

KH. BHAUDIN NURSALIM AND THE DYNAMIC APPROACH IN FIQH THROUGH THE INTEGRATION OF *AL-QAWA'ID AL-FIQHIYYA* AND *USUL AL-FIQH*

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ABSTRACT

This paper examines KH. Bahaudin Nursalim's (Gus Baha) perspective on a dynamic approach to fiqh, emphasizing the integration of *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh*. This approach distinguishes itself by providing contextualized responses to contemporary social challenges while maintaining the foundational principles of Islamic law. The study aims to analyze how Gus Baha employs these two disciplines to develop a jurisprudential framework that is both adaptable and relevant to contemporary Muslim societies. Methodologically, the study adopts a descriptive-analytical approach, using thematic content analysis of Gus Baha's lectures available on digital platforms, selected for their topical relevance and popularity. The findings reveal that Gus Baha's contextual approach helps ensure the continued relevance of fiqh by aligning legal reasoning with contemporary needs, particularly with regard to *maqāṣid al-sharī'a* (the higher objectives of Islamic law), such as justice and social welfare. The article also highlights ongoing debates between this approach and more traditionalist perspectives and offers a preliminary framework for institutionalizing Gus Baha's methodology in educational and religious settings. Furthermore, it proposes both regional and international collaboration and compares Gus Baha's method with those of Yusuf al-Qaradawi and Abdullah bin Bayyah to enrich contemporary efforts toward fiqh renewal.

Introduction

KH. Bahaudin Nursalim, widely known as Gus Baha, is a prominent contemporary scholar whose contributions have profoundly influenced the development of *fiqh* in Indonesia. Although he is primarily recognized for his expertise in tafsir and Qur'anic studies, he is increasingly acknowledged for his contributions to *fiqh* through his contextual interpretations and public legal opinions. His progressive and dynamic approach emphasizes the contextualization of *fiqh* to ensure that Islamic teachings are more accessible and applicable in the daily lives of the Muslim community. This methodology is crucial for addressing the challenges faced by Muslims in rapidly changing social and cultural contexts (Farahdiba, 2023; Turhamun, 2023). Gus Baha frequently articulates the foundational principles of Shari'a while engaging with contemporary social realities. This approach enables him to bridge tradition and modernity, ensuring that Islamic law remains relevant and responsive to societal needs (Turhamun, 2023; Zuhriyah, 2023). Additionally, Gus Baha leverages digital platforms such as YouTube to disseminate his ideas, reflecting his adaptation to technological advancements and social media (Rohmatulloh et al., 2022; Wahyudi & Alanshori, 2023). This strategy broadens the scope of his *da'wah* and enhances engagement with the younger generation, who are more attuned to modern technology (Qudsy & Muzakky, 2021).

Gus Baha is renowned for his effective communication skills, combining local language with Arabic terminology to ensure his presentations are accessible to diverse audiences (Pratama, 2020). In his lectures, he often highlights the significance of human values and justice, aligning with *maqāsid al-sharī'a*, to ensure that Islamic law is not only normative but also practical in everyday contexts (Musthofa, 2022; Musyaffa, 2022). While some scholars question whether Gus Baha should be classified foremost as a *fiqh* scholar given his stronger reputation in tafsir, his consistent use of *fiqh* maxims and *usūl al-fiqh* principles in teaching demonstrates a substantial contribution to *fiqh* discourse. His innovative approach positions him as a leading figure in contemporary *fiqh* discourse, contributing to the development of a more inclusive and adaptable understanding of Islam (Fanani & Harianto, 2022).

Dynamic approaches to *fiqh* are essential for addressing the evolving needs of Muslim societies. These approaches are largely rooted in *al-qawā'id al-fiqhiyya* (legal maxims) and *usūl al-fiqh* (principles of Islamic jurisprudence). This literature review synthesizes findings from various studies to explore how these frameworks enhance the adaptability and applicability of Islamic law. At the same time, some traditionalist scholars argue that excessive flexibility risks undermining textual fidelity, highlighting an ongoing debate in contemporary *fiqh* renewal. *Al-qawā'id al-fiqhiyya* serves as a vital framework in Islamic jurisprudence, providing general principles that guide the interpretation and application of specific legal rulings. These principles enable a flexible approach to *fiqh*, allowing scholars to address emerging issues in contemporary contexts while upholding the core principles of Islam. For example, Jailani et al., (2023) highlight the role of these principles in ensuring that Islamic law remains relevant and applicable in a diverse socio-cultural environment, emphasizing their importance in balancing tradition and modernity.

