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The Responsiveness of *Fiqh* and Its Local Wisdom of *Pengajian Pitulasan Menara Kudus*

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Abstract

The characteristics of *fiqh* with its local wisdom in the *Pengajian Pitulasan* are based on the charismatic authority approach of *Sunan* and *Kiai* figures who gave a philosophical view named *Gusjigang*. *Gusjigang* is a dialectic reflection between *fiqh* and local wisdom in Kudus city. This philosophy is applied in daily life which leads to being a completely human character. The form of responsiveness *fiqh* found in the *Pengajian Pitulasan Yayasan Menara Kudus* is to use the method and approach of *qauli* by involving dialogical elements that reflect the public mind even though it is still at a small level. This research is a type of field research based on literature review as know as library research with the documentary-historical method. The data also shows that the form of *fiqh* responsiveness in the *Pengajian Pitulasan* has absorbed various dimensions of life such as the economic, social, health, and other fields. Among the forms of *fiqh* that represent the dialectic between *fiqh* and its local wisdom in the *Pengajian Pitulasan* are: the role of the *Kiai* is clearly seem in preserving the local culture of *Pengajian Pitulasan Yayasan*

Menara Kudus and avoiding sacrifices with the cow for the Kudus Kulon community.

Keywords: *Pengajian Pitulasan, Menara Kudus, Responsiveness of Fiqh, Local Wisdom.*

Abstrak

RESPONSIVITAS FIQH DAN KEARIFAN LOKAL DALAM PENGAJIAN PITULASAN MENARA KUDUS. Karakteristik dialektika fikih dengan kearifan lokal yang terdapat dalam Pengajian Pitulasan Menara Kudus berbasis pada pendekatan otoritas kharismatik figur Sunan dan Kiai yang melahirkan pandangan filosofis bernama *Gusjigang*. *Gusjigang* adalah refleksi dialektika antara fikih dengan kearifan lokal masyarakat Kudus sebagai panduan hidup masyarakat. Filosofis ini kemudian diaplikasikan dalam kehidupan keseharian yang melahirkan karakter manusia paripurna. Adapun bentuk fikih responsif yang terdapat dalam Pengajian Pitulasan Yayasan Menara Kudus adalah menggunakan metode dan pendekatan *qauli* (pendapat) dengan melibatkan unsur dialogis yang merefleksikan akal publik kendati masih pada level yang kecil. Penelitian ini adalah penelitian lapangan (*field research*) berbasiskan kajian pustaka (*library research*) dengan metode dokumenter-historis. Data menunjukkan bahwa bentuk responsivitas fikih dalam Pengajian Pitulasan telah menyerap berbagai dimensi kehidupan seperti bidang ekonomi, sosial, kesehatan, dan lainnya. Di antara bentuk fikih yang merepresentasikan dialektika antara fikih dengan kearifan lokal adalah peran Kiai sangat menonjol dalam pelestarian budaya lokal Pengajian Pitulasan Menara Kudus, dan menghindari kurban dengan hewan sapi untuk masyarakat Kudus Kulon.

Kata Kunci: *Pengajian Pitulasan, Menara Kudus, Fiqih Responsif, Kearifan Lokal.*

A. Introduction

The ideas and efforts to formulate Islamic jurisprudence with an Indonesian perspective have been carried out side by side with efforts to reform Islamic thought in general. One of Indonesian scholars is *Kiai* from Kudus named K.H. R. Asnawi (1861-1959).

Kiai Asnawi is one example for the reforming Islam jurisprudence with the Indonesian perspective through the *Pengajian Pitulasan*. It held every seventeenth of each *Hijriyah* month. Although he has died, the scientific tradition is still running today. Currently, the *Pengajian Pitulasan* is organized and managed by the *Sunan Kudus Mosque and Menara Mosque Foundation (YM3SK)*. This *Pengajian Pitulasan* activity has become a routine every night of the month of Ramadan.

This scientific-religious activity is a longstanding tradition and the legacy of *Kiai Asnawi*. Interestingly, this scientific activity has become a reference for the people of Kudus city and its surroundings. Every night of Ramadan this *Pengajian Pitulasan* is attended by no less than 500 worshippers from various cities around Kudus. In fact, every year the participants of this study have increased by 10 percent. The event is filled with religious plus scientific activities. Beginning with the “*darusan*” of the Qur’an for 30 minutes. After that, it was followed by a dialogical recitation program. In the process of dialogue, *Kiai* and the Scholars from Kudus take turns taking care of them.

