

# Establishment of Tolerant Attitude and Open Minded of Student Teacher

## *Contextualization of Learning Masail Fiqhiyah*

Andewi Suhartini, Asep Nursobah, Dindin Jamaluddin, and Uus Ruswandi

*Jurusan Pendidikan Agama Islam, UIN Sunan Gunung Djati Bandung, Jl. A.H. Nasution 105, Bandung, Indonesia  
{andewi.suhartini, \_kangasnur, uusruswandi}@uinsgd.ac.id*

**Keywords:** Tolerant Attitude, Open minded, Contextual Learning.

**Abstract:** Problems related to the understanding of shari'ah laws are constantly evolving in line with the societal context and the development of theories affecting the law. This study aims to develop a tolerant and open attitude among students of religious teacher candidates to understand the problems in syara' law that developed today through the study of Masail Fiqhiyah subjects. By using action methods, learning is designed to provide students with learning experiences, analyzing, evaluating and developing the concepts, contexts, and attitudes contained in each subject of Masail Fiqhiyah studied by students. The study was conducted in two-semester classes for one semester. The results show that the learning of Masail Fiqhiyah which is in line with the demands of contextual problems in society and the development of thinking affecting the law makes the students' attitude more open and tolerant to various dissent. This is demonstrated by the attitude of those who are open to accepting new ideas and able to determine the attitude that is most appropriate for him. These findings can be further developed in fiqh learning by taking into account the substance, context and attitudes that need to be addressed in the application of Islamic law.

## 1 INTRODUCTION

Masail Fiqhiyah is one of the courses that deal with issues related to fiqh issues. The problem is that the learning of Masail Fiqhiyah has been related to the existing legal issues which tend to be doctrinal in nature, which implies the implications of inclusive and intolerant religious attitudes (Rahmah, 2012). Therefore, it is deemed important to contextualize learning Masail Fiqhiyah directed to establish a religious attitude that is more tolerant and open to various differences (Rofiqoh, 2015).

The fiqh characteristics that always respond to new facts and events to be explored in accordance with the substance and context, reinforce the inevitability of diversity of attitudes and religious practices (Widyanto, 2011). This requires learning that can train everyone to be tolerant and open minded so that each other appreciates and respects the attitude and practice of each other's worship.

The study of tolerant and open attitudes has been largely done by some previous researchers. Some of them indicated that open attitude is determined by one's belief in religion (Price, Ottati, Wilson, and

Kim, 2015). This view shows that openness depends on the pattern of understanding and religious beliefs. In contrast to that opinion which in the extreme states that generally openness does not take place when religion is strong (Spiegel, 2013), even tolerance is a historical heritage, not religious belief (Talib and Gill, 2012). In addressing these two views, religious education plays an important role in developing a tolerant society (Nor, 2011). Similarly, families and communities play an important role in shaping tolerant attitudes (Almond, 2010).

This study aims to develop a tolerant and open attitude among students of religious teacher candidates towards understanding the problems in syara' law that developed today through the study of Masail Fiqhiyah courses.

## 2 LITERATURE REVIEW

### 2.1 Masail Fiqhiyah as Basis for Attitudes and Action Skills for PAI Teacher Preservice

Masail Fiqhiyah is in line with the characteristics of disciplines of fiqh as a science that discusses syara' law related to the work of mukallaf obtained by understanding tafshily arguments (Mulyadi, 2012). The importance of an understanding of syara' laws is in line with the context of the development of human interaction in dynamic social, political and cultural aspects (Wasik, 2014). Similarly, the laws of shari'ah can develop based on the perspectives it uses, such as Hanafi, Maliki, Shafi'i and Hanbali fiqh methodologies (Hasan, 2015). Thus, the acquisition of PAI teacher preservices on shari'a laws and legal acquisition methodology becomes important to be taught to learners with religious nuances that are tolerant and open.