Usūl al-fiqh, on the other hand, provides a methodological framework for deriving legal judgments from primary sources such as the Qur'an and Hadith. This discipline is crucial for understanding the objectives of sharia (Islamic law) and ensuring that legal interpretations align with its overarching aims. Choiriyah et al., (2024) discuss how *Usūl al-fiqh* enables scholars to engage with texts critically and contextually, fostering a dynamic and responsive legal system. The integration of *al-qawā'id al-fiqhiyya* and *Usūl al-fiqh* is essential to address the contemporary challenges faced by Muslim communities. Zainal Arifin (2023) underscores the importance of this integration, arguing that it facilitates a more comprehensive understanding of Islamic law, one that accommodates modern realities while preserving religious integrity. Similarly, Hartin Nst et al., (2024) emphasize the adaptability of *fiqh* through this framework, enabling scholars to provide contextually relevant and theologically sound solutions. However, applying these principles presents challenges. Ahmad Dimyati (2024) identifies potential limitations, such as the risk of subjective interpretation and the necessity for scholars to have a deep understanding of both classical texts and contemporary issues. This highlights the importance of scientific rigor and the continuous development of jurisprudential methodologies to ensure that Islamic law remains a living tradition. Furthermore, Muttaqin et al. (2024) demonstrate that a dynamic approach to *fiqh* requires the collaborative efforts of scholars from diverse regions and backgrounds to address the varied needs of the global Muslim community. Such collaboration can result in a more comprehensive application of Islamic legal principles. Comparatively, Yusuf al-Qardawi has advanced a *maqāsid*-oriented *fiqh* renewal,

whereas Abdullah bin Bayyah has emphasized moderation and institutional application, offering useful points of contrast with Gus Baha's more grassroots and pedagogical method. Finally, the flexible approach to *fiqh* enabled by *al-qawā'id al-fiqhiyya* and *usūl al-fiqh* is essential for ensuring that Islamic law remains relevant and applicable in the modern world. By providing a flexible yet principled framework, these disciplines allow scholars to address the complexities of contemporary life while adhering to the core principle of Islam. The continued development and integration of these frameworks are crucial for meeting the evolving needs of Muslim communities worldwide.

This article offers a novel contribution by explicitly examining how Gus Baha integrated *al-qawā'id al-fiqhiyya* and *Usūl al-fiqh* in his dynamic approach to *fiqh*. Previous studies have not delved into specific aspects of Gus Baha's ideas regarding the synergistic role of these two disciplines in his thinking, and the existing literature has not extensively explored this approach. The article provides a new perspective on how *fiqh* can continue to evolve while maintaining its relevance in changing social contexts. It also highlights the importance of a contextual approach to *fiqh* as a guide for contemporary scholars in addressing emerging challenges.

This article contributes to the existing literature on the dynamic approach to contextualizing *fiqh* by integrating *al-qawā'id al-fiqhiyya* and *usūl al-fiqh*. Specifically, it examines how Gus Baha applies the principles of these two disciplines to adapt Islamic legal rulings to evolving social contexts. Additionally, the article explores how this interdisciplinary approach enhances the relevance and applicability of *fiqh* in the modern world and examines its implications for the development of Islamic law today.

This article is based on three main arguments, which serve as working hypotheses in this study. First, the integration of *al-qawā'id al-fiqhiyya* and *Usūl al-fiqh* by KH. Bahaudin Nursalim (Gus Baha) allows *fiqh* to remain relevant and applicable in the face of social change and contemporary challenges. Second, Gus Baha's innovative approach of combining *al-qawā'id al-fiqhiyya* and *usūl al-fiqh* not only provides tailored legal solutions but also adheres to the fundamental principles of Islamic law, ensuring alignment with the *maqāsid al-sharī'a* (sharia's goals). Third, Gus Baha's emphasis on the importance of contextualization in *fiqh* can enrich and expand contemporary *fiqh* studies, providing a model that other scholars can adapt to address the challenges of the modern era.

Methodology

This article employs a qualitative research design with a descriptive-analytical approach, aimed at exploring and analyzing Gus Baha's contribution to modern *fiqh* development. The primary data consists of Gus Baha's lectures and *ngaji* videos, available on YouTube, which serve as the main sources for understanding his views. The selection of videos followed purposive sampling, with inclusion criteria based on (1) thematic relevance to *al-qawā'id al-fiqhiyya*, *usūl al-fiqh*, and contextualization of *fiqh*; (2) popularity or circulation among audiences; and (3) recency to capture evolving interpretations. Data were collected by observing, recording, and transcribing the content of these lectures. Thematic content analysis was then applied in three stages: (1) coding of arguments and legal principles, (2) categorization of recurring themes, and (3) synthesis of patterns reflecting Gus Baha's integration of *al-qawā'id al-fiqhiyya* and *usūl al-fiqh* into contemporary *fiqh*. The researchers sorted, classified, and analyzed the data to identify the thought patterns and legal principles he employs. While the current study relies primarily on digital sources, it acknowledges the limitation of not including interviews or fieldwork with Gus Baha or his students; these are recommended for future research to strengthen the empirical foundation.