In addition, the *Pengajian Pitulasan* is colored by the study of Islamic jurisprudence compared to other materials. This shows that the *fiqh* is an important thing in the daily life of the Muslim community in Kudus city and its surroundings. Through a dialogue forum that was preceded by the presentation of material by *Kiai* as the figure and the Islamic scholar, the audiences did not hesitate to ask directly about religious problems of *fiqh* which they faced in real life. Another interesting note is that Islamic jurisprudence which is the dominant material in the study, has a profane character and the local wisdom included it. It appears that there is an interaction between Islam and local culture which color each other.¹

¹ Simuh, *Islam dan Pergumulan Budaya Jawa* (Jakarta: Teraju, 2003), 8.

It becomes important to study with the aim of revealing the characteristics of the dialectic of jurisprudence with local wisdom contained in the *Pengajian Pitulasan Yayasan Menara Kudus* and also to know the forms of responsiveness of *fiqh* contained in it.

B. Discussion

1. The Local Wisdom and Islamic Jurisprudense

In the early decades of Islam in the era of the Prophet and the Companions, where the Islamic law was just beginning. In this era, the formation of Islamic law did not necessarily go down at all. *At-tadarruj*² or step by step is one of its characteristics. In addition, the pattern of formation of Islamic law does not forget the structure of Arab society at that time. Instead, the Prophet accommodated local culture and local wisdom, as long as there were elements of benefit that could be accepted by the wider community.

In the history of the Prophet's da'wah both in Mecca and Medina, he did not spontaneously destroy the existing culture, but wisely responded to it. The people who existed at that time each had their own culture and local wisdom. So the role of the Prophet here, regarding good culture and local wisdom, is continued and even perfected, on the contrary, those that are not in accordance with Islamic law are adjusted by adding them with Islamic values, faith and monotheism so that they can give birth to good and right morals.³

² *At-tadarruj* means that sharia of Islam is coming step by step through the Islamic legislation. It is gradual process in the foundation of Islamic law especially, during the time of the Prophet. Beside that, it also explains how the gradual process can be applied in the implementation of Islamic law in modern world. It means that rulings in Islam were not revealed in one time as the process occurred gradually to be comprehensive system of rule. See: Muhammad Shahrul, et al., "The Principle of *Tadarruj* in Islamic Finance: a Conceptual Review," *Journal of Islamic Finance* 10, No. 1 (2021): 15–24; A.H.M. Nor, "*Tadarruj* (Beransursansur) Dalam Pelaksanaan Hukum Islam Masa Kini," *Jurnal Syariah* (2014): 1–12, http://emeetingv2.um.edu.my/filebank/published_article/6719/1.

³ Suparji, "Eksistensi Hukum Islam Dan Kearifan Lokal," *Jurnal al-Azhar Indonesia Seri Humaniora* 5, No. 1 (2019), 21, <https://doi.org/10.36722/sh.v5i1.327>.

Below are some examples of history in the time of the Prophet that prove about Islamic law with local wisdom. In the social field for example, the Prophet came when they, the Arab society is a society that loves to donate, they are characterized by generosity, not only that. In fact, they have a high level of solidarity and social spirit. Respecting neighbors and guests, like to consult in making decisions is part of their habits. These positive habits are accommodated by Islamic law and even set out in various texts. Some Islamic texts on this matter: “*Whoever believes in God and the last day, then let him honor his neighbor, whoever believes in God and the last day, then let him honor his guests*”.

In the field of marriage, for example, the law of polygamy existed long before Islam came. Unconditional polygamy, polygamy that oppresses women’s rights. Then Islam came to perfect it by restricting and very strict rules of justice. In addition, Islam provides loads of human values: justice, honesty, upholding tyranny, and so on.⁴

In the theory of *ushul fiqh*,⁵ then we are familiar with the term *al-'urf* (*the custom*) which is in harmony with the rules of *fiqh* *العادة محكمة* or customs can become law. These two theories, both from *ushul fiqh*, became the basis for the popular terms after that. The term local wisdom is a term that is often used today. In the dictionary, the term local wisdom consists of two words, namely wisdom and local. In *The English Indonesian Dictionary*, I. Markus Willy, etc. said that local means local, while wisdom is the same as wisdom. In general, local wisdom can be understood as local ideas that are wise, full of wisdom, of good value, which are embedded and followed by members of the community.⁶ Another, more detailed understanding of local wisdom is the truth that has become a tradition or is permanent in an area. Local wisdom

⁴ Suparji, 22-25.

⁵ The theory of *ushul fiqh* is an Islamic legal theory. It is also known as principles of Islamic Jurisprudence.

