

THE METHODS OF TEACHING AND LEARNING *FIQH* IN ISLAMIC BOARDING SCHOOL, ISLAMIC SCHOOL AND PUBLIC SCHOOL

M. Athoillah

Islamic Higher Education (STAI) Sebelas April Sumedang, Indonesia
Jl. Pangeran Geusan Ulun No.116, Sumedang Sel., Sumedang, West Java 45311
Email: atho63hm@gmail.com

ABSTRACT

Fiqh is a compulsory subject even becomes the core in education *pesantren*, *madrasah* and school, because *fiqh* will affect the real life of individual or society in worship (*mahdhah*) as well as in being *muamalah*. Teaching learning methods of *fiqh* in schools consists of: *bandongan* (*wetonan*) or lecture; *sorogan*/private; *mudzakarah*/*musyawarah*/*munadzarah* (discussion), *tahfidz* (memorizing), *tathbiq* (demonstration/socio drama) and so on. Teaching learning methods in *madrasah* or school basically are the same as in *pesantren* with different terms. Teaching learning methods in *pesantren* are certainly the forerunner of learning methods in *madrasah* and school, because historically *pesantren* is the oldest Islamic institution in Indonesia which presence along with the arrival of Islam into the archipelago which is in Perlak, the west coast of Sumatra in the 1st century of Hijriah. The differences of teaching learning system of *fiqh* on three educational institutions that are characteristics of each institution. In *pesantren*, *fiqh* is taught by non-classical systems. Teaching learning is based on the holly book of *fiqh* (*ketub turats*) are not regulated in the programmed syllabus, but adhering to the chapters contained in the holly book is examined. In *madrasah*, *fiqh* is a separate subject from a clump of Islamic Religious Education (PAI), while at school, *fiqh* as an integral part of the subject of PAI. In *madrasah* and schools, teaching learning of *fiqh* based on the curriculum was assigned by the government as the enactment of the stages of the implementation of the curriculum in 2013 to PAI at *madrasah* by the Ministry of Religious from July of the academic year 2014/2015 and in schools established by Ministry of Education and Culture and academic year starting in July 2013/2014.

Keywords: *Fiqh*, *Pesantren* and *Madrasah*

ABSTRAK

Fikih merupakan mata pelajaran wajib bahkan inti pendidikan di Pesantren, Madrasah dan Sekolah, karena fikih akan mempengaruhi kehidupan nyata individu maupun kelompok masyarakat baik dalam beribadah (mahdhah) maupun bermuamalah. Metode pembelajaran fikih di pesantren meliputi: metode bandongan (wetonan) atau ceramah; sorogan/privat;

mudzakarah/musyawarah/munadzarah (diskusi), tahfidz (hapalan), tathbiq (demonstrasi/sosio drama) dsb. Metode pembelajaran di Madrasah atau Sekolah pada dasarnya sama dengan di Pesantren dengan istilah yang berbeda. Metode pembelajaran di Pesantren dipastikan menjadi cikal bakal metode pembelajaran di madrasah dan sekolah, karena secara historis pesantren merupakan lembaga pendidikan Islam tertua di Indonesia yang keahadirannya seiring dengan datangnya Islam ke kepulauan Nusantara yakni di Perlak, Pantai Barat Sumatera pada abad ke-1 H. Perbedaan sistem pembelajaran fikih pada tiga lembaga pendidikan tersebut merupakan ciri khas masing-masing lembaga. Di Pesantren, fikih diajarkan dengan sistem non-klasikal. Pembelajaran didasarkan atas kitab Fikih klasik (kutub turats) yang tidak diatur dalam silabus yang terprogram, melainkan berpegang pada bab-bab yang tercantum dalam kitab yang dikaji. Di Madrasah, fikih merupakan mata pelajaran tersendiri dari rumpun Pendidikan Agama Islam (PAI) sedangkan di Sekolah, fikih sebagai bagian integral dari materi mata pelajaran PAI. Di Madrasah dan di Sekolah, pembelajaran fikih didasarkan pada kurikulum yang telah ditetapkan pemerintah sebagaimana ditetapkannya tahapan implementasi kurikulum 2013 untuk PAI pada Madrasah oleh Kementerian Agama mulai Juli tahun pelajaran 2014/2015 dan di Sekolah ditetapkan oleh Kementerian Pendidikan dan Kebudayaan mulai Juli tahun pelajaran 2013/2014.