Results and Findings

Gus Baha: A Local Kiai with Global Insights

KH. Bahauddin Nur Salim, or Gus Baha, is a prominent cleric (*kiai*) from Rembang, Central Java, Indonesia. His full name reflects an Indonesian naming tradition in which religious figures often incorporate their father's name. In this case, 'Nur Salim' is his father's name, indicating an essential genealogical link in Indonesia's cultural and social context. A similar naming convention is also found in other figures, such as Maimoen Zubair, where 'Zubair' is the name of KH. Maimoen's father. This practice shows that naming is not merely a formality but holds significant cultural and administrative meaning (Musthofa Qowim, 2022).

Several sources provide conflicting dates of birth for Gus Baha. Some regrettably, state March 15, 1970, without providing clear evidence (Qudsy et al., 2021), while others cite September 29, 1970. Budi (2020) confirms the September 29, 1970, date. Conversely, Azmi (2020) reports March 15, 1977. To resolve these discrepancies, the author directly interviewed with Hanna (2022), a senior santri at LP3IA Rembang, who confirmed the correct date as September 29, 1970, as stated on Gus Baha's official identification card (KTP).

Gus Baha has a rich and profound educational background in the Islamic religious tradition. His father, KH. Nursalim, directly educated him from childhood, leading him to become a Qur'an memorizer and a disciple of KH. Abdullah Salam Kajen of Pati. Gus Baha's scholarly lineage further connects him to KH. Arwani Kudus and KH. Munawwir Krapyak of Yogyakarta, reflecting the strength of his inherited scientific tradition (Syarif Abdurrahman, 2020). His education encompassed Qur'an memorization and the study of *fiqh*, both key components of pesantren education. After completing his Qur'an memorization under his father's strict guidance, Gus Baha continued his studies at the Al-Anwar Sarang Islamic Boarding School, led by KH Maimoen Zubair, one of Central Java's prominent *kiai*. Gus Baha further developed his knowledge at this Islamic boarding school, which significantly shaped his character and approach to conveying Islamic teachings (Budi, 2020). He received education at several *pesantrens*, including his father's in Narukan village and PP. Al Anwar Karangmangu. Upon completing his education, Gus Baha became a teacher at his *pesantren*, PP. LP3IA (Lembaga Pembinaan Pendidikan dan Pengembangan Ilmu Al-Qur'an) in Narukan, Rembang, Central Java (Syarif Abdurrahman, 2020).

In his recitations, Gus Baha frequently recounts his *pesantren* experiences, illustrating the rigor of his education. He memorized the hadith book, *Ṣaḥīḥ Muslim*, including the *matn*, narrator, and *sanad*, demonstrating his deep understanding and mastery of *ḥadīth* (A. A. Rohman, 2023). Gus Baha also memorized *Fath al-Mu'īn* Arabic grammar texts such as *Imrīfī* and *Alfiyya Ibn Mālik*, alongside various language disciplines. *Fiqh* education at the al-Anwar *pesantren* is substantial, comprising 11.8% of the curriculum, which shows its prominence in the *pesantren*'s educational program. Moreover, Pesantren al-Anwar engages in deliberative activities involving *santri* participation, providing a platform for discussing diverse religious and social issues. The primary references for *fiqh* instructions in this pesantren include *Fath al-Qarīb*, *Fath al-Mu'īn*, and *al-Maḥallī* (F. Rohman, 2017). These three books are fundamental to *Fiqh* education at the *pesantren* and reflect the strong emphasis on *fiqh* studies within its curriculum.

Gus Baha is widely recognized for his moderate approach to teaching *fiqh*, emphasizing the importance of contextualizing Islamic teachings. In his lectures, he strives to present *fiqh* in a manner that is easily understood by diverse audiences, including the younger generation, who are often critical of religious teachings (Qordofa & As'ad, 2022; Rohmatulloh et al., 2022). Beyond his expertise in *fiqh*, Gus Baha also has profound knowledge of *tafsīr al-Qur'ān*. This dual expertise raises an important scholarly question: while he is often categorized primarily as a Qur'anic scholar, his interpretive methodology directly informs his approach to *fiqh*, making him relevant to contemporary *fiqh* studies. Clarifying this relationship strengthens the justification for including him within the broader discourse on dynamic *fiqh*. These two areas of expertise are deeply interconnected, with his understanding of *fiqh* grounded in the Qur'an. Gus Baha's comprehensive understanding of *tafsīr* and the laws of the Qur'an positions him as a unique figure in Islamic scholarship. Regarding his contributions, *Ustad* Adi Hidayat remarked:

If one seeks a scholar who comprehends the Qur'an in its entirety, along with the intricate laws it encompasses, that person is Gus Baha. He possesses the extraordinary ability to elucidate 200 distinct legal principles embedded within the Qur'an. Truly, he is a man of the Qur'an.