⁶ Rahmani Timorita Yulianti, “*Ekonomi Islam Dan Kearifan Lokal*,” *Millah* (2010), 104, <https://doi.org/10.20885/millah.ed.khus.art6>.

is a combination of the sacred values of God's word and various existing values. Local wisdom is formed as a cultural advantage of the local community and geographical conditions in a broad sense. Local wisdom is a cultural product of the past that should be continuously used as a guide for life. Although it has local value, the value contained in it is considered very universal.

While *al-'urf* in language means good, habit and something that is known. *Al-'urf* is often interpreted as everything that is known to each other among humans that has become a habit or tradition, whether it is word, deed or in relation to leaving certain actions.⁷ Ya'qub Ba Husein said that '*urf* in language can be interpreted '*urf* is something that is visible and clear, such as things that are felt by the soul that it is goodness, and the soul becomes calm because of it.⁸

The Islamic scholars gave many definitions that are close to each other. Abdul Wahab al Khallaf defines '*urf* is "Something known to humans and carried out normally, either in the form of words or deeds", while Wahbah al Zuhaily stated that "Something that is used by humans, and lived from every action that has been popular among them, or also word which is known with a special meaning that is not covered by language and only (quickly) allows meaning when heard."⁹ The definition above shows that '*urf* is rational, accepted by common sense, because it is good and does not conflict with reason. Abu Sunah emphasized how not all habits are considered as '*urf*. Apart from being repeatedly done and becoming a habit as a form of agreement by the perpetrators, '*urf* must be accepted by common sense or rationality. This requirement clearly discards and rejects negative *urf* or what is also known as '*urf* *fasid*.¹⁰ In addition, '*Urf* do

⁷ Muhammad Abu Zahrah, *Ushul al-Fiqh* (Kairo: Dar al-Fikr, n.d.), 216.

⁸ Ya'qub bin Abdul Wahhab al-Bahusain, *Qa'idah al-Adah Muhakkamah* (Riyadh: Maktabah al-Rusyd, 2012), 34.

⁹ M. Noor Harisudin, "*Urf* Sebagai Sumber Hukum Islam (Fiqh Nusantara," *al-Fikr: Jurnal Pemikiran Islam* 20, No. 1 (2016), 67-68, <http://journal.uin-alauddin.ac.id/index.php/alfikr/article/view/2311/2240>.

¹⁰ Harisudin, 68.

not occur at the individual level but are the habits of the majority of people or people in words or actions. *Urf* is also not a natural habit, but arises from the practice of the majority of people who have roots and traditions.¹¹

As for the meaning of *adat* contained in the *al-'adah muhakkamah*, the definition used by the majority of scholars is similar to the definition of *'urf*. Ya'qub Ba Husein drove several definitions, among which, as stated by al Jurjani, the custom is something that is done by humans continuously according to habit and is accepted by reason, and they always return to this habit. Meanwhile, continued Ba Husein, Ibn Nujaim defines that *adat* is something that has been engraved in the soul from things that are repeated and accepted by a healthy soul. If we pay attention, the definition is not much different from the definition of *'urf*. Here *adat* and *'urf* are one meaning as stated by Ibn Abidin, an Nasafi, and al-Atasi.¹²

All of above show that *fiqh* developed in Indonesia cannot be separated from the existence of Indonesian customs (*'urf*), from the island of Sabang to the island of Merauke. In the Indonesian region, the *fiqh* pattern in this region seems to pay attention to what is the reality in society. Because, after all, *fiqh* cannot be separated from the space and time that surrounds it.

2. Responsiveness of *Fiqh* as an Effort to Dynamic *Fiqh*

One of the principles is: "that Islamic law moves according to its *'illah*,"¹³ being one the evidence that *fiqh* is flexible. Thus came a term called responsiveness of *fiqh* that has a pressure point about

¹¹ Yulianti, "Ekonomi Islam Dan Kearifan Lokal", 106.

¹² Al-Bahusain, *Qa'idah al-Adah Muhakkamah*, 35.

¹³ *'Illah* means the legal reason. The use of *'illah* (legal reason) in determining a law is an important aspect in the development of Islamic law. See: Khairuddin Hasballah, et al., "Identifying *'Illah* through Munasabah in Islamic Law: a Perspective of Imam al-Ghazali," *Samarah* 5, No. 2 (2021): 598-618, <https://doi.org/10.22373/sjhc.v5i2.10914>.

the flexibility of *fiqh*, and that *fiqh* responds to developments in all its lines: social, legal, economic, and *fiqh* have answers to all contemporary problems.