Keywords: Fikih, Pesantren dan Madrasah

INTRODUCTION

Fiqh (Islamic jurisprudence) is part of Islamic law which contains *Abkam Syari'iyah 'Amaliyah*, the provisions and laws to guide practical issues (*amaliyah*) on how to worship God (Allah SWT), to do daily human relationship in order to fulfil life necessity, to do relationship in the family and to govern public life to ensure peace in the society relationship (Yafi, 1994, p. 114). Because *fiqh* dominates human daily practical guidelines, therefore this knowledge discipline is often called Islamic law. In non formal and formal educational institutions such as Islamic boarding school (*pesantren*), Islamic school (*madrasah*) and public school, *fiqh* must be studied and even becomes the focus of teaching and learning in those educational institutions.

Pesantren is the oldest Islamic educational institution in Indonesia. The foundation of *pesantren* was at the same time with the coming of Islam in the Archipelago, in the West Coast of Sumatera, which according to Buya Hamka, was in the 7th century AD (first century of Hijra) brought by Arab traders from Gujarat, India (Suryanegara, 2009, p. 99).

The teaching and learning system in the *pesantren* initially used non classical system, but later it adopted classical educational system like in public school and religious school (*madrasah*) (Arifin, 1993, p. 3). The teaching and learning methods in *pesantren* becomes the pioneer of the teaching and

learning methods in *madrasah* and public school. Therefore, this article tries to explain the teaching and learning process and methods of the *fiqh* subject in the education system of *pesantren*, *madrasah* and public school.

Teaching and Learning *Fiqh* in *Pondok Pesantren*

Definition of *Pesantren* and *Pondok Pesantren*

Pesantren is one of the Islamic educational institutions which has existed and been developed for a long time in Indonesia along with the coming of Islam into the Archipelago. According to Dhofier, "*pesantren*" is derived from the word *santri* (Islamic boarding school student) with the additional of preposition *pe-* and the suffix of *-an* which means the place where *santri* lives. Dhofier also explains that according to Prof. Jhons, the term *santri* is originally from Tamil, which means religious teacher, while according to C.C. Berg, the term is from the word "*shastri*" which in Indian language means the people who knows Hindu religious books; the word "*shastri*" is originally from the word "*shastra*" which means the holy books, religious books or books which contains knowledge (Dhofier, 1982 p. 18). Recently, this word is narrowly used for the person who studies Islamic classical books in the *pesantren*.

Pondok (in Arabic is "*Funduk*" which means sleeping room or simple motel) is a traditional Islamic education hostel occupied by *santri* who live under the guidance of *kyai* (Islamic religious teacher). Initially, *pesantren* does not have a hostel. The students who study under the guidance of *kiayi* (*pesantren* leader) lived in the villages or the houses of the villagers surrounding the *pesantren* and they only go to the *pesantren* when they want to study (Arifin, 1993, p. 3). Due to the moment, the *pesantren* has been equipped by the hostel, then it is called "*pondok pesantren*" (Dhofier, 182, p. 18).

In a later development, the term *pesantren* or *pondok pesantren* is written in Indonesian law with the meaning of society based Islamic religious educational institution which conducts religious education or being integrated with other types of education (Peraturan Pemerintah No. 55, 2007). Therefore, *pesantren* or *pondok pesantren* is an integral part of the national education system as non-formal educational institution under the supervision of the Ministry of Religious Affairs.

1. The Component and Type of *Pondok Pesantren*

Pondok pesantren as Islamic educational institution has various forms and activities. Generally, the similarities of *pesantren* can be seen from two aspects: physical and non-physical aspects.

Physically, there are four components that are always acquired by each *pesantren*, as follows:

- a. *Kyai* as the leader, educator, teacher and model,
- b. *Santri* as student,
- c. Mosque as the place to conduct education, teaching and worship,
- d. *Pondok* as a hostel for students to live.

The non-physical component is the religious teaching delivered by using various methods which generally has similarities, that is the standardisation of the good and bad value system, which becomes the basis of the life and the development of *pondok pesantren* (Dhofier, 1982 p. 44).

Based on LP3ES research in Bogor West Java, physically there are five types of *pondok pesantren*: The first type consists of the mosque and the house of *kyai*. This is the simple type *pesantren* in which *kyai* uses mosque and his own house as the place to study. His students come from the area surrounding the *pesantren* itself. The second type consists of the mosque, the house of *kyai*, and the hostel (*pondok*) to stay for students who come from along way of the *pesantren*. The third type of *pesantren* consists of the mosque, the house of *kyai* and *pondok* by adopting the system of *wetonan (bandongan)*, and *sorogan*. This third type of *pondok pesantren* has undertaken formal education such as *madrasah*.