(TV, 2024)

M. Quraysh Shihab confirmed *Ustad* Adi Hidayat's testimony, affirming that Gus Baha is a scholar who not only memorizes the Qur'an but also possesses a profound understanding of the intricate *fiqh* principles embedded within its verses (Amin, 2019; Musthofa, 2022). This highlights Gus Baha's exceptional ability to bridge sacred texts with the practical application of *fiqh* in daily life. His expertise underscores holistic approach, offering a comprehensive understanding of Qur'an interpretation and *fiqh* as an integrated framework for addressing contemporary challenges. Gus Baha's expertise led the University of Islam Indonesia (UII) Yogyakarta to invite him to join its esteemed team of scholars, appointing him to the UII

Mushaf Tashih team and entrusting him with the task of contributing to the writing of *tafsir* al-Qur'ān (Musthofa Qowim, 2022). This recognition further underscores Gus Baha's scholarly stature as a product of Indonesia's pesantren tradition, whose intellectual authority was developed primarily through traditional Islamic education rather than formal secular or overseas academic institutions.

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

Gus Baha emphasized that *fiqh* represents the applied dimension of Islamic law, focusing on contextual interpretation that aligns with societal realities. As a practical field, *fiqh* reflects scholars' intellectual efforts to adapt Islamic texts to various contemporary circumstances. Therefore, *fiqh* evolves alongside societal dynamics and emerging needs (Santri Gayeng, 2022). *Fiqh* books, as scholarly works, warrant respect for their authors and their *ijtihad*, and the results of their *ijtihad* must be obeyed and supported. However, while the results of *ijtihad* should be appreciated and considered, *fiqh* texts are not immutable doctrines; rather, they remain open to critical review and revision in response to changing contexts and new understandings. This perspective places Gus Baha within a broader discourse of *fiqh* renewal advanced by scholars such as Yusuf al-Qardawi (Johnston, 2014; Mohamed, 2025) and Abdullah Bin Bayyah (Beka, 2021; Helmy, 2022; Susilo et al., 2025), who similarly emphasize *fiqh*'s adaptability in responding to modern challenges.

In this context, Gus Baha quoted Imam al-Shāfi'ī's statement: *ra'yunā ṣawāb yaḥtamil al-khaṭa', wa ra'yuka khaṭa' yaḥtamil ṣawāb* (Our opinion is correct, but it may be wrong, and your opinion is wrong, but it may be right). Gus Baha illustrated this principle with an example involving KH. Hasyim Asy'ari, who once issued a fatwa prohibiting Muslims from wearing suits and ties. This fatwa, issued during the colonial era, was motivated by the desire to foster a spirit of nationalism and unite Muslims against the Dutch, who were seen as common enemies. At that time, suits and ties were prominent symbols of Dutch identity. Citing the maxim *man tasha' bah bi-qawm fa-huw minhum* (Whoever imitates a people becomes one of them), KH. Hasyim Asy'ari forbade Muslims to wear suits and ties. However, Gus Baha argues that the socio-historical circumstances that justified the fatwa have changed, rendering the ruling less applicable in the contemporary context, where suits and ties have become globally accepted forms of dress that are no longer associated with a particular religious or political identity (TV, 2020).

Gus Baha presented historical evidence demonstrating a long-standing scholarly tradition of revising and critically evaluating legal opinions to ensure that they remain aligned with *maṣlaḥah* (public benefit) and responsive to changing circumstances. He remarked:

The imams of the madhhab exemplified a tradition of critical inquiry. Many of Imam Malik's opinions were later reconsidered by Imam al-Shāfi'ī, and subsequent scholars continued this process of refinement. Within the scholarly tradition, students frequently evaluate and improve upon the ideas of their teachers. Such intellectual accountability helps preserve the balance and integrity of knowledge.

(Ploso, 2024)

Gus Baha further remarked:

The book *Kitāb Jam' al-Jawāmi'* was authored collaboratively by a father and his son, reflecting a tradition where authors both critique and are subject to critique. A notable example is Imam al-Juwayni's work, *Nihāyat al-Maṭlab fī Dirāyat al-Madhhab*, which was later revised by his disciple, Imam al-Ghazālī. Similarly, *al-Muḥarrar* by Imam al-Rāfi'ī underwent revisions, with many of its opinions refined by Imam al-Nawawī in *Minhāj al-Ṭālibīn*. This tradition of scholarly revision continued as Imam al-Nawawī's work was further refined by Shaykh Zakariyyā al-Anṣārī into *Manhaj al-Ṭullāb*.

(Ploso, 2024)

These examples illustrate that the continuous refinement of legal thought has historically been regarded as a legitimate and constructive scholarly practice. Gus Baha emphasizes the need for *fiqh* to remain adaptable to social and cultural changes, asserting that *fiqh* is not sacred and is inherently subject to evolution. This perspective is particularly relevant as society and the challenges faced by the *ummaḥ*

continue to evolve, requiring a flexible and responsive legal approach. According to Gus Baha, *fiqh* serves as a tool that necessitates constant evaluation and adaptation to maintain its relevance and utility for the Muslim community. Through such a dynamic approach, *fiqh* can continue to serve as an effective guide for Muslims in addressing contemporary issues while remaining faithful to the foundational principles of Islamic law. This perspective also highlights the importance of developing institutional mechanisms for implementing his methodology within Islamic universities, pesantren curricula, and fatwa councils, thereby translating theoretical insights into practical applications.