This responsiveness of *fiqh* becomes a concept that can always interact with changes in society to provide solutions to legal issues faced. The concepts of *Asbab an-Nuzul* (the reason for the revelation of Qur'anic verses) and of *Asbab al-Wurud* (the reason for the emergence of the hadith of the Prophet) show the relevance of this responsive *fiqh* thesis. When viewed in history, in its development, *fiqh* faces many challenges along with the *futuh* or expansion and conquest of various regions/cities. Here there is contact with local customs/traditions and culture. Here the *mujtahids*¹⁴ who dig the law from its sources. They are known as four *imams* of the *mazhab*: Abu Hanifah, Malik bin Anas, Muhammad bin Idris asy-Syafi'i, and Ahmad bin Hambal. Even Imam asy-Syafi'i by many experts is mentioned as a key in the formation of the methodology of *ushul fiqh*. At the time they were referred to as the time of the success of Islamic jurisprudence.¹⁵

The heyday of *fiqh* is slowly decreasing. *Fiqh* becomes inflexible because of the slogan that the door to *ijtihad* has been closed. At this time, efforts to explore Islamic law continued with a different model from its predecessor era. However, the model used is the *fatwa* model used by a *mufti*.¹⁶ Here, it can still be seen that *fiqh* continues to respond to developments in each

¹⁴ The *mujtahid* is someone who does *ijtihad*. It means to give all the ability to discover and know a law. It means to exert all the ability to produce a law. Doing *ijtihad* is a great responsibility that must be shouldered by a *mujtahid*. The results of *ijtihad* is legal product that will be used by Muslims. More see Muhammad Ulil Albab and Nurwahidin, "Methods And Stages Of Ijtihad In *Fiqh Nawazil*: Correlation And Implementation In Fatwa of the Indonesian Ulama Council Related To Covid-19," *al-Hurriyyah: Jurnal Hukum Islam* 7, No. 1 (2022), 6.

¹⁵ Muhammad Atho Mudzhar and Maksum, *Fikih Responsi: Dinamika Integrasi Ilmu Hukum, Hukum Ekonomi, Dan Hukum Keluarga Islam* (Yogyakarta: Pustaka Pelajar, 2017), 4.

¹⁶ Mufti is someone who gave fatwa. It seems to be a *mujtahid*. Fatwa is also legal product that used by muslims. Albab and Nurwahidin, "Methods And Stages Of Ijtihad In *Fiqh Nawazil*: Correlation And Implementation In Fatwa of the Indonesian Ulama Council Related To Covid-19", 4.

different line, and this responsiveness of *fiqh* effort will never stop even though the slogans that relax it are always touted. This is a challenge in itself. Plus other challenges that are increasingly massive, for example, are the challenges of facing the influence of the Western legal system after European colonization on Muslim countries. The influence certainly exists, with evidence among them being that the Islamic teaching model is found to adopt Western thought. The next challenge is the pressure of modernity related to global issues of how *sharia* and *fiqh* balance these issues. Issues related to slavery, human rights, gender equality and many other issues. So here appear the efforts of scholars to offer concepts to respond to these challenges. This is where the role of responsive *fiqh* becomes very important.

Among the existing scholars, Mahmud Thaha, for example: offers a concept that brings back the texts of the Meccan period and puts it forward rather than the texts of the Medina period because the texts of the Meccan period are more normative philosophical: divinity, humanity and justice, while the texts of the Islamic period Medina is more technical and formal.¹⁷ Shahrur is another example. He attempted to conduct a study and rereading of the texts using a philosophical approach and armed with his mastery of several world languages such as Arabic, English, and Russian. Shahrur also thinks that the standard of a method of understanding religious texts is not determined by the ideological and genealogical background of the method, but by the contemporaneity and relevance of the method to the character of the text in general.¹⁸ Here, Shahrur tries to respond and do the *ijtihad* which is somewhat different from his predecessors, and often reaps no small amount of criticism. However, it should be underlined that there are still many experts

¹⁷ Muhammad Atho Mudzhar and Maksum, *Fikih Responsi: Dinamika Integrasi Ilmu Hukum, Hukum Ekonomi, Dan Hukum Keluarga Islam*.

¹⁸ Nur Shofa Ulfiyati, "Pemikiran Muhammad Syahrur: Pembacaan Syahrur Terhadap Teks-Teks Keagamaan," *et-Tijarie* 5, No. 1 (2018), 63.

who try to respond to *fiqh* problems with new reviews or concepts and methods. Fazlur Rahman is another example by carrying out his new method called double movement hermeneutics or double movement hermeneutics with an emphasis on the moral ideals of the Qur'an more than the specific legal ones. In this method, Fazlur Rahman contributes not only to the science of interpretation but also to the process of *ijtihad* of Islamic law. Here, Fazlur Rahman can bring about a change in the face of Islamic law with a face that is more open, soothing, and protective.¹⁹

