



**BUREAU OF BOARDING AND COMMUNITY
DEVELOPMENT (BPPM) AND ACTUALIZATION
OF SOCIAL FIQH KIAI SAHAL**

Agil Muhammad

UIN Sunan Kalijaga Yogyakarta
agilmuhammadmudlofar@gmail.com

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ABSTRACT

This paper attempts to analyze the concept and actualization of Kiai Sahal's social fiqh within the BPPM institution which is linked to his social movement through analysis of Max Weber's theory of social action which aims to understand the motives and goals of the perpetrator, namely Kiai Sahal, in pioneering and developing BPPM. From the study conducted, it can be seen that Kiai Sahal sees the need for fiqh in overcoming the problems of community life as a form of *maslahah al-ammah* and the realization of *sa'adah al-darain*. Kiai Sahal's movement in community empowerment through BPPM is included in the category of instrumental rationality social action, because this social movement begins through a process of calculation and consideration in the form of reading the social reality of the surrounding community and this action has the aim of strengthening social, economic, educational, and health aspects that support perfection of worship, which is the actualization of Kiai Sahal's social fiqh thinking.

Keywords: BPPM, Social Fiqh, Kiai Sahal, Social Action.

ABSTRAK

*Tulisan ini berupaya untuk menganalisa konsep dan aktualisasi fiqh sosial Kiai Sahal dalam lembaga BPPM yang dihubungkan dengan pergerakan sosialnya melalui analisa teori tindakan sosial Max Weber yang bertujuan untuk memahami motif dan tujuan dari pelaku, yakni Kiai Sahal, dalam merintis dan mengembangkan BPPM. Dari kajian yang dilakukan, dapat diketahui bahwa Kiai Sahal memandang perlunya fiqh dalam mengatasi problematika kehidupan masyarakat sebagai bentuk *maslahah al-ammah* dan terwujudnya *sa'adah al-darain*. Gerakan Kiai Sahal dalam pemberdayaan masyarakat melalui BPPM termasuk dalam kategori tindakan sosial rasionalitas instrumental, karena gerakan sosial ini bermula melalui proses perhitungan dan pertimbangan berupa pembacaan realitas sosial masyarakat sekitar serta tindakan tersebut memiliki tujuan dalam menguatkan aspek sosial, ekonomi, pendidikan, dan kesehatan yang menunjang kesempurnaan ibadah, yang merupakan aktualisasi atas pemikiran fiqh sosial Kiai Sahal.*

Kata Kunci: BPPM, Fiqh Sosial, Kiai Sahal, Tindakan Sosial.



INTRODUCTION

Fiqh as a practical guide in carrying out religious law is a topic that is always asked by the public to people who are considered to know more about religious knowledge, whether *kiai*, *santri*, *ustad*, lecturers, to students of Islamic universities. The position of fiqh in general for the general public is a discussion of halal-haram, whether a worship or muamalah (transactional) is valid or not. Meanwhile, for those who have studied it, fiqh is a result of the formulation of the *ijtihad* of the scholars on the sources of religious texts to make it easier for Muslims to carry out religious shari'a.

Fiqh, which began at the time of the Prophet, was continuously developed by the companions, *tabiin*, and subsequent scholars who formed schools in exploring Islamic law located and centered in the Middle East region, where Islam began to develop. The characteristics of fiqh which focus on human practice make it necessary to respond and adapt to the context in which the *mujtahid* lives. There are several discussions in fiqh that are only related to the cultural context in which Islam emerged, such as the problems of *dhihar* (oath to equate wife with mother), and *li'an* (oath of anathema). Given the growing development of the region, era, and culture that surrounds Muslims, while fiqh books are of course limited and do not cover all the problems of Muslim life, it is necessary to develop fiqh that can and dares to answer the problems of human life at all times.

One of the scholars who offered the idea of contextual fiqh was K.H. MA. Sahal Mahfudh (which in his next article was written as *Kiai Sahal*), an Indonesian scholar who was recognized for his expertise in the

field of religious knowledge, especially the branches of fiqh and *ushul fiqh*. There is no doubt about *Kiai Sahal's* capability, this is evidenced by his position as *Rais Aam Syuriah Nahdlatul Ulama (NU)* and Chairman of the Central Indonesian Ulema Council (MUI). Social Fiqh initiated by *Kiai Sahal* seeks to promote fiqh as a solution to the problems of social life.

As a form of actualization of the concept of social fiqh that he promotes, besides contributing and reminding of fiqh and *ushul fiqh* thoughts, *Kiai Sahal* also empowers the community, both in the fields of education, the economy and health. Among the community empowerment programs that he pioneered and established was the Boarding School and Community Development Bureau (BPPM) which departed from *pesantren* for the community. The establishment of BPPM started with *Kiai Sahal's* concern for the community's economy which eventually penetrated into the public health sector and Islamic boarding school education.

