

# REVITALIZING ABANDONED LAND: SHEIKH MUHAMMAD ARSHAD AL-BANJARI'S IHYĀ' AL-MAWĀT' AS A PESANTREN ECONOMIC MODEL IN 18TH CENTURY BANJARESE SOCIETY

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Received 14-07-2024 | Revised 09-09-2024, 13-10-2024, 23-11-2024 | Accepted 27-12-2024

**Abstrak:** Penelitian ini mengkaji konsep *ihyā' al-mawāt* yang diterapkan oleh Syekh Muhammad Arshad al-Banjari pada masyarakat Banjar pada abad ke-18, dengan fokus pada signifikansi sosio-ekonomi dan hukumnya. Meskipun *ihyā' al-mawāt* - revitalisasi tanah terlantar - telah didokumentasikan dengan baik dalam yurisprudensi Islam, penerapannya secara praktis oleh Syekh Muhammad Arshad masih belum banyak diteliti. Dengan menggunakan pendekatan historis dan kerangka hukum normatif, penelitian ini menyelidiki metode yang digunakan dalam pengolahan lahan, pembentukan sistem pertanian komunal, dan integrasi mereka ke dalam lembaga-lembaga pesantren. Temuan menunjukkan bahwa Syekh Muhammad Arshad memelopori reklamasi lahan melalui upaya kolektif komunitasnya, mengubah daerah rawa dan daerah yang terabaikan menjadi lahan pertanian yang subur. Inisiatif ini tidak hanya meningkatkan kesejahteraan ekonomi masyarakat, tetapi juga meletakkan dasar bagi model agroekonomi dalam pendidikan pesantren. Studi ini menggarisbawahi relevansi abadi prinsip-prinsip hukum Islam dalam menjawab tantangan masyarakat dan mendorong pembangunan masyarakat yang berkelanjutan.

**Kata Kunci:** *Ihyā' al-Mawāt*, Pesantren Economy, Sheikh Muhammad Arshad al-Banjari, Islamic Jurisprudence, Banjarese Society.

**Abstract:** This study examines the concept of *ihyā' al-mawāt* as implemented by Sheikh Muhammad Arshad al-Banjari in 18th-century Banjarese society, focusing on its socio-economic and legal significance. While *ihyā' al-mawāt*—the revitalization of abandoned land—is well-documented in Islamic jurisprudence, its practical application by Sheikh Muhammad Arshad remains underexplored. Using a historical approach and a normative legal framework, the research investigates the methods employed in land cultivation, the establishment of communal agricultural systems, and their integration into pesantren institutions. The findings reveal that Sheikh Muhammad Arshad spearheaded land reclamation through the collective efforts of his community, transforming swampy and neglected areas into fertile agricultural land. This initiative not only enhanced the community's economic welfare but also laid the groundwork for an agro-economic model within pesantren education. The study underscores the enduring relevance of Islamic legal principles in addressing societal challenges and fostering sustainable community development.

**Key words:** *Ihyā' al-Mawāt*, Pesantren Economy, Sheikh Muhammad Arshad al-Banjari, Islamic Jurisprudence, Banjarese Society

## INTRODUCTION

South Kalimantan has many scholars who left written works. There are more than 20 scholars who contributed their knowledge. The written works are in the form of religious



books, both in the fields of tawhid, fiqh and tasawwuf. Some of them authored up to 12 books, namely Sheikh Muhammad Arshad al-Banjari.<sup>1</sup>

The largest tribe living in South Kalimantan is the Banjar tribe. In addition to the name of the tribe, Banjar is also the name of a kingdom in the past whose territory included South Kalimantan, Central Kalimantan and East Kalimantan today<sup>2</sup>. Apart from living in South Kalimantan, the Banjar tribe also lives in parts of Central Kalimantan, East Kalimantan and North Kalimantan. Banjar communities can also be found in Riau Province, Jambi, North Sumatra and Peninsular Malaysia.<sup>3</sup>

Based on the results of exploration and identification research on religious treasures in South Kalimantan conducted by the Research Center of IAIN Antasari in 2005-2007, there are hundreds of religious texts in various fields, such as kalam (monotheism), tasawwuf, fiqh, muslim country legislation, dhikr, and others written by local Banjar scholars. Among the largest manuscripts is the book *Sabilal-Muhtadin*. It was written by the great Banjar scholar Shaykh Muhammad Arshad al-Banjari. He lived from the 18th century, March 17, 1710, to the beginning of the 19th century, October 3, 1812. The book has become the main reference for religious knowledge, not only in Kalimantan but also reaching the Malay Peninsula, Brunai, and Thailand.<sup>4</sup>

One of his biographical books states that in addition to establishing a learning institution, he also opened plantation or agricultural land, not far from Kampung Dalam Pagar. The trees planted are coconuts and other fruit-bearing trees. In addition, he also cultivated a large empty land. Previously the land had not been cultivated because it was a low and flooded area. Then a stick was outlined by him about 8 kilometers, then it became a canal after being dug by the surrounding community. This canal excavation was made so that the surrounding low land could be used as fertile rice fields<sup>5</sup>. This is one of his activities as a community leader.<sup>6</sup>

This historical approach in Islamic law is important to (1) put the product of Islamic legal thought in a proportional place, and (2) give courage to Islamic legal thinkers so that they do not hesitate if they feel the need to make changes to a product of thought.<sup>7</sup> In the end, the social history approach of Islamic law is important to trace historical evidence and some of the evidence is the influence of socio-cultural environmental factors in the books of fiqh, laws and regulations of muslim countries, court decisions and fatwas of scholars.<sup>8</sup>

The subject of thought studied in this research is about *ihya' al-mawāt*. This material belongs to the field of fiqh. The field of fiqh was chosen because of several reasons. The

<sup>1</sup> Bayani Dahlan dkk., *Ulama Banjar dan Karya-karyanya* (Banjarmasin: Antasari Press, 2009), 2.