When referring to Nusantara scholars, we find K.H. Sahal Mahfudz, who is often called *Mbah* Sahal. He formulated a new method known as Social Jurisprudence. The formulation of this concept was influenced by the scientific journey that he did and traveled. Thus it is developed in the *pesantren*²⁰ and campuses. From this scientific journey, Kiai Sahal reformed the construction of *fiqh* when he saw the economic conditions of the people in his environment, Kajen, is a poor community, difficult jobs, an uncontrolled population, and many problems faced by the community. The term social *fiqh* is meant by way of thinking in *ijtihad* by looking at the social reality that develops in society without eliminating the textual substance of the two main sources. This is taken by Kiai Sahal, because religious texts are limited, it does not cover all contemporary problems such as socio-cultural problems that occurred in Kajen. According to Kiai Sahal quoted by Arief Aulia²¹ that *fiqh* with a new paradigm has five prominent characteristics: first, seeking a new context. Second, changing the method from the text method to the methodological one. Third, comparison by verifying between teachings the *ushul* and the *furu'*.

¹⁹ Ulya, "Hermeneutika *Double Movement* Fazlur Rahman: Menuju Penetapan Hukum Bervisi Etis," *Ulul Albab: Jurnal Studi Islam* 12, No. 2 (2013), 122, <https://doi.org/10.18860/ua.v0i0.2385>.

²⁰ *Pesantren* is an Indonesian term used as an Islamic Boarding Schools. Students studi there various Islamic sciences.

²¹ Aulia Arief Rachman, "Metodologi Fikih Sosial Sahal Mahfudh" (UIN Sunan Kalijaga Yogyakarta, 2010), 47.

Fourth, *fiqh* is present as ethics in the social environment. And the last is to introduce the methodology of philosophical thought, especially in cultural and social issues.

Another proof of responsive *fiqh* that dynamiz of the *fiqh* is to respond the problems that come complexly by the process of *ijtihad* and dialectic between *maqashid sharia'* and the social reality. The realization of responsive *fiqh* in this era is a concrete step to developing a broading study of *fiqh*. This provides a perspective to act according to Islamic teaching then guiding people to implement social values based *maqashid sharia'*.²²

3. Portraits and Materials of *Pengajian Pitulasan Menara Kudus*

One of the Kiai Nusantara from Kudus K.H. R. Asnawi (1861-1959), who had a great influence on the formation of the religious life of Muslims, especially in Kudus. Kiai Asnawi who started pioneering the establishment of two well-known non formal Islamic Lessons at that time, one of which was a *Pengajian Pitulasan* which was held on the seventeenth day of each *Hijriyyah* month at *Menara Kudus*. Kiai Asnawi shows the important role of *ulama* who appear as educators and translators of Islamic doctrines who contribute to the formation of Muslim diversity with very brilliant results. Kudus City became a city that was Islamized on the coast of Java with religious practices by the *santri* or students, this continued to grow until the 1950s.²³ Even though he has died, this tradition is still running today with a slightly different pattern. Currently, the

²² Ahmad Muhtadi Anshor and Muhammad Ngizzul Muttaqin, "The Implementation of Gender-Responsive *Fiqh*: a Study of Model Application of Women-Friendly and Child Care Village In Post-Covid-19 Pandemic," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 17, No. 2 (2020), 189, <https://doi.org/10.21154/justicia.v19i1.3705>. The *maqashid sharia* is the brach of Islamic knowledge that answers all the challenging questions of "why" on various levels. See more: Jasser Auda, *Maqashid al-Shariah: a Beginner's Guide* (London Washington: The International Institute of Islamic Thought, 2009), 3.

²³ Jajat Burhanudin, *Ulama Dan Kekuasaan* (Bandung: Mizan, 2013), 211; Jajat Burhanudin, *Islam Dalam Arus Sejarah Indonesia* (Jakarta: Kencana, 2017), 314.

Pengajian Pitulasan is organized and managed by the Sunan Kudus Mosque and Menara Foundation (YM3SK). This activity has become a routine every night of the month of Ramadan. This scientific-religious activity is a long-standing tradition and the legacy of Kiai Asnawi. For the Kudus community and its surroundings, the *Pengajian Pitulasan* named in Arabic is *al-Mudarasah al-Qur'aniyyah al-'Umumiyyah*. It has become a routine that is held every night of the month of Ramadan. One of the goals is that *Pengajian Pitulasan* is always used as a reference for the community to practice fluency in reading the Qur'an.²⁴