Previous research by Nurur Rohmah in his journal entitled "*Memahami Fiqh Sosial KH. MA Sahal Mahfudh 'Fiqh Sebagai Etika dan Gerakan Sosial'*" provides a basic view of social fiqh's social fiqh perspective in general. Tutik Nuru Jannah's writing entitled "*Inspirasi Gerakan Ekonomi Kiai Sahal Mahfudh*", featuring *Kiai Sahal's* social movement in community economic development. Then the writings of Erika Kustiana and Maslikhatul Ummah with the title "*KH. MA Sahal Mahfudh, Mengenal Sosok Kiai Sahal: Dari Kerupuk Tayamum Hingga BPR Artha Huda Abadi*," explained more specifically the form of the community economic empowerment movement by *Kiai Sahal*. While in this paper, as a

continuation of previous research, the author examines the form of social service to the community of Kiai Sahal which is the actualization of social fiqh associated with Max Weber's social action theory approach.

RESEARCH METHODS

This paper tries to unravel and analyze the concept and actualization of social fiqh of Kiai Sahal in the BPPM institution which is linked to his social movements through an analysis of Max Weber's theory of social action which divides social action into four types, namely traditional action, affective action, instrumental rationality action, and action value rationality. The selection and use of this theory aims to understand the motives and objectives of the actor, namely Kiai Sahal, in pioneering and developing BPPM.

RESULTS AND DISCUSSION

Biography and Intellectual Journey of Kiai Sahal

Kiai Sahal's full name is Muhammad Ahmad Sahal bin Mahfudh bin Abdus Salam al-Hajaeni. Kiai Sahal was born in Kajen Village, Margoyoso District, Pati Regency on December 17, 1937 (Asmani 2020). Kiai Sahal's lineage is connected to Mbah Mutamakkin, a charismatic cleric from Cebolek, Pati. Being born in a pesantren environment, Kiai Sahal cannot be separated from the scientific tradition of the pesantren which has also become his 'mainstay' when he becomes a national figure.

Kiai Sahal's basic education was at the Islamic boarding school founded and cared for by his father, K.H. Mahfudh Salam, namely the Mathali'ul Falah Islamic College from the Ibtida'iyah Madrasa to the Tsanawiyah Madrasa. After graduating from the madrasah, Kiai Sahal had recited the

Koran at the Islamic boarding school under KH. Ma'ruf Kedunglo. After that, Kiai Sahal took the time to study English, Dutch, sociology and administration from Mr. Amin Fauzan Ansari.

After some time, Kiai Sahal continued his scientific research at the Bendo Islamic Boarding School, Kediri, which was cared for by Kiai Muhadjir for four years. After leaving Bendo, Kiai Sahal continued to study at Kiai Zubair Dahlan (Kiai Maimoen Zubair's father) at the Sarang Islamic Boarding School, Rembang, to study ushul fiqh, qawaid, and balaghoh. In Sarang, Kiai Sahal was very cared for by Kiai Zubair, so that Kiai Sahal had a special time to recite the Koran alone with Kiai Zubair.

After studying at Sarang, Kiai Sahal returned to Kajen to teach the students at his original pesantren. Several years later, Kiai Sahal finally performed the pilgrimage and took advantage of this to study directly with Sheikh Yasin al-Fadani, the great Makkah scholar from the archipelago who is famous as *musnid al-dunyā* (holders of world hadith sanad).

Upon returning from Mecca, Kiai Sahal began to focus on teaching his students at Kajen and married Nafisah bint Kiai Fattah Hasyim, Tambakberas, Jombang. Apart from teaching the santri, Kiai Sahal also gave lectures in the community and became a preacher to remote villages.

Kiai Sahal was active in the Nahdlatul Ulama organization until in 1999 he was elected as Rais Aam Syuriah NU. In government institutions, Kiai Sahal was entrusted to become General Chairperson of the Central MUI in 2000. In the academic world, Kiai Sahal had served as rector of the Nahdlatul Ulama Islamic Institute (INISNU) Jepara and received an honorary

doctorate from UIN Syarif Hidayatullah in the field of social fiqh in 2003.

Kiai Sahal is one of the scholars who prefers to write rather than lecture in conveying his arguments, so he is known to have written several works, among others:

1. *Ṭarīqah al-Ḥuṣūl Ḥāsyiyah Gāyah al-Wuṣūl*.
2. *Al-Bayān al-Mulamma' 'an Alfāḥ al-Luma'*.
3. *Ṣamarah al-Ḥajainiyah*.
4. *Al-Fawā'id al-'Ajābah*.
5. *Faid' al-Ḥijā*.
6. *Intifāh al-Wajadain fi Munāẓarāh 'Ulamā' Ḥajain*.
7. *Al-Musalsal*.
8. *Ensiklopedi Ijma'*.
9. *Nuansa Fiqh Sosial*.
10. *Pesantren Mencari Makna*.
11. *Tanya Jawab Kiai Sahal*.
12. *Dialog Problematika Umat*.
13. *Wajah Baru Fiqh Pesantren*, etc..

Kiai Sahal died on January 24 2014 at the Maslakul Huda Islamic Boarding School, Kajen (Asmani 2020). He was buried in the Kiai Mutamakkin cemetery. Santri and the people of Kajen have lost a kiai who was pious, nurturing, progressive, and defended the interests of the people until the end of his life.