<sup>2</sup> Wahyudin Wahyudin, "Merajut Dunia Islam Dunia Melayu," *Al-Fikra : Jurnal Ilmiah Keislaman* 14, no. 2 (September 14, 2017): 171–174, <https://doi.org/10.24014/af.v14i2.4002>.

<sup>3</sup> Alfani Daud, *Islam dan Masyarakat Banjar Deskripsi dan Analisa Kebudayaan Banjar*, cet. I (Jakarta: PT RajaGrafindo Persada, 1997), 5.

<sup>4</sup> Wahyudin, "Merajut Dunia Islam Dunia Melayu," 172.

<sup>5</sup> Zafry Zamzam, *Syekh Muhammad Arsyad Al Banjari; Ulama Besar Juru Da'wab*, cet. II (Banjarmasin: Karya, 1979), 10.

<sup>6</sup> Pauzi Muhammad dkk., "Actualizing Islamic Economic Law in the Digital Era: A Study of the Application of Khiyar al-Majlis in Electronic Contracts," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (11 Juli 2024): 205–14, <https://doi.org/10.31958/juris.v23i2.11573>.

<sup>7</sup> Rafiqi dkk., "Consumer Behavior Model: Brand Equity Mediated by Halal Awareness and Religiosity of Herbal Products Islamic Law Perspective," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (22 Juni 2024): 1–15, <https://doi.org/10.30631/alrisalah.v24i1.1324>.

<sup>8</sup> Azhari Akmal Tarigan, *Sejarah Sosial Hukum Islam; Dinamika Fikih Pada Abad Pertengahan*, cet. I (Bandung: Citapustaka Media, 2013), 22.

first reason is because fiqh guides daily actions<sup>9</sup>. This is in accordance with the definition of ash-Shafi'i conveyed by Wahbah az-Zuhaili that fiqh is:<sup>10</sup>

الْفِقْهُ هُوَ الْعِلْمُ بِالْأَحْكَامِ الشَّرْعِيَّةِ الْعَمَلِيَّةِ الْمَكْتَسَبُ مِنْ أَدْلَتِهَا التَّفْصِيلِيَّةِ

“The knowledge of the practical rulings of the Shariah, derived from detailed proofs.”

Jurisprudence is manifested by doing what is commanded, whether it is obligatory or recommended, as well as doing what is permissible. For example, praying, fasting, giving alms, or buying and selling food. In addition, fiqh is also a material that is of interest to the community.<sup>11</sup> This cannot be separated from the need of an individual Muslim for the rules of daily actions. The next factor is because fiqh books are spread everywhere. This makes it easy for people to access material about this fiqh.<sup>12</sup>

Ihyā' al-mawāt linguistically means to revive the dead. The intention is to prosper abandoned land. Abandoned land is land that has no owner and no one is working on it.<sup>13</sup>

إحياء الموات معناه إعداد الارض الميتة التي لم يسبق تعميرها وتهيئتها وجعلها صالحة للانتفاع بها في السكنى والزرع ونحو ذلك

Ihyā' al-mawāt is working on land that has no cultivator and making it suitable for use. The land can be in a residential area or agricultural land.<sup>14</sup>

There are several Hadiths of the Prophet that explain this<sup>15</sup>, for example<sup>16</sup>:

عَنْ جَابِرٍ قَالَ قَالَ النَّبِيُّ ﷺ مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِيَ لَهُ (رواه الترمذي)

Jabir reported that the Prophet said, “Whoever clears an abandoned land, that land belongs to him.”

In another hadith it is mentioned<sup>17</sup>:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ مَنْ أَحْيَا أَرْضًا مَيْتَةً فَلَهُ فِيهَا أَجْرٌ وَمَا أَكَلَتِ الْعَوَافِي مِنْهَا فَهُوَ لَهُ صَدَقَةٌ (رواه الشافعي)

Whoever clears land that no one owns will be rewarded, and his crops that are eaten by animals will be charity.” (HR: ash-Shafi'i).

<sup>9</sup> Abdul Hafiz Sairazi, “Fikih Bagi Pemula (Studi Strategi Pembelajaran Kitab Fikih Melayu Rasam Parukunan),” *Syariah Jurnal Hukum dan Pemikiran* 18, no. 1 (2 Juli 2018): 32, <https://doi.org/10.18592/sy.v18i1.2126>.

