

# Redefining Fiqih Tarbawy: An Archaeological and Genealogical Analysis of Knowledge and Philosophical Hermeneutics of the Classical Turats

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**Abstract.** Islamic educational thought contains extensive discussions of adab, teacher–student relations, curriculum, discipline, child protection, and institutional governance, yet these elements remain dispersed across jurisprudence, spirituality, philosophy, and educational policy. This article reconstructs Fiqih Tarbawy as a normative-formative framework that shifts the center of reasoning from the legal classification of isolated acts toward the design, guidance, protection, and evaluation of human formation in education. The study employs conceptual-reconstructive analysis supported by a bounded purposive synthesis of classical Islamic educational texts, *usul al-fiqh* and *maqashid al-shari'ah* literature, modern educational-jurisprudence scholarship, and recent peer-reviewed educational research. Analysis proceeded through semantic clarification, genealogical mapping, conceptual differentiation, cross-category synthesis, and coherence testing. The reconstruction identifies three major shifts: an expanded unit of analysis from individual acts to learners, pedagogical relations, curriculum, institutions, and policy; an expanded temporality from adjudicative response to pre-factum, in-factum, and post-factum work; and the integration of normative orientation, contextual-empirical reasoning, and a repertoire of formative interventions within one decision architecture. Legal judgment is therefore retained but situated within an educational cycle that enables prevention, guidance, correction, restoration, and system evaluation. The main contribution is a configurational architecture of formative jurisprudence that links educational diagnosis, norm-guided action before–during–after events, proportional intervention, and impact-based institutional correction.

**Keywords:** *conceptual analysis; Fiqih Tarbawy; formative jurisprudence; Islamic education; maqashid al-shari'ah*

## INTRODUCTION

Education is simultaneously a normative undertaking and a social practice because decisions about curriculum, assessment, discipline, technology, and authority always imply judgments about what is good, just, responsible, and beneficial. This normative dimension has become more visible as educational institutions adopt artificial intelligence, learning analytics, and student-data systems. Reviews of AI in education show strong potential for personalization and efficiency while also identifying ethical, methodological, and contextual concerns involving privacy, bias, accountability, and the integrity of educational relationships [1], [2], [3]. Academic-integrity research likewise distinguishes legitimate learning support from forms of misuse and deception [4], [5]. Technical effectiveness, therefore, cannot be the sole criterion for educational decision making; the goals, procedures, distribution of benefits, and risks to learners also require justification.

A similar need for normative reasoning appears in discipline, student wellbeing, and equitable assessment. Restorative approaches are associated with improved school climate, reduced exclusionary discipline, and stronger social relations [6], [7], while more recent syntheses report gains in communication, trust, and emotional wellbeing, although the sustainability of effects remains context dependent [8], [9]. Equitable assessment requires accessibility, feedback, cultural responsiveness, and teacher competence so that evaluation does not reproduce disadvantage [10]. Supportive educator–student relationships are also linked to motivation, safety, engagement, and professional identity formation [11]. These findings indicate that educational norms must address not only the status of conduct but also the conditions that shape conduct and the consequences of institutional responses.

Contemporary Islamic education has similarly moved beyond knowledge transmission toward ethics, dialogue, character formation, knowledge integration, and engagement with plural societies. Studies of Qur'anic narrative pedagogy and Islamic liberatory pedagogy connect normative sources with reflective and transformative learning [12], [13]. Work on ethical and holistic curriculum design and critical Islamic education extends the discussion to curriculum, policy, and plural social life [14], [15], [16], while recent studies emphasize dialogical teacher–learner relations, the integration of adab in madrasa curricula, and the continuing relevance of al-Ghazali's pedagogical principles [17], [18], [19]. Conceptual research also warns against treating tarbiyah, ta'lim, tadrīs, and ta'dīb as fully interchangeable terms [20].

The classical tradition offers a broader normative repertoire. Al-Ghazali discusses intention, exemplarity, gradual development, and cultivation of the self [21]; Ibn Sahnun and al-Qabisi address teachers' duties, learner protection, and the limits of discipline [22], [23]; al-Zarnuji and Ibn Jama'ah elaborate ethics of pedagogical relations and learning strategies [24], [25]; and Ibn Khaldun analyzes the formation of *malakah* and the harmful effects of harsh instruction [26]. *Usul al-fiqh* and *maqashid al-shari'ah* add tools for reading texts, purposes, causes, custom, benefit, harm, and changing circumstances [27], [28]. Modern precedents also exist: Banari examined the two-way interaction of fiqh and education, A'rafi developed *fiqh-e tarbiyati* as a distinct field, Yuliar explicitly connected Fiqih Tarbawi with *maqashid* in Indonesia, and Mousavi mapped networks of educational rights and responsibilities [29], [30], [31], [32].