Kiai Sahal's Social Fiqh

In discussing Kiai Sahal's social fiqh framework, there are several aspects of the problem that become the basis and offer of thought in the concept of social fiqh. These things are explained further with the division as follows: *First*, Fiqh Problems. Legal policy making is basically influenced by the context surrounding policy makers which requires them to consider social aspects that are in accordance with the times and in the of end law is born from and for society. According to Kiai Sahal, positioning fiqh as the legal concept above

is not correct, because no matter what it is, fiqh cannot be separated from divine intervention. The uniqueness of fiqh is the effort to synergize the heavenly (*samawi*) elements (Mahfudh 2011), and the actual conditions on earth where humans bear the burden of taklif to carry out religious shari'a (provisions) regulated by God.

Kiai Sahal also saw that seeing fiqh as something sacred was not a wise move, because in fact the fiqh products produced by the ulama always adjusted to the context of the mujtahid. (Mahfudh 2011). This fact can be seen in the concepts of *qaul qadim* and *qaul jadid* of Imam al-Syāfi'i who have different opinions and cannot erase previous opinions as the rule of fiqh which reads *al-ijtihād lā yunqad'u bi al-ijtihād* (Ijtihad cannot be erased by another ijtihad) (Al-Suyuthi n.d.). Kiai Sahal added that the placement of fiqh from these two dimensions must be carried out proportionally so that the legal products produced are not wild without the guidance of revelation and without losing their elastic character (Mahfudh 2011). This was also done without putting aside the context and factors of social change that occurred.

Fiqh has two areas of coverage, namely the area of individual piety (individuals) and the area of social piety. In the area of individual piety, fiqh contributes to knowledge and practical guidance on religion, religious worship, and aspects of personal morality. Meanwhile, in the area of social piety, fiqh responds to socio-religious, socio-cultural, socio-economic, environmental, human rights, human relations, and other issues (Ismail 2019). These two areas are basically the targets of social fiqh, even though on the surface

appearance, social fiqh is more focused on the area of social piety.

Regarding the objectives of developing fiqh, Kiai Sahal stated that until now there were no principles and methodologies that had been tested and succeeded in overcoming social problems other than those formulated by classical scholars (Mahfudh 2011). In this case, the principles and methodology of the classical scholars are still very relevant and able to answer current social problems.

Islam, or in another language with the name Shari'a, regulates the lives of its adherents to get *saadah al-darain* in the temporal and virtual world as well as in the eternal and essential afterlife. In this regard, fiqh helps in explaining practical efforts (*amaliah*) to reach it which are formed by *ubudiyah* (worship) which are related to God and aspects related to the lives of fellow human beings which are classified into *muamalah* (civil), *jinayah* (criminal), and *munakahab* (wedding).

Fiqh should run dynamically with the development of existing realities, especially in the *muamalah* and *adat* domains. Changes in Islamic law in this domain show the flexibility of Islamic law. Fiqh in this case cannot be said to follow reality, but actually directs and controls reality on the right track. Meanwhile, in undeveloped domains, such as *ubudiyah*, fiqh is left constant, eternal and permanent (Harisudin 2016). Fiqh in this domain is positioned to test human obedience, whether they are still submissive or even ignore it.

In reality, there are several things that hinder the realization of this goal. Among them is the imbalance in the practice of fiqh due to a lack of understanding of fiqh due to the fact that society has abandoned it.

There is also an imbalance in the form of the inability to communicate fiqh in texts with the social context of society (Mahfudh 2011). In this case the targets were those who had studied fiqh without contextual insight or courage in solving problems. The mistake that sometimes occurs is to place fiqh as strong and sacred as the Koran or hadith. While fiqh is definitively knowing the sharia law of 'amaliah (practice) which is explored from the postulates of *tafsili* (Al-Ansari n.d.), so that it can be understood that fiqh can adjust to the times.

When fiqh fails to respond to societal challenges, such as when fiqh is only seen from the aspect of *ubudiyah*, *halal-haram*, *legal* and *not*, fiqh will be abandoned by society and cause human life to become secular and free from the guidance of the Shari'a. Ulama in this case must be able to promote and introduce fiqh as a solution by serving people's lives. This is in accordance with the character of fiqh which is not completely rigid, except in certain cases, which can create a religious society with totality (*kaffah*) and make it a guide for life..

Second, the Social Fiqh Paradigm. Islamic Shari'a as the embodiment of the Islamic creed regulates and guarantees human life, society and the state in various aspects as stipulated in *ubudiyah*, *munakahat*, *jihad*, and others. For Kiai Sahal, these components must be aligned with *maqasid al-shariah* which pays attention to *maṣlaḥah al-'ammah* (public benefit) with three priority levels which are divided into *daruriyah* (primary), *hajiyyah* (secondary), and *takmiliah* (supplementary) needs. (Mahfudh 2011). Fiqh in Kiai Sahal's concept of social fiqh strengthens his anthropocentric character, namely the perspective that makes humans the target of

maqāṣid al-syarī'ah (Rohmah 2017). Human needs in social fiqh are seen as a consideration in the application of fiqh that is in harmony with human life.