<sup>10</sup> Wahbah al-Zuhaili, *Al-Fiqh al-Islami Wa Adillatub* (Damaskus: Darul-Fikr, 1989), vol. IV, 30.

<sup>11</sup> Mohamed Sulthan Ismiya Begum dkk., “Gender Equity in Muslim Family Law: Modern and Contemporary ‘Ulamā’s View,” *Al-Ahkam* 34, no. 2 (31 Oktober 2024): 221–56, <https://doi.org/10.21580/ahkam.2024.34.2.20773>.

<sup>12</sup> Ida Zahara Adibah dan Uswatun Chasanah, “Implementasi Fiqih Sosial dalam Kehidupan Bermasyarakat Modern di Era Society 5.0,” *Humanika* 24, no. 1 (30 Maret 2024): 20, <https://doi.org/10.21831/hum.v24i1.60885>.

<sup>13</sup> As-Sayyid Sabiq, *Fiqhus-Sunnah*, (Beirut: Darul-Kutubil-'Arabi, 1977), vol. III, 168.

<sup>14</sup> M. Wildan Humaidi, Hariyanto Hariyanto, dan Mabarroh Azizah, “Green Philanthropy: Islamic Activism on Indonesia’s Environmental Democracy,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (28 Desember 2024): 167–91, <https://doi.org/10.18326/ijtihad.v24i2.167-191>.

<sup>15</sup> Ahmad Suhendra, “Models of Land Ownership in Islam: Analysis on Hadis Ihyā' al-Mawāt,” *Esensia* Vol 18, no. 2, (Oktober 2017): 190–91.

<sup>16</sup> Abu 'Isa Muhammad bin 'Isa bin Surah bin Musa bin ad-Dahhak at-Tirmizi, *Sunan At-Tirmizi*, cet. II (Kairo: Mustafa al-Babi al-Halabi, 1975), vol. III, 655.

<sup>17</sup> Muhammad bin Idris asy-Syafi'i, *Al-Musnad* (Beirut: Darul-Kutubil-'Ilmiyyah, 1400), vol. XXII, 170.

With this hadith, ash-Shirazi states that *ihyā` al-mawāt* is *mustahab* (sunnah). Based on this hadith, permission from the government is not required, just like hunting.<sup>18</sup>

The Hanafis differed on the issue of permission from the ruler. They state that the permission of the ruler is required in this *ihyā` al-mawāt*.<sup>19</sup>

The land required by the landowner in the form of land around the well, yard and road and the place where water flows is not included in the land that can be cultivated to be owned by others. If it is declared permissible, it means canceling the ownership of the previous owner.<sup>20</sup>

The right to own abandoned land is forfeited if the land is not cultivated for three years, even if it has been marked or bounded. This is based on the sermon of 'Umar bin al-Khaththab as narrated by Salim bin 'Abdullah: Whoever cultivates abandoned land then it becomes his. The one who holds it back (does not cultivate it) after three years has no rights.<sup>21</sup>

Any behavior that aims to preserve and improve the environment is part of the liability that must be carried out according to religious teachings. Conversely, any destructive action against the environment means blasphemy against the teachings of Islam itself and is *fiqh* forbidden<sup>22</sup>. Basically, protecting the environment is an obligation.<sup>23</sup>

When associated with one of the religious institutions that developed in the community, namely pesantren, *fiqh* is the most important scientific branch in pesantren. The great attention to *fiqh*, according to them, is because *fiqh* contains various concrete implications for the daily behavior of individuals and society.<sup>24</sup> *Fiqh* regulates things that are prohibited and actions that are recommended. Therefore, *fiqh* is the core of pesantren education even though it also teaches Arabic grammar, monotheism, morals and others.<sup>25</sup>

Sociologically, of course, Shaykh Muhammad Arshad's activity on *ihyā` al-mawāt* has a background, especially the social conditions of Banjar society at that time. Juridically, his activities were apparently obeyed by the community. This raises the curiosity to examine the background behind the community's compliance. Philosophically, this activity certainly contains the principles of usefulness and benefit to be achieved.<sup>26</sup>

There have been many studies on Sheikh Muhammad Arshad al-Banjari. Among all his thoughts, the author believes that there is one aspect that is not widely known and has

<sup>18</sup> Abu Ishaq Ibrahim bin 'Ali bin Yusuf al-Syirazi, *Al-Mubazzab* (t.tp.: Darul-Kutubil-'Ilmiyyah, t.th.), 293.

<sup>19</sup> Muhammad Irfan Djufri, "Ihya' Al-Mawat Perspektif Hanafiyah dan Syafi'iyah (Studi Komparatif)," *Sakina Journal of Family Studies* Vol. 5, no. 1 (2021): 15.

<sup>20</sup> Abu Zakaria Muhyid-din Yahya bin Syaraf An-Nawawi, *Al-Majmu' Syarh Al-Mubazzab* (t.tp.: Darul-Fikr, t.th.), vol. 205.

<sup>21</sup> A. W. Nasution, Marliyah, and T. Anggraini, "Kepemilikan Tanah Produktif Dalam Perspektif Fiqh Muamalah Productive Land Ownership In Muamalah Fiqh Perspective," *Jurnal Syarikah* 9 no. 1 (June 2023): 169–170; Sabiq, *Fiqhus-Sunnah*, vol. III, 71.