Masail Fiqhiyah in learning can be focused on establishing tolerant and open attitudes toward the various different perspectives and laws it obtains. The learning approach emphasize the substance and methodology of the material studied (Kleickmann et al., 2013). Learning by taking into account two things, namely learning the law and how to obtain it more possible in addition to learners to understand the syara' law for certain problems also gain an open attitude and tolerant of differences of opinion.

### 2.2 Development of tolerant and open minded for Islamic Education Student Teacher

The attitude of educators, especially to learners is closely related to the subject matter and the competencies they are learning. The diversity of characteristics such as the initial ability, interest, and learning ability of learners is an object that is addressed by educators. Similarly, the level of depth and breadth of subject matter relating to the number of perspectives demands a different attitude (Hunzicker, 2013). Theoretically, attitudes have cognitive, affection, and conformational constructs. The cognitive dimension that leads to value judgment describes a person's perception of the object he is behaving in terms of good or bad value, important or unimportant and useful or unbeneficial. Affection is a dimension of attitude that shows pleasure or displeasure with the object being addressed. Conation is a dimension of attitudes

related to the tendency of a person to act on the object being addressed (Bohner and Schwarz, 2007). Considering the PAI material that does not contain a lot of perspective and characteristics of diverse learners, PAI teachers are required to be tolerant and open.

Tolerant is a judgment, a feeling of comfort, and a tendency to accept differences as natural, so as to determine actions that remain harmonious to the diversity that exists in society including in the practice of religion (Rapp and Freitag, 2015). The tolerant attitude of PAI teachers in religion can be demonstrated by presenting various points of view related to the Islamic learning materials in a balanced way.

A tolerant attitude is also shown by a reasonable way of judging other beliefs without ridicule or humiliation (Karaman-Kepenekçi and Aypay, 2009). Similarly, the reasonableness is apparent when displeased with certain views or beliefs, and will not impose their will to have others who are equal to themselves.

Openness in thinking allows religious teachers to be able to dialogue using multiple points of view and critically accept differences in religious understanding and practice. By using his own judgment, the teacher is open to getting feedback and advice from others on how to think, behave and act. This attitude does not mean the teacher is not firmly established, but always learn to gain a better stance and more appropriate action (Siegel, 2009).

### 2.3 Contextualization of Masail Fiqhiyah Learning

Learning Masail Fiqhiyah is an effort to encourage learners to study Fiqh in the context both in the past, present and future. The fiqh context is taught that learners are able to respond to the development of situations and conditions that encourage the new demands in Islamic law. Therefore, contextualization of Masail Fiqhiyah learning is an effort to reveal the existing Fiqh today, both from the basic aspects of the law used, the method of thinking, and the context that developed in the community.

The current fiqh is the result of an understanding of the sources of Islamic law concerning problems that have emerged in the past and present. However, it is possible that the current situation demands a new understanding of the sources of Islamic law in line with the methodology of thinking that is also developing (Hillier, 2010).

Thus learning Masail Fiqhiyah not only studied the law and its source, but also the development of

thinking by using the methodology that has been considered raw in understanding the source of Islamic law. For example, understand the laws of female leaders. Embodied to develop thinking ability with the methodology of imams of the famous fiqh madhhab, such as Abu Hanifah, Malik bin An-Nas, al-Shafi'i, and Ahmad ibn Hanbal.

Contextualization of fiqh based on the sources and methodology it uses is linked to real-life situations evolving in society. For example, the law of female leader is permissible because men and women are equal in the sight of Allah SWT., and the only difference is his piety (QS al-Nahl: 97 and QS al-Baqarah: 30) and on condition not to abandon his duty because Allah has exaggerated Men over some women as a wife and a mother. Likewise, the female leader is forbidden because the man is the female leader (Q.S. al-Nisa: 34).

### 3 METHODOLOGY

This research uses action method, that is learning is designed to provide learning experiences to students, analyze, evaluate and develop new fiqh concept. Similarly, students are expected to find the context and develop the attitude contained in each subject Masail Fiqhiyah. The study was conducted in two-semester classes for one semester. The study was conducted in 2 cycles with 6 meetings of each cycle. Stages of action research include 3 stages, namely observation, evaluation, and reflection. Data were obtained by using observation technique and open questionnaire. Content analysis is done by 3 steps, namely data reduction, data display, and conclusion.

