



## Religious Moderation in a Review of Practical Fiqh

Abdul Aziz

Ministry of Religion, Rembang Regency, Central Java, Indonesia

[khanihaaizza@gmail.com](mailto:khanihaaizza@gmail.com)

### Abstract

*Differences in religious views that often trigger conflict do not only occur between religious communities, but also occur within Muslims. One of the causes is the narrow interpretation and understanding of religious teachings. This research uses literature and conceptual studies. The values of moderation in fiqh thinking include always trying to minimize differences of opinion, being tolerant amidst differences of opinion, being careful ( ihtiyath ) in enforcing laws, and not being fanatical in madhhab. Religious moderation in practical fiqh refers to efforts to: 1. Find a balance between religious principles and the needs of society in solving practical problems in life; 2. Finding a balance between fiqh principles and the social and cultural context of society; and 3. Finding solutions that are in accordance with the principles of fiqh (Islamic law) in contemporary situations and conditions.*

**Keywords:** religious moderation, practical fiqh review

### INTRODUCTION

also occur within Muslims . One of the causes is the narrow interpretation and understanding of religious teachings. Umar ibn Khattab felt this ease over the division of Muslims into various groups as stated in a Khabar :

خرج أبو عبيد في فضائل القرآن و سعيد بن منصور في تفسيره عن إبراهيم تم يمي قال : خلا عمر رضي الله عنه ذات يوم فجعل يحدث نفسه : تختلف هذه أمة ونبيها واحد ؟ فأرسل إلى ابن عباس رضي الله عنهما فقال : كيف تختلف هذه الأمة ونبيها واحد وقبلتها واحدة - زاد سعيد وكتابتها واحد<sup>1</sup>

Meaning: Umar ibn Khattab was alone and his heart said: "How can these people be different when the Prophet is one?" then he sent Ibn Abbas: "How can this people be different when the Prophet is one? Is there one Qibla ? One Koran?"

different conditions and levels of Muslim understanding of the Koran. He added that even among the Friends who know the asbab an- nuzul verse there are differences of opinion, let alone Muslims today who do not know the process of the revelation of the Koran. Many Muslims who read the Koran just read, do not learn the reasons for the revelation of the verses, how will they be able to interpret the Koran?

<sup>1</sup> Abu Hamid al- Ghazali , al- I'tisam , I: 425.

- فقال ابن عباس : يا أمير المؤمنين : إنما أنزل علينا القرآن فقرأناه و علمنا فيما أنزل وأنه سيكون بعدنا أقوام قروون القرآن ولا يدرون فيما نزل فيكون لكل قوم فيه رأي فإذا كان كذلك اختلفوا وقال سعيد : فيكون لكل قوم رأي فإذا كان لكل قوم فيه رأي اختلفوا فإذا اختلفوا اقتتلوا

Ibn Abbas said : "The Koran was revealed to us, we read it, we know to whom it was revealed. In the future there will be people who read the Qur'an and do not know the reason for its revelation . So, each tribe has an opinion , if they differ then they will kill each other ."

Even though the Koran is the main source of Islamic law, if Muslims are unable to understand the Koran correctly, then what will happen to Islamic Law (read: Fiqh ) in society? Islamic law codified in fiqh books has been perfectly written since the beginning of the third Hijriyah century (10th century AD), while fiqh is the legal decisions of the ulama who responded to problems at that time. On the other hand, developments in the times are very fast and require consistent innovation and ijtihad so that Islamic teachings are ' *Salihun li kulli masa wa Eat* /accommodating to developments in time and place'. Moreover, Islamic Law is very important in shaping the direction and behavior of society, and developments in understanding of Islamic Law will influence the overall teachings of Islam.

This fact is indicated by the Hadith:

عَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ ، عَنْ رَسُولِ اللَّهِ لَا مِ غُرُورَ غُرُورَةَ النَّاسِ بِأَلْتِي تَلِيهِ de حُكْمٌ ٢٠١

“Indeed the ropes of Islam will come loose, one by one. Every time something comes loose they hold on to the rope afterwards. The first is law and the last is tools " ( HR Ahmad)

This hadith provides guidance and refers to the decline in people's level of obedience to Islamic teachings. Rigging can be interpreted as binding society to Islamic teachings. Why was the law released first? Islamic law is the part of Islamic teachings that is most widely understood and applied in life. If there are errors in the application or understanding of the law, then this can affect all other Islamic teachings. Another meaning is that Islamic Law has a greater role in determining the direction and behavior of society compared to prayer, because even though prayer is a very important part of Islamic teachings, its level of complexity and room for interpretation is simpler than Islamic Law. Besides that, law is one of the foundations for the application of Islamic values in society, so if the law is no longer respected and

<sup>2</sup> I haven't checked the reference to this Hadith to Imam Ahmad ibn Hanbal's Musnad !

implemented, then this could trigger the forgetting of other Islamic values and teachings, including prayer.