The fourth type of *pondok pesantren*, other than having the third type of *pondok pesantren*, it has skill education such as craft, workshop, communal shop, paddy field, garden, etcetra. The fifth type is modern *pondok pesantren* or development *pondok pesantren* in which other than having the above physical types, it has also some buildings such as library, common kitchen, dining area, administration office, shops, guest house, operation rooms and others (M. Sarijo, 1980, p. 15). According to Imran Arifin (1993, p. 7), the above five types of *pondok pesantren* are similar with the types of *pondok pesantren* in Indonesia.

2. The Teaching of Classical Books in *Pondok Pesantren*.

One of the specific characteristics of the *pesantren* is that there is the teaching of the yellow books (classical Islamic books printed usually in a yellow paper). Dhofier argues that without the teaching of classical Islamic books, *pondok pesantren* is not considered original. Therefore, the teaching of classical Islamic books (the yellow books/*kitab kuning*) is the specific characteristic of education and teaching in the Salafiyah (non-modern) *pesantren*. The main objective of teaching this classical books is to educate the prospective *ulama* (scholars) in order to be loyal to the traditional Islamic thought.

The yellow books taught in *pesantren* can be categorised into eight groups: (1) *Nahwu* (grammar) and *sharaf* (morphology), (2) *Fiqh* (Islamic Jurisprudence), (3) *Ushul Fiqh* (the Principles of Islamic Jurisprudence), (4) Hadits (Muhammadan tradition), (5) *Tafsir* (Qur'anic exegesis), (6) *Tauhid* (theology), (7) Tasawuf (sufism) and Islamic ethic (8) other branches of knowledge such as History and Eloquence (*Balaghah*). These books are taught by using *sorogan* or *bandongan* methods in Java and Madura and by using Javanese language (Dhofier, 1982 p. 15). The *kyai* usually not only reads and translates the books but also interprets and comments both the content and the language of the texts. In addition, the *kyai* also evaluates the teaching and learning process directly by asking his students to read and explain the meaning of the texts and then the *kyai* corrects the mistakes that his students make during this process.

3. Curriculum and *Fiqh* Reference in *Pesantren*

Fiqh is the most important compulsory subject taught in *pesantren* because it becomes the technical guideline in worshipping Allah and in relationship with other human beings. Moreover, *fiqh* has concrete implication on individual and collective daily life such as how a person prays, does the pilgrimage, trades and slaughters the animals well. Because of this, according to Martin van Bruinessen (1995, p. 112), even though various knowledge disciplines such as Arabic language, theology and ethics are taught in the *pesantren*, the core subject of *pesantren* education is *fiqh*.

Curriculum in the *pesantren* is not standardised or not being regulated by structured syllabus, but based on the chapters of the books being studied. To know general picture of the curriculum, it can be seen from *fiqh* books being studied in the *pesantren*. Based on van Bruinessen's research (1978/1998) on the curriculum of 46 *pesantren* (18 *pesantren* in East Java/EJ, 12 *pesantren* in Central Java/CJ, 9 *pesantren* in Wet Java/WJ, 3 *pesantren* in South Kalimantan/SK and 4 *pesantren* in several areas of Sumatra/S), the data shows the following results (Bruinessen, 1995, p. 115):

List of Books of Fiqhand Ushul Fiqh

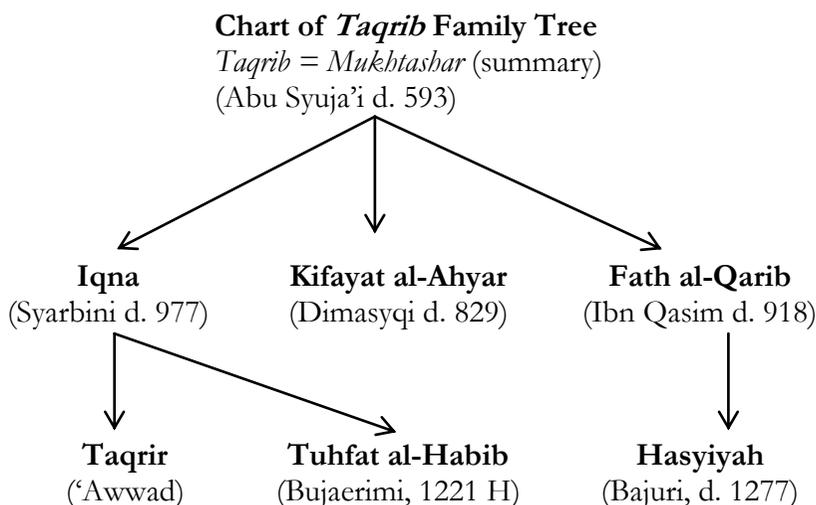
Areas Number of Pesantren	S 4	SK 3	WJ 9	CJ 12	EJ 18	Tot 46	Level of difficulty
List of Fiqh Books							
<i>Fath al-Mu'in</i>	2	1	7	6	16	32	<i>Aliyah/High</i>
<i>Yanat al-Thalibin</i>	2	0	6	5	7	20	
<i>Taqrib</i>	2	0	6	5	7	20	<i>Tsanawiyah/Middle</i>
<i>Fath al-Qorib</i>	2	1	4	7	9	23	<i>High</i>
<i>Kifayatul al-Akhyar</i>	1	0	6	4	7	18	<i>High</i>
<i>Bajuri</i>	1	0	1	0	1	3	
<i>Iqna'</i>	0	1	1	0	5	7	