Kiai Sahal stated that the need for religion is included in the primary needs, and fiqh enters this realm which is often paternalistic and straightforward. Therefore, social fiqh has five main features that stand out: (1) contextual interpretation of fiqh texts; (2) changes in the pattern of practicing schools of thought from textually practicing schools of thought (*qauli*) to methodologically practicing schools of thought (*manhaji*); (3) fundamental verification of which are the main teachings (*uṣul*) and which are branch teachings (*furū'*); (4) fiqh is presented as social ethics, not positive state law and; (5), introduction to the methodology of philosophical thinking, especially in cultural and social issues (Mahfudh 2011).

Many of these five characteristics contained in fiqh books can be applied in today's contemporary era. This is intended so as not to immediately eliminate the treasures of the classics and focus on how to react to the present reality.

Third, Maṣḥab Qauli. The yellow books (classical Islamic reference—kitab kuning) as the main references for fiqh are not easy to read and understand, even for people who can speak Arabic. Conversely, people who can understand the yellow book do not necessarily speak Arabic (actively). In overcoming this problem, for Kiai Sahal, the use of the *utami iki iku* method proved to be quite effective in trying to find a common thread in understanding the yellow book. (Mahfudh 2011). Although in many cases the user often withdraws in

understanding the text tends to be more textual.

As the times progress, of course fiqh books cannot summarize all the problems that are always present in people's lives. So that fiqh does not just become a rigid dogma or heirloom, it is necessary to contextualize the yellow book so that the yellow book is more imbued and popular, instead of being abandoned due to one's own mistakes. Leaving the yellow book is tantamount to closing a long scientific tradition, while creating a new tradition cannot guarantee the same efficiency as the existing old tradition.

Kiai Sahal regretted the attitude of the apologists of the students who often lacked effort in responding to the yellow book which was too legalistic which could judge all problems in a different context (Mahfudh 2011). Making the yellow book as the main reference is not a scientific error, even including the right thing, but cases that sometimes occur are understanding the surrounding problems according to what is in the yellow book without paying attention to the root of the problems that arise. Yet often the context of the problem is more complex than the problem itself.

In an effort to contextualize the yellow book, Kiai Sahal offers *manhaj qauli* by expanding the use of the principles of fiqh and *ushul* while seeking to use schools that have been recognized (Labib 2020), which can extend to answering public policy problems, whether political, economic, and health (Mahfudh 2011). In practice, it is this school of *qauli* that is prioritized by NU students in their intellectual forum, namely the Bahtsul Masail Institute (LBM) (Baroroh 2020). The hope that fiqh can become a solution to the problems of the

ummah can be realized by opening oneself to related sciences which give rise to scientific synergy so that fiqh can solve contemporary problems without being uprooted and leaving behind the Islamic scientific tradition.

Fourth, Maẓhab Manbajī. In the fiqh tradition, there is almost no permanent law except from the agreed arguments. As a bridge between revelation and the present context, ijtihad is not only permissible, but a basic necessity. There is also no command that is serious and clear in declaring that ijtihad is unlawful and must be avoided (Mahfudh 2011).

In relation to ijtihad, the mujtahid of each period is required to always be there and have the courage to play the function of ijtihad, which of course is accompanied by certain skills and capabilities in a series of ijtihad. In this position, the mujtahid, even though it was never stated textually, was required to be able to understand the context of his time. The results of ijtihad cannot be separated from the objectives of the Shari'a contained in the *maqāsid al-syarī'ah* rules.

Indonesian society, as adherents of Imam Shafi'i in carrying out ijtihad, follows the character of Imam Syafi'i who does not popularize the *maslahah* proposition in legal istinbath. The alternative is to use the concept of analogy (*qiyās*) which focuses on *masālik al-'illah* which for Imam Syafi'i already contains the concept of *maslahah* in it. (Mahfudh 2011). *Masālik al-'illah* according to the terminology in ushul fiqh is a method/way that shows the illat of a matter (Al-Mahalli n.d.). The science of fiqh in Islamic civilization is an original product, not a plagiarism or imitation of Roman Law (Roman law), as argued by the orientalist,

but Islamic laws based on guidance in the Koran and hadith (Muntaqo 2014), as the practice of using *qiyās* and *masālik al-'illah*. The concept of *masālik al-'illah* requires more precision, because the search process is not haphazard and logical, but in accordance with the existing methodology in ushul fiqh.

The characteristics of fiqh must be realized that fiqh is often formalistic in nature which invites someone who understands fiqh to manipulate (*hīlah*), while for ordinary people it will be burdensome and restrictive, which turns out to be a lot of people who feel anxiety over this formalist thinking model (Aulia 2017). This is naturally the case because fiqh is only focused on external aspects, it cannot join in on internal matters.