Islamic law in everyday context is known as practical fiqh . So far, fiqh references refer to fiqh books which have been perfectly codified since the beginning of the 3rd century AH/10 AD which of course requires ijtihad and analysis to accommodate current developments. Not to mention that there are still some parties who are too old-fashioned/extreme in understanding fiqh . It is on this basis that moderation is needed in understanding fiqh and how to practice religious moderation from a practical fiqh perspective in today's modern society.

## RESEARCH METHODS

This research uses literature and conceptual studies. The values of moderation in fiqh thinking include always trying to minimize differences of opinion, being tolerant amidst differences of opinion, being careful ( ihtiyath ) in enforcing laws, and not being fanatical in madhhab.

## RESULTS AND DISCUSSION

### Concept of Religious Moderation

Say moderation originate from Language Latin that is *moderation* , Which It means is moderateness (No excess And No lacking). Say the contain meaning mastery self from attitude very excess And attitude lack. In Dictionary BigLanguage Indonesia Say moderation contain two understanding that is 1. Subtraction violence violence; And 2. Avoidance extremes. However Say moderate is always Avoid extreme behavior and tend towards the middle ground dimension. According to Lukman Judge Saifuddin person Which moderate is person Which be reasonable, ordinary just, And No extreme. Ha add Again that in Language English, Say *moderation* often used in understanding *average* (average), *cores* (cores), *standards* (standard), or *non-aligned* (No siding). By general, moderate means put forward balance in matter belief, moral, And characters, Good when treat person others as individuals, as well as when dealing with state institutions .<sup>3</sup>

However in Language Arab, moderation known with Say *Wasath* or *wasathiyah* , Which own equivalent meaning with Say *tawassuth* (middle), *I'm asleep* (fair), And *tawazun* (balanced). Person Which apply principle *wasathiyah* Can called *referee* . Ksaid *wasathiyah*

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<sup>3</sup>Lukman Judge Saifuddin , *Moderation Religious* ( Jakarta: Body R&D And Training Ministry Religion RI , 2019),

too interpreted as "the best choice". Whatever words are used , everything imp One meaning Which The same, ie fair, Which in context This means choose position road middle in between various choice extreme.

#### Meaning of Moderation in the Dictionary:

Language	Meaning
Latin	Moderation: moderateness (no excess and no deficiency).
Indonesia	1. reduction of violence and 2. avoidance of extremes.
English	<i>average</i> (average) , <i>core</i> (core, essence), <i>standard</i> (standard), or non-aligned (not taking sides)
Arab	<i>Wasath</i> or <i>wasathiyah</i> , which has the same meaning as the words <i>tawassuth</i> (middle), <i>i'tidal</i> (fair), and <i>tawazun</i> (balanced)

Religious moderation is the middle way. Moderation also means "what is best". Something in the middle is usually somewhere between two bad things. For example, courage. Courage is considered good because it is between carelessness and fear. The generous nature is also good because it is between the wasteful nature and the stingy nature. <sup>4</sup>Thus, Religious Moderation is a religious perspective, attitude and practice in living together by embodying the essence of religious teachings - that protects human dignity and builds the public good – based on the principles of fairness, balance and compliance with the constitution as a national agreement.<sup>5</sup>

Religious moderation is a view or approach in understanding and applying religious teachings, including Islam, in a balanced and wise manner. It focuses on seeking agreements and compromises between religious traditions and values and the developments and challenges of modernity. Religious moderation also emphasizes a holistic understanding of religious teachings and considering aspects of humanity and justice in its application .

#### Indicators of Religious Moderation

<sup>4</sup> Research and Development and Training Agency of the Ministry of Religion of the Republic of Indonesia, Questions and Answers on Religious Moderation, cet. 1 (Jakarta: Ministry of Religion of the Republic of Indonesia, 2019), ....

<sup>5</sup> Ibid.

Religious Moderation is not an absurd thing that cannot be measured. The success of Religious Moderation in the lives of Indonesian people can be seen from the high level of the following four main indicators as well as several other indicators that are in harmony and are interconnected, namely:

1. National commitment

Acceptance of national principles stated in the constitution: The 1945 Constitution and regulations under it

2. Tolerance

Respect differences and give other people space to believe, express their beliefs and express opinions. Respect equality and be ready to cooperate.

