

KH. BHAUDIN NURSALIM AND THE DYNAMIC APPROACH IN FIQH: INTEGRATION OF AL-QAWA'ID AL-FIQHIYAH AND USUL AL-FIQH

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Abstract

This paper examines KH. Bahaudin Nursalim's (Gus Baha) thoughts on the dynamic approach to fiqh, mainly through the integration of al-qawaid al-fiqhiyyah and usul al-fiqh. This approach is intriguing because it offers contextual solutions to modern social challenges without sacrificing the core principles of Islamic law. The aim of this paper is to understand how Gus Baha uses these two disciplines to create a fiqh that is adaptable and applicable to the lives of contemporary Muslim societies. This paper used a descriptive-analytical method to examine Gus Baha's lectures available on digital platforms and analyze how he applies al-qawaid al-fiqhiyyah and usul al-fiqh to address complex legal issues. The main findings show that Gus Baha's contextualized approach allows fiqh to remain relevant and responsive to changing times, especially about maqasid as-shari'ah (the goals of sharia), such as justice and social welfare. This paper suggests that modern scholars should contemplate collaborating across regions to enhance the application of Gus Baha's methodology in specific cases.

Keywords: *Gus Baha, Dynamic Fiqh, Usul al-fiqh, Al-qawaid al-fiqhiyyah, Contemporary Fiqh.*

INTRODUCTION

Gus Baha, also known as KH. Bahaudin Nursalim, is a contemporary scholar who has significantly contributed to the development of fiqh in Indonesia. Gus Baha's progressive and dynamic thinking focuses on a contextual approach to understanding and applying fiqh so that Islamic teachings can be more readily accepted and used by the ummah in everyday life. This approach is critical in responding to Muslims' challenges, especially in the ever-changing social and cultural context. (Farahdiba, 2023; Turhamun, 2023) Gus Baha often presents the basic principles of Sharia while considering society's realities. As such, he can bridge tradition and modernity, allowing Islamic law to remain relevant and responsive to society's needs. (Turhamun, 2023; Zuhriyah, 2023) In this context, Gus Baha also uses digital platforms such as YouTube to spread his thoughts, demonstrating his adaptation to technological developments and social media. (Rohmatulloh et al., 2022; Wahyudi, 2023) This extends the reach of his da'wah and increases interaction with the younger generation, who are more familiar with technology. (Qudsy & Muzakky, 2021)

This article offers a novel contribution by explicitly examining how Gus Baha integrated *al-qawaid al-fiqhiyyah* and *usul al-fiqh* in his dynamic approach to fiqh. Previous studies haven't delved into specific facets of Gus Baha's ideas about the synergistic role of these two disciplines in his thinking, and the existing literature hasn't extensively explored this approach. It provides a new perspective on how fiqh can continue to evolve by maintaining its relevance to dynamic social conditions. The article also highlights the importance of a contextual approach to fiqh. This can guide contemporary scholars in dealing with new challenges

As such, this article aims to add to the existing literature on the dynamic approach to contextualizing fiqh by integrating *al-qawaid al-fiqhiyyah* and *usul al-fiqh*. Specifically, this article aims to understand how Gus Baha applies the principles of *al-qawaid al-fiqhiyyah* and *Usul al-fiqh* to adapt Islamic laws to the changing social context. Additionally, the article wants to find out how much this interdisciplinary approach helps make fiqh relevant and useful in today's world, as well as what this approach means for the growth of Islamic law in this day and age.

This article is based on three main arguments, which become working hypotheses in this study. First, the integration of *al-qawaid al-fiqhiyyah* and *usul al-fiqh* by KH. Bahaudin Nursalim (Gus Baha) allows the fiqh to remain relevant and applicable in the face of social change and contemporary challenges. Second, Gus Baha's creative method of combining *al-qawaid al-fiqhiyyah* and *usul al-fiqh* not only comes up with tailored legal solutions, but it also stays true to the fundamental principles of Islamic law, which means it still meets the *maqasid sharia* (sharia's goals). Thirdly, Gus Baha's ideas, which emphasize the importance of contextualization in fiqh, can enrich and expand contemporary fiqh studies and offer a model that other scholars can adapt to the challenges of the modern age.

METHODS

This article employs a qualitative design with a descriptive-analytical approach to explore and analyze Gus Baha's thoughts in modern fiqh development. The primary data in this article comes from Gus Baha's lectures and *ngaji* videos, which are available on the YouTube platform and serve as primary sources for understanding his views. Data was collected by observing, recording, and analyzing the content of these lectures, focusing on topics related to *al-qawaid al-fiqhiyyah*, *usul*

al-fiqh and the contextualization of fiqh. Researchers used the content analysis method to examine Gus Baha's arguments and explanations. They sorted, classified, and analyzed them to find the thought patterns and legal principles he used to bring al-qawa'id al-fiqhiyah and usul al-fiqh into modern fiqh.