Because of this formalistic character, oftentimes the teachings of Shari'a in fiqh appear not to be in line with human expectations. Seeing this problem, Kiai Sahal offered a shift in the paradigm of fiqh from formalistic to ethical fiqh. Within its methodological framework, it is necessary to integrate wisdom in illat law or align pure qyasi patterns with an understanding that is oriented towards *maqāsid al-syarī'ah* which tries to present fiqh as social ethics. (Mahfudh 2011). By observing him, we can conclude that Kiai Sahal seeks to present fiqh in a socially ethical form, not as state positive law.

The indigenization of Islam which makes social ethics an awareness that is imbued with society in practice. Because when fiqh is enforced as a positive state law, the executor in its implementation tends to be repressive, imposes will, and is punished by law enforcement officials. If fiqh is applied like this, it is likely that what will

happen is that fiqh which is the positive law of the country becomes a public ghost (Rohmah 2017), not the ethical awareness of humans as taklif bearers and holders of the mandate of *khalifatullah fi al-ard'*.

Fifth, Ijtihad Jamā'i. The many demands at the present time have caused the focus of the santri to become mujtahid according to the criteria in the book of *ushul fiqh*. The impact of the quality gap with the mujtahid in the classical period caused the santri, even the kyai, to become inferior and did not have the courage to carry out the ijthad process. Because in the NU santri tradition, direct ijthad from the Koran and hadith is a taboo act, while being self-sufficient with the qaul of the previous scholars (Asmani 2015). This can be understood as a form of scientific *tawad'u'* because of self-awareness of their respective capacities.

Facing the problem of difficulties in carrying out *ijthad fardi* (individual ijthad), Kiai Sahal offered the *ijthad jamā'i* (collective ijthad) method, namely an ijthad involving several scholars with different expertise and scientific disciplines, to then determine one or several products of ijthad that can be practiced in solving actual problems (Mahfudh 2011). This proposal is also inseparable from the school of *manhaj* discussed earlier by focusing on *masālik al-'illah*. *Ijthad jamā'i* is an attempt to bridge between two realities that seem to be challenging each other, namely the absence of qualified mujtahid scholars, and the need for ijthad (Jannah 2015). This collective ijthad is more about efforts to increase the courage of kiai and santri in an effort to carry out the ijthad process as a necessity in each era.

In the modern era, there are two schools of ushul fiqh, namely religious

utilitarianism and religious liberalism. The first school focuses on literal texts and pays attention to *maqāsid al-syar'i'ah*, while the second school goes further than classical literal texts in an effort to find universal substances for the revealed text (Junaidy 2009). The theory of social fiqh is not oriented towards neo-positivism, -as is the case with natural laws-, but seeks to find valid changes in the problems of society that are constantly changing, which are then resolved through a clear scientific process (Rusli 2018). Kiai Sahal's concept of social fiqh actually leans towards religious utilitarianism as a scholar who was born in the classical tradition of the pesantren. Actually, Kiai Sahal's social fiqh thought also considered universal substance, although not as far as religious liberalism was concerned. So in this case it is necessary to divide a third stream which is in the middle of the two streams which is more moderate, and Kiai Sahal's social fiqh enters this third stream along with the Nusantara scholars whose thinking is progressive.

Kiai Sahal's thoughts were also squeezed by two dominant large groups, namely the restriction of traditionalist and modernist scripturalism. The first group is a group that limits itself to established traditions of classical scholars without considering the contextualization of modern reality. While the second camp is a group that claims to be 'modern', even though they are actually also 'old-fashioned' because of their lack of understanding of classical religious texts and the *maqāsid al-syar'i'ah* in them (Qurtuby 2017). Kiai Sahal is in an ideal and moderate position between these two camps, that Kiai Sahal masters classical texts and tries to contextualize them with modern social reality.

Against the definition of social fiqh, Center for Islamic Boarding School Studies & Social Fiqh—*Pusat Studi Pesantren & Fiqh Sosial (PUSAT FIS)* define social fiqh by knowing the sharia laws extracted from the text for the benefit of the people (Baroroh dan Jannah 2016). Kiai Sahal's view of fiqh is that fiqh does not always have to be adapted to current developments, but how to apply good and correct fiqh without causing significant unrest in society (Mahfudh 2011). This opinion shows the independence of fiqh so that it is maintained and not uprooted from its traditional roots.

BPPM and the Social Movement of Kiai Sahal

The journey of fiqh and social reality will always be interconnected with one another, including the social fiqh discussed in this paper. In understanding Kiai Sahal's social fiqh, it is not enough just to read the works written by Kiai Sahal, but it is also necessary to look at the attitudes and movements of Kiai Sahal, as the originator of social fiqh, on the problems of the life of the surrounding community. By looking at Kiai Sahal's social movement, it can be seen that three sectors have become the actualization of his thoughts, namely the economic, education and health sectors (Baroroh dan Jannah 2016), which all boils down to the establishment of BPPM.

