

Social Construction of Islamic Philanthropy: Mosque Fundraising on the Bangkalan Highway from the Perspective of Islamic Law Sociology

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Abstract

This article explores the phenomenon of mosque fundraising on the highway in Bangkalan Regency from the perspective of the sociology of Islamic law. This study uses a qualitative approach with the type of field research. Data were collected using interviews, observation, and documentation methods, as well as a sociological approach to Islamic law to understand the interaction between Islamic law and the social reality of society. The results of the study show that this practice is driven by religious norms and social norms that interact with each other, thus giving dual legitimacy to the activity. Key findings show that mosque fundraisers on the highway have the support of local religious leaders, even though this is contrary to the MUI's fatwa banning similar practices. This support creates a strong social acceptance, making it part of a local tradition that is difficult to change. On the other hand, this practice poses challenges related to road user safety and the management of trustworthy funds. The findings of this study also highlight the importance of understanding the religious and social norms that shape mosque fundraising practices on the highway. In addition, this article emphasizes the need for better management to avoid negative impacts on society and raise awareness of public safety. Thus, this research aims to provide valuable insights into how religious and social norms play a role in shaping social practices in Bangkalan society.

Keywords: Fundraising, mosques, sociology of Islamic law.

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INTRODUCTION

Recently, the Indonesian Muslim community, especially in Java and Madura, has shown excessive enthusiasm in building or renovating mosques. They bragged about the mosque building as a symbol of religious devotion. Perhaps in their view, the quantity of mosques can be considered as the standard of quality of religious practices among Muslims in this country. Launching various media reports, Jusuf Kala, Chairman of the Indonesian Mosque Council (DMI) said that the number of mosques spread across Indonesia has exceeded 800,000. This figure is significantly higher than the number of mosques in Saudi Arabia (Isnawati et al., 2024).

In the process of building or renovating a mosque, large funds are definitely needed. This is a challenge for mosques with poor governance and management. So far, there are several



commonly used sources of mosque income funds, ranging from charity box infaq, alms and zakat funds, waqf, donor donations, to donations from government agencies and private institutions (Falah et al., 2023). However, this source of funds sometimes does not run optimally due to external factors such as the location of the mosque in poverty-prone areas and a lack of public trust, as well as internal factors such as the inability of fund management and financial administration of the mosque.

At this point, some people are in a dilemma. Is the construction of the mosque postponed while waiting for assistance from donors and the results of submitting fund proposals, or is the construction process still continuing by taking steps that are considered more practical and efficient? In some areas, the way to overcome this financial deficit problem is to raise funds on the highway. People seem to tend to make efforts that are considered effective and efficient without looking at the consequences, both legally and socially. When mosques become a necessity and are hit with minimal funding, the idea of raising funds on the highway becomes an alternative (Wardi, 2012).

Based on data from the BPS of East Java Province (East Java Prefecture, 2023), as the district with the third largest number of mosques after Malang and Sumenep districts, mosque fundraising activities can be found along the roads of Bangkalan Regency. In 2023, there were at least twelve mosque fundraising points along the main road of Bangkalan-Sampang Regency. This does not include the mosque fundraising point on the southern coastal route of Jalan Bangkalan and the addition of a new point this year. In the author's search, there are four additional mosque fundraising points, each on Jl. Raya Blega, Jl. Raya Galis and Jl. Raya Poter. The southern coastal road route was found at six points and four points on Jl. Raya Blega-Kedungdung (Observation, May 12, 2024).

The practice of collecting mosque donations on the Bangkalan highway basically raises its own problems, both in terms of legal and social legality. Studies around the practice of collecting mosque funds on the highway generally highlight one specific aspect. For example, from the aspect of legal legality as done by Wardi (2012), or from the social aspect as done by Pepriyana et al. (2024), and Holis (2017). This research basically leads this issue to a certain perspective and seems to leave out other perspectives that are actually still relevant.

For this reason, this working paper tries to offer a combinatorial perspective between legal and social. How the practice of raising mosques on the highway is portrayed from the perspective of the sociology of Islamic law. Among the important discussions in this study are about the socio-religious construction of mosque fundraising, an objective picture of the mosque fundraising phenomenon, the dialectic of religious and social norms behind this phenomenon, and closed with an alternative perspective as a solution to this mosque fundraising problem.