<sup>22</sup> Sukarni, "Revitalisasi Fikih Untuk Konservasi Lingkungan Hidup," *Khazanah Jurnal Ilmiah Keislaman dan Kemasyarakatan*, no. 01, IX (April 2010): 46.

<sup>23</sup> Fuad Riyadi dan Faiqul Riyan Anggara, "Perlindungan dan Pengelolaan Lingkungan Hidup Oleh Pemerintah Daerah Kudus Perspektif Fiqh Bi'ah," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 13, no. 1 (30 Juni 2022): 35, <https://doi.org/10.21043/yudisia.v13i1.14290>.

<sup>24</sup> Tarmizi Tarmizi dkk., "Inheritance Distribution and Conflict Resolution in Bone Regency: Upholding Women's Rights and Islamic Law Objectives," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (17 Desember 2024): 255–77, <https://doi.org/10.18860/j-fsh.v16i2.29477>.

<sup>25</sup> Martin van Bruinessen, *Kitab Kuning, Pesantren dan Tarekat* (Bandung: Mizan, 1999), 112.

<sup>26</sup> Anas Maulana dkk., "Inheritance Rights of Nasabiyah Children Born Out of Wedlock According to Islamic Family Law," *El-Ushab: Jurnal Hukum Keluarga* 7, no. 2 (10 Oktober 2024): 444–61, <https://doi.org/10.22373/ujhk.v7i2.25072>.

not been explored, namely about *ihyā' al-mawāt*.<sup>27</sup> One of the reasons is due to the lack of written material about his thoughts on this one. *Ihyā' al-mawāt* is not found explicitly in his written works. About *ihyā' al-mawāt*, Rusli connects it with ecological *fiqh*<sup>28</sup>, while Ahmad Munif connects it with land law in Indonesia.<sup>29</sup>

The focus of this research is how the work of *ihya'ul mawat* by Sheikh Muhammad Arshad al-Banjari. The formulation of the problem formed from the focus of the research is how the form of activity about *ihyā' al-mawāt* by Sheikh Muhamamd Arshad al-Banjari? The second is how the impact of activities on *ihyā' al-mawāt* by Sheikh Muhamamd Arshad al-Banjari?

The focus of research along with the formulation of the problem is in accordance with the purpose of this research, which is to find out the form of *ihyā' al-mawāt* in Banjar society by Sheikh Muhamamd Arshad al-Banjari and the impact of the *ihyā' al-mawāt* activity.<sup>30</sup>

There are several previous studies related to the issues researched in this article. For example by Sukarni on the continuity and changes in the study of the concept of environmental *fiqh* in the books by Banjar scholars in the journal "Analisis"<sup>31</sup>, there is also Budi Rahmat Hakim's writing on the construction of *zakat fiqh* in the works of Banjar scholars in the journal "Khazanah"<sup>32</sup>, and Muhammad Sauqi's doctoral thesis, Doctoral Program in Sharia Science at UIN Antasari Banjarmasin on Islamic economic thought in the *fiqh* books of Banjar scholars<sup>33</sup>. This paper also relates to research by a research team from IAIN (now UIN) Antasari in 2015 that there are many *pesantren* that need to develop their potential in terms of the economy for the welfare of the *pesantren*.<sup>34</sup>

## METHODS

In terms of its focus of study<sup>35</sup>, this research is normative legal research<sup>36</sup>. In terms of its form, this research is diagnostic research<sup>37</sup>, which is a research that aims to obtain

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<sup>27</sup> Trianah Sofiani, Iqbal Kamalludin, dan Raihanah Abdullah, "Violence Against Women in Pre-Marital Relationships: The Ngemblok Tradition among the Muslim Community in Rembang," *Journal of Islamic Law* 5, no. 2 (1 Agustus 2024): 147–69, <https://doi.org/10.24260/jil.v5i2.2680>.

<sup>28</sup> Rusli, "Fikih Ekologi Dan Kearifan Tradisional: Tinjauan Terhadap Konsep Ihyā Al-Mawāt Dan Hīimā," *Jurnal Hunafa* Vol. 5, No. 3 (Desember 2008): 287–298.

<sup>29</sup> Ahmad Munif, "Ihyā' al-Mawāt dalam Kerangka Hukum Pertanahan di Indonesia," *Al-Abkam* Vol 29 No. 1 (2018): 73–96.

<sup>30</sup> Farida Ulvi Naimah dkk., "Internalization of Local Traditions in Child Marriage from the Perspective of Maqasid Al-Usrah," *El-Mashlahab* 14, no. 2 (14 Oktober 2024): 237–58, <https://doi.org/10.23971/el-mashlahab.v14i2.7942>.

<sup>31</sup> Sukarni, "Kitab Fikih Ulama Banjar; Kesenambungan Dan Perubahan Kajian Konsep Fikih Lingkungan," *Analisis: Jurnal Studi Keislaman* 15, no. 2 (Desember 2015): 433–472.

<sup>32</sup> Budi Rahmat Hakim, "Konstruksi Fikih Zakat Dalam Karya Ulama Banjar Dan Relevansinya Dengan Manajemen Zakat Modern," *Khazanah* 18 no. 2 (2020), 197-220.