### 4 FINDINGS AND DISCUSSIONS

This research is directed to develop a tolerant and open attitude among students of religious teacher candidates to understand the problems in syara' law which developed today through the study of Masail Fiqhiyah subject. Broadly speaking, there are two data found in this research that is a description of the learning process of Fiqhiyah Masail and description of tolerant and open attitude formed by learning Masail Fiqhiyah. Both data are categorized as follows:

#### 4.1 Masail Fiqhiyah Learning Process

Learning process of Masail Fiqhiyah can be described within five steps. In the first step, students described the variation of concepts with each argument. A group discussion was initiated by presenting a topic on Masail Fiqhiyah material for 20 minutes. The systematic delivery of substance begins with the concepts, arguments, laws, and context of practice in the reality of life. Each group member gets each sub to be prescribed. The breadth and depth of the material presented stimulates the response, even additional questions from the class members concerned. For example on the topic of discussion of female leaders, presenters presented their papers with the following description: "The word leader in the Qur'an refers to the word khalifah, which means 'substitute' and Imamah, which is derived from the word imam, meaning 'leader of a prayer'. Leaders must meet the criteria: faithful, fair, responsible, healthy, brave, and assertive. The law of the female leader there are two, that is allowed and forbidden. The forbidden opinion is based on Q.S. Al-Nisa verse 34 which asserts that men are female leaders. The permissible opinion is based on Q.S al-Baqarah verse 30 and Q.S. Al-Nahl verse 97.

The second step is elaborating different concepts with similar or different opinions. After the presentation is complete, the students are given the opportunity to provide additional and responses to the material already delivered. They are directed to express their opinions with logical concepts, polite language, and open attitudes.

During the discussion on the topic of non-Muslim leaders in the Islamic view, the presenter stated that the non-Muslim leader is illegally reinforced by the proposition that Muslims are forbidden to make Jews and Christians as leaders (Q.S. al-Maidah: 51). For the problem among members of the dissenting opinion, some allow for the reason of the non-Muslim leader's ability is the opinion of mufassir stating that not all non-Muslims are bad, some are neutral and some are praised al-Qur'an (Surah Ali Imran verse 173).

Thirdly, students ask questions about the reasons for the difference of opinions. The next group discussion is assigned to prepare questions. The substance of their questions relates to concepts they have not understood yet, the propositions and rules used, and the legal variations of the issues under discussion. The questioner is given the discretion to ask questions with objectives and openness and appreciation. Each member of the group has the opportunity to ask questions and

provide reasons for the dissent. With the obligation of the next group to ask questions, each student has the opportunity to develop critical thinking skills by asking questions about the reasons for the difference of opinion on a particular issue. Similarly, students are conditioned to want to read and evaluate certain ways of view that make the difference of opinion in fiqh. Thus the students are stimulated to be tolerant and open.

The forth, is answering questions based on context and argument. All members of the discussion contribute to answering questions. They take turns answering and reinforcing the previous answers while respecting the differences based on the proposition or legal argument and context of the relevant legal event or fact.

When discussing on "female leaders", the question that arises is "Why is the female legal leader contested?". The presenter gave the answer "because the scholars differ in understanding and interpreting the Qur'anic verses relating to the roles of men and women". The answer is in line with their view of the development and shifting of the roles of men and women in the reality of their life and their different arguments, which is forbidden by basing on Q.S al-Nisa verse 34 and which permits by basing on Q.S. Al-Baqaran verse 30 and Q.S. Al-Nahl verse 97. It shows that students are able to present the context of the problem and provide arguments based on the legal basis and the method of understanding.

Finally, lecturer reinforce the developing various opinions in discussion and formulating conclusions. The opinions expressed in the discussion among the students, reinforced after the discussion is over. The lecturer provides explanations of concepts, theorems and laws of the material already discussed, and together with all students formulate a conclusion.