Areas	S 4	SK 3	WJ 9	CJ 12	EJ 18	Tot 46	Level of difficulty
Number of Pesantren							
<i>Minhaj al-Thalibin</i>	2	0	2	0	1	5	High
<i>Minhaj al-Thalab</i>	0	0	0	0	1	1	
<i>Fath al-Wabbab</i>	0	1	5	4	10	20	High
<i>Mahali</i>	4	1	1	2	1	9	High
<i>Minhaj al-Qonwim</i>	0	0	2	2	3	7	
<i>Safinah</i>	1	0	6	7	7	21	Middle
<i>Kasyifah al-Saja</i>	0	0	1	0	3	4	
<i>Sullam al-Taufik</i>	0	1	5	2	13	21	Middle
<i>Tabrir</i>	0	1	2	1	5	9	High
<i>Riyadh al-Badi'ah</i>	0	0	2	1	3	6	
<i>Sullam al-Munajat</i>	0	0	2	1	2	5	
<i>'Uqud al-Lujain</i>	0	0	1	1	2	4	Middle
<i>Sittin/Syarah Sittin</i>	0	1	2	0	0	3	
<i>Muhadzdzab</i>	0	0	0	1	2	3	
<i>Bughyah al-Mustarsyidin</i>	0	0	1	0	2	3	
<i>Mabadi Fikihiyah</i>	0	0	1	2	5	8	Middle
<i>Fikih Wadhib</i>	0	0	0	1	3	4	Middle
List of Ushul Fiqh Books							
<i>Al-Warqat/Syarabnya</i>	2	1	6	1	2	12	High/Distinctive
<i>Luthaifal al-Isyarah</i>	1	0	3	0	6	10	
<i>Jam'ul Jawami'</i>	1	0	6	1	2	10	Highly Distinctive/Khawasb
<i>Luma'</i>	1	0	2	1	3	7	High/Distinctive
<i>Al-Ayyab Wa al-Nadair</i>	0	0	1	1	4	5	Highly Distinctive/Khawasb
<i>Bayan</i>	0	0	1	0	2	3	Middle/High
<i>Bidayah al-Mujtabid</i>	0	0	2	0	0	2	Highly Distinctive/Khawasb

The above data show the list of Islamic classical books from the most popular (often being used) in the *pesantren* to the least popular books, not based on the level/sequence of the books being studied by the students. The level of the books also indicates the level of the book's difficulties to be studied, not the level of students' grade. The level in the *pesantren* is based more on the students' ability in understanding the yellow books. Therefore, to be in certain level, the students are tested on their ability to read the yellow books, especially for new students. Age criteria is not considered, so that even a young student can study in the high or highly distinctive level if he or she can understand certain yellow books in that level.

Among the most popular Syafi'i *fiqh* books being studied in Salafiyah *pesantren* is *Taqrib* (which is also known *asal-Mukhtashar oral-ghoyah wa al-Taqrib*) written by Abu Syuja'i al-Ishfahan. Initiated by the content of *Taqrib*, there are various *syaroh* (comments/explanations) and *hasyiyah* (notes) written

by scholars from various schools of law such as the following books: *Iqna*, *Kifayat al-Ahyar*, *Fath al-Qarib*, *Taqrir*, *Tuhfab al-Habib* and *Hasyiyah*. The derivative of the book *Taqrib* is depicted by van Bruinessen (1995: p. 119) in the following family tree of in the below chart:



The above fiqh books, or at least one of its derivative, are still popularly being taught in *pesantren*. Other than Syafi'i books, as a comparison, the distinctive students in the *pesantren* are also taught Averrous' book, *Bidayat al-mujtahid*, and Sayid Sabiq's book, *Fiqh Sunnah*.