RESULTS AND DISCUSSION

The Dynamisation of Fiqh in the Thought of KH. Bahaudin Nursalim

Gus Baha emphasized that fiqh is a realm of applied Islamic law. In fiqh, it is essential to analyze its contextual interpretation of the reality of society. Fiqh is a realm of practical application and the result of scholars' intellectual efforts to adapt texts to various contemporary situations. Therefore, fiqh will continue to develop in line with the dynamics and demands of society. (GAYENG, 2022) Fiqh books, as scientific works, deserve to be respected by both their authors and their ijtihad, and the results of their ijtihad must be obeyed and supported. However, it is essential to realize that, as a scientific endeavor, fiqh books are not closed dogmas but are still open to review and revision.

In this regard, Gus Baha quoted the opinion of the Imam al-Shafi'i: *ra'yuna sawab yahtamil al-khata', wa ra'yuka khata' yahtamil sawab....* (Our opinion is correct, but it may be wrong, and your opinion is bad, but it may be right). Gus Baha showed historical evidence that there was also a tradition among scholars in the past of correcting and criticizing each other in formulating legal opinions that were more *maslahah* and applicable to the times. (Ploso, 2024)

Gus Baha creates space for developing Islamic law that is more adaptable to social and cultural change by emphasizing that fiqh is not sacred and is subject to change. This view is very relevant as society and the challenges facing the *ummah* continue to change over time, requiring a legal approach that is also flexible and responsive. Gus Baha views fiqh as a tool that necessitates constant evaluation and adaptation to maintain its relevance and deliver tangible benefits to the *ummah*. In this way, the fiqh will continue to be an appropriate and practical guide in the daily lives of Muslims.

Gus Baha's Thoughts on the Role of *al-qawaid al-fiqhiyyah* in the Dynamisation of the Fiqh

On several occasions, Gus Baha advised santri to study the book *Shajarat al-Ma'arif* to understand the Qur'an in a good, easy, and applicable way. A famous scholar wrote this book, Shaykh 'Izz al-Din ibn 'Abd al-Salam, who lived in the 7th century. Gus Baha praised this book for its excellent systematization and the author's ability to formulate rules based on various cases reflected in the Qur'an. (Ndien, 2021)

Gus Baha explained some fiqh problems that can be solved using *al-qawaid al-fiqhiyyah*. One example is buying and selling in stalls, where transactions often occur without *ijab kabul*. According to the original law, this type of transaction is considered invalid. However, Gus Baha argues that this practice remains valid due to the fiqh rule *al-'adah muhakkamah* (custom can serve as the basis of law), which regards the delivery of goods and the buyer's payment as a form of *ijab kabul*. (GAYENG, 2021)

Gus Baha also discussed taking things without permission. Islamic jurisprudence prohibits taking a friend's belongings without permission, classifying it as either stealing or *ghasab*. However, Gus Baha explained that if the owner of the item releases it, then the act becomes *halal*. This is based on the Islamic jurisprudence principle of *maulima ridahu fahuwa halal*, namely that if the owner of the item is suspected of allowing it to be used, then it may be used even though there has been no verbal permission. (GAYENG, 2021)

Gus Baha's thoughts on *al-qawaid al-fiqhiyyah* demonstrate the importance of these principles in the development of Islamic law. Gus Baha emphasizes that *al-qawaid al-fiqhiyyah* is a guideline that allows scholars to interpret Islamic laws flexibly without leaving the essence of *sharia*. With a deep understanding of these principles, Islamic law can be applied in a relevant and contextualized manner according to changing times and places. This confirms the role of *al-qawaid al-fiqhiyyah* in maintaining the continuity and relevance of fiqh in the face of social and cultural dynamics.

Gus Baha: The Role of *Usul al-fiqh* in Dynamising Fiqh

Gus Baha stresses the importance of learning *usul al-fiqh* and applying it in legal deduction. He said this when discussing compiling the book *al-Risalah* by Imam al-Shafi'i. The book was an

essential contribution by Imam al-Shafi'i in formulating a methodology for understanding the Qur'an and the Hadith. With this methodology, Islamic jurists can more easily understand the chronology and fiqh logic of legal cases that arise. In addition, the *usul al-fiqh* method allows for the dynamic resolution of legal cases.(TV, 2020).

According to Gus Baha, Kitab *al-Risalah* continues to be studied in various pesantren, not only to introduce the heritage of *usul al-fiqh* science but also so that students can apply the methodology in understanding various fiqh issues, both those discussed in the classical books and contemporary fiqh problems that have just arisen and require solutions. Gus Baha stressed the importance of the santri, kiai, or Islamic jurist mastering the fiqh issues discussed in the books and analyzing them using *usul al-fiqh* thinking. He also said that a fiqh expert must have a thorough knowledge of the laws of fiqh because if these laws are well understood, then the interpretation of the Qur'an will be more straightforward.(TV, 2020)

Gus Baha gives an example of understanding the Prophet's hadith that recommends wiping orphans' heads on the 10th of Muharram. If this hadith is understood only textually, without paying attention to the rules of *usul al-fiqh* and *Qur'anic balaghah*, then the recommendation is seen only as a physical act of wiping the heads of orphans on the 10th of Muharram. However, with the approach of *balaghah* and *usul al-fiqh*, the meaning of 'wiping the heads of orphans' is understood more deeply, namely as an act of supporting and loving orphans by providing financial support, education, and attention to their psychological needs. (TV, 2020)

Synthesis between al-qawaid al-fiqhiyyah and al-Qawaid al-Usuliyah to answer various contemporary fiqh problems (al-Masa'il al-fiqhiyyah al-Muásirah)

If we learn from Gus Baha's thinking about *making al-qawaid al-fiqhiyyah* and *al-qawaid al-usuliyah (usul al-fiqh)* as a method of dynamizing fiqh, we can find a very relevant model for contemporary scholars in responding to the challenges of the times. This way of thinking offers a more adaptive and flexible approach to social and cultural developments so that fiqh remains up-to-date and can provide relevant solutions to the problems of modern people.