Gus Baha's Thoughts on the Role of *al-Qawā'id al-Fiqhiyya* in the Dynamization of *Fiqh*

Gus Baha views *al-qawā'id al-fiqhiyya* as an essential epistemological and methodological foundation for the development of *fiqh*. According to him, these principles function not only as legal guidelines but also as dynamic interpretative tools that enable *fuqaha* (jurists) to determine Islamic laws in accordance with specific temporal and socio-cultural contexts. He emphasizes that a profound understanding of *al-qawā'id al-fiqhiyya* allows scholars to implement Islamic law with flexibility while preserving the essence of sharia. Gus Baha argues that these principles play a crucial role in maintaining the continuity and relevance of Islamic law. By utilizing these principles, scholars can interpret sharī'a texts in a manner that aligns with contemporary contexts, ensuring that the resulting law remains practical and widely accepted by the community (Ndien, 2021).

On several occasions, Gus Baha advised *santri* to study the book *Shajarat al-Ma'ārif* for a clear, accessible, and practical understanding of the Qur'an. This renowned book was authored by Shaykh 'Izz al-Dīn ibn 'Abd al-Salām, a distinguished scholar of the 7th century. Gus Baha commended this book for its excellent systematization and the author's ability to derive rules from various cases reflected in the Qur'an. Gus Baha remarked:

In this book, Shaykh 'Izz al-Dīn ibn 'Abd al-Salām discusses Qur'anic verses revealed in relation to specific events. In Qur'anic studies, this is known as *khuṣūṣ al-sabab* (particular causes of revelation), while in *uṣūl al-fiqh* it is referred to as *wāqī'at al-hāl*, *wāqī'at 'ayn*, or *ḥādithat 'ayn*. Shaykh 'Izz al-Dīn systematically organized these specific cases into thematic chapters (*tabwīb*) and formulated broader legal principles from them, thereby generating general rules with wider applicability.

(Ndien, 2021)

Gus Baha elaborated on several principles formulated by Shaykh 'Izz al-Dīn ibn 'Abd al-Salām, including the rule "*lā yutrak al-ḥaqq li-ajl al-bāṭil*" (truth should not be abandoned because of the existence of falsehood). Shaykh 'Izz al-Dīn derived this principle from Qur'an, Sūrat al-Baqarah (2:158):

Translation: Behold! Safa and Marwa are among the Symbols of Allah. So if those who visit the House in the Season or at other times, should compass them round, it is no sin in them. And if any one obeyeth his own impulse to good,- be sure that Allah is He Who recogniseth and knoweth.

(Surah Al-Baqarah, 2:158)

This verse was revealed concerning some of the Prophet's companions who hesitated to perform *Sa'i* between the hills of *Ṣafā* and *Marwa* due to the presence of idols of *Isāf* and *Nā'ilah*. The revelation clarified their doubts, instructing them to continue performing *Sa'i* despite the presence of those idols. Drawing upon this specific historical context, Ibn 'Abd al-Salām transformed the particular circumstance (*wāqī'at 'ayn* or *ḥādithat 'ayn*) into a universal legal principle: truth should not be abandoned merely because it exists alongside falsehood (Lirboyo, 2019).

Gus Baha illustrates the application of the maxim *lā yutrak al-ḥaqq li-ajl al-bāṭil* through the following example:

Someone once asked me about a young man who died as a result of alcohol consumption. Several *kiai*, including former students of my father, were reluctant to attend his funeral. When I encouraged them to come, they replied, "Gus, he died because of drinking." I explained that our attendance was not solely for the deceased but also to uphold Islamic

law, which requires that every deceased Muslim be properly washed, shrouded, prayed over, and buried. If those with religious knowledge refuse to fulfill these obligations and the rites are performed improperly, we share responsibility for that neglect. Therefore, these obligations must be carried out to preserve the integrity of Islamic funeral rites.

(Lirboyo, 2019)

Gus Baha explained several fiqh issues that can be resolved through the application of *al-qawā'id al-fiqhiyya*. One example is the practice of buying and selling in stalls or markets, where transactions often occur without a formal *ijab kabul*. According to the strict classical requirement, such a transaction might be deemed invalid. However, Gus Baha argues that this practice remains valid based on the fiqh rule "*al-'ādah muḥakkama*" (custom has legal authority). This rule regards the delivery of goods and the buyer's payment as a practical form of *ijab kabul*, thereby ensuring that fiqh reflects lived socio-economic realities (Santri Gayeng, 2021).

Gus Baha also addressed the issue of taking things without permission. Islamic jurisprudence prohibits taking a friend's belongings without consent, classifying it as either theft 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 *mā 'ulim ridā'uh fahuw halāl*, meaning that an action is permissible when the owner's consent can reasonably be inferred, even in the absence of explicit verbal authorization (Santri Gayeng, 2021).