METHOD

This research is basically a field research using a sociological approach to Islamic law. Field research is a type of research that studies phenomena in its natural environment (Mulyana, 2004). Meanwhile, the sociology approach of Islamic law is an approach that captures how dialectics or intertwines between Islamic law and the reality of people's lives (Nasrullah, 2016).

The research data was collected by three methods; interviews, observations and documentation. The determination of the research sample was carried out by *snowball sampling*, to identify each informant and resource person as the main actor of mosque fundraising. Interpretative understanding-based analysis is needed to see 1) the behavioral patterns (legal) of the mosque fundraiser; 2) laws and patterns of behavior as the creation and manifestation of the social construction of mosque fundraisers; and 3) the reciprocal relationship between changes in the law and the social and cultural changes of mosque fundraisers.

RESULTS AND DISCUSSION

Socio-Religious Construction of Mosque Fundraisers: From Enthusiasm to Work Ethic

Human actions cannot be separated from the context and socio-cultural background in which they are born and raised. As Berger and Luckmann have said, a social order that appears to be empirically real in people's lives is not due to human instincts, but rather due to the production of culture that then gives birth to a social order. When a human being is born, the social order already exists and is cultured. Where did this social order come from? According to Berger and Luckmann, the order is a human product, or more precisely, a human product that lasts continuously (Berger & Luckmann, 1991). But more than that, everything runs with the need for religious processes and functions.

Religion is a subjective belief that gives birth to a feeling of ethnocentrism—a feeling that the religion that is established is the most true—so that it gives birth to subjective attitudes in followers of other religions, and there will arise a friendly attitude with certain religions that are seen as having similarities, even spurring antipathy and discrimination against followers of other religions who are seen as different and detrimental to the religion they believe. The role of religion becomes even more important when religion is embraced by human social groups, which are related to various activities to meet the complex needs of human life in society. In such developments, religion is directly related to culture, so that religion, society and culture have a mutual relationship that influences each other (Kahmad, 2000).

When religion actualizes in the lives of its adherents, it is at the level of society, so that religion then integrates into the socio-cultural value system, social system and physical cultural forms which then come into contact -through social processes- with other socio-cultural elements. Without having to spontaneously agree with some of the theoretical views above, but the essential issue that wants to be said here is that religious activity as something that implements religious norms in a certain context has sociological implications rather than a person's religious life.

When the influence of religious teachings is very strong on the value system in a society, then the cultural system will be transformed into symbols that are purified with religion as a frame of reference (Holis, 2017). Thus, directly, the ethos that guides the existence and activities of various social institutions in society, is influenced, driven, and directed by various value systems whose source is in religious values that are embraced and manifested in the activities of citizens as actions and works that are enveloped by sacred symbols

In addition, the majority of Muslims tend to believe that in matters of religion, there is no need to rethink or overhaul established and hereditary practices. On the other hand, the Muslim community in Madura considers religious activities to be a major aspect of their work ethic, viewing it as something inseparable from their way of life.

The enthusiasm and work ethic of the mosque fundraiser on Bangkalan street is driven by at least four things. *First*, the perception of the quality of religion. The search for funds or fundraising of the mosque, as an effort to increase the prosperity of the mosque, is a strong justification for every action taken as a manifestation of a person's existence in the religious life of the administrators. The perception that a mosque looks good, magnificent, and beautiful as a place of worship reflects the quality of religious life in the surrounding community. This perception encourages people to do anything to enhance the beauty of the mosque.

Second, socio-cultural. It should be realized that Muslims always want to express themselves as a good Muslim, by doing development in the religious field. One of them is to build a mosque with beautiful architecture. The initiation of mosque construction or renovation programs can carry out fundraising activities by imitating successful mosques around them. However, they may be negligent in considering the constitutional and Sharia validity that should serve as the basis for fundraising efforts. In addition, these activities can be carried out without assessing the potential negative impacts, such as fundraising on the streets that cause traffic jams, disrupt public order, or pose a risk to oneself and others (Isnawati et al., 2024).