Tuhfatal-Habib (Bujaerimi, 1221 H)

4. The Methods of Teaching and Learning Fiqh Books

Fiqh has been taught for a long time in various types of *pesantren*. Children at the basic level have been taught memorising *fiqh* books such as *Durus al Fikihiyah* (for instance: with Sundanese fiqh song of ... *Sakur cai* ...), *Parukunan Shalat*. In the next level, students are being taught *Safinah*, *Sullamu Najat*, *Riyad al-Badi'ah* etc. by using the teaching and learning method in the *pesantren*.

The method being used in this teaching and learning is the method usually adopted to teach other Islamic classical books such as: *Bandongan*, *Sorogan*, *Mudzakarah* and "Tathbiq". These methods will be explained as follows:

- a. **Bandongan method.** The process of teaching and learning by using this method is monologue (one way), the teacher reads the book, translates it literally pages by pages (*harfiyah shafahiyah*), sometimes the teacher gives explanation and comments, while the students just listen attentively while

writing the literal meaning (*“ngafsaban”*) and gives the symbol to the position of word in the sentence structure (*i’rab*). In this method, there is no dialogue between the teacher and the students (Arifin, 1993).

- b. **Sorogan method.** In general, *sorogan* method is individual teaching and learning. One student sits in front of *kiayi* by bringing certain book. The teacher reads several lines and explains the content of the lines, then the student repeats what the teacher has explained. After this, other students would do the same, one by one. In this method, the teacher may ask the students to memorise/understand certain topic. When the students are ready, they will be asked to explain what they understand (*sorog*) to their teacher. In this occasion, the teacher corrects, evaluates and gives explanation if it is needed.
- c. **Mudzakarah method.** This method is academic meeting which specifically discuss law issues. This method can be in several forms: (1) *Fiqh book discussion*: students usually agree to choose one of the *fiqh* books appropriate with their level to be discussed such as book of *Taqrib*. Technically, one of the students reads and explains certain topic and then other students respond to the explanation by explaining the structure of the sentence and law topic being discussed. (2) *Deepening of the material*: students discuss the materials which have been taught by the teacher in order to understand more about the materials. (3) *Babs al-Masailor* discussing contemporary issues: this aims to train students to solve the problem by using the available books. (4) *Special guided discussion*: students’ discussion about actual cases guided by teacher or senior students. If the cases cannot be resolved, the teacher will help explain the cases. This method can also be done as the continuation of discussion in which the result of students’ discussion is submitted to the teacher and then the teacher evaluate the students by asking various questions about the cases being discussed. Then the students answer the questions by using various argumentations and references. The most capable student who knows the issue well will be assigned by the teacher to teach other students. The time of this discussion is decided by students or being scheduled by the teacher.
- d. **“Tathbiq” (Enforcement) Method.** It is the way to practice certain knowledge acquired by the students in order they are aware of it and practice Islamic law sincerely it. This can be manifested in the following activities forms: (1) *To practice reading Islamic classical books*, students (usually senior students) are asked to read the books in order to apply the knowledge about vocabulary and the grammar they studied and then the teacher corrects the students if they make any mistakes. (2) *Evaluation*, the teacher directly observe the application of the theory which has been

taught such as whether or not the students pray correctly. If there is any mistake, the teacher would correct it directly just as he/she correct his/her students' daily life activities. (3) *Enforcement of the pesantren order*. for example, the enforcement of the obligation to pray collectively, the obligation to have night prayer, the obligation to have eclipse prayer, the obligation to do social service and the prohibition of doing any immoral acts.(4) *Giving punishment in pesantren*, for example at Al-Jawami Pesantren, there is Student Court which decides punishment for students who disobey the rule. For example, the students who do not participate in the collective prayer must pay a glass of rice, the students who watch film or have a date are punished by being shaven bald or being bathed with dirty water etc. This is done to raise awareness of the rule among the students (Dhofier, 1982, p. 51 and Arifin, 1993, p.111-119).

