evidence of the revelation text which shows certain laws which explicitly as revelation that clearly shows the legalobligation of the obligation to pray, fasting of Ramadhan, committing adultery, stealing, blood donation, and the like

2. *Ijmali* evidence, namely global evidence that explicitly shows that there is no specific legal term but is implicitly sufficient as an indicator.

Fiqh is divided into two segments, namely *fiqh al-ibadah* and *fiqh al-mu'amalah*. *Fiqh al-ibadah* means obedience and obedience to Allah by doing all that is ordered and leaving everything that is forbidden. *Fiqh al-ibadah* relates to Allah which is reflected in the practice of religious rituals such as prayer, fasting, paying zakat, reading the Koran and others. While the *fiqh al-mu'amalah* is a legal provision relating to social issues. *fiqh al-mu'amalah* adheres to a noble principle in religious teachings is widely explained in religious texts such as the value of justice, equality, deliberation, mutual understanding, nothing is kept secret, there is no danger, there is no coercion, no profit and others. By upholding the above principles, *fiqh* is actually a moral movement to uphold rights and obligations in every proportion of daily life (Ahmad, Yanti et al. 2015).

Ibadah (worship) has a sense of being fully obedient to God by doing all the commands given and leaving all His prohibitions. Being obedient in this context is done by the servant to his Creator without reducing, adding to or questioning the reasons for God's commands and prohibitions. Thus, fiqh worship builds relationships with God as represented in the practice of religious rituals such as prayer, fasting, paying zakat, reading the Qur'an and others. Carrying out the provisions of worship, fiqh is an obligation without having to question the god, wisdom, and *mashlahah* contained. This fact must be done even though it is believed that every provision from God must contain value for the benefit of His servants. Humans as servants are required to apply the procedures set forth in his teachings.

With a sense of worship as described above, the worship fiqh has a static character, did not experience any changes due to changes outside. The worship fiqh has no need of the creative and innovative development as its character is immutable. In matters of religious ritual we do not need to create new forms of practice as those already established by the text of revelation. In the matter of prayers, for example, we do not need to modify and expand the number of obligatory prayers in day and night, the number of raka'at, number of ruku', prostration ways, and so on, likewise, in a matter of other rituals practices, such as obligatory fasting, sunnah fasting, pilgrimage and so forth. In this connection, a fiqh rule states: "Legal origin practice of worship is forbidden until there are evidences that show the opposite legal".17 Another rule has the same meaning as that principle says: "God cannot be worshiped except in the manner specified in the shari'ah".

The second element of fiqh is the legal provisions relating to social issues. This element of fiqh could change regarding to the context of community development. What is important in this fiqh al-mu'amalah is how we appreciate the lofty principles of religious teachings set forth largely in the religious texts for example: equality (al-musawat), fairness values (al-'adalah), mutual understanding (al-taradli), consultative (al-shura), not hidden ('adamu al-gharar), not perilous ('adam aldlarar), there is no compulsion ('adam al-ikrah), not speculation ('adam al-muqamarah) and others. By upholding the principles above, the real fiqh is a moral movement to uphold the rights and obligations of each party in proportion in the association of daily life.

Religious texts relating to fiqh al-mu'amalah is generally mujmal (general), that set the legal issues in universal ways. These conditions are made purposely by shari'ah (makers of shari'ah). Shari'ah deliberately gives such rules so the religious teachings which are fiqh views can move dynamically responding to a variety of legal issues that continue to develop in society. In addressing the various legal events in the community, a Mujtahid must study it by using istidlal instruments, either religious texts or reality observation that can bring out the conclusions of law which refers to the sublime religion principles. Some phrases said that the pretensions of Mujtahid in doing istinbath is how the product of law obtained can reflect the values of maqashid al-shari'ah (the intent and purpose of Shari'ah), which is to spread the benefits and prevent damages (li jalb al-mashalih wa dar 'i al-mafasid).

The fiqh al-muamalah documents have evolved over time. If in the early days, many fiqh al-mu'amalah discussed the types of transactions traditionally suitable with the reality of society at that time, it is now grown in scope per the dynamics of modern society with the advances impact in science and technology, similarly, in terms of constitutional law developments in fiqh almu'amalah. In the early days of jurisprudential development, constitutional law did not develop well because the system prevailing at that time was a monologue and depended on aspects of the Caliphate and Empire. On the contrary, today the theory of constitutional law is dynamic with the rapid development of nation states in the world, including Islamic countries.