Third, the economy. Economic problems are a vital component that causes the emergence of fundraising activities on the highway. The funding problems experienced by the community are inseparable from the behavior of the majority of those who want to establish a good mosque. The ambition to build a magnificent mosque without looking at the allocation of available funds makes the community maneuver through fundraising quickly without having to spend large operational costs and heavy thinking, namely looking for funds on the highway. They use the road as an "asset" in seeking funds for the construction of the mosque. Finding funds on the highway is an alternative that people do because they think there is no other way that is more effective and efficient to do it. In fact, in the reality of modern life as it is today, there are still many more professional and Islamic strategies that can be carried out to raise funds (Wardi, 2012).

Apparently, in addition to seeking funds for the construction or renovation of mosques, there is another motive for individuals seeking funds, namely, the desire to receive remuneration from the development committee. There is a cooperation mechanism between those seeking funds and the responsible party who will later compensate fundraisers based on total income. According to an interview with one of the mosque fundraisers in Burneh Village, they mentioned that the daily income from fundraising on the street ranges from IDR 500-700 thousand, with a discount of IDR 15-20 thousand for agent consumption such as coffee and food, as well as wages for each fundraiser (Interview, October 8, 2024). Another fundraiser in Karpote Village said that their daily income ranged from IDR 800 thousand to 1 million, deducted for the consumption costs of the charity agent on duty and the agreed wages (Interview, October 8, 2024). In Tanah Merah, daily fundraising can reach between Rp 900

thousand, with a 30% deduction for workers' wages from total income. According to local residents, his income can reach Rp 1 million per day and even up to Rp 2 million per day (Interview, October 8, 2024). The reason they take to the streets is because it is the busiest alternative, even though the income is uncertain. This is what makes them enthusiastic as fundraisers because there are other motives besides helping the mosque, namely the personal needs of fundraisers.

Fourth, vertical motivation which has implications for the emergence of social activities in the name of religion. The fundraisers on the highway are consumed by the doctrine that if a person does good for social and religious activities, then he will be rewarded for what he has done. This assumption gives birth to activities that are carried out based on religion that may actually have distortions of understanding from what should be.

Thus, the tendency as mentioned last above is evident from the life of a group of people who are involved in the practice of collecting donations allocated for the repair and maintenance of mosques. The community group seemed very enthusiastic to be charity officers for the construction of mosques by intercepting passing vehicles on these roads, without having to consider and think about whether they were in accordance with religious teachings or *blind taqlid* in the religious activities of the theological doctrines they understood.

Bangkalan: "Regency of *Mal-Amal*"

Bangkalan Regency is part of East Java Province, which is located at the western end of Madura Island. Bangkalan is a lowland with an altitude of 2–100 meters above sea level, located between 60 51' – 70 11' South Latitude and between 1120 40' – 1130 08' East Longitude. The area of Bangkalan is in the form of a land area of 1,260.15 km². The administrative area of Bangkalan Regency consists of 18 sub-districts, namely: Kamal District (41.40 km²), Labang (35.23 km²), Kwanyar (47.81 km²), Modung (78.79 km²), Blega (92.82 km²), Konang (81.09 km²), Galis (120.56 km²), Tanah Merah (68.56 km²), Tragah (39.58 km²), Socah (53.82 km²), Bangkalan (35.02 km²), Burneh (66.10 km²), Arosbaya (42.46 km²), Geger (123.31 km²), Kokop (125.75 km²), Tanjung Bumi (67.49 km²), Sepulu (73.25 km²), and Klampis District (67.10 km²) (Bangkalan Regency Government, 2024).

Based on data on the number of mosques in East Java province in 2023, it is recorded that the number of special mosques in Bangkalan district is 1,190 with details of 2 Great Mosques, 24 Great Mosques, 120 Jami' Mosques, 8 Historic Mosques, and 1,036 Mosques spread across public places. For the last category, Bangkalan is the third district with the highest number of Public Mosque facilities after Malang and Sumenep Regency (East Java Provincial Government, 2023). This is certainly a fantastic number. However, the large number of mosques can be understood considering the area where one community of residents and another is far away so that residents whose location is far from the mosque makes it difficult to worship. Therefore, the mosque was built to meet these needs.

When the mosque becomes a need that must be realized and is hit with a lack of funding, the idea of raising funds on the street becomes an alternative. Therefore, people who do not have professional management in the management of their funds will tend to do something that is considered effective and efficient without having to look at the consequences both

legally and socio-culturally. The practice of raising mosque funds on this road in the life of the people of Madura is also known as *mal-amal*.