3. Anti-violence

Reject the actions of certain individuals or groups who use violent methods, both physical and verbal, to bring about the desired change

4. Acceptance of tradition

Friendly in accepting local traditions and culture in religious behavior, as long as it does not conflict with the main teachings of the religion .

### **Contains Religious Messages**

In strengthening the content of Religious Moderation, there are several basic messages that need to continue to be echoed:

1. Advancing human life; manifested in a life attitude of trust, fairness, and spreading virtue and compassion for fellow human beings
2. Upholding noble civilization; making universal moral values and basic religious teachings a world view *while* remaining based on Indonesian identity
3. Respect human dignity; Prioritizes humanizing attitudes towards humans, both men and women, on the basis of equal rights and obligations of citizens for the common good.
4. Strengthening moderate values; promote and embody the practice of middle way religious views, attitudes and practices.
5. Creating Peace; spread goodness and peace, resolve conflicts with just and balanced principles and be guided by the constitution
6. Appreciate diversity; accept diversity as a gift, and therefore be open to differences.

7. Adhering to National Commitments; making the constitution a guide for the life of religious communities in the nation and state , as well as obeying legal rules and collective agreements.<sup>6</sup>

There are two principles of moderate religion: Fairness and balance. Fairness means putting everything in its place while implementing it well and as quickly as possible. Meanwhile, a balanced attitude means always being in the middle between two poles. In terms of worship, for example, a moderate person believes that religion is serving God in the form of carrying out His teachings which are oriented towards efforts to glorify humans. Extreme people are often trapped in religious practices in the name of God only to defend His glory while ignoring human aspects. Religious people in this way are willing to kill fellow humans 'in the name of God' even though protecting humanity itself is part of the core teachings of religion. 12.

Religious understanding and practice can be considered excessive if it violates three things: firstly human values, secondly collective agreements, and thirdly public order. This concept emphasizes that religious moderation balances goodness related to God with social benefits. 13

### **The Urgency of Religious Moderation**

With religious moderation, a person is not extreme and does not go to extremes when carrying out the teachings of his religion. An example of excessive religion is when there are people who convert their fellow religious believers (fellow Muslims) just because they have different madhabs or religious understandings; someone who prays continuously from morning to night without caring about the social problems around him, prays tahajjud until he gets sleepy during working hours or even sleeps all day and doesn't work to earn a living. Such behavior shows that they have been trapped in extremes that are not in accordance with the principles of religious moderation. Pocket book page 9

In the context of fiqh , implementing religious moderation is expected to :

1. Creating solutions that suit the current conditions and situation of society and preventing extremism in implementing Islamic law ;
2. Increasing the suitability of Islamic law to the context and developments of the times;

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<sup>6</sup> Material for Strengthening Religious Moderation Program of the Ministry of Religion of the Republic of Indonesia.

3. Increasing public awareness of the importance of moderation in overcoming problems that arise in everyday life ;
4. Strengthening confidence in applying the principles of fiqh in everyday life as an implementation of Islam that *rahmatan lil-alamin* ; And
5. Strengthening the position of religion in people's lives .

### **Application of Religious Moderation in Practical Fiqh**

Religious moderation in practical fiqh refers to efforts to: 1. Find a balance between religious principles and the needs of society in solving practical problems in life; 2. Finding a balance between fiqh principles and the social and cultural context of society ; and 3. Find solutions that are in accordance with the principles of fiqh (Islamic law) in contemporary situations and conditions.

Meanwhile, steps that can be taken to moderate fiqh include reviewing, interpreting and applying fiqh principles in the current context; carry out *ijtihad* (attempt to discover Islamic law) and take a flexible approach in applying fiqh ; carry out an analysis of applicable fiqh law and adapt it to the social and cultural context of society; and increasing public awareness of the importance of practical fiqh that is sound and not extreme. Moderation can also be carried out by involving various interested parties in the process of making policies and regulations related to practical fiqh . This will ensure that policies and regulations are made in accordance with the current conditions and situation of society . In making legal decisions , it must also be adapted to the context and situation.

Practical fiqh is defined as the application of Islamic Law in everyday life. In this context, religious moderation can be applied in various fields, such as economics, social, political and technological. In the economic field, religious moderation can be applied in terms of making business decisions in accordance with sharia principles ; buying and selling transactions, financing, and financial management. In financial matters, fiqh law states that usury (interest) in all its forms is prohibited. However , in the current context, the need for a modern and innovative financial system often requires interest in financial transactions. Therefore, religious moderation can be carried out by finding solutions that are in accordance with fiqh principles, such as by applying a profit sharing system in financial transactions ; explore and examine what kind of 'difference/interest/margin' is in accordance with Islamic Law.