Prior to establishing BPPM, Kiai Sahal observed the neighboring pesantren community in Kajen, where at that time, in the 70s, most of them worked by producing tayammum crackers. Seeing this phenomenon, with a capital of Rp. 5,000, Kiai Sahal gave loans to the community on a revolving basis without interest. The capital was taken from the pesantren treasury which was slowly being collected

(Kustiana dan Ummah 2016). Then in 1977, Kiai Sahal entrusted two of his students to study and gain experience at LP3ES Jakarta for a year. From the practice of the learning field, a concrete activity emerged in the form of a Joint Savings and Loans Business (UBSP) which was jointly managed with the community around the pesantren. Seeing the benefits, positive responses, and community encouragement to preserve and develop other programs, the Boarding School and Community Development Bureau (BPPM) was finally established, which was founded by Kiai Sahal in 1979 and officially incorporated in 1980 (Asmani 2020).

The BPPM approach strategy is community assistance using the development from within method. Communities in this position are in the position of resources trying to explore their abilities to find alternatives in solving the problems they experience by utilizing available resources, both natural, free time, and the potential to gain life benefits. The involvement of outsiders in this matter is only as a facilitator and encouragement for the community to be self-sufficient (Asmani 2020). From the side of Sufism, this action is included in gratitude with deeds, namely using God's favors in obedience and guarding against begging for favors for disobedience (Al-Qasimi n.d.), because it takes advantage of the blessings of natural resources for welfare and benefit.

Kiai Sahal's economic movement gained momentum when it was able to collaborate with LP3ES and P3M to form Community Self-Help Groups (KSM). Through these facilitators and motivators, the community is encouraged to gather in several KSMS consisting of 8-10 people to

be aware of and recognize the problems they face and determine alternative options to overcome these problems (Baroroh dan Jannah 2016). This KSM was formed as part of a joint learning process to improve and enhance their household life, education, economy and health. The learning process in KSM is a form of an all-time learning process, because in the process deliberations, social control, and community communication media are established which, based on previous experience, ran slowly before the establishment of this system (Asmani 2020).

Funds obtained apart from pesantren, LP3ES, and P3M are from FNS, a donor organization from Germany. Increasingly, KSMS are showing their success so that there are more than 150 KSMS fostered by BPPM. Seeing the facts on the ground that he felt that he needed insufficient funds, Kiai Sahal took the initiative to establish a professional financial institution because at that time there was only BRI bank in the Pati area, where the bureaucracy was not good and the community did not accept it. This initiative was eventually welcomed by LP3ES which offered to establish the Artha Huda Abadi People's Credit Bank (BPR) which was established in 1996 (Baroroh dan Jannah 2016). The Islamic boarding school under the care of Kiai Sahal received an offer of grant funding from the Swiss Embassy in Jakarta, which at that time gave it to Islamic boarding schools that were interested in establishing BPRs. But in the end only the Maslakul Huda Islamic Boarding School succeeded in establishing a BPR (Kustiana dan Ummah 2016).

Kiai Sahal views that banks, as financial institutions whose management incorporates experienced banking experts

and practitioners, are able to solve people's economic problems better than other financial institutions. The banking supervision system by Bank Indonesia which is carried out in a professional manner is expected to be able to reduce and minimize unwanted things such as fraud, and others. Even though he contributed greatly to the establishment of the BPR, Kiai Sahal did not hold shares and was an administrator in it. But the support from his figure is very supportive in the sustainability of this bank he initiated (Baroroh dan Jannah 2016). This was Kiai Sahal's attempt to bring economic benefit to the community and an effort to reduce mafsada as much as possible.

This effort was not carried out smoothly, some challenges even came from the Islamic boarding school group because it was classified as a controversial decision. Many pesantren kiai at that time rejected banks because there was an element of usury in them. In overcoming this problem, Kiai Sahal held a Bahtsul Masail by inviting kiai in the Pati region in order to discuss this issue from the point of view of fiqh. Against the law on interest, Kiai Sahal stated emphatically that interest is still unlawful. But the 'added value' contained in bank interest in banking transactions cannot necessarily be understood as interest. This 'added value' can change its status to become halal with the presence of an element of mutual pleasure for both parties in the transaction and knowing that there are consequences of 'added value' in repayment (Jannah 2014). Kiai Sahal used references from the decision of the NU Congress when debating the Kiai who divided the law of usury into three parts, namely haram, syubhat and halal. In the end, Kiai Sahal said that bank interest and

riba were different. Bank interest brings benefits by providing productive business capital, while usury during the Jahiliyah era was an exploitation that brought harm to society (Kustiana dan Ummah 2016). In this forum, Kiai Sahal stated that the establishment of a bank at that time was included in the *darurah* category, because there was no mechanism to manage finances as well as the banking system. Kiai Sahal also stated that the purpose of this economic empowerment was to strengthen the community to be strong from an economic standpoint and to avoid being dependent and greedy on other people. Working is 'only' an intermediary in the perfection of worship and is not the purpose of life in the world (Baroroh dan Jannah 2016), because after all the purpose of life in the world is only to worship God.