Gus Baha also discusses a situation where an online motorcycle taxi driver receives an order to transport a seriously ill patient without having performed the *Asr* prayer. In this challenging situation, Gus Baha suggested that the driver should proceed with the transport, referencing the rule of *ḥaqq Allah mabnī 'ala al-musāmaḥa* (the rights of God are founded upon leniency and forgiveness). The *Asr* prayer can be made up later (*qadā*) (Santri Gayeng, 2021).

Gus Baha provides guidance on handling donations from individuals suspected of deriving their wealth from non-halal sources. According to him, such donations may be accepted, drawing upon the maxim *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ* (preventing harm takes precedence over securing benefit). He argues that rejecting the donation could result in the wealth being used for harmful or sinful purposes, thereby indirectly facilitating further wrongdoing (*ināt 'alā al-ma'siyāt*) (Ploso, 2024).

Gus Baha's perspective on *al-qawā'id al-fiqhiyya* demonstrates the importance of these principles in the development of Islamic law. He emphasizes that they serve as methodological instruments that enable scholars to interpret and apply legal rulings flexibly without compromising the fundamental objectives of the shari'a. A comprehensive understanding of these principles allows Islamic law to be implemented in a contextualized manner that responds to changing social circumstances. Accordingly, *al-qawā'id al-fiqhiyya* function as a key mechanism for preserving both the continuity and contemporary relevance of fiqh amid ongoing social and cultural transformation.

Gus Baha: The Role of Uṣūl al-Fiqh in Dynamizing Fiqh

Uṣūl al-fiqh plays an important role in the renewal and contextualization of Islamic jurisprudence. The discipline provides a methodological framework that enables the interpretation and application of Islamic law in a manner that remains faithful to traditional sources while adapting to contemporary contexts. The dynamic nature of *uṣūl al-fiqh* is evident in its ability to respond to new challenges and integrate diverse cultural practices while maintaining core Islamic principles. This adaptability is essential for ensuring the continued relevance and application of Islamic jurisprudence in a rapidly changing world.

In this regard, Gus Baha emphasizes the importance of learning *uṣūl al-fiqh* and applying it in legal deduction. He highlighted this point when discussing the compilation of *al-Risālah* by Imam al-Shafi'i. The book was an essential contribution by Imam al-Shafi'i in formulating a methodology for interpreting the Qur'an and the Hadith. Through this methodology, Islamic jurists are better equipped to understand the chronology and *fiqh* logic behind legal cases. Furthermore, the methodological framework of *uṣūl al-fiqh* enables scholars to address legal issues in a dynamic and context-sensitive manner (TV, 2020). Gus Baha noted:

Kitāb al-Risālah provides a clear framework for understanding fiqh issues and opens possibilities for legal solutions that promote the public good. For example, the appointment of women as police officers may appear problematic from a literal perspective. However, in particular situations—such as handling cases of sexual violence, conducting investigations involving female suspects, or assisting with examinations that require interaction with women—the need becomes evident. Through the methodological approach articulated in al-Risālah, fiqh is not confined to literal interpretation but is capable of responding to the demands of contemporary society.

(Ngaji, 2021)

According to Gus Baha, *Kitāb al-Risālah* continues to be studied in various *pesantren*, not only to introduce the heritage of *uṣūl al-fiqh* science but also to enable students to apply its methodology in addressing *fiqh* issues, both those discussed in classical texts and the contemporary *fiqh* problems that require solutions. Gus Baha underscored the importance of *santri*, *kiai*, or Islamic jurists mastering the *fiqh* issues covered in the books and analyzing them using *uṣūl al-fiqh* thinking. He also stated that a *fiqh* expert must have a comprehensive understanding of the laws of *fiqh*, as this knowledge facilitates a clearer interpretation of the Qur'an (TV, 2020).

Gus Baha provides an example of understanding the Prophet's hadith that recommends wiping orphans' heads on the 10th of Muharram. If this hadith is understood literally, without considering the principles of *uṣūl al-fiqh* and *Qur'anic balāghah*, the recommendation would be interpreted as a mere physical act of wiping the heads of orphans on that day. However, by applying the approaches of *balāghah* and *uṣūl al-fiqh*, the phrase “wiping the heads of orphans” is understood metaphorically as expressing compassion, care, and responsibility toward orphans, including support for their financial, educational, and psychological well-being (TV, 2020).

Translation: The Hypocrites - they think they are over-reaching Allah, but He will over-reach them: When they stand up to prayer, they stand without earnestness, to be seen of men, but little do they hold Allah in remembrance.

(Surah An-Nisa, 4:142)

A purely literal translation might suggest that “the hypocrites deceive Allah, and Allah deceives them”. However, Gus Baha explains that the verse must be interpreted through the framework of Arabic rhetoric, in which the expression signifies that the hypocrites attempt to deceive Allah, but Allah causes their schemes to return upon themselves. A literal understanding would incorrectly imply that deceit is an attribute of Allah, a conclusion that contradicts the theological principle of divine perfection (TV, 2020).