Fiqh Education in Madrasah and Public School

1. Component of Education in Madrasah and Public School

In educational world, there are five components which are interrelated and integrated so that they determine the achievement of educational goals. These components are: (a) Aims of education, (b) Students, (c) Educators, (d) Educational facilities and (e) *Milieu* (environment) (Ahmadi, 1985, p. 41). These five components are elaborated as follows:

- a. The aims of education generally consist of: (1) *National aims*, the aims that will be achieved by all Indonesians, (2) *Institutional aims*, the aims that will be achieved by certain level and type of educational institution such as the aims that will be achieved by primary school, junior high school, senior high school, etc, (3) *Subject aims*, the aims that will be achieved by certain subject. In this context is *Fiqh* subject.
- b. Students are the society members who try to develop themselves through educational process in certain level and type of education.
- c. Educators are society members whose job is to guide, teach and/or train their students.
- d. Educational facilities are all the facilities used to achieve educational aims. In the *Fiqh* subject, the facilities include the place to pray, books for each student and teaching media to explain the teaching material in a more concrete way.
- e. *Milieu* (environment) can be in the form of objects, people, situation and event surrounding the students, either positive or negative, which can affect the students' development (Ahmadi, 1985, p. 50-51).

2. Teaching and Learning *Fiqh* in Every Level of *Madrasah*

Madrasah is a formal educational institution under the Ministry of Religious Affairs which undertake general and vocational education with Islamic religion as its distinctive characteristic. This includes *Raudlatul Atfal* (pre-primary school level), *Madrasah Ibtidaiyah* (primary school level), *Madrasah Tsanawiyah* (secondary school level), *Madrasah Aliyah* (high school level) dan *Madrasah Aliyah Kejuruan* (vocational high school level) (Menteri Agama, 2013).

a. Aims and Scopes of the Teaching and Learning *Fiqh* at *Madrasah Ibtidaiyah* (primary school)

The *Fiqh* subject at *Madrasah Ibtidaiyah* aims at preparing the students:

- 1) To know and understand ways to implement Islamic law in their vertical relationship with their God (*ibadah*) and their horizontal life with other people (*muamalah*) in order to make the *fiqh* becomes a life guidance in the private and social life.
- 2) To implement and practice Islamic law guidelines correctly as the actualization of obedience in implementing Islamic teaching in their relationship between human and God, between human and other human beings and other creatures as well as environment (Kementerian Agama, 2013, p. 47).

The scopes of the *fiqh* subject at *Madrasah Ibtidaiyah* include:

- 1) *Fiqh ibadah* covers the ways to implement Islamic pillars correctly such as how to purify ourselves, to pray, to fast, to give alms giving and to do pilgrimage.
- 2) *Fiqh muamalah* covers the understanding about *halal* (lawful) and *haram* (unlawful) food and drink, circumcision, sacrifice, how to buy and sell and have a loan (Kementerian Agama, 2013, p. 52).

b. Aims and Scopes of the Teaching and Learning *Fiqh* at *Madrasah Tsanawiyah* (secondary school level).

The teaching and learning *Fiqh* at *Madrasah Tsanawiyah* aims to enable students:

- 1) To know and understand core Islamic law in governing the provisions of how human beings relate with Allah which is discussed in *fiqh ibadah* and how human beings relate with other human beings which is discussed in *fiqh muamalah*;
- 2) To implement Islamic law correctly in worshipping Allah and in having social relationship. This experience is expected to foster obedience in implementing Islamic law, discipline, high social responsibility in personal and social life (Kementerian Agama, 2013,

p. 55).

The scopes of the *fiqh* subject at *Madrasah Tsanawiyah* include:

- 1) *Fiqh ibadah* covers the guidelines on how to purify ourselves, to do obligatory and recommended prayer and prayer in emergency situation, to kneel, to call for prayer (*adzan* and *iqomah*), to pray after the prayer (*dzikir*), to fast, to give alms giving and to do pilgrimage, to sacrifice, to do the *akikah* (to slaughter the goat after the birth of the baby), food, to care for the dead bodies and to visit the cemetery.
- 2) *Fiqh muamalah* covers the provisions of buying and selling, *qiradl* (giving the capital) or *mudharabah* (a person gives the capital to the person who would run the business and they divide the business profit based on their agreement), usury, borrowing, loan, pawning, collateral and wage.

c. Aims and Scopes of the Teaching and Learning *Fiqh* at *Madrasah Aliyah* (Islamic Senior High School level)/Special Islamic Senior High School

The teaching and learning *fiqh* at *Madrasah Aliyah* aims to enable students:

- 1) To know and understand the principles, rules and the procedures for the implementation of Islamic law, both in worshipping God (*ibadah*) and in the relationship with among human beings (*mu`amalah*) in private and social life.
- 2) To implement the provision of Islamic law correctly as an embodiment of obedience in implementing Islamic teaching in human relationship with Allah, with the persons themselves and with other human beings as well as their environment (Kementerian Agama, 2013, p. 61).