Despite all this, in reality, the practice of raising mosques on the streets of Bangkalan Regency is quite rampant. Throughout the search that the author has done, there are approximately sixteen points of mosque fundraising sites spread across Jalan Provincial between Jl. Raya Blega, Jl. Raya Galis and Jl. Raya Poter. On the provincial road section of the southern coastal area, there are at least six points of mosque fundraising. Then on Jl. Raya Blega Kedungdung there are four points where mosque fundraisers are located.

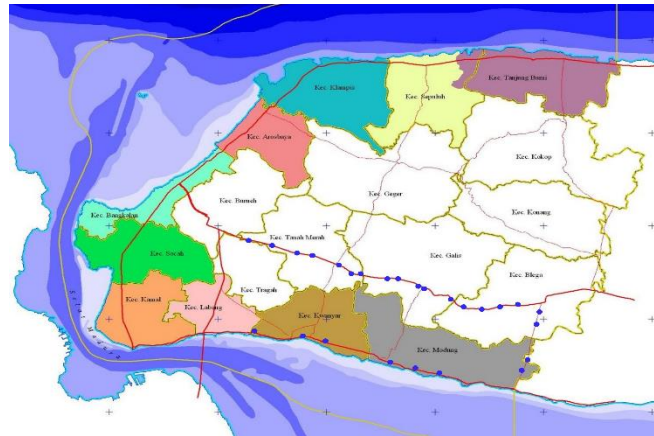


Figure 1. Mosque Fundraising Points on Bangkalan Highway

The phenomenon of mosque fundraising on Bangkalan Street is actually not a new phenomenon, but has been happening for quite some time. From year to year, it seems that there has been an increase in the number of mosque fundraising points on Bangkalan road, both on the main route and the southern coastal route of the Bangkalan-Sampang Regency road. Mosque fundraising activities on Bangkalan street are carried out every day, starting from around 06:30 WIB to 16.00 WIB. During this activity, this activity utilizes various facilities such as *sound systems* or loudspeakers, banners or baleho that are displayed around the location, making small posts and drum markers or the like that are placed in a row in the middle of two sides of the road.

The phenomenon of mosque fundraising in Bangkalan reflects the limited access to formal and organized funding sources, and shows the gap between the need for mosque construction and the economic capacity of the community. This condition is exacerbated by low Islamic financial literacy and limited public access to formal financial institutions, especially in rural areas of Bangkalan (Rahman, 2020). However, this phenomenon also shows the strength of social capital and the spirit of community mutual cooperation in an effort to meet the needs of worship facilities, even though they must be taken in less efficient ways and have the potential to cause social problems.

Dialectics of Religious and Social Norms

The search for donations on the highway is indeed considered quite practical and effective for some circles. In addition to being considered easy, this kind of fundraising always brings in *income* every day even with uncertain numbers. There is also no doubt that this activity has become one of the sources of funds or the establishment of several mosques in various regions, including in Bangkalan district.

But behind all that, the phenomenon of mosque fundraising on the Bangkalan highway actually raises various complex and multi-dimensional problems, especially related to religious and social norms. These two fundamental problems are reflected from various perspectives, both from the perspective of local community leaders or scholars, mosque administrators, people involved in fundraising, road users, and regional officials.

First, religious norms as the basis of legality. Fatwas and religious guidelines voiced by community leaders as holders of cultural authority have a significant role in shaping the social behavior of the community regarding the practice of raising funds for mosques on the street. There are different points of view among Bangkalan community leaders regarding the validity of mosque fundraising activities on the highway reviewed in terms of Islamic law. Some community leaders view that fundraising for the construction or renovation of mosques is basically allowed. In fact, this kind of activity, in their view, is recommended as a form of embodiment of the principle of *ta'awun* (helping each other) in kindness (Interview, October 13, 2024).

Other than that, this first group of religious leaders tended to base their views on the concept of *fastabiq al-khairat* or competing in goodness. They also view this fundraising activity as a form of worship as well as charity based on religious guidance on the virtues of prospering and building mosques. It is not just about building the physical structure of the mosque, but also providing a forum to strengthen the spiritual life of the community and facilitate anyone who wants to contribute to the construction of the mosque (Interview, October 13, 2024).