The debate on whether bank interest is usury or not is never finished, while the development of the banking and financial industry no longer follows a mathematical

progression. Therefore, the ulama follow the rule: "al- Khuruj Min al- made a mistake mustahabbun , getting out of differences is recommended", namely by establishing Sharia Financial Institutions. But in fact the public's response to these institutions has not been significant.

In the social and cultural fields, religious moderation can be applied to resolve problems that arise in society by using an approach that is in accordance with religious principles . Such as how to harmonize fiqh provisions regarding the minimum age limit for marriage with the regulations in force in Indonesia; how to respond to the tradition of a society that is proud to marry off its daughters at an early age even though there are many madharats lurking around the child; what are the rights and obligations of husband and wife in today's modern family; How can modern fiqh have the courage to say that a marriage without an official marriage certificate is null and void or illegal/invalid?

In responding to customs and traditions in society, how can fiqh be monitored by ensuring that not all bid'ah (new things) are heretical, how can traditions and customs of society be in harmony with fiqh and not violate sharia. The accommodative function of Shari'a towards tradition must be practiced proportionally. ....

In Fiqh there is a rule: al- Darar yuzalu , damage and evil must be eliminated. When someone is praying, and there is another person nearby who is about to die due to falling into a well, then he is obliged to cancel his prayer to help his brother who fell. Prayer services can be done after that. Likewise, when doctors have to rush to perform prayers, but at the same time there are patients in critical condition who must be treated immediately and cannot be postponed. In conditions like this, doctors must immediately save their patients and postpone their worship. After helping the patient, then carry out his prayer obligations. 15

While it is related to politics, in the science of fiqh it becomes the domain of siyasah fiqh <sup>7</sup>. Fiqh siyasah and religious moderation, both, address how Islamic law should be applied in complex political and social environments. Siyasa fiqh focuses on how Islamic law is applied in government, while religious moderation focuses on how Islamic law is applied in everyday life in a balanced and wise way. Both aim to ensure that Islamic teachings are implemented in a way that is in line with current developments and challenges, as well as paying attention to aspects of humanity and justice.

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<sup>7</sup> Fiqh siyasah is a branch of fiqh that discusses the application of Islamic law in the fields of politics and government.



Siyasa fiqh emphasizes the principles of justice, democracy and active participation of society in the process of making political policies . Meanwhile, religious moderation emphasizes the use of religious principles in political thought and action in a moderate and inclusive manner, respecting human rights and pluralism. This also includes finding a balance between religious teachings and the interests of society, strengthening democracy and social justice, and strengthening tolerance and harmony between religious communities. Moderation also involves a good understanding of religious differences and political traditions to ensure that the political policies implemented are non-discriminatory and inclusive of all elements of the nation. In this context, moderation is very important to avoid interpretations that trigger violence and conflict.

In this context, modern fiqh needs to ensure that there is no movement when determining the beginning and end of the month of Ramadan, determining the Eid al- Fitr holiday; non-discrimination in the construction of places of worship; does not forbid 'mere' congratulations on the commemoration of major holidays of other religions, does not discriminate against public leadership because of religious differences, and various public policies that are friendly to all Indonesian citizens of various ethnicities, traditions, races, groups and religions .

Regarding the fields of technology and information, practical fiqh can play an important role in providing solutions that are in accordance with Islamic values. This is because in technological developments many new problems have emerged, such as online buying and selling laws, what about data security, copyright provisions ( haq al- ibtikar ). Technology is also affecting the way Muslims interact and share information which requires various new legal fatwas. Technological sophistication must be balanced with responsive and accommodating fiqh provisions. In this case, religious moderation can be carried out by studying and evaluating the implications of this technology for religious principles and community needs.

The use of modern technology in food and drink, medicines, and all things consumed and attached to the human body needs to be anticipated with clear and detailed legal provisions. The development of the halal industry must be balanced with the provisions, procedures and mechanisms for accountable halal certification, because innovation in the halal industry can occur in various aspects, such as the development of processing technology that complies with sharia, the use of high quality halal ingredients, and the development of systems. more effective halal certification.

## CONCLUSION

After analyzing data related to the values of moderation in fiqh thinking, it can be concluded that religious moderation in practical fiqh refers to efforts to: 1. Find a balance between religious principles and the needs of society in solving practical problems in life; 2. Finding a balance between fiqh principles and the social and cultural context of society; and 3. Finding solutions that are in accordance with the principles of fiqh (Islamic law) in contemporary situations and conditions.

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