Here, BPPM plays a role in several things, such as training, consulting, counseling evaluation, and soft loans in the form of revolving funds. The loan term is given for 12 months to members who are members of group business activities. Through BPPM, Kiai Sahal also established cooperation between peanut farmers and PT. Garuda Food (or known as Kacang Garuda) in 1998 by using land from a pesantren managed by the community with supervision and standards from the company. In addition, BPPM entered into cooperation in the management of tapioca flour with experts from Diponegoro University (Baroroh dan Jannah 2016). Furthermore, Kiai Sahal was even able to establish good collaboration with non-Muslim figures, namely Sidhamek, a Buddhist and ethnic Chinese figure, in carrying out this program (Jannah dan Baroroh 2021). The success of establishing cooperation with experts and professionals

shows the ability to lobby Kiai Sahal who can convince people who are experienced and competent in their fields to gain trust in the programs they offer.

From the health sector, Kiai Sahal saw that the economy, culture, and religion had an influence on health care. Therefore, Kiai Sahal decided to encourage his students at the Mathali'ul Falah Islamic College (PIM) to be actively involved in the Nutrition Garden activities for mothers and toddlers around the pesantren. This idea aims to make students and the community aware of the importance of nutrition for the growth and quality of future generations. Apart from inviting him to be active in the Nutrition Park, Kiai Sahal also initiated the establishment of a Maternity Home (RB) which would later become the forerunner of the Pati Islamic Hospital (RSI) (Baroroh dan Jannah 2016). Kiai Sahal's trust in hospitals as official health sector institutions and banks from the economic sector shows his recognition of the quality and capacity possessed by health experts, such as doctors, nurses, nutritionists, and experts in the economic field which are certainly not studied by the pesantren community. thus requiring experts in other fields.

As a pesantren leader, of course Kiai Sahal also pays attention to the education sector in his community. The real form of this concern is the establishment of the Mathali'ul Falah Islamic College (STAIMAFA) which has now turned into the Mathali'ul Falah Islamic Boarding School Institute (IPMAFA) which he initiated. In addition, Kiai Sahal had the initiative to establish the Nahdlatul Ulama Islamic Institute (INISNU) Jepara which at this time developed into the Nahdlatul Ulama Islamic University (UNISNU) Jepara

by becoming its first rector. Not only devoting his knowledge to the two campuses, Kiai Sahal also taught at IAIN Walisongo Semarang and Cokroaminoto University, Yogyakarta (Baroroh dan Jannah 2016). For his contribution in the field of education and his scientific capacity, Kiai Sahal was recognized for his knowledge not only among Islamic boarding schools, but also in the academic world, until he received an honorary doctorate from UIN Syarif Hidayatullah.

Max Weber's Theory of Social Action

Max Weber in his theory of social action put forward the goals and motives of actors in carrying out social movements. Weber stated that social action is the action of an individual that has meaning and influences other individuals (Ritzer 2009). He stated that the best method for understanding various groups of people is to recognize the characteristics that are their characteristics, so that we can find out the reasons behind the people in carrying out their social actions (Jones 2003). The limitations of social action by Weber are all human behavior when and during the individual's actions give a subjective meaning to him, both real and mental actions, whether in the form of positive intervention in a situation, deliberately holding back intervention, or passively (supporting without objection) (Supraja 2012).

Weber added that religion also plays a role in motivating a person to carry out social actions in worldly activities, such as Calvinism as a trigger for the development of capitalism (Haryanto 2014). By using Weber's theory, we can understand that a person's social action always has certain goals and motives from the actor. In

addition, knowledge of the characteristics of each society helps us to understand these groups of people.

Weber divides typical community actions into four, namely traditional actions, affective actions, instrumental rationality actions, and value rationality actions. These four characteristics are used by the author to analyze Kiai Sahal's social movement in the pioneering of BPPM and to understand the motives and goals in the process of its founding.

Explanation regarding the four characteristics, namely, *first*, traditional actions are actions carried out based on customs or traditions passed down from generation to generation. *Second*, affective actions are actions taken on the basis of the conditions and emotions of the perpetrators. *Third*, acts of instrumental rationality, namely actions based on rational calculations by the actor with the considerations and efforts he has made. *Fourth*, the act of value rationality, namely the action taken for reasons of the perpetrator's personal beliefs without calculating it rationally (Turner 2012).

Pip Jones simplifies the four types of sentences that are easier to understand, namely *first*, the traditional action, "I do this because I'm used to doing it". *Second*, affective action, "I do it because I want to do it". *Third*, the act of instrumental rationality, "I do it because I hope this goal can be achieved." *Fourth*, the act of value rationality, "I do it because I believe it is the best thing" (Jones 2003). By understanding these four characteristics, it will be easier for us to classify and sort out the various motives and goals of actors in their social actions.

Analysis of Kiai Sahal's Social Movement in BPPM Through Max Weber's Social Action Theory

In this section, the author tries to read Kiai Sahal's social movement in the pioneering and development of BPPM. The movement of Kiai Sahal cannot be separated from his social fiqh thinking as a form of actualization of fiqh in response to the social reality it faces. On this basis, social fiqh, BPPM, and Weber's theory of social action will be linked in this analysis.