The role of religion—including religious elites—plays an important role in the formation of social systems, thus creating patterns and norms of behavior that are considered legitimate and binding by its members who are part of the social system itself (Hendropuspito, 1986). The role of religion—including religious elites—plays an important role in the formation of the social system, thus creating patterns and norms of behavior that are considered legitimate and binding by its members who are part of the social system itself. As a fundamental social institution, religion not only serves as a spiritual guideline, but also as a frame of reference in regulating human interaction (Durkheim, 2011). Religious leaders, through the interpretation and dissemination of religious teachings, play the role of socialization agents who instill moral and ethical values in society (Weber, 2009). This process then gives birth to structured social institutions, in which each member of society consciously adheres to and internalizes these norms as part of their collective identity (Berger & Luckmann, 1991). Thus, religion is not only a belief system, but also serves as an effective social control mechanism in maintaining order and harmony in society (Parsons, 2013).

Whether it is acknowledged or not, the role of kiai and local religious leaders in providing the above understanding has provided religious legitimacy and accommodated mosque administrators and the community involved in the practice of mosque fundraising on the Bangkalan highway. This can be seen from the narration of YH, a mosque administrator as well as a fundraising volunteer. According to him, as a resident who is directly involved in this mosque fundraising activity, he considers it a form of worship as well as a social responsibility to be carried out together. This activity is not just an activity to collect money, but is a tangible manifestation of the spirit of mutual cooperation in building the house of Allah (Interview, October 14, 2024).

In line with the statement of IH who is also the mosque fundraising committee. He believes that helping to build a mosque is a charity whose rewards will continue to flow. As taught in the hadith, one of the deeds that will not be interrupted after a person dies is *shadaqah jariyah*, including building a mosque. When he went down to the street to raise funds, he solidified his intention to get blessings and rewards from Allah SWT (Interview, October 14, 2024).

Likewise with MS, who serves as the chairman of the mosque fundraising committee in the Karpote area. He said that regarding conformity with Islamic values, this practice is in line with the religious teachings on helping in kindness (*ta'awun*). In Bangkalan itself, this tradition has been going on for a long time and has received support from local kyai and religious leaders. They see this as a legitimate way to help the construction of mosques, as long as it is done with the right intentions and the management of trustworthy funds. In addition, MS also felt that this activity could strengthen social relations in the community. There is a sense of brotherhood that is established, even if only through brief interactions. Interestingly, many contributors from outside the city participated. This shows that this activity is also a means to share a wider range of goodness (Interview, October 16, 2024).

Second, social norms. The legitimacy of local kiai and religious leaders regarding the fundraiser of mosques on the highway in turn created public acceptance of this practice as part of local traditions. Not to mention the characteristic spirit of brotherhood, the value of mutual cooperation and a strong sense of togetherness make this mosque's fundraising activities more socially accepted, even lasting for a relatively long period of time and for generations. This culture that is so deeply rooted is difficult to replace, even though institutionally, the MUI has banned and prohibited all forms of mosque fundraising carried out on the highway (NU Online, 2024). This also proves that in the religious community involved in the fundraising of mosques on the highway, fatwas from local religious leaders are often more influential than fatwas from national religious institutions.

Most of the mosque fundraising committees on Bangkalan Street seem indifferent to the safety and public benefit aspects, especially those related to the rights of road users. This is certainly quite unfortunate, considering that not a few road users feel disturbed by this activity because it has the potential to cause congestion and are also worried about endangering fundraisers and road users. In this case, SF, a road user who every weekday crosses the mosque's fundraising points, objected to this practice. According to him, there are several important considerations that need to be balanced. First, the safety and comfort of road users which is

part of social responsibility. Second, public order is the foundation of community life. Third, the legality and licensing aspects from the authorities that need to be complied with (Interview, October 17, 2024).

Responding to this problem, as one of the road users, AW views the need for a comprehensive and thoughtful approach. This can start by building good communication with various related parties, including religious leaders, local governments, and the community. This dialogue is important to find a common ground between the implementation of religious obligations and compliance with social law (Interview, October 17, 2024).