<sup>33</sup> Muhammad Sauqi, "Pemikiran Ekonomi Islam Dalam Kitab-Kitab Fikih Ulama Banjar Abad XVIII, XIX Dan XX Masehi" (Disertasi, Banjarmasin, UIN Antasari, 2022).

<sup>34</sup> Tim Peneliti (Jalaluddin dkk.), "Identifikasi Key Success Factor Lembaga Pesantren di Kalimantan," Laporan Penelitian (Banjarmasin: LPPM IAIN Antasari dan Bank Indonesia, Desember 2015), 117.

<sup>35</sup> Muhaimin, *Metode Penelitian Hukum*, cet. I (Mataram: Mataram University Press, 2020), 25–32; Soerjono Soekanto, *Pengantar Penelitian Hukum*, cet. III (Jakarta: UI-Press, 1986), 25–31.

<sup>36</sup> Muhammad Helmy Hakim, "Pergeseran Orientasi Penelitian Hukum: Dari Doktrinal Ke Sosio-Legal," *Syariah Jurnal Hukum Dan Pemikiran* 16, no. 2 (Desember 2016): 105–114, <https://doi.org/10.18592/sy.v16i2.1031>; Peter Mahmud Marzuki, *Penelitian Hukum*, cet. XII (Jakarta: Kencana, 2015), 128–132.

<sup>37</sup> Faisar Ananda Arfa dan Watni Marpaung, *Metodologi Penelitian Hukum Islam*, cet. I (Jakarta: Kencana, 2016), 17.

legal materials and analyze them regarding the cause of an event or problem. The event or problem referred to here is the form of Sheikh Muhammad Arshad al-Banjari's activity on *ihya'ul mawat* in Banjar society. The second problem formulation of this research is to explore the impact of the *ihya'ul mawat* activity. Based on the method, this research includes qualitative research. In terms of the location of the legal material sought, this research is called library research.

The approach used in this research is a historical approach. This approach examines the correlation between law and other social phenomena from a historical perspective. Furthermore, the development of the legal field under study is sought. Among the uses of the historical approach is the disclosure of legal facts in the past that are connected and present legal facts.<sup>38</sup> The historical approach is carried out to trace the history of legal institutions from time to time. This type of approach is very helpful for researchers in understanding the philosophy and rules of law from time to time. In addition, researchers can also understand the development of the philosophy underlying a legal provision.<sup>39</sup>

The source of data in this research is a number of documents or writings containing *ihya'ul mawat* activities in Banjar society, namely the biography of Sheikh Muhammad Arshad al-Banjari which contains writings about *ihya'ul mawat* that he did. The reference book in question is a book by Abu Daudi, Maulana Shaykh Muhammad Arshad Al Banjari (Tuan Haji Besar) published by Yapida, Martapura, South Kalimantan in 2003 (new edition). In addition, there is a book by Zafry Zamzam. Sheikh Muhammad Arshad Al Banjari; The Great Ulama of Da'wah. In addition, there are also other literatures.

The data to be explored in this research is the activity of *ihya'ul mawat* by Sheikh Muhammad Arshad al-Banjari in Banjar society and its impact. Data collection in this research is carried out with documentary studies, namely studies that examine the biography of Sheikh Muhammad Arshad Al-Banjari and other written materials that contain the data explored. Researchers process and analyze data with systematic thinking steps referring to the theory of *ihya' al-mawât*.

There are three steps that must be taken to analyze content, namely 1) identification of facts, namely collecting and determining the series of facts contained in legal materials; 2) grouping data, namely dividing data into several criteria that refer to the focus of research/problem formulation; 3) giving meaning, namely the process of systematic description of data as a process of providing answers to each problem.<sup>40</sup>

Ade Heryana states that the steps to analyze are carried out in the following sequence of steps: 1) description of legal materials; categorization of legal materials, so that a typology can be built. There are two categories of data here, namely the form of activity and the impact of the activity; 2) comparison, especially comparison between source materials to find similarities and differences to then build a picture and also a comprehensive understanding of the description of the activity and the background of the activity; 3) linking between two or more variables, which is usually used in quantitative research, but can also be done in qualitative research; 4) conclusions or drawing conclusions.<sup>41</sup>

## RESULT AND DISCUSSION

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<sup>38</sup> Arfa dan Marpaung, 59–60.

<sup>39</sup> Marzuki, *Penelitian Hukum*, 166; Suhaimi, "Problem Hukum dan Pendekatan dalam Penelitian Hukum Normatif," *Jurnal Yustitia* 19, no. 2 (Desember 2018): 209.

<sup>40</sup> Elisabeth Nurhani Butarbutar, *Metode Penelitian Hukum; Langkah-Langkah Untuk Menemukan Kebenaran Dalam Ilmu Hukum* (Bandung: Refika Aditama, 2018), 148–49.

<sup>41</sup> Ade Heryana, *Buku Ajar Metodologi Penelitian Kesehatan Masyarakat* (Jakarta: e-book tidak dipublikasikan, 2019), 184–85.