Thus, it is not surprising that in the early days of the birth of fiqh, the studies themes that emerged

revolved around the study of transactions and the like, the law of marriage with its implications, the Islamic criminal laws (jinayah), as well as the very prominent leadership of Quraysh tribe in the study of fiqh al-siyasah. On the contrary, now the study of fiqh reaches broader themes in accordance to the appropriate developmental level. Given the vast area of the current study, the composition of fiqh emerged with more specific divisions and fragmentations so the paradigm of fiqh al-mu'amalah is more accessible to the public. More specific discernment is stated such as in themes of fiqh al-usrah or al-ahwal alshakhshiyyah (family law), al-fiqh al-madani (civil law), al-fiqh al-jina'i (criminal law), fiqh al -murafa'at (procedural law), al-fiqh al-dusturi (constitutional law), al-fiqh aldauli (international law), al-fiqh al-iqtishadi (economic law) and others (Yasid 2009).

Based on the above understanding, the meaning of *fiqh* scholarly development pattern in ma'had aly is the pattern of fiqh scientific development in terms of aspects of the curriculum both intra-curicular, co-curricular and extra-curricular for ma'had aly students so they can achieve the educational objectives held in ma'had aly.

3 METHODOLOGY

3.1 Research Method

This study uses a qualitative method, where this type of research has natural settings, so the process is more important than results. Qualitative research uses an exploratory approach to search for clarity on objects directly through exploration with grant tour questions (KHILMIYAH 2016). This study uses a comparative approach, namely research that compares the similarities or differences between two or more facts and the properties of the object under study based on a certain frame of mind (Yusuf 2016). Through this method seeks to find differences and similarities in scientific development between Ma'had Aly Salafiyah Syafiiyyah and Al-Hikamus Salafiyah in the study of *fiqh* and *ushul fiqh*.

3.2 Data Collection Technique

Data retrieval techniques through observation, document study and in-depth interviews because basically qualitative research is observing people in their environment, interacting with them, trying to understand their language and interpretation of the surrounding world (Khilmiyah 2016). In addition to

in-depth interviews (in-depth interviews) research is carried out through intensive descriptions and analysis of certain phenomena or social units such as individuals, groups, institutions or those related to the focus of the research, so the problems can be found clearly. Researchers act as key instruments, as well as data collectors, while other instruments support. The use of qualitative research methods is nothing but to get an idea of how the pattern of scientific development is between Ma'had Aly Salafiyah Syafi'iyyah and Ma'had Aly Al-Hikamus Salafiyah in the study of *fiqh* and *ushul fiqh* which are research locations. Qualitative research is essentially observing people in their environment. In this case, researchers conducted direct observations about the behavior of the academic community of ma'had aly in fostering and managing higher education viewed from various aspects of *fiqh* scholarly development patterns and *ushul fiqh*.

3.3 Data Analysis

In this study researchers used data analysis techniques according to a qualitative approach. Data analysis is the process of systematically tracking and managing interview transcripts, field notes and other materials collected to increase understanding of these materials so they can be presented to others. In qualitative research, the analysis was carried out before in the field, during the field during data collection, and after completion of data collection. Analysis before entering the field, carried out on data from preliminary studies, or secondary data that will be used to determine the focus of the research. Analysis in the field is carried out during data collection. During the interview, researchers have conducted an analysis of the answers interviewed. If it feels unsatisfactory, it will continue until data is deemed credible and saturated with data. Further analysis activities include data reduction (data reduction), data display (data display), and conclusion drawing (conclusion drawing / verification). These stages can be seen through the following figure, Data reduction is done to summarize, select the main things from the collected data, then focus on the important things, then look for themes and patterns, so a clearer picture and facilitate collection further data. Data display is done in the form of brief descriptions, charts, relationships between categories and the like through narrative text, to make it easier to understand what is happening. While the next step is drawing conclusions and verification based on valid evidence until a valid and credible final conclusion is obtained (Khilmiyah 2016).