Meanwhile, local officials cannot do much. SH, one of the representatives of the Bangkalan Regency social service expressed his concern about the phenomenon of mosque fundraising on this road. On the one hand, he realizes that this practice may be contrary to the positive law that guarantees the rights of every road user. But on the other hand, the local government has not been able to provide the best to fund the construction or renovation of mosques, which are not small. However, he still hopes that this problem will soon find a solution, without the need to sacrifice the religious and social norms that apply in society (Interview, October 18, 2024).

Apart from all this, the decision to raise funds for the construction or renovation of mosques as found in Bangkalan is not solely based on practical considerations, but is also intertwined with religious and social norms that overlap, and have become ingrained in people's lives. This interaction between religious and social norms creates a kind of dual legitimacy that makes mosque administrators feel that this method is not only acceptable, but even seen as the right choice in the context of the local community. This decision is also reinforced by historical precedent, where similar practices have been practiced for generations and have the support of local religious figures.

However, what is interesting is how these norms also form unwritten limits and rules in the implementation of fundraising. For example, there is a general understanding of the right time to fundraise, how to interact with donors, and the importance of maintaining trust in the management of funds collected. All of this reflects how religious and social norms influence not only the decision to use this method, but also the way it is implemented. What also needs to be understood is that the influence of these norms often operates at a very deep level and is not always fully realized by the people involved in mosque fundraising. The decision to use this method sometimes appears as a "natural" or "natural" choice because it has become part of a widely accepted social practice.

Unraveling the Red Thread

Sharia is a medium and catalyst used to convey the values of *divine* truth. It can also be defined as God's design for religion, as well as a method of charity for believers and mujtahids in giving fatwas. Sharia laws are the application of the substance of God's design and the application of the method of grace in human life. The implementation can be in the form of direct commands from Allah, such as the laws of worship, some muamalah, and punishment. Sometimes it is in the form of *ijtihad* and the interpretation of scholars (Hakim et al., 2004).

All of them are oriented towards the essence of Islamic law in the form of *maqashid al-tasyri'* (Bustanam, 2002), which is to realize good while avoiding evil or attracting benefits and rejecting *madharah*. So the essence of the concept of *maqashid al-shari'ah* is *maslahah* (Al-Raysuni, 2002).

Islam is a religion that is *shamamil* (comprehensive) and *kamil* (perfect), so that in its laws there are various problems related to human beings in life as individual and social beings (Al-Maliki, 2003). Islam does not adhere to authoritarianism at all which tends to govern without any understanding and understanding, in other words Islam tends to be democratic and oriented towards *rahmat li al-alamin* (Al-Zuhaili, 1991). Islam is a global and universal religion (Shihab, 1994), so one of its advantages is to regulate relationships that have 2 (two) dimensions that must always be maintained by their people, namely the relationship between humans and their God (*habl minallah*) and the relationship between humans and other humans (*habl minannas*) (Usman, 2001; Shihab, 1994). The relationship between man and his God is then called *ibâdah*, and the relationship between man and his fellow man is called *muamalah*. Islam always encourages its people so that in interacting with others, they always compete to do good. In addition, man was created by Allah as a *caliph* on this earth with the aim that man always maintains, manages, and governs this earth, and to worship Him in order to obtain a degree of *taqwâ* by His side (Thaha, 2003).

On the basis of the above thought, it can be said that human beings live on God's earth but merely carrying out His commandments and staying away from all His prohibitions. As a consequence, they must always do good deeds that can bring benefits and abandon evil that can bring harm. In this context, many Muslims want to do good but are wrong in applying this desire. In other words, many Muslims still do not fully understand the essence of Islam itself so they do something with the aim of glorifying the religion, but on the contrary, they have insulted their religion. Regarding the problem of finding funds for the construction of mosques on the highway, it turns out that in the reality of society there is a process of "embracing religion" to legitimize certain interests, both in terms of politics, economics, and culture. Another thing that can be seen is the use of religious jargon to legitimize social activities, which is a process of socialization in order to form social activities that are ultimately used as a tradition that is not reviewed. This condition raises the question of whether this behavior really has religious legitimacy?

From some of the information above, the author would like to convey that in the midst of society there is a misunderstanding in looking at religion so that behavior that is not in accordance with religious teachings but is carried out in the name of "religion". The rise of fundraising for the construction of social and religious facilities today poses a worrying scene. This fundraising "project" is carried out on the road – both national and provincial roads – by creating "drum and human markings" which actually results in the smooth flow of traffic being disrupted. The fundamental question in this regard is whether such a thing is justified by Islam? This reality needs to be reviewed from various aspects such as sociological and Islamic law, so that if all the reviews have been carried out, will these activities still be legalized both from the perspective of positive law and Islamic law?