Sheikh Muhammad Arshad Al-Banjari lived in the 8th century, March 17, 1710 to the beginning of the 19th century, October 3, 1812.<sup>42</sup> The Banjar Sultanate in the early 18th century was seen as a free kingdom and succeeded in defeating foreign penetration in the economic field as evidenced by the Banjar Kingdom's port as the center of the pepper trade. The stable economic and political situation in the 18th century was very supportive for the Banjar Sultanate to send Muhammad Arshad, an adopted son of Sultan Hamidullah (1700 AD-1734 AD) to study abroad in Makkah and Madinah. Arshad, later known as Sheikh Muhammad Aryad al-Banjari, was financed by the Sultan from departure to return during the time of Prince Tamjidillah who was titled Sultan Sepuh (1734 AD-1759 AD).<sup>43</sup>

Upon his arrival from studying in Makkah for 30 years and in Madinah for 5 years<sup>44</sup>, Sheikh Muhammad Arshad Al-Banjari returned to his hometown. He opened a recitation in the palace. The congregation of the recitation was increasing. The king saw the development of the number of worshipers who attended, gave a scrub land<sup>45</sup>, built a house, fenced, so it was named Dalam Pagar. The fence in question is ulin wood. Besides the physical fence, there is also an inner fence.<sup>46</sup>

This land was located on the riverbank, opposite the center of the Banjar kingdom at that time. He cleared the land. It used to be a swamp. Then it was cleared by ihya' al mawat to become a rubber plantation. Besides rubber there were fruits. Other information states that the trees planted were coconuts<sup>47</sup>. The Dalam Pagar area is basically a Muslim community area. During the Dutch colonial era, the Dalam Pagar area was designated as a village, including the villages of Akar Bagantung, Paupakan, Muara Tambangan, Sungai Kitanu and Sungai Tabuk<sup>48</sup>.

Because of the many descents, the village grew. He opened another plantation in Kalampayan Village, where he built a river and planted crops. The river is in the direction of the qibla so that the plantation is fertile. He directed or gave boundaries to be dug. Then the people dug it until it became a river. He did not want to use magic. Shaykh Muhammad Arshad was assisted in this activity by his son-in-law, Shaykh Abdul Wahhab from Makassar, who was his friend while studying in Makkah.<sup>49</sup>

The creation of the river was carried out by outlining a stick by him for about 8 kilometers, then it became a canal after being dug by the surrounding community. The excavation of this canal made the surrounding low land fertile rice fields.<sup>50</sup>

The place was in the area now known as Tuan River, Martapura. The term Tuan River refers to the river created by *Tuan Guru* Sheikh Muhammad Arshad Al-Banjari. Tuan River is about 8 km long starting from Astambul Bridge as the zero point to the downstream mouth of Martapura River. From the field survey about 7.9 km (GPS and car speedometer). Tuan River was made by Sheikh Muhammad Arshad Al-Banjari by using

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<sup>42</sup> Tim Akademik, *Beyond Imagination Pemikiran Syekh Muhammad Arsyad Al Banjari* (Banjarmasin: Wade, 2018), 98; Zamzam, *Syekh Muhammad Arsyad Al Banjari; Ulama Besar Juru Da'wah*, 10.

<sup>43</sup> Ahmad Suriadi, "Syekh Muhammad Arsyad Al-Banjari dalam Dinamika Politik Kerajaan Banjar Abad XIX," Laporan Penelitian (Banjarmasin: LP2M IAIN Antasari, 2013), 2.

<sup>44</sup> Yusuf Halidi, *Ulama Besar Kalimantan Syekh Muhammad Arsyad Al-Banjari 1122-1227 H/1710-1812*, edisi revisi (Yogyakarta: Magnum Pustaka Utama, 2023), 26.

<sup>45</sup> Zulfa Jamalie, "Syekh Abdul Wahab Bugis dan Perjuangan Dakwahnya di Tanah Banjar (1722-1786M)" (Universiti Kebangsaan Malaysia, 2013), 305.

<sup>46</sup> Ahmad Daudi, Wawancara Pribadi, Desember 2023, Dalam Pagar, Martapura.

<sup>47</sup> Daudi.

<sup>48</sup> Daudi; Yusliani Noor, *Islamisasi Banjarmasin Abad Ke-15 Sampai Ke-19* (Yogyakarta: Penerbit Ombak, 2016), 313.

<sup>49</sup> Daudi, Wawancara Pribadi.

<sup>50</sup> Tim Akademik, *Beyond Imagination Pemikiran Syekh Muhammad Arsyad Al Banjari*, 98; Zamzam, *Syekh Muhammad Arsyad Al Banjari; Ulama Besar Juru Da'wah*, 10.