The remaining gap is therefore not the absence of educational jurisprudence but the lack of an explicit reasoning center that links normative status with educational diagnosis, the design of conditions before action, guidance during action, and evaluation after action. This article reconstructs Fiqih Tarbawy as a normative-interdisciplinary framework whose novelty is configurational rather than terminological. It has three aims: to explain the shift from adjudicative to formative reasoning; to define the object and conceptual boundaries of Fiqih Tarbawy; and to formulate an umbrella architecture connecting normative orientation, contextual-empirical reasoning, and formative action while clarifying its implications and limits.

## METHODS

### Study design and analytical corpus

This study uses conceptual-reconstructive analysis supported by a bounded purposive synthesis of literature. The design was selected because the objective is not to estimate frequencies, aggregate effects, or reconstruct the entire population of relevant publications, but to clarify concepts, distinguish conceptual boundaries, test assumptions, and formulate a coherent theoretical architecture. Strong conceptual articles require a clear question, defensible theoretical choices, and an explicit account of how synthesis produces a new contribution [33]. Cross-tradition literature was therefore used selectively for conceptual clarification, genealogy, comparison, engagement with contemporary developments, and interpretation. The study does not claim the completeness of a systematic or formal integrative review; instead, it follows a proportionate standard of transparency and traceability appropriate to conceptual synthesis [34].

The analytical corpus was purposively organized in two layers. The first consists of primary texts in Islamic education, *adab*, *fiqh*, *usul al-fiqh*, and *maqashid* that directly address human formation, teacher–student relations, curriculum, discipline, protection, professional responsibilities, or institutional governance. The second contains (a) modern scholarship on Fiqih Tarbawy or educational jurisprudence, including pre-2021 works required to establish genealogy and novelty boundaries, and (b) recent peer-reviewed studies, especially from 2021–2026, on Islamic educational philosophy and ethics, pedagogy, educator–student relations, restorative discipline, equitable assessment, student wellbeing, and AI ethics. Sources were traced iteratively through academic search engines, publisher and DOI pages, and citation trails; selection prioritized relevance, source quality, recency where appropriate, conceptual proximity, and argumentative function.

### Analytical procedure

Analysis proceeded through five connected steps. First, the semantic field of *fiqh*, *tarbiyah*, *tarbawy*, *rububiyah*, *ta'dīb*, *maqashid*, and adjacent terms was clarified. Second, the genealogy and argumentative function of each source cluster were mapped. Third, Fiqih Tarbawy was differentiated from legal-adjudicative approaches and from established concepts in Islamic education. Fourth, the resulting concepts were synthesized into an umbrella architecture linking normative-formative orientation, contextual-empirical reasoning, and a repertoire of educational actions. Fifth, the reconstruction was tested for internal consistency, conceptual distinctiveness, explanatory adequacy, traceability to sources, and openness to empirical correction. Conceptual validity was strengthened by comparing claims with primary sources,

contemporary scholarship, and relevant educational evidence while avoiding remote analogy as the principal basis of argument.

## RESULTS AND DISCUSSION

### Genealogical reconstruction: from dispersed heritage to a scholarly architecture

The genealogy of Fiqih Tarbawy has two layers. The first is a dispersed classical heritage across adab, spirituality, philosophy, fiqh, siyasah, and Islamic educational thought. The second is a modern corpus that explicitly links jurisprudence and education. Banari mapped the interaction between fiqh and education; A'rafi developed fiqh-e tarbiyati as a field of inquiry; Yuliar brought the term Fiqih Tarbawi into Indonesian maqashid discourse; and Mousavi extended educational jurisprudence to networks of rights, obligations, and governance [29], [30], [31], [32]. Consequently, the genealogy should not be narrated as a search for a single terminological ancestor or as a claim that the field has never been formulated. It is better understood as a critical reconstruction of how different traditions have addressed human formation, pedagogical relations, authority, institutions, and public responsibility.