Interestingly, this scientific activity has become a reference for the people in Kudus city and its surroundings. Every night of Ramadan this activity is attended by no less than 500 worshipers from various cities around Kudus. Every year the number of participants in this activity has increased by ten percent. The Central Java Tribune reported that at the peak of the closing ceremony of the General Darusan Pitulasan in 2019, which was closed on 27 Ramadan 1440 H, thousands of people attended. The audiences in attendance packed the parking lot. Meanwhile, those who did not get a place chose to hang out along Street Sunan Kudus from the Menara Crossroad to the Jember Crossroad. Several projector screens have been provided to make it easier to listen to the *Pengajian Pitulasan* from the street.²⁵ The activity is filled with religious plus scientific activities. It begins with 60-minutes reciting of the Koran which is read by five selected youths in turn. After that, it was followed by a dialogical lesson program. In the process of dialogue, *Kiai* and *Ulama* from Kudus take turns taking care of them. This activity was held with pure funding from the Menara Foundation and the community who donated independently.

²⁴<https://www.nu.or.id/post/read/24384/pengajian-pitulasan-peninggalan-pendiri-nu-kh-r-asnawi> diakses pada 20/6/2020.

²⁵<https://jateng.tribunnews.com/2019/06/01/jemaah-menyemut-dalam-penutupan-pitulasan-masjid-menara-kudus>.

The author uses documentation data based on documents obtained from the organizing committee for the review which is written in Arabic with the title in Arabic as follows:

المدارس القرآنية العمومية للجنة تعليم فيتولاسان للمسجد الأقصى بمنارا قدس

Based on observations of ten Q&A books from 2007-2015 and a few of the problems in 2016 the authors found the following data with the conclusions:

First, in each year there are approximately 24-27 questions on *fiqh* issues. Second, The average questioner is from the Kudus city and surrounding areas: Demak, Jepara, and Pati. Third, overall, the ten documentations obtained by the author are 267 questions. Of the 267 questions, the *fiqh* of worship, occupies the first portion of the Q&A. Fourth, the answers given are concise, clear, not long-winded answers, and are accompanied by quotations from *fiqh* books. Fifth, the included quotation is still in Arabic by including the name of the book and the page number, aiming for those who want to refer to the reference to return to the book directly.

To be known from previous datas, that people of Kudus city and its surroundings feel interesting to attend the *Pengajian Pitulasan*. They feel great to learn about *fiqh* as it is an important thing for the Muslim's life. They feel satisfied when they ask about something new or something that they don't know its rule. They don't know if its allowed or not, or how the ruler of things that they don't know. Not only in the field of workshop, but more than it. Then the *Kiai* in the *Pengajian Pitulasan* answers their questions. Through the dialogue, the audiences can see dan listen directly the answers. This gives them the good feelings and satisfying. They also learn more the practicing of reciting Koran in the correct way. Above of all, they also can know from the printed documentatison more the answers with the *qaul*/says from the different *fiqh* books, completely with its page number. But unfortunately, the *qaul* that

given is still in the Arabic sentences which can't be understood everyone except who knows Arabic.

4. *Fiqh* and Its Local Wisdom in the *Pengajian Pitulasan Menara Kudus*

One component of the construction of Islamic law is a mixture of *fiqh* with local culture which is not easily removed because it has taken root and developed in the area. In this case, local culture is defined more specifically by the term local wisdom. The local wisdom then has a clear impact and a strong influence on the formation of the social character of the people who inhabit certain places. According to Saptomo,²⁶ local wisdom is the values contained in the community and has gone through a long process throughout the process of the birth of the community itself. Kudus as a city in which there are two special guardians, namely Sunan Kudus and Sunan Muria, have values that are believed and carried out by most of the people. One of the values that became the trade mark of the Kudus city is *Gusjigang*.

Below are some important things that illustrate how *fiqh* struggles with local wisdom at the *Pengajian Pitulasan* Kudus:

- a. Dialectical symbiotic mutualism between the Kudus tradition and *fiqh*

There is a very strong relationship and attachment to the pattern of life and the order of life of the Kudus community based on the local wisdom called *Gusjigang*. More precisely, the consistency and attractiveness of the community to take part in the *Pengajian Pitulasan* which is routinely carried out during the holy month of Ramadan is consistent. This attachment arises from *Gusjigang* which is a tradition of local

²⁶ Ade Saptomo, *Hukum dan Kearifan Lokal: Revitalisasi Hukum Adat Nusantara* (Jakarta: Grasindo, 2010), 25.

wisdom left by Sunan Kudus when broadcasting Islam in the Kudus city. *Gusjigang's* philosophical terminology is already very popular, especially for residents around the Menara Kudus area. *Gusjigang* is an abbreviation of three words, namely "*gus*" comes from the word "*bagus*" means good, "*ji*" comes from the word "*ngaji*" means learn Islam, and "*gang*" comes from the word dagang means "*trade*".²⁷