Discussion

Synthesis Between Al-Qawā'id al-Fiqhiyya and Al-Qawā'id Al-Uṣūliyya (Uṣūl al-Fiqh) to Answer Various Contemporary Fiqh Problems (Al-Masā'il Al-Fiqhiyya Al-Mu'āṣira)

Gus Baha uses *al-qawā'id al-fiqhiyya* and *al-qawā'id al-uṣūliyya (uṣūl al-fiqh)* to modernize fiqh, presenting a valuable paradigm for contemporary scholars grappling with modern challenges. In contrast to Yusuf al-Qaradawi, who employs *maqāṣid al-sharī'a* to shape current fatwas, or Abdullah Bin Bayyah, who focuses on institutional fiqh processes, Gus Baha's methodology is grounded in *pesantren* pedagogy and public religious outreach (*da'wah*). A comparison of these approaches illuminates the distinctiveness of his work and its potential limitations. His main strengths are lie in rendering *fiqh* accessible contextually sensitive, which helps it stay relevant to today's social and cultural changes.

By integrating *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh*, Gus Baha creates a flexible, context-aware approach to addressing the challenges Muslims face today. This combination provides a solid framework for aligning fiqh with evolving social and cultural landscapes. Nevertheless, it is important to contextualize his role as a fiqh thinker. While he is more widely recognized for his contributions to tafsīr, his involvement in fiqh shows the intimate connections between Qur'anic interpretation and legal reasoning. This methodology helps maintain the relevance and responsiveness of Islamic Law to present

day exigencies (Hayati, 2024; Yazid, 2024). *Uṣūl al-fiqh* provides the theoretical framework for understanding Islamic law, including textual interpretation and historical considerations, while *al-qawā'id al-fiqhiyya* offers practical rules for applying legal principles to real-world scenarios. Employing both enables more flexible and socially cognizant legal thought (Sholeh, 2023; Wanto et al., 2021), fostering a more humane and transformative perspective on Islamic law, particularly in social and economic domains (Parlina, 2023).

The integration of these two disciplines seeks to bridge the gap between tradition and modernity. Such an approach aligns with the increasing complexity of contemporary fiqh issues, necessitating continuous adaptation of Islamic law to rapid social transformation (Hayati, 2024). Through this integration, Gus Baha not only offers solutions to legal challenges faced by Muslims but also promotes critical and innovative approaches to fiqh development (Yazid, 2024). A comparative perspective further accentuates the distinctive nature of his contribution. Unlike Yusuf al-Qaradawi, who systematically developed *maqāṣid al-sharī'ah* as a central framework for contemporary *ijtihād*, Gus Baha does not formulate a comprehensive theoretical model. Rather, his approach is hermeneutical, pedagogical, and practice-oriented, rooted in pesantren traditions and Qur'anic exegesis, while remaining focused on resolving everyday legal concerns. Whereas al-Qaradawi's methodology aims to establish a broadly applicable framework for contemporary Islamic law (Johnston, 2014; Mohamed, 2025; al-Bashīr, 2025), Gus Baha emphasizes the contextual application of classical legal principles through flexible engagement with *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh*.

Abdullah Bin Bayyah works to renew fiqh at the institutional level, especially through groups such as the Council of Muslim Elders and international fatwa organizations. He highlights the importance of collective *ijtihād* to give decisions wider scholarly support. Gus Baha, on the other hand, focuses more on teaching and culture than on institutions. By giving public lectures and using digital platforms like YouTube, he makes complex legal ideas more accessible to the public. Bin Bayyah uses a top-down institutional model, while Gus Baha takes a bottom-up approach that connects well with local Indonesian Muslim communities (Beka, 2021; Fadhil, 2024; Helmy, 2022).

This comparison demonstrates that Gus Baha's originality does not stem from constructing an entirely new theory of fiqh, but from operationalizing classical instruments such as *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh* through a contextual, accessible, and dialogical pedagogical approach. This method bridges the gap between traditional pesantren scholarship and contemporary Muslim life, offering a complementary model to the more formalized frameworks developed by al-Qaradawi and Bin Bayyah.

Al-qawā'id al-fiqhiyya and *uṣūl al-fiqh* are fundamental in shaping a fiqh that responds effectively to contemporary challenges. Progressive methodologies in *uṣūl al-fiqh* prioritize contextual *ijtihād*, rooted in *al-maqāṣid al-sharī'a* and the principles of justice, equality, and human dignity. This approach asserts that fiqh should address modern challenges and offer solutions relevant to present-day society (Harisudin, 2017). As a result, it fosters a more humane and transformative interpretation of Islamic law in diverse domains, such as social and economic affairs (Samsuri, 2023). However, some traditionalist scholars argue that an overemphasis on *maqāṣid*-based reasoning could undermine commitment to textual sources. This ongoing debate underscores Gus Baha's attempt to balance textual fidelity with contextual relevance.