4 FINDINGS

4.1 Development of Fiqh Studies in Ma'had Aly Salafiyah Syafi'iyyah Situbondo

Ma'had Aly Salafiyah Syafi'iyyah is in the Salafiyah Syafi'iyyah Islamic Boarding School in Situbondo. Ma'had Aly Salafiyah Syafi'iyyah was initiated and founded by KH. Raden As'ad Syamsul Arifin in 1990. The aim was to become a center of *fiqh* studies to answer legal issues that occurred in the community while getting less and less scarce *fiqh* experts in his day. In 2018 Ma'had Aly Salafiyah Syafi'iyyah has been 28 years old and has graduated from the fourth generation. Since 2015 Ma'had Aly Salafiyah Syafi'iyyah has obtained the establishment permit of ma'had aly from the Ministry of Religion with the *takhasus fiqh* and *ushul fiqh*.

Through the *takhasus fiqh* and *ushul fiqh*, Ma'had Aly Salafiyah Syafi'iyyah conducted a methodological study of *fiqh* to answer various contemporary issues of Islamic law. Ma'had Aly Salafiyah Syafi'iyyah takes *ushul fiqh* as an epistemology in an effort to provide a presmis to be applied in a crucial mechanism for making Islamic legal decisions. So far, Islamic boarding schools in general position *ushul fiqh* as a legal theory that is not parallel with the material of *fiqh* itself. The increasing challenges that emerged in the community made Ma'had Aly Salafiyah Syafi'iyyah review the academic design that made *istinbat* methodology as the basis for the study of *fiqh*.

From the aspect of curriculum, there were interesting developments that took place in Ma'had Aly Salafiyah Syafi'iyyah in determining the curriculum of *takhasus fiqh* and *ushul fiqh*. The material of *ushul fiqh* gets a larger portion of methodological studies or the process of taking legal terms of *fiqh* rather than the *fiqh* product itself. Another thing, *fiqh* products are also prioritized on the latest realities that occur in society such as *fiqh* legislation, modern economic *fiqh* and others. While classical *fiqh* is positioned as a theoretical foundation for developing solutions to various legal issues by using the approach of the istinbat methodology or the science of *ushul fiqh*. Thus, the composition of the curriculum takes into account the real needs of the community according to the current level of development.

Ma'had Aly Salafiyah Syafi'iyyah also developed the study of *fiqh* through extra-curricular activities, namely developing *al-bahth al-masa'il* (problems and solutions) by gathering various *fiqh* issues faced by the community then analyzed and formulated in the mechanism of finding a solution to the problem. The discussion of the issue of *fiqh* was then integrated with the publication of a weekly journal called Tanwirul Afkar which was worked on by ma'had aly students. Reports on the results of studies and analyzes of various *fiqh* issues are published in the journal. To spread the results of *fiqh* studies, the accumulation of Tanwirul Afkar's publications has been collected in book form and published by several national publishers. The first book was published by LKiS Jogjakarta (2000) entitled Fiqh Masyarakat, the second book entitled Fiqh Reality and the third book Fiqh Now.

From the aspect of research, the research on *fiqh* and *ushul fiqh* developed is with a historical analysis approach because *fiqh* as a product of ijtihad is born according to the context of the reality of the surrounding community. So, the longer literature on the history of law making is the most sought reference to establish legal conditions for the current problem. This is what is very much considered in the research of *fiqh* and *ushul fiqh* is that every determination of law must be in accordance with the intent and purpose of shari'ah. With this research design, the resulting legal product is beneficial for the community both for the purpose of life in the world and the hereafter.

4.2 Development of Fiqh Studies in Ma'had Aly Al-Hikamus Salafiyah Babakan Ciwaringin Cirebon

Geographically, Ma'had Aly Al-Hikamus Salafiyah is at the Babakan Ciwaringin Islamic Boarding School in Cirebon, West Java. Ma'had Aly was founded in 1998, by the caretakers of the Babakan Ciwaringin Islamic Boarding School in Cirebon, which was driven by KH. Amrin Hannan, KH. Syaerozie Abdurrohim and KH. Makhtum Hannan. Among its founding goals is to become the highest level of the tafaqquh fi al-din program (*fiqh* study) for the sons and daughters of the Babakan Ciwaringin Islamic boarding school, as well as the regeneration of religious leaders (ulama) who are expected to be able to answer the legal problems of *fiqh* in the community.