The problem of finding funds on the highway has several negative sides that must be observed, including: *First*, that fundraising activities on the highway can interfere with travel and can cause harm, both for road users and for the charity seekers themselves. This can be studied by referring to the Hadith which explains that if there is an obstacle in the way and we remove it, then it falls into the category of *shadaqah*. In other words, removing something that can cause suffering to others is a noble act commanded by *the sharia*'. Meanwhile, in the phenomenon of seeking funds for the construction of mosques on the highway, it has actually "presented" suffering to others (Zahro, 2004).

Second, begging both in the context of individual interests and for social interests is an act that is lacking and not in line with the spirit of Islam, because Islam itself has affirmed that "giving" one's position is better than "receiving". Therefore, Islam as a religion that brings benefits always encourages Muslims to spend their wealth through *zakat*, *infaq*, *shadaqah*, *waqf*, *grants* and so on. *Third*, sociologically and psychologically, it is necessary to consider that not all road users come from among Muslims. When the reality is so, then what needs to be contemplated is the implication of the activity, namely the disruption or insult of the dignity and image of the Islamic religion because it has been tarnished by the activity of "interception" of road users with arguments for the interests of Islam. In *fact*, in *maqashid al-tasyri*', maintaining religion is the first thing that must be used as a foundation in religion.

Fourth, an also significant issue to be studied is the percentage obtained by charity seekers from the results of searching for funds for the construction of the mosque. Is the percentage of the charity seekers justified or not by Islamic law? The problem becomes dilemmatic. If they are paid, is the payment valid? On the other hand, if they are not paid, what about the time they have spent standing in the middle of the street all day?

In addition, there needs to be an effort to develop alternative fundraising methods that are more organized and in accordance with applicable laws. This can include the use of digital platforms, the establishment of a regular donation system, or cooperation with Islamic financial institutions. However, in the process, the values of mutual cooperation and community participation that have been built need to be maintained.

It is also important to understand that in Islam, the implementation of religious obligations should not cause harm or harm to others. The principle of '*la dharara wa la dhirara*' (not to harm oneself and others) is an important guide in managing this relationship. Thus, efforts to build mosques, although important, must not ignore the interests and safety of the public.

In practice, the management of this relationship can be realized through several concrete steps. For example, by creating a more structured fundraising system, equipping it with the necessary permits, and ensuring that its implementation does not disturb public order. It is also important to establish transparency and accountability in the management of the funds collected. No less important is to educate the public about the importance of a balance between carrying out religious obligations and complying with social laws. This can help build an understanding that these two aspects don't have to be contradictory, but rather can complement each other to achieve a better goal.

With this balanced and wise approach, it is hoped that the obligation to build a mosque can be carried out properly without sacrificing aspects of order and public welfare. It can also be a model for how religious values and social norms can run in harmony in the context of modern social life.

CONCLUSION

The phenomenon of mosque fundraising on Bangkalan street from the perspective of the sociology of Islamic law holds complex problems. This practice is seen not only from a practical aspect, but also closely related to religious and social norms that have been ingrained in the lives of local people. Religious norms play an important role in legitimizing this practice. The support of local religious leaders and kyai provides moral and social justification, although there are differences of opinion on the validity of this activity in terms of Islamic law. Some community leaders consider it legitimate, on the basis of the principle of helping (ta'awun) and competing in goodness (fastabiq al-khairat).

However, there are challenges related to safety and public welfare, especially the rights of road users. Although this practice has gained legitimacy from social and religious norms, the safety aspect is often overlooked. This shows that fatwas from local religious leaders are often more influential than fatwas from national religious institutions. In this context, the interaction between religious and social norms forms a kind of dual legitimacy, making the practice of fundraising on the highway acceptable and even seen as appropriate in the context of the Bangkalan community. However, there needs to be more awareness of the safety and ethical implications of implementing this practice.

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Interview

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- YH, Interview, 14 Oktober 2024.
- IH, Interview, 14 Oktober 2024.
- MS, Interview, 16 Oktober 2024.
- SF, Interview, 17 Oktober 2024.