The scopes of the *fiqh* subject at *Madrasah Aliyah* include: the principles of worshipping God (*ibadah*) in Islam, Islamic law and the law about alms giving and pilgrimage, their wisdom, and ways to manage them, the wisdom of sacrifice (*kurban*) and *akikah*, Islamic provision of how to care for the dead bodies, Islamic law on property, economic concept in Islam and its wisdom, Islamic law on the release and the change of property and their wisdoms, Islamic law on *wakalah* (giving authority to someone else to do his/her business) and *sulbu* (the contract agreed by the two parties to resolve the conflict or to achieve peace) and their wisdom, Islamic law on *dhaman* (collateral) and *kafalah* (collateral) and their wisdom, the usury of bank and insurance, the Islamic provision on crime (*jinayat*), its punishment (*hudud*) and their wisdom, Islamic provision on establishing justice and its wisdom,

Islamic family law, inheritance, Islamic provision on Islamic politics, the sources of Islamic law and the *taklifi* law (God's order and prohibition for humans to do or to avoid certain action), the basis and provisions of *istimbath* (producing Islamic law), the methodological principles of producing Islamic jurisprudence and their implementation (Kementerian Agama, 2013, p. 61).

The duration of teaching and learning *Fiqh* subject in each level of *madrasah* stated in the 2013 Curriculum is as follows: 2 x 35 minutes in the primary level (*Madrasah Ibtidaiyah*, grades 1-6) and 2 x 40 minutes in the secondary level (*Madrasah Tsanawiyah/MTs* grades 7-9), and 2 x 45 minutes in Madrasah Aliyah/MA and Special Islamic High School/MAK grades 10-12).

d. *Fiqh* Education at Public School

1. Teaching and Learning *Fiqh* at Primary School and Secondary School

The aims of teaching and learning Islamic Religious Education at primary and secondary school are to give basic ability to students about Islamic religion in order to develop their religious life so that they can be believing and pious Muslim who have noble character as individuals, society members, citizens, human beings and to prepare them to continue their education into secondary level. In *Fiqh* subject, they are expected to know the basic provisions of Islam to be implemented in their daily life. Just like at MI and MTs (Islamic primary and secondary school), the scope of the *Fiqh* subject at public primary and secondary school includes *Ibadah* (worshipping God), *Mu'amalah* (human relationship with each other), and *Syari'ah* which is directed to create harmony and balance the relationship between human and God and between human and other human as well as between humans and their environment (Depdikbud, 1994, p. 45).

Fiqh subject at primary and secondary school is different from that of at *Madrasah*. At public primary and secondary school, *Fiqh* subject becomes an integral part of Islamic Religious Education subject. This subject consists of 7 aspects: theology, *ibadah*, *al-Qur'an*, morality, *mu'amalah*, *syari'ah* and history. This subject is mandatory subject at primary and secondary school under the name of Islamic Religious Education subject (PAI). This subject was initially being taught for 90 minutes (2x45 minutes) per week, then in the 2013 Curriculum, it is changed into the following duration:

- 1) Primary school (SD) grade 1-4 is 4 x 40 minutes per week
- 2) Junior school (SMP) grade 7-9 is 3 x 40 minutes per week
(Kementerian Pendidikan dan Kebudayaan, 2012, p. 13-16).

2. Teaching and Learning *Fiqh* at Senior High School (SLTA)

The aim of teaching Islamic Religious Education (PAI) at Public Senior High School (SLTA, not *madrasah*) is to improve students' belief, understanding, appreciation and implementation of Islam so that they become believing and pious Muslim who have good characters in their private and collective live as society members and as citizens as well as "to enable students to continue their studies into a higher level" (Departemen Agama RI, 1995, p. 1). The scopes of Islamic Religious Education subject are directed to create harmony and balance the relationship between human and God and between human and other human as well as between humans and their environment.

The scopes of Islamic Religious Education at public senior high school are the same with those of at public primary and secondary school, which include seven aspects: theology, *ibadah*, *al-Qur'an*, *morality*, *mu'amalah*, *syari'ah* and history. The different is in their emphasis: in primary school level, the emphasis is more on the four aspects: theology, *ibadah*, *al-Qur'an*, and *morality*, while in junior and senior high school another two aspects of *mu'amalah* and *syari'ah* are also taught. The aspect of history is taught in a balanced way in every level of schools (Kementerian Pendidikan dan Kebudayaan, 2012, p. 3). 43 % of these 7 aspects can be categorized as *Fiqh* in the aspects of *ibadah*, *mu'amalah* and some of the aspect of *syari'ah*. This means that the *Fiqh* subject dominates other subjects.