Stages of discussion in learning as described above are the stage of learning by involving skills and critical attitude and open in thinking. In the stages, students see the differences, uncover the reasons for differences of opinions, and assess different concepts and arguments to be able to formulate conclusions that are considered more appropriate (McDougall and LaMonica, 2007).

The ability to analyze by way of deciphering a legal opinion into the parts that make up the law and linking those parts is a thought process to uncover the nature of a law. The determination of a law is determined by the power of reason. Thus, students gain experience to analyze, rate and synthesize (Snyder and Snyder, 2008) the accuracy of a law based on the power of reason that is accompanied by evolving legal facts.

## 4.2 Tolerant and Open Minded Formed through the Learning of Masail Fiqhiyah

The tolerant and open attitude of student formed through the implementation of the method of discussion in learning Masail Fiqhiyah, indicated by accepting different views, connecting views with arguments and context and setting choices while respecting other opinions.

Firstly, discussions on the law seen from the sources and ways of understanding it can prove to make the students accept different views on the issue of Islamic law. For example, about the law of women leaders, "There are two opinions concerning the law of female leaders: haram and mubah". The difference is caused by the difference of legal basis that is prohibited by basing on Q.S al-Nisa verse 34 and that allow by basing on Q.S. Al-Baqaran verse 30 and Q.S. Al-Nahl verse 97 and, context, namely the realities of development and the shifting roles of men and women in the reality of life.

The second, differences in context also give rise to different arguments. For example, "The principal prohibition of non-Muslim leaders is QS. Al-Maidah verse 51. The reason for the ability of non-Muslim leaders is among the opinions of mufassir who stated that not all non-Muslims are bad, some are neutral and some are praised by the Qur'an as in QS Ali Imran 173".

Finally, based on the legal example of the non-season leader associated with the context of the existence of the Muslim community, the student can make a choice, namely: "If in a region no more Muslims are ready to become leaders, and there are only non-Muslims who have souls not far from Al-Qur'an and al-Hadith, then he may (non-Muslims) be appointed as leaders". This data shows that students are able to make choices while respecting different opinions because of different contexts.

The three things above indicate the tolerant and open attitude of students as a result of learning Masail Fiqhiyah. Students judged positively, connecting point of view with arguments and context and determining the most appropriate opinion choice on the issue of Islamic law developed in society (Hansen, 2011).

## 5 CONCLUSIONS

The results show that through the learning of Masail Fiqhiyah which is in line with the demands of



contextual problems in the society and the development of thinking affecting the law, the students' attitude becomes more open and tolerant to different opinions, open to accept new ideas and able to determine the attitude that is considered for himself. This can be followed up with research on the learning of critical thinking in other religious issues other than the issue of fiqh.