*ilatung* (rattan stick) to draw a line from sunrise to sunset. If you look at the compass, it is exactly from sunrise, meaning east, to sunset (west). A straight line is drawn from east to west.<sup>51</sup>

He scratched his stick (*ilatung*) along approximately 8 km, so that it became a tributary after being dug by the community in mutual cooperation. The river can flow water next to it. Then the canal or tributary was perfected, so that finally it functioned as irrigation that could regulate the flow of water, and obtained land that was previously unproductive into productive land.<sup>52</sup>

From the above data, it can be found that he observed the community around the recitation institution. He saw the concerning social conditions of the community. Then he created the *ihyā` al-mawāt* movement. A community empowerment movement by reviving unproductive agricultural land. Many swampy lands with deep water, so farmers let the land become abandoned land. As a result, many farmers lived in poverty.<sup>53</sup>

The river serves as irrigation for the ups and downs of tidal swamp water. As the swamp water recedes, farmers can plant citrus. Finally, the farmers could live prosperously.<sup>54</sup>

Dalam Pagar is a type of *pesantren* developed by Sheikh Muhammad Arshad al-Banjari. This institution was formed with the blessing of Sultan Tahmidullah II. The model is typical of the Middle East. The learning system for the beginner stage is learning to read the Qur'an. In addition, the "Ma-Arba" recitation is also known, namely the learning institution of the book every Arba day (Wednesday). The system is that the teacher reads the book while the students only listen to all the knowledge described by the teacher.<sup>55</sup> From the Dalam Pagar *pesantren*, cadres of Islamic propagators were produced. The trace of its spread, on the islands of Kalimantan, Madura, Sumatra, and Malaysia.<sup>56</sup>

Sheikh Muhammad Arshad al-Banjari's activities in clearing land and making this river illustrate several aspects that can be observed. First, the land clearing fulfills a legal institution in Islam, especially *fiqh muamalah*, namely *ihyā` al-mawāt*. In addition to legal institutions, it turns out that this *ihyā` al-mawāt* has an economic impact on the community. It can be said that Sheikh Arshad carried out a legal strategy or politics in a very brilliant way.<sup>57</sup>

As known in the politics of law, it is an effort to implement the activity of the law or to enforce rules that society can override. The goal is to bring people on a harmonious

<sup>51</sup> Iwan Setiawan dkk., "Reforming Marriage Law in Indonesia: A Critical Examination of Islamic Law on the Ban of Interfaith Marriages," *Al-Manahij: Jurnal Kajian Hukum Islam*, 31 Juli 2024, 179–98, <https://doi.org/10.24090/mnh.v18i2.11134>.

<sup>52</sup> Daudi, Wawancara Pribadi; Tim Akademik, *Beyond Imagination Pemikiran Syekh Muhammad Arsyad Al Banjari*, 98.

<sup>53</sup> Abdul Hafiz Sairazi dkk., "Revitalization of *Ihyā` Al-Mawāt* as the Foundation of *Pesantren* Economy by Sheikh Muhammad Arshad al-Banjari in 18th Century Banjar Society," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 2 (2024), <https://jurnal.uin-antasari.ac.id/index.php/syariah/article/view/13135>.

<sup>54</sup> Zaenul Mahmudi dkk., "The Charity Values within Islamic Law of Inheritance in Malang: *Maqāṣid al-Sharī'ah* and Social Construction Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (24 Agustus 2024): 1324–45, <https://doi.org/10.22373/sjhk.v8i3.19986>.

<sup>55</sup> Noor, *Islamisasi Banjarmasin Abad Ke-15 Sampai Ke-19*, 377–380.

<sup>56</sup> Mohammad Ali Wafa, "Pemikiran dan Kiprah Syekh Muhammad Arsyad Al Banjari Dalam Perspektif Komunikasi Agama," *Mutakallimin* 1, no. 1 (2018): 24.

<sup>57</sup> Mia Amiati, Taufik Rachman, dan R. B. Muhammad Zainal Abidin, "Urgency of *Falsum* in Indonesian Criminal Justice System as Basis for Revision; An Islamic Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (12 Oktober 2024): 303–28, <https://doi.org/10.19105/al-lhkam.v19i2.13141>.



co-existence<sup>58</sup> Legal politics must be determined before laws or rules are made.<sup>59</sup> In this case for the people living everyday and for the people following his established sermon.<sup>60</sup>

There are some things that make people obey the law, which is:

1. Insight into the design and purpose of the law;
2. There was a feeling that regulations were made as the existence of laws. Thus the individu felt its interest in a rule;
3. To be safe and comfortable and at peace. Finally one accepts the rule of law with rational thought as a consequence behind the rule of the law itself. A person chooses to obey the rules, so as not to be faced with difficulties, for they are aware that breaking the law would automatically result in legal sanctions;
4. The reality is that many societies who are unaware that something is affecting the law. They are conscious of the existence of the law only when it begets itself a penalty for its violation and when its importance is restricted to a law of law;
5. Felt compelled because of the presence of social sanction. A person will feel ashamed when he is seen by the public as a lawkeeper.<sup>61</sup>

These results support several theories:

1. The theory of belief in God, which is the source of the law in taking action against the condition of society. The sheik muhammad Arshad's position asa scholar with a legal source from shariat is evidence of confidence in the Lord asa basis for activity and order at that time.<sup>62</sup>
2. Law change theory to explain activities dealing with phenomena Banjar society conditions with islamic law in Banjar communities.<sup>63</sup>
3. The theory of maslath as maqashid al-sharia, in this case to analyze the application of ihya 'al-mawat as the application of Islamic law to the Banjar communities.<sup>64</sup> (Herawati, 2014, p. 42; Rahmi, 2018, p. 163)

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<sup>58</sup> Hariyanto Hariyanto, "Politik Hukum dalam Legislasi Nasional," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 13, no. 2 (31 Desember 2022): 300, <https://doi.org/10.21043/yudisia.v13i2.16206>.