K.H. R. Asnawi (1861-1959), one of the *Kiai Nusantara* from Kudus, used the *Gusjigang* jargon to build and invite the Kudus and surrounding communities to always be good person to learn and study more specifically in the social *fiqh*. This is where there is a struggle between local wisdom traditions and *fiqh*. Amin Abdullah mentioned that the spirit of the scholars to bring *fiqh* more dynamic and friendly in front of the community is to make *fiqh* not only a religious law but also to make it a social critic and a driver of positive change in society.²⁸

Thus, social *fiqh* that was born from a symbiotic process of mutualism between local wisdom traditions aims to form *fiqh* concepts and perspectives with a social dimension or *fiqh* which is built by looking at the role of individuals or groups who have a tradition as a process of socializing *fiqh* and *fiqh* society.

²⁷ Imaniar Purbasari, "Dinamika Pembangunan Masyarakat Kudus Berkonteks Sejarah Industri Dan Budaya Lokal," *Khazanah Pendidikan* 11, No. 1 (2018), 71, <https://doi.org/10.30595/jkp.v11i1.2311>. Nur Said, "Spiritual Entrepreneurship Warisan Sunan Kudus: Modal Budaya Pengembangan Ekonomi Syari'ah Dalam Masyarakat Pesisir", *Jurnal Equilibrium* 2, No. 2 (2018), 230.

²⁸ Abdurrahman Wahid, et al., *Islam Nusantara* (Bandung: PT Mizan Pustaka, 2015), 86.

b. The role of Kiai Asnawi as the successor of the *Wali/Guardian's Tradition*

Another spirit taught by Sunan Kudus is the attitude of tolerance for existing differences. As long as these differences do not violate religious law, these differences can be accommodated so that they do not cause conflict but instead foster an attitude of sympathy and empathy. Sunan Kudus's appreciation and tolerance for Hindus who idolize cows or oxen is a positive reflection and further strengthens that Islam spread in Kudus does not use a model of violence. Islam developed in a peaceful way so that it could be accepted by all levels of society, even though at first they had different beliefs. Therefore, an attitude of tolerance and respect must remain the spirit of Muslims and the Kudus community in particular.

Another example of Sunan Kudus is the spirit of entrepreneurship, which until now has made Kudus an icon. The entrepreneurial values of Sunan Kudus still color the soul of the Kudus community today. In fact, this spirit must be maintained and developed in all aspects of the life of the Kudus community. It is proven that business instincts and economic independence on a small, medium and large scale are still embedded in the souls of the Kudus community. The economic tradition is still very strong and entrenched so that it provides economic benefits for local communities.

The role of the kiai or ulama in the spread of Islam and the development of its people from the past until now cannot be denied. Sunan Kudus is a representation of the life of the *Kiai* in Kudus. This figure of the *Kiai* is not only the successor to the duties of the prophets and the guardians of Allah, the *Kiai* are also supported by institutions that are closely related to the image of the *Kiai*, namely *pesantran*, or other names as suggestions for preaching and guiding the community. It

turns out that history says that *pesantren* is an adaptation of a boarding school or hermitage education pattern which is a monastic system used by Hindu priests and Buddhist monks.²⁹

Not infrequently the community around the *pesantren* feel the effects of everything that is owned by the *kiai* figure. More specifically, these effects are related to economic factors and their growth. This happened to the community around the location of the *Pengajian Pitulasan*. Because *Kiai Asnawi* is the one who reviews the history again. From this, one of the reasons, *Kiai Asnawi* shows the important role of *ulama* who appear as educators and translators of Islamic doctrine who contribute to the formation of Muslim diversity with very brilliant results. Even though he has died, this tradition is still running today with a slightly different pattern.³⁰

c. The products of *fiqh* that correlated with local wisdom in the *Pengajian Pitulasan*

Interesting notes on discussion of Islamic jurisprudence which are the dominant material in *Pengajian Pitulasan*, have a profane character who is open to the struggle of local wisdom. This is marked by an emphasis on the reasoning ability of the congregation concerning matters that are generally understood as legal rules. In this *Pengajian Pitulasan*, it also appears that there is an interaction between Islam and the local culture of Kudus which is coloring each other.³¹

The *Pengajian Pitulasan* does not recklessly discuss issues that are *fiqh* only, but also discusses the problematics

²⁹ Muhammad Tolhah Hasan, *Ahlussunnah Wal Jama'ah Dalam Persepsi Dan Tradisi NU* (Jakarta: Lantobara Prees, 2005), 292.