Substantively, the sources can be grouped into four clusters. Ethical-spiritual sources provide foundations concerning intention, adab, exemplarity, tazkiyah, compassion, and moral disposition. Philosophical-pedagogical sources address fitrah, gradual development, malakah, classification of knowledge, and the relation between theoretical understanding and practical competence. Legal-institutional sources discuss teachers' rights and obligations, discipline, learner protection, institutional management, supervision, and public responsibility. Contemporary-systemic sources offer concepts for reading maqashid, knowledge integration, technology, and the complexity of modern education. Table 1 summarizes these clusters.

**Table 1. Source clusters and their contributions to the construction of Fiqih Tarbawy**

| Source cluster            | Primary concern                                                      | Contribution to Fiqih Tarbawy                                                     | Representative sources                                           |
|---------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------|
| Ethical-spiritual         | Intention, adab, tazkiyah, teacher–learner relations                 | Moral orientation, exemplarity, and care for the self                             | Al-Ghazali [21]; al-Zarnuji [24]; Ibn Jama'ah [25]               |
| Philosophical-pedagogical | Fitrah, development, malakah, classification of knowledge            | A view of the learner as a developing subject and the sequencing of learning      | Ibn Khaldun [26]; al-Farabi [35]                                 |
| Legal-institutional       | Rights, obligations, discipline, profession, and governance          | Limits of authority, protection, accountability, and institutional responsibility | Ibn Sahnun [22]; al-Qabisi [23]; al-Mawardi [36]; Abu Yusuf [37] |
| Contemporary-systemic     | Maqashid, knowledge integration, technology, and systemic complexity | Integration of norms, educational science, and system analysis                    | Auda [28]; Al-Attas [38]; al-Faruqi [39]                         |

This mapping supports two conclusions. First, education has long been treated in Islamic traditions as a normative domain with legal, ethical, and institutional consequences. Second, modern Fiqih Tarbawy and educational-jurisprudence scholarship has already moved beyond a collection of isolated fatwas toward systematization, prevention, maqashid-based reasoning, and distributed responsibility. The present reconstruction therefore does not claim unprecedented elements; it reorganizes their center of reasoning into a formative decision architecture.

### Definition, object, and conceptual boundaries of Fiqih Tarbawy

The construction begins with fiqh. Lexically, fiqh denotes deep understanding, while in its disciplinary development it became a technical term for knowledge of practical shari'ah rulings derived from detailed evidence [40]. These meanings need not be opposed. The technical meaning disciplines argument, whereas the broader sense of understanding creates room to consider purposes, contexts, subjects, and consequences. Fiqih Tarbawy draws on both: it remains normative and method-bound, but it does not stop at classifying the legal status of isolated acts.

The tarbawy dimension directs this reasoning toward educational formation. Classical and contemporary discussions associate tarbiyah with growth, improvement, regulation, care, and gradual maturation; the relationship between tarbiyah, ta'lim, tadrīs, and ta'dīb, however, remains conceptually contested [20]. Accordingly, etymology is not treated as self-sufficient evidence. In this reconstruction, Fiqih Tarbawy is defined as a normative-interdisciplinary field that evaluates and directs human formation and educational governance through revelation, maqashid al-shari'ah, rububiyah-oriented values, pedagogical reasoning, social context, and empirical evidence.

This definition expands the object of analysis from individual acts to five units: the learner, including capacity, vulnerability, developmental stage, and agency; pedagogical relations, including distributions of

authority, responsibility, care, and justice; educational instruments such as curriculum, methods, assessment, discipline, and technology; institutions, including organizational culture, financing, leadership, professional protection, and accountability; and public policy governing access, equity, standards, and educational rights. The same boundary distinguishes Fiqih Tarbawy from a collection of educational fatwas, from philosophy of Islamic education alone, and from teacher professional ethics alone. Its scope is broader, but it remains dependent on disciplined dialogue with fiqh, philosophy, ethics, educational science, psychology, sociology, and policy studies.

### From adjudicative logic to formative logic

The central distinction of Fiqih Tarbawy is a shift in emphasis from adjudicative to formative logic. Adjudicative logic asks whether an act is obligatory, prohibited, valid, invalid, justified, or liability-producing. These functions remain indispensable when education faces rights violations, violence, academic fraud, or abuse of authority. The limitation appears when educational problems are reduced to status classification after the event. Education inherently works before, during, and after action through environmental design, habituation, guidance, correction, and evaluation.