Entering 2018, Ma'had Aly Al-Hikamus Salafiyah is 20 years old and has graduated from the third generation. Ma'had Aly Al-Hikamus Salafiyah since 2015 has obtained operational permits from the

Ministry of Religion of the Republic of Indonesia with *takhasus fiqh* and *ushul fiqh* distinction of maqasid syari'ah (sharia purposes).

Regarding the curriculum, there is a difference in Ma'had Aly Al-Hikamus Salafiyah compared to other ma'had aly, where the determination of the curriculum of *takhasus fiqh* and *ushul fiqh* is emphasized on the aspect of *al-maqasid al-shari'ah*. The material of *ushul fiqh* with *al-maqasid al-shari'ah* nuance gets a larger portion of the methodology of *istinbath* or *istidlal*.

In terms of research, the method developed in research on *fiqh* and *ushul fiqh* uses historical analysis. This method is used because the results of the previous ulama's *ijtihad* in attracting *Shari'ah* laws cannot be separated from the situation or social background that developed at that time. For this reason the material taught in Ma'had Aly Al-Hikamus Salafiyah includes sociology given in 4 credits in semester 1 and 2.

5 DISCUSSION OF FINDINGS

5.1 Epistemological Aspects

In an effort to develop the scientific development of *fiqh*, Ma'had Aly Salafiyah Syafi'iyyah and Al-Hikamus Salafiyah have the same concept in formulating the development of Islamic law, namely, first of all making *fiqh* and the science of *ushul fiqh* as a unity that must be understood simultaneously in formulating a law specifically related to a present problem. *Fiqh* and *ushul fiqh* are not seen separately so that the understanding of ma'had aly students will be more profound about something Islamic laws and understand the historical and social background that influence the formation of the birth of Islamic law with reason because *fiqh* as a product of *ijtihad* is born in accordance with the context of the reality of the surrounding community. Second, *fiqh* and *ushul fiqh* are understood from the point of view of al-maqasid al-shari'ah so that the legal products produced are relevant and beneficial to people's daily lives.

5.2 Curriculum Aspects

The portion of the curriculum developed in Ma'had Aly Salafiyah Syafi'iyyah and Al-Hikamus Salafiyah is emphasized more on strengthening the ushul fiqh than on fiqh itself, the material of ushul fiqh is greater than fiqh material. However, the material of ushul fiqh with the maqasid shari'ah nuance in Ma'had Aly Al-Hikamus Salafiyah received a greater portion of the study of the methodology of beristinbat or later than what was done in Ma'had Aly Salafiyah Syafi'iyyah.

Al-Bahth al-masa'il is an extra curricular activity in order to train and hone *fiqh* knowledge for ma'had a;y students in Ma'had Aly Salafiyah Syafi'iyyah and Al-Hikamus Salafiyah. By collecting various *fiqh* issues faced by the community then analyzed and formulated in the mechanism of finding a way out of the problem.

5.3 Publication Aspects

Both Ma'had Aly Salafiyah Syafi'iyyah and Al-Hikamus Salafiyah publish a periodic bulletin as a medium that accommodates various Islamic legal decisions resulting from the al-bahth al-masai'l forum. If in Ma'had Aly Salafiyah Syafi'iyyah publishes a bulletin of Tanwirul Afkar, Ma'had Aly Al-Hikamus Salafiyah publishes Maqosiduna for weekly and Salafuna for quarter. but Ma'had Aly Salafiyah Syafi'iyyah has succeeded in publishing a book which is a collection of writings in Tanwirul Afkar namely entitled 1) Fiqh Society, 2) Fiqh Reality and 3) Fiqh Now.

6 CONCLUSIONS

Based on the results of the research discussed above, it can be concluded that the development trend of fiqh ma'had aly is studied by studying *fiqh* and *ushul fiqh* simultaneously and emphasizing the point of view of *al-maqasid al-shari'ah*. With a pattern like this, research on the issue of Islamic law uses historical analysis methods so that the context that underlies Islamic law is made known. The material of *ushul fiqh* becomes dominantly studied in ma'had aly so that ma'had aly students is able to formulate Islamic law in accordance with the current context. The forum on social affairs and scientific publications became a force and had a major impact on the scientific development of *fiqh* in ma'had aly.

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