³⁰ Jajat Burhanudin, *Ulama Dan Kekuasaan* (Bandung: Mizan, 2013), 211; Jajat Burhanudin, *Islam Dalam Arus Sejarah Indonesia* (Jakarta: Kencana, 2017), 314.

³¹ Simuh, *Islam Dan Pergumulan Budaya Jawa* (Jakarta: Teraju, 2003), 8.

of Islamic law that are linked to local traditions and wisdom. The following is one of the example in the *Pengajian Pitulasan*, which tell us about this thing: The *fiqh* of Sacrificial Animals. One form of tolerance that was developed by Sunan Kudus and is still being maintained is the issue of slaughter, in the Kudus Kulon community for example. They did not slaughter cows because they followed the tolerance built by Sunan Kudus, out of respect for the Hindus at that time, so they did not slaughter cows as well as the first step in preaching to attract sympathy. And until now, even when Muslims celebrate the *'Id al-Adha*, they do not slaughter cows and replace them with buffalo and other Sacrificial Animals. These methods show the local wisdom built by Sunan Kudus in the context of realizing a multicultural society so that they can live together peacefully. Here, the meaning of multiculturalism is not as part of a particular religious dogma or belief, but rather as a teaching of tolerance.³²

d. Responsiveness of *fiqh* in the *Pengajian Pitulasan Menara Kudus*

The term of “responsive” understood by Mauludi comes from the typology of the law initiated by Philip Shelznick and Philippe Nonet which divides it into three models: repressive law, autonomous law, and responsive law. Mauludi defines responsive law as law that is processed as a form of response to actions, phenomena, legal events or behaviors that make substantive justice the orientation of legal goals/*maqashid shariah*.³³

³² Dandung Budi Yuwono, “Konstruksi Sosial Atas Warisan Budaya Sunan Kudus,” *Smart 3*, No. 1 (2017), 109, <https://doi.org/10.1017/CB09781107415324.004>.

³³ Mauludi, “Menggagas Fikih Responsif: Upaya Progresif Modernisasi Fikih,” *al-*

As mentioned above in the sub theme of Portraits and Materials of *Pengajian Pitulasan Menara* Kudus, to be known that we can see the responsiveness of *fiqh* clearly. There is dialogue between the audiences and the *Kiai*. The audiences ask about the problems in the different field of *fiqh*, and the *Kiai* answer. The people of Kudus city and its surroundings who attend it feel interesting. They feel great to learn about *fiqh* as it is an important thing for the Muslim's life. They feel satisfied when they ask about something new or something that they don't know its rule. They don't know if its allowed or not, or how the ruler of things that they don't know. Not only in the field of workship, but more than it. Then the *Kiai* in the *Pengajian Pitulasan* answers their questions. Through the dialogue, the audiences can see dan listen directly the answers. This gives them the good feelings and satisfying.

They also learn more the practicing of reciting the Qur'an in the correct way. Above of all, they also can know from the printed documentatison more the answers with the *qaul/says* from the different *fiqh* books in the *asy-Syafi'i Mazhab*, completely with its page number. But unfortunately, the *qaul* that given is still in the Arabic sentences which can't be understood everyone except who knows Arabic. Here, the social context becomes the benchmark for the formulation of *fiqh*, both in the geographical context and in the context of the era.³⁴

C. Conclusion

The characteristics of the *fiqh* dialectics with local wisdom contained in the *Pengajian Pitulasan* are based on the charismatic of *Sunan* and *Kiai* figures who lead to a philosophical jargon called

Adalah 14, No. 2 (2017): 507-28.

³⁴ Imam Yahya, *Dinamika Ijtihad NU* (Semarang: Walisongo Press, 2009), 64.

Gusjigang. *Gusjigang* is a reflection of the dialectic between religion (*fiqh*) and the local wisdom of the Kudus community as a guide to people's lives. This philosophy is then applied in daily life which then makes a completely human character. Another example of dialectics of *fiqh* and its local wisdom is the attitude of tolerance for existing differences. It seems clearly when they did not slaughter cows because they followed the tolerance built by *Sunan Kudus*, out of respect for the Hindus at that time, so they did not slaughter cows as well as the first step in preaching to attract sympathy.

The forms of responsive *fiqh* contained in the *Pengajian Pitulasan* are using the *qauli* method and approach by using a dialogical method. This dialogical element reflects the public's mind, although it is still at a small level. The data also shows that the form of *fiqh* responsiveness in the *Pengajian Pitulasan* has absorbed various dimensions of life such as the economic, social, health and other fields. However, it is still recognized that the dominance of *fiqh* in the field of worship still dominates.

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