The usual pre-factum/post-factum contrast is therefore expanded into three temporalities. In the pre-factum phase, Fiqih Tarbawy evaluates curriculum design, rules, environments, resource distribution, and educator readiness in order to prevent harm and enable growth. In the in-factum phase, it directs interaction while learning unfolds, including support, differentiation, correction, and proportionate restraint. In the post-factum phase, it evaluates consequences, restores harm, redesigns systems, and allocates responsibility. Legal judgment is not removed; it is relocated within a more complete educational cycle.

This temporal shift changes diagnosis. A learner's violation should not automatically be read as evidence of moral deficiency. Similar conduct may arise from ignorance, underdeveloped skill, peer pressure, an unsafe environment, inequitable assessment, family conflict, or deliberate harmful choice. Diagnosis therefore determines response: ignorance may require explanation, skill deficits require practice, social pressure may require environmental change, harm may require restitution, and deliberate repeated misconduct may require proportionate restrictions or sanctions. Formative logic also extends responsibility from the learner to the system. When failure is produced by inaccessible methods, poorly sequenced curriculum, uninformative assessment, or unsafe environments, institutional design becomes an object of normative evaluation rather than a neutral background.

**Table 2. Comparison of adjudicative and formative logic in Fiqih Tarbawy**

| Dimension          | Adjudicative logic                                     | Formative logic of Fiqih Tarbawy                                                      |
|--------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------|
| Primary question   | What is the status of the act, and who is responsible? | What processes shape the act, and what intervention can improve them?                 |
| Temporal focus     | Mainly during or after an act                          | Before, during, and after educational processes                                       |
| Unit of analysis   | Individual act                                         | Learner, pedagogical relation, curriculum, environment, institution, and policy       |
| Dominant response  | Status determination, obligation, or sanction          | Prevention, guidance, differentiation, correction, restitution, and system evaluation |
| Measure of success | Compliance with rules                                  | Growth of capacity, self-regulation, justice, and prevention of harm                  |

The shift does not weaken legal rigor. It raises the justificatory standard: a rule is not sufficient merely because it has normative form; it must also be relevant to educational purposes, implemented through fair procedure, and evaluated through its consequences. Jurisprudence thus becomes part of the design of human formation rather than only an instrument of reaction.

### Umbrella architecture: normative orientation, reasoning, and action

The umbrella architecture begins from the learner as a developing subject with potential, vulnerability, experience, learning capacity, and growing agency. Fitrah and a rububiyah horizon provide an orientation toward gradual cultivation rather than momentary compliance. Within this horizon, al-ri'ayah, al-tanzhim, al-ta'dib, and al-hifzh function as four normative criteria for asking whether an intervention cares for the learner, organizes structures justly, develops moral-intellectual capacity, and protects dignity and safety [21], [38]. In this article these functions are treated as justificatory orientations, not as a completed independent ontology.

The second layer is reasoning that connects norms with empirical circumstances. Bayan identifies normative sources and limits; maqashid tests purposes and consequences; empirical diagnosis clarifies the learner's condition, problem mechanisms, risks, and distribution of effects; while 'illat tarbawiyah,

masalah, and ‘urf help assess contextual relevance. The purpose of this layer is to make decisions traceable, testable, and correctable rather than to construct an epistemology detached from *usul al-fiqh*, *maqashid*, and educational knowledge [27], [28].

The third layer translates reasoning into formative action. Rerouting redirects a response from symptoms toward pathways of formation and system repair; discretion adjusts rules to particular conditions within legitimate authority; affirmation reduces barriers to make opportunity more equitable; incubation designs environments so that activities acquire educational value; and gradualism regulates the intensity of support and the release of control as self-regulation develops. These five mechanisms are illustrative rather than exhaustive. They operate across the three temporalities: norms and diagnosis shape the environment before action, guide support and correction during action, and frame restoration, responsibility, and redesign after action.

Scope limitation is essential. The present article establishes an interface among the developing subject, normative-contextual reasoning, and forms of formative action necessary to explain the shift from adjudicative to formative jurisprudence. A fuller ontology, epistemology, theory of educational *ijtihad*, and operational methodology require separate arguments and testing. The architecture should therefore be read as a supporting framework and research agenda rather than as a completed theory of every educational problem.

### **Educational implications and theoretical contribution**

The architecture can be summarized through five principles: formative, because decisions are judged by their contribution to capacity and disposition rather than formal compliance alone; *maqashidi*, because rules are tested against purposes, priorities, and consequences; contextual-adaptive, because the form and intensity of intervention may vary by subject, time, place, technology, and risk; integrative, because normative reasoning must engage educational science and empirical evidence; and gradual-autonomous, because authority should be exercised toward the development of self-regulation, independence, and responsibility.