The duration of teaching and learning Islamic Religious Education at public senior high school (SLTA), grades 10-12, is 3 x 45 per week (Kementerian Pendidikan dan Kebudayaan, 2012, p. 13-16).

The implementation of 2013 Curriculum at school and its grades is as follows:

- 1) July 2013 (academic year 2013/2014): grades 1, 4, 7 and 10
- 2) July 2014 (academic year 2014/2015): grades 1, 2, 4, 5, 7, 8, 10 and 11
- 3) July 2015 (academic year 2015/2016): grades 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 (Kementerian Pendidikan dan Kebudayaan, 2012, p. 18).

The implementation of 2013 Curriculum on the subject of Islamic Religious Education at *Madrasah* began in the academic year of 2014/2015 based on the Ministry of Religious Affairs Decree No. 117/ 2014 on the Implementation of the 2013 Curriculum at *Madrasah* and the Ministry of Religious Affairs Rule No. 207/2014 on the enactment of the Islamic Religious Education and Arabic language curriculum at *Madrasah*. The implementation steps are as follows:

- 1) Juli 2014 (academic year 2014/2015): grades 1, 4, 7 and 10
- 2) Juli 2015 (academic year 2015/2016): grades 1, 2, 4, 5, 7, 8, 10, and 11
- 3) Juli 2016 (academic year 2016/2017): grades 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12

The Ministry of Education and Culture started the implementation of 2013 Curriculum on the subject of in the academic year 2013/2014 so that it would have been implemented in all levels in the academic year of 2015/2016, while the Ministry of Religious Affairs started its implementation in the academic year 2014/2015 so that it would have been implemented in all levels in the academic year of 2016/2017.

3. Approaches and Methods of Teaching and Learning *Fiqh* at Madrasah and Public School

Approaches and methods of teaching and learning *Fiqh* are as follows:

- a. *Habituation Approach*, that is to give opportunity to students to implement Islam. To implement this approach, demonstration and other methods are used.
- b. *Emotional Approach*, that is to arouse the students' feeling and emotion in believing, understanding and appreciating their religious teaching. To implement this approach, expository, storytelling, question and answer, demonstration, discussion and socio drama methods are used.
- c. *Rational Approach*, that is to give role to the ratio to understand and accept the truth of their religious teaching. To implement this approach, expository, question and answer, discussion, exercise and recitation methods are used.
- d. *Functional Approach*, that is the effort of teaching Islamic religious teaching by emphasizing its benefits for students in their daily life. To implement this approach, exercise, recitation, expository, question and answer and demonstration methods are used.
- e. *Experience Approach* that is to give religious experience to students in cultivating Islamic values. To implement this approach, recitation, question and answer methods are used (Depdikbud, 1994, p. 46-47; Departemen Agama RI, 1994, p. 14; Departemen Agama RI, 1994, p. 3; Depag RI, 1995, p. 98-99).

In the teaching and learning *Fiqh* process, the teacher can choose any of the above approaches and methods based on the aims of the teaching and learning, the content which will be delivered, the existing recommendation and the availability of time in order that students can understand and implement Islamic law correctly.

CONCLUSION

The teaching and learning in *Pesantren* is different from that of in the *Madrasah* or at Public School. In *Pesantren*, *Fiqh* is the core subject being taught by using non-classical system. The teaching and learning *Fiqh* focuses on the study of classical fiqh books and are not regulated by the structured syllabus, but based on the chapters written in those books, which are studied sequentially every pages until the end of the book chapter. The study group is not based on the age, but based on the ability of students in comprehending certain book. Generally, the level of teaching and learning *Fiqh* books is based on the students' comprehension of the earlier level of the books in one area of focus. For instance, students can only study the books *Hasyiyah Bajuri* and *al-Habib (al-Bujaerimi)* after they study *Taqrib*, *Fath al-Qorib*, *Kekifayat al-Akhyar* or *Iqna*. The study of *Fiqh* in *Pesantren* is categorised as non-formal education.

On the other hand, in *Madrasah* or Public School, *Fiqh* is regulated in the curriculum and its teaching and learning program has been structured. The completion of the basic level is a requirement to take further level at the secondary level and tertiary level, which is proved in the form of school certificate (*Surat Tanda Tamat Belajar/STTB*). Therefore, age becomes the requirement to participate in the educational institution run by the government or the society.

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