Gus Baha's idea of combining *al-qawaid al-fiqhiyyah* and *usul al-fiqh* offers an innovative and adaptive approach to the challenges of the times Muslims face. By integrating these two rules, Gus Baha provides a strong foundation for adapting fiqh to evolving social and cultural

dynamics. This approach is relevant and essential to ensure that Islamic law remains contextualized and responsive to the needs of modern society.(Hayati, 2024; Yazid, 2024) *Usul al-fiqh* provides the basic principles for understanding the sources of Islamic law, including understanding the sacred texts and their historical context. Meanwhile, *al-qawaid al-fiqhiyyah* provides practical guidance on the application of this law, enabling scholars and legal practitioners to respond to contemporary issues in a more flexible manner and by the realities of society (Sholeh, 2023). This approach allows the creation of a more humane and transformative Islamic law in various fields, including in the social and economic context (Parlina, 2023).

Integrating the two disciplines also attempts to bridge the gap between tradition and modernity. This is in line with the development of increasingly complex and dynamic fiqh issues, where Islamic law must be able to adapt to rapid changes in society.(Hayati, 2024) With this approach, Gus Baha not only provides solutions to the legal problems faced by Muslims but also encourages critical and innovative thinking in the development of fiqh that is responsive to the challenges of the times (Yazid, 2024).

Al-qawaid al-fiqhiyyah and usul al-fiqh are vital in developing fiqh responsive to contemporary problems. Progressive *usul al-fiqh* emphasizes contextual ijihad based on *al-maqasid al-shariáh*, namely the values of justice, equality, and human rights. This aligns with the view that fiqh must be able to answer the challenges of the times and provide relevant solutions for modern society.(Harisudin, 2017) This approach allows the creation of a more humane and transformative Islamic law in various fields, including in the social and economic context.(Samsuri, 2023)

By emphasizing *al-maqasid al-shariáh* reasoning rather than mere textual understanding, *usul al-fiqh* can effectively respond to complex social realities. For example, in the context of women's issues, scholars must provide actual and realistic legal solutions that reflect the characteristics of the different *manhaj* (methods) in women's fiqh (Mayyadah, 2021). In this case, the integration of *usul al-fiqh* and *al-qawaid al-fiqhiyyah* facilitates the development of fiqh decisions applicable to modern times through deductive and inductive approaches (Kasim, 2021). This approach is relevant in the context of family law and social and economic aspects, such as the study of social justice from the perspective of Islamic economic fiqh (Samsuri, 2023).

CONCLUSIONS

KH. Bahaudin Nursalim (Gus Baha) uses al-qawaid al-fiqhiyyah and Usul al-fiqh to make fiqh more contextual and relevant to the needs of the times. The contextual approach he applies strengthens the relevance of fiqh in the midst of evolving social dynamics. By integrating these two principles, Gus Baha can bridge the essence of sharia with modern challenges, allowing Islamic law to respond flexibly to societal problems without sacrificing core religious values. This makes fiqh a legal guide that remains applicable in the daily lives of Muslim communities today.

Gus Baha's dynamic approach through the integration of al-qawaid al-fiqhiyyah and Usul al-fiqh has significant implications for the development of contemporary fiqh, opening space for responsive ijihad and prioritizing maqasid al-shari'ah (the goals of sharia), such as justice and social welfare. This thinking directs fiqh to preserve tradition and function as a contextual, solving, and applicable legal guide for modern society. Gus Baha's thinking remains highly relevant in the context of globalization, primarily because other scholars can adapt his critical and contextual approach to address rapid social change. Gus Baha's use of technology in his Da'wah approaches, like YouTube lectures, not only reflects the relevance of his thinking but also strengthens the connection between religious teachings and modern times, reaching out to younger generations with greater familiarity with technology.

It is suggested that scholars and researchers who want to further fiqh studies look more closely at how al-qawaid al-fiqhiyyah and Usul al-fiqh fit together, especially regarding modern legal issues. Critical studies of the thoughts of earlier scholars, such as Gus Baha, can help develop an approach to fiqh that is responsive to social change and the needs of people in the future. Furthermore, scholars with diverse scientific backgrounds and expertise should collaborate to apply a dynamic approach to studying and practicing Islamic law. This collaboration allows for the enrichment of perspectives in legal interpretation so that fiqh becomes more relevant in local and global contexts and can become a concrete solution to social, economic, and cultural problems Muslims face in different parts of the world.

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