In curriculum, the model requires sequencing, accessibility, relevance to real needs, and a balance among values, knowledge, and skills. Curriculum quality cannot be judged only by the quantity of content; it must also be assessed against developmental appropriateness, learning load, and opportunities for transfer. This direction is consistent with recent work emphasizing ethics, contemporary knowledge, technology, and community participation in Islamic curriculum design [14], [15], [18].

In assessment and discipline, the focus shifts from scores and punishment toward the quality of information and change in capacity. Assessment is evaluated through validity, transparency, accessibility, feedback, and consequences [10]. Discipline begins with diagnosis and then selects combinations of guidance, environmental change, restitution, restriction, and proportionate sanction. *Ta‘zir* may retain a corrective function, but it remains subject to protection of life and dignity, fair procedure, and the prohibition of punitive excess. Restorative-discipline research supports attention to relationship repair, reduced exclusion, and impact evaluation [6], [7], [8], [9].

At institutional and policy levels, *Fiqh Tarbawy* provides criteria for examining financing, teacher wellbeing, resource distribution, administrative burden, professional protection, and governance. Good classroom decisions can fail when institutional structures do not support them. *Tarbawi* responsibility therefore extends beyond individual teachers to organizations and policymakers. Evidence on educator–student relationships also shows that supportive communication and inclusive learning structures matter for motivation and engagement [11].

In digital education, the framework can be used to examine privacy, AI, academic integrity, access gaps, content moderation, and device dependence. Technology is neither inherently harmful nor inherently educational; it must be judged by purpose, design, learner effects, and institutional capacity to manage risk. Current reviews emphasize ethical, contextual, and methodological caution in educational AI [1], [2], [3], while integrity studies distinguish learning support from cheating and misuse [4], [5]. AI-based inference about learner emotions raises additional concerns about accuracy, privacy, and cross-cultural validity [41], and the use of generative AI for religious learning makes critical literacy and verification central to learner agency [42].

The theoretical contribution is therefore configurational. Earlier literature already discusses *fiqh*–education interaction, systematization, prevention, *maqashid*, and distributed educational responsibility [29], [30], [31], [32]. The contribution of this reconstruction lies in organizing those elements into one decision architecture: the unit of analysis expands from individual acts to learners, pedagogical relations, educational instruments, institutions, and policy; temporality expands to *pre-factum*, *in-factum*, and *post-*

factum; contextual-empirical diagnosis is linked to proportionate formative intervention; and decisions remain open to correction based on purpose and impact.

### Limitations and research agenda

This reconstruction has inferential limits. The genealogy of terms and attribution of concepts is not a comprehensive philological audit of all primary editions; the transfer of classical concepts into modern institutions requires historical analysis of changing structures of authority; and the proposed architecture has not yet been empirically tested against real educational decisions. The four normative functions and five action mechanisms should not be treated as final categories. Further work should separately deepen ontology and epistemology, formulate a theory of educational *ijtihad* and decision methodology, test cases in discipline, assessment, curriculum, and technology, and compare the framework with other approaches to educational ethics and jurisprudence. Fiqih Tarbawy is therefore best positioned as a structured but open normative research program rather than a finished doctrine.

## CONCLUSION

Fiqih Tarbawy can be reconstructed as a normative-formative framework that shifts the center of educational jurisprudence from the legal classification of acts toward the design, guidance, protection, and evaluation of human formation. The shift does not abolish adjudicative functions; it places them within a pre-factum, in-factum, and post-factum cycle so that normative reasoning addresses not only the status of an act and the responsibility of an actor but also the conditions that shape conduct, the proportionality of intervention, the distribution of effects, and the obligation of institutions to repair systems. The principal contribution is not the invention of Fiqih Tarbawy, a new ontology, or a final operational taxonomy. Earlier scholarship already provides foundations in *fiqh*–education interaction, *maqashid*, prevention, systematization, and distributed rights and responsibilities. What this article offers is a conceptual architecture for reading educational decisions as a formative sequence: diagnosing the affected unit, designing conditions before action, guiding intervention during the process, and evaluating consequences and system responsibility afterward. Its value will ultimately depend on disciplined source use, transparent reasoning, empirical testing, and willingness to revise decisions when their consequences conflict with educational purposes.

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