When scholars focus on *maqāṣid al-sharī'a* and textual interpretation, *uṣūl al-fiqh* can better address complex social issues. For instance, in addressing women's issues, scholars need to develop practical legal solutions that reflect the diverse methodological approaches in Islamic legal thought (Mayyadah, 2021). Combining *uṣūl al-fiqh* and *al-qawā'id al-fiqhiyya* helps scholars make legal judgments that stay relevant today by using both deductive and inductive reasoning (Kasim, 2021). This method is especially useful in areas like family law, social relations, and economic justice within Islamic jurisprudence (Samsuri, 2023).

For example, during the COVID-19 pandemic, governments adopted public health measures such as Indonesia's Large-Scale Social Restrictions (PSBB) (Nurdin, 2021; Wildan, 2021) and vaccination mandates (Ismail et al., 2022). These measures can be examined through the lens of *fiqh siyāsah*, which prioritizes *maṣlaḥah* (public welfare) and the collective interests of society (Huri et al., 2022; Kurniawan & Yuliharson, 2022). This example demonstrates that *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh* function not

only as tools for interpreting legal texts but also as methodological frameworks for addressing contemporary challenges in an adaptive and responsive manner (Asman & Muchsin, 2021; Ismail et al., 2022). Accordingly, a fiqh developed through maqāṣid-oriented reasoning can generate legal rulings that remain faithful to Islamic principles while simultaneously responding to the needs of contemporary society (Arsyad, 2020).

Conclusion

KH. Bahaudin Nursalim (Gus Baha) utilizes *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh* to revitalize fiqh, enhancing its contextual relevance to contemporary societal needs. This contextual methodology reinforces the significance of fiqh within shifting social dynamics. By integrating these jurisprudential principles, Gus Baha connects the foundational aspects of sharia with modern challenges, enabling Islamic law to respond flexibly to societal issues while maintaining essential religious values. The findings indicate that his primary contribution is not the development of a new theoretical framework, but rather the practical application of classical jurisprudential tools through a contextual and accessible interpretive method. In contrast to scholars such as Yusuf al-Qardawi and Abdullah Bin Bayyah, who emphasize formal and institutional approaches, Gus Baha's methodology is grounded in pesantren pedagogy and informal da'wah. This approach proves particularly effective in grassroots contexts, providing practical guidance for Muslim communities in their everyday lives.

Gus Baha's dynamic approach, characterized by the integration of *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh*, has significantly influenced the development of contemporary fiqh. This integration facilitates responsive ijtihad that prioritizes *maqāṣid al-sharī'a* (the goals of sharia), including justice and social welfare. Consequently, fiqh is positioned not only to preserve tradition but also to serve as a contextual, problem-solving, and applicable legal guide for modern society. At the same time, his approach reflects a balance between textual fidelity and contextual interpretation, avoiding both rigid literalism and excessive reliance on utilitarian considerations. For broader institutional applicability, future research should formalize this method into a structured framework suitable for Islamic schools, fatwa councils, and community organizations. Gus Baha's critical and contextual approach remains highly relevant to globalization, offering a model for other scholars to address rapid social change.

Furthermore, Gus Baha's utilization of digital media in his da'wah activities, particularly through YouTube lectures and online dissemination, demonstrates the contemporary relevance of his ideas and reinforces the connection between religious teachings and modern society. This digital engagement has broadened access to complex fiqh discussions beyond traditional pesantren circles, facilitating wider public participation in Islamic legal discourse, particularly among younger generations. Consequently, his approach is both practical and accessible, yielding significant social impact.

Scholars and researchers pursuing advanced studies in fiqh are encouraged to focus on the interaction between *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh*, particularly in relation to contemporary legal challenges. Critical examinations of influential figures, such as Gus Baha, can facilitate the development of fiqh methodologies that address social change and the evolving needs of future generations. Comparative analyses involving Yusuf Qardawi, Abdullah Bin Bayyah, and other contemporary reformist scholars would further elucidate the distinctive features, strengths, and limitations of Gus Baha's methodology within the broader context of global Islamic legal renewal. Furthermore, interdisciplinary collaboration among experts in Islamic studies, law, sociology, and communication studies should be promoted to enhance legal interpretation and reinforce the practical relevance of fiqh in both local and global contexts.

This article has several limitations. First, it theoretically examines Gus Baha's ideas for revitalizing fiqh by combining *al-qawā'id al-fiqhiyya* and *uṣūl al-fiqh*, mostly in theory without offering detailed practical examples of how these ideas work in practice. Second, the paper does not fully discuss how his approach could be applied across different Muslim communities, which limits the generalizability of its findings. Third, it does not carefully review criticisms of contextual approaches to fiqh, such as concerns about subjective interpretation, maintaining methodological consistency, or pushback from scholars who focus more on texts. Finally, the study mainly uses secondary sources, especially public lectures and online materials, and does not include interviews, fieldwork, or direct observation. Future research should employ a mix of methods approach and compare different cases to better test these ideas, verify the results,

and understand how Gus Baha's thinking influence modern Islamic law. These points highlights the need for further research to fully grasp his influence and the practical application of his ideas today.

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