Kiai Sahal's social fiqh is a real form when fiqh answers challenges and provides solutions to problems experienced by society. Kiai Sahal's social fiqh tells us that the goal of fiqh is to realize the general benefit of reaching *sa'adah al-dārain*, namely the happiness of the world and the hereafter. Fiqh as a legal product is often forgotten by the public—even though they already know it—that fiqh does not only discuss matters of worship and the 'selfishness' of religious observance. This can be seen in the writing of fiqh books which show a small number of chapters discussing worship rituals compared to fiqh chapters discussing human relations (*mu'amalah*).

Even though the definition of fiqh discussed in the previous chapter shows that the object of study of fiqh is human action (*'amaliyah*), including deeds in the heart, verbal and human actions (Al-Bannani 2012). So it is clear that the object of study of fiqh includes all human actions, both matters of worship and human relations. Although in the end the relationship between humans (*mu'amalah*) according to the Shari'a is a form of worship to God as well.

Kiai Sahal's social fiqh in this case can be classified in leftist fiqh, namely fiqh as knowledge of shari'ah guidance that favors the weak and oppressed group of people (*mustad'afin*) as a critique of the depostic hegemony of power (Nugroho 2005). The distinctive feature of leftist Fiqh is that it has a social orientation and pays attention to the social problems of society. Kiai Sahal's response to community social problems such as in the case of the establishment of the BPPM shows his concern for defending weak people in the fields of economy, health and education.

In the case of the founding of the BPPM, Kiai Sahal tried to prove that fiqh could answer the problems of the surrounding community. An example in this case is the controversial establishment of BPR Artha Huda Abadi. The policy of establishing a bank by Kiai Sahal, which until now still raises debate over its halal-haram status, shows Kiai Sahal's *ijtihad* that at that time only the banking system was the most effective in handling people's financial affairs. Bank interest, which has always been the main topic of debate, was classified by Kiai Sahal in lawful usury with *d'arūrah* status, because the 'additional value' in a savings and loan contract at a bank has known the consequences and there is still an element of mutual consent (*tarād'in*) in it.

From the benefit side, banks provide easy business capital for their customers and not like usury ignorance that exploits its victims. Meanwhile, seen from the dialogue meeting process between the kiai in *Bahtsul Masail's* activities on this issue, there was an attempt at *ijtihad jamā'i* by Kiai Sahal as one of the offers of the *istinbath* method in his social fiqh thinking. In addition, Kiai Sahal's extensive knowledge in the field of fiqh was

recognized by the kiai, so that Kiai Sahal's opinion was recognized as an authoritative fatwa by not denying other authoritative opinions opposing it. With the completion of fiqh issues in the case of bank interest, the dream of reaching *sa'ādah al-dārain* is increasingly wide open for Muslims.

Kiai Sahal's social movement in pioneering and developing BPPM this time when viewed through Weber's social action theory, Kiai Sahal's individual actions include succeeding in mobilizing other individuals in carrying out social movements. By looking at Kiai Sahal's background as a religious figure, of course the Islamic religion he adhered to played a role in encouraging his actions at BPPM. Kiai Sahal's social actions were able to place fiqh, as well as pesantren, as the driving force in empowering the people's economy based on strong arguments (Rohman 2020). Kiai Sahal's activities in BPPM were not carried out as a continuation of previous community habits, were not carried out on the basis of emotion and belief alone, but by reading reality and considerations that required a long process.

Being in a society that has a strong theological foundation and is based on the texts in the yellow book, Kiai Sahal's social actions, in carrying out reforms, are required not to go against the flow of tradition that has been internalized within them for a long time (Nazar 2021). So Kiai Sahal's social action in the form of pioneering and developing BPPM is a movement based on calculations and a clear vision, which is included in the category of instrumental rationality action.

In this case, Kiai Sahal is an ideal figure as a reformer of pesantren fiqh. Because in the process, Kiai Sahal maintained two

important entities at once, namely authenticity and modernity (Asmani 2014). Religion in this case is not only a motivator, but also plays a role in inhibiting social action. The element of religion when it becomes a constraint tends not to respond or even not to respond to changing situations and conditions (Haryanto 2014). This can be seen again in the controversy over the establishment of BPR Artha Huda Abadi with the rejection or form of kiai (religious leaders) in questioning the decisions taken by Kiai Sahal in carrying out social movements in the economic sector.

CONCLUSION

Fiqh as an extension of the Islamic faith in the form of *ta'abbudī*, shows its need for a contextual attitude and reading. In this case, Kiai Sahal offers the concept of social fiqh in several ways, such as the *mazhab qaulī*, *mazhab manhajī*, and *ijtihād jamā'i*. Kiai Sahal saw the need for fiqh in overcoming the problems of people's lives as a form of *maṣlahāb al-'āmmah* and the realization of *sa'ada al-dārain*. In addition, so that fiqh is more popular and well known by the community as an implementation of Islam that is *rahmatan li al-'ālamīn*.

The Kiai Sahal movement in community empowerment through BPPM is included in the social action of instrumental rationality, because this social movement begins through a process of calculation and consideration in the form of reading the social reality of the surrounding community and this action has the goal of strengthening social, economic, educational and health aspects that support perfection. worship, as well as an actualization of Kiai Sahal's social fiqh thoughts.

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