<sup>59</sup> Bambang Sri Hartono, Ayon Dini Yanto, dan Heris Suhendar, "Strategi dan Model Omnibus Law dalam Penataan Regulasi," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 12, no. 2 (31 Desember 2021): 179, <https://doi.org/10.21043/yudisia.v12i2.10162>.

<sup>60</sup> Muhammad Fazrianur Arridho dkk., "Tinjauan Hukum Islam Menurut Ulama Kota Sampit Terhadap Depo Sampah Di Sekitar Lingkungan Pendidikan (Studi Kasus Depo Sampah SAHATI 04, Kecamatan Baamang, Kabupaten Kotawaringin Timur, Kalimantan Tengah)," *JOURNAL OF ISLAMIC AND LAW STUDIES* 6, no. 2 (25 Desember 2022): 115–25, <https://doi.org/10.18592/jils.v6i2.12520>.

<sup>61</sup> Rahma Aulia, "Membangun Kesadaran Hukum Masyarakat di Masa Pandemi Covid-19 Melalui Peran Keluarga," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 12, no. 2 (31 Desember 2021): 233, <https://doi.org/10.21043/yudisia.v12i2.11429>.

<sup>62</sup> Muhamad Mas'ud, Rosbandi, dan Sugih Suryagalih, "Eksistensi Teori Kredo dalam Pemberlakuan Hukum Islam di Indonesia," *Islamika: Jurnal Agama, Pendidikan, dan Sosial Budaya* 14, no. 1 (Juni 2020): 66; Muh. Haras Rasyid, "Dinamika Hukum Islam Dan Aktualisasi Teori-Teori Berlakunya Hukum Islam Di Indonesia," *Jurnal Hukum Diktum* 11, no. 1 (Januari 2013): 17, <https://doi.org/10.35905/diktum.v11i1.65>.

<sup>63</sup> Muhammad Faisol, "Hukum Islam dan Perubahan Sosial," *Juris (Jurnal Ilmiah Syariah)* 18, no. 1 (30 Juni 2019): 42, <https://doi.org/10.31958/juris.v18i1.1397>; Izomidin Izomidin, "Teori dan Tipe Perubahan Hukum Islam Menurut Abdullah Ahmad al-Na'im," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 10, no. 1 (30 Juni 2010): 106–7, <https://doi.org/10.18326/ijtihad.v10i1.89-108>.

<sup>64</sup> Andi Herawati, "Maslahat Menurut Imam Malik dan Imam Al-Ghazali (Studi Perbandingan)," *Diktum: Jurnal Syariah dan Hukum* vol 12, no. 1 (2014): 42, <https://doi.org/10.35905/diktum.v12i1.194>; Nispan Rahmi, "Maqasid Al Syari'ah: Melacak Gagasan Awal," *Syariah Jurnal Hukum dan Pemikiran* 17, no. 2 (1 Februari 2018): 163, <https://doi.org/10.18592/sy.v17i2.1970>.

Fiqh that is applied to society should not be merely law enforcement, but should be subject to civic prosperity even. Public action can be determined by bringing economic expediency. Thus, law was applicable and society benefited concrete benefits.<sup>65</sup>

Syekh Muhammad Arshad was a pioneer in the people economic, including the institute of pesantren. He was concerned not only with the business of worship but also the temporal welfare of the people. He is also an environmentalist, proven by his efforts to preserve and preserve. It has also been found *ihyā` al-mawāt'* successful on Banjarese' activity in the 18<sup>th</sup> century.

## CONCLUSIONS

*Ihya 'al-mawat* in the 18<sup>th</sup> century Banjarese society was practiced by Sheikh Muhammad Arshad Al-Banjari in his culvert as a scholar also as a figure who became part of the Banjarese Kingdom. It is among the contributing factors of *ihya 'al-mawat'* successfully and supported by society.

From previous exposure to it, it is known that the form *ihya 'al-mawat* did by Sheikh Muhammad Arshad Al-Banjari with three things:

1. Open up new ground inside the fence. Besides being an inhabitant, they also set up plantations for the daily needs of the people so as not to go to the market or to the Kingdom's Capital.
2. Cultivating land that was once waterlogged and unsown. The trick is to do the third thing.
3. Making the Tuan River, for it to become a waterway, making it a fruitful field.

One of the notes in the *ihya 'al-mawat* that he did is collectively. It is evident that with the help of his son-in-law, as well as the active role of the Banjarese society at the time, of course. The impact of *ihya 'al-mawat* is economic in its own way, increasing community welfare through agro-economy, which is through the agricultural movement. It can inspire people in general or many boarding schools in South Kalimantan to improve.

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<sup>65</sup> Bahrul Ulum dan Mohd Arifullah, "Contextualizing Fiqh Al-Siyāsah in Indonesia: A Proposed Typology of Islamic Populism," *AHKAM: Jurnal Ilmu Syariah* 24, no. 2 (20 Oktober 2024): 199–214.

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