## REFERENCES

- Almond, B. 2010. Education for tolerance: cultural difference and family values. *Journal of Moral Education*, 39(2), 131–143. <https://doi.org/10.1080/03057241003754849>.
- Bohner, G., Schwarz, N. 2007. Attitudes, Persuasion, and Behavior. In A. Tesser & N. Schwarz (Eds.), *Blackwell Handbook of Social Psychology: Intraindividual Processes* (pp. 413–435). Malden, Massachusetts, USA: Blackwell Publishers Inc. <https://doi.org/10.1002/9780470998519.ch19>.
- Hasan, M. 2015. Analisis Historis Kategorisasi Uşul Fiqh Dan Implikasinya. *Al-Maslahah Jurnal Ilmu Syariah*, 11(1). Retrieved from <http://jurnaliainpontianak.or.id/index.php/Almaslahah/article/view/127>.
- Hillier, H. C. 2010. Muhammad Iqbal on *al-fiqh*: towards a natural law jurisprudence. *Journal of Islamic Law and Culture*, 12(3), 258–283. <https://doi.org/10.1080/1528817X.2010.618022>.
- Hunzicker, J. 2013. Attitude has a lot to do with it: dispositions of emerging teacher leadership. *Teacher Development*, 17(4), 538–561. <https://doi.org/10.1080/13664530.2013.849614>.
- Karaman-Kepenekçi, Y., Aypay, A. 2009. Teachers' perceptions of tolerance in teacher-administrator relationships in Turkey. *International Journal of Leadership in Education*, 12(1), 51–71. <https://doi.org/10.1080/13603120802094367>.
- Kleickmann, T., Richter, D., Kunter, M., Elsner, J., Besser, M., Krauss, S., Baumert, J. 2013. Teachers' Content Knowledge and Pedagogical Content Knowledge: The Role of Structural Differences in Teacher Education. *Journal of Teacher Education*, 64(1), 90–106. <https://doi.org/10.1177/0022487112460398>.
- McDougall, R., LaMonica, J. 2007. Interdisciplinary Education and Critical Thinking in Religion and History: The Delivery of Two "Content-Based" Linked Courses. *Journal of Effective Teaching*, 7(1), 44–60.
- Mulyadi, A. 2012. KONSTRUKSI BARU METODOLOGI STUDI HUKUM ISLAM: Perpaduan Antara Inferensi Tektual dan Historis (Sosial-Empirik-Kultural). *JURNAL KARSA (Terakreditasi No. 80/DIKTI/Kep/2012)*, 10(2), 901–909.
- Nor, M. R. M. 2011. Religious tolerance in Malaysia: An overview. *Middle-East Journal of Scientific Research*, 9(1), 23–27.
- Price, E., Ottati, V., Wilson, C., Kim, S. 2015. Open-Minded Cognition.docx. *Personality and Social Psychology Bulletin*.
- Rahmah, I. F. 2012. *Menumbuhkembangkan Sikap Toleransi Siswa Beda Agama Melalui Mata Pelajaran Pendidikan Religiositas Kelas Xi Di SMA Bopkri 1 Yogyakarta*. Retrieved from <http://digilib.uin-suka.ac.id/10088/1/BAB%20I,%20IV,%20DAFTAR%20PUSTAKA.pdf>.
- Rapp, C., Freitag, M. 2015. Teaching Tolerance? Associational Diversity and Tolerance Formation. *Political Studies*, 63(5), 1031–1051. <https://doi.org/10.1111/1467-9248.12142>.
- Rofiqoh. 2015. *Penanaman Sikap Toleransi Beragama Dalam Pendidikan Agama*. Retrieved from <http://digilib.uin-suka.ac.id/16008/1/BAB%20I%2C%20V%2C%20DAFTAR%20PUSTAKA.pdf>.
- Siegel, H. 2009. Open-mindedness, critical thinking, and indoctrination: Homage to William Hare. *Philosophical Inquiry in Education*, 18(1), 26–34.
- Snyder, L. G., Snyder, M. J. 2008. Teaching Critical Thinking Skills and problem solving skills. *The Delta Pi Epsilon Journal*, L, No. 2. Retrieved from <http://reforma.fen.uchile.cl/Papers/Teaching%20Critical%20Thinking%20Skills%20and%20problem%20olving%20skills%20-%20Gueldenzoph,%20Snyder.pdf>.
- Spiegel, J. S. 2013. Open-mindedness and Religious Devotion. *Sophia International Journal of Philosophy and Traditions*, 52(1), 143–158.
- Talib, A. T., Gill, S. S. 2012. Socio-Religious Tolerance: Exploring the Malaysian Experience. *Global Journals Inc. (USA)*, 12(8). Retrieved from <https://socialscienceresearch.org/index.php/GJHSS/article/download/345/303/>.
- Wasik, A. 2014. Optimalisasi Nalar Kritis Santri Dalam Sistem Bahtsul Masa'il Fiqhiyah NU. *Lisan Al-Hal: Jurnal Pengembangan Pemikiran Dan Kebudayaan*, 6(2), 207–230.
- Widyanto, A. 2011. Pengembangan Fiqh Di Zaman Modern. *Jurnal Ilmiah Islam Futura*, 10(2), 82–100.