Religious Moderation from a Maqasid Syariah Perspective Jasser Auda

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Abstract: *Maqashid Shari'ah often receives attention in various studies in the academic world, not only in the legal field, but also in the social and religious field. This can be seen from the fact that many religions begin to be eroded by the increasing number of social disorders that are eliminated by religion, and this continues to this day. This research aims to discuss various moderation from the perspective of Jasser Auda's Maqasid Syariah thought. This research is a library research, the primary data used is Jasser Auda's work entitled "Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach," while the secondary data is in the form of journals and research articles that are still relevant to the discussion. The results of this research show that the Al-Maqasid method initiated by Jasser Auda is very relevant to be used in overcoming social problems in Indonesia, so if it is relevant to religious moderation, then Maqasid Syariah Auda has the same point of view, namely a peaceful and non-extreme attitude in the state.*

Keywords: *Maqasid Syariah Jesser Auda, Reconstruction of System Approach, Religious Moderation*

INTRODUCTION

Indonesia is a vast nation with diverse wealth. Indonesian society consists of various ethnicities, races, cultures, political groups, social groups, and so on. However, this diversity has recently received a lot of attention from various parties, both domestically and abroad, all due to the increasing number of social disputes arising from religious roots that still persist today.[1] Starting from the events of hate speech, blasphemy, and discrimination against one community with another. These phenomena will inevitably sharpen religious sentiments in Indonesia. The sharp religious sentiment makes the community compartmentalized based on religion and belief. Making the sense of kinship, unity, and harmony of the nation become tenuous.

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[1] Juliana Tirza dan Wiputra Cendana, The Role of Pancasila in Facing Radicalism and Exclusivism in Indonesia as Bhineka Tunggal Ika, *Jurnal Ideas: Pendidiikan, Sosial, dan Budaya*, Vol. 8, No. 3, 2022, 871.

The religious people are currently facing at least two problems; *First,* there are certain groups of religious people who have a tendency to interpret religious texts in an extreme and rigid manner and try to impose their interpretations on other groups, sometimes even using violence. *Second,* there is a tendency to be extreme and very loose in religion, so that it is subject to bad thoughts and behaviors that come from other cultures and civilizations.[2]

In this case, Jasser Auda with his maqasid theory. His ideas are often considered relevant to overcome today's modern problems. Al-maqasid al-shari'ah thinking essentially discusses the basic ideas behind the creation of Islamic law. In addition, Jasser Auda suggests a "systems approach" to modernize evidence of God's majesty, including Islamic law and those related to social issues. [3] It seems that re-reading al-Maqasid al-Shar'iyah with Jasser Auda's system approach is the next step towards moderate understanding.This paper aims to find out the values of maqasid sharia towards religious moderation in Indonesia. Because Islam is the majority religion in Indonesia, it is conceivable that the concept of maqasid shariah can be used to solve social problems, especially religious moderation. This research is expected to help eliminate negative stereotypes that view religious moderation promoted by the government through its apparatus as a way to liberalize or secularize religious values from the nation's social life.

LITERATURE REVIEW

The research by Musolli explains how Maqasid Sharia is the gateway through which Islam is able to implement its existence as a religion that is relevant to safety and is able to contextualize it within the scope of the problems of the times.[4] As in Zuhairi's research, which explains that Maqasid Sharia in the context of the pluralistic society of Sarawak must be based on the five principles of Maqasid Sharia, according to him that Islam provides an important aspect of human welfare, especially family welfare in a pluralistic society for life in this world and the hereafter.[5]

In line with the definition of moderation in Syamsuriah's research, moderation can show attitudes and understanding of differences in society both in terms of culture, race and religion so that they can live side by side, so that insight into

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[2] Mohammad Fahri, Moderasi Beragama di indonesia, *Jurnal Intizal*, Vol. 25, No. 2, 2019, 95.

[3] Jefry Tarantang, Teori dan Aplikasi Pemikiran Kontemporer dalam Pembaharuan Hukum Keluarga Islam, *Jurnal Transformatif*, Vol. 2, No. 1, 2018, 28.

[4] Musolli. "Maqasid Syariah: Kajian Teoritis Dan Aplikatif Pada Isu-Isu Kontemporer." *AT-TURAS: Jurnal Studi Keislaman* Vol. 5. No.1, 2018.

[5] Ahmad, Awang Nib Zuhairi Bin Awang, Hadenan Bin Towpek, and Abdul Razak Bin Abdul Kadir. "Kesejahteraan Keluarga Menurut Maqasid Syariah Dalam Konteks Masyarakat Majmuk Di Sarawak: Satu Tinjauan Awal. *Azka International Journal of Zakat & Social Finance*, 2021.

moderation in society is important to create a peaceful atmosphere without division, [6] especially in the vulnerable digital space. in the spread of extreme religious narratives and doctrines, therefore through this phenomenon it is necessary to increase moderate values in social life and social media as a medium that has the opportunity to intensely suppress radical doctrines[78]. Moderation in Islam is referred to as wasathiyah which is the middle of everything, this in Culture is referred to as moderate understanding as it can mean fair, good, or most important, not in the extreme left or right, or radical understanding.[9]

METHODS

The research uses an analytical descriptive method with a form of literature research or literature study, the literature study method is efficiently used in collecting and analyzing data thoroughly. The research used primary sources, namely *Maqasid al-Shariah as Philosophy of Islamic Law: A System Approach*, and the secondary data is in the form of works that are relevant to this research. the selected data will later be analyzed.

DISCUSSION

Maqasid Syariah Jesser Auda

Jasser Auda Born in 1966 AD in Kiro, Egypt, Jasser Auda comes from a very religious family. He obtained his first Ph.D at the university of Waterloo, Canada in 2006 and his second Ph.D at the university of Wales in 2008. He teaches public policy studies at the Qatar Islamic Studies Program (QFTS) as an associate professor. One of his many affiliations is with the International Union of Muslim Scholars, headquartered in Dublin. He is a founding member of the Academic Council of the International Union of Muslim Scholars, a member of the Global Center for the Study of Civilizations (GCSC), a member of the International Institute of Advanced Systems

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[6] Syamsuriah, and Ardi Ardi. "Urgensi pemahaman moderasi beragama di Indonesia." *Jurnal Ilmiah Islamic Resources,* Vol. 19, No. 2, 2022.

[7] Yudhi Kawangung, "Religious Moderation Discourse in Plurality of SocialHarmony in Indonesia," International Journal of Social Sciences and Humanities Vol. 3, No. 1, 2019, 277.

[8] Suci Ramadhanti Febriani & Apri Wardana Ritonga.The Perception of Millennial Generation on Religious Moderation through Social Media in the Digital Era. *Millah: Journal of Religious Studies,*Vol 21, No. 2, 2022. 316.

[9] Rochmad Nuryadin, "Urgensi Dan Metode Pendidikan Toleransi Beragama," *Jurnal PROGRESS: Wahana Kreativitas Dan Intelektualitas* Vol. 10, No. 1, 2022.

Research (IIAS), Canada, a member of the Forum Against Islamophobia and Racism (FAIR), UK, and a consultant for Islamonline.net. [10]

In addition to the above-mentioned careers, he is also the Founder and director of the Maqasid Research Center and Philosophy of Islamic Law in London, UK. Additionally, he gave guest lectures at the Islamic Fiqh Academy in India, the Toronto Islamic Institute in Canada, and the faculty of Law of Alexandria University in Egypt. He lectures on Islamic philosophy, law, and topics related to Muslim minority concerns and policies in a number of different countries. He contributed to policy reports for the UK Higher Education Funding Council and the Ministry of Communities on Muslim minorities and Islamic education.[11]

Several of his many works have been translated into several different languages including. A Beginner's Guide (London: The International Institute of Islamic Thought, 2007) is one of his most famous works. The International Institute of Islamic Thought, London, published Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach in 2007. Al-Ma'had al-'Ali li al-Fikr al-Islamiyah, Rethinking Islamic Law for Minorities: Toward a Western Muslim Identity, Fiqh al-Maqasid: Inathah al-Ahkam al-Shar'iyyah bi Maqashidiha, Shari'ah and Politics in al-Qur'an al-'Azhim, Papers; London: International Institute of Islamic Thought; London: Institute of Islamic Thought; Al-Mar'ah wa al-Masjid; London: Institute of Islamic Thought; Khatutun 'Ammah li Naqlah Manhajiyah fi Kasyfi wa Taf'il Maqas; London: Institute of Islamic Thought; Paris.

The Maqasid Sharia is etymologically the plural form of *maqsad*, which means the ultimate goal, purpose, target, principle, intention and purpose. In terms of vocabulary, Auda defines maqasid as an understanding of the intent and purpose of a law. Some philosophers of Islamic law view Maqashid as a substitute statement for masalih (benefit).[12] Jasser Auda mentions Al-Juwaini as the first scholar to propose the concept of maqasid; however, maqasidal-syariah is often referred to as al-maslaha al- 'ammah (the benefit of the many).[13] Al-Ghazali, in contrast, defines maqasid as al-masalih al-mursalah, which has three levels: primary, secondary, and tertiary. Auda therefore asserts that maqasid and maslaḥah are the same thing.

The purpose of Maqasid Sharia from the point of view of the mukalllaf is to (li tahqiqi mashalihil 'ibad fiddunya hum wa ukhraum ma'aan). Three fundamental

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[10] Sholihul Huda, Filsadat Sistem dalam Studi Hukum Islam Perspektif Jaser Audah, *Al-Hikmah: Jurnal Studi Agama-Agama*, Vol. 8, No. 1, 2022, 14.

[11] Jaser Auda, *al-Maqasid untuk Pemula* terj. Ali Abed Mon'im (Yogyakarta: Suaka Press, 2013), 137.

[12] Jefry Taratang, Teori dan Aplikasi Kontemporer dalam Pembaharuan Hukum Keluarga Islam, *Jurnal Politik Islam*, Vol. 2, No. 1, 2018, 68.

[13] Jasser Auda, *Maqashid al-Syariah Falsafah li al-Tasyri al-Islami*, (London: al-Mahad al 'Alami li al-Fikr al-Islami, 2007), 13.

needs must be fulfilled to achieve the standard of kamaslah: primary needs (dharuriyyah), secondary needs (hajiyyah), and tertiary needs (tahsiniyyah).[14] The ulama then grouped the necessities into five categories: hifzu an-nafs (preservation of life), hifz al-'amal (preservation of property), hifz al-'aql (preservation of reason), and hifz an-nasl (preservation of offspring). Some of the scholars expanded the five al-maqasid into six basic/main objectives or necessity by adding hifz al-ird (protection of honor).[15]

The Shariah Maqashid truly fulfills this need. Al-Sathibi states that just as Allah created the law, He alone decides what constitutes Maslahah. Because of different settings and times, the value of maslahah is not absolute and the mukallaf may have a say in how the law is implemented. therefore the benefit is what the mukallaf wants, as long as the benefit is in line with and subject to the objectives of the law.[16] However, Auda urges Maqashid to stop emphasizing only the five basic needs of mankind, but also to reach universal principles such as human rights, democracy, equality, and tolerance.

Therefore, Jasser Auda argues that Maqasid reconstruction is necessary for two main reasons: first, the existence of a humanitarian crisis (ajmah insaniyah) and second, the lack of methods (qushur manhazhiy) to address it. Almost all Muslim countries face a humanitarian crisis; this includes high levels of poverty, unemployment, inadequate education, insufficient security, lack of economic equality, and lack of social assistance.[17] In addition, the majority of religious adherents continue to struggle with outdated traditional approaches. Therefore, religion is unable to fulfill its role as a liberator. In other words, what Abu Sulaiman calls a "crisis of thought" affects Muslims today. Whatever progress they make in the military, political or other fields will only be in vain if some aspects of people's thinking are not revitalized.

That is why Jasser Auda's work lists and discusses a number of previous scholars who studied Maqasid, such as Abu al-Ma'ali al-Juwayni, Abu Hamid al-Ghazali, Al-'Izz ibn 'Abd. Al-Salam, Shihab al-Din al-Qarafi, Shams al-Din ibn al-Qayyim, and Abu Ishaq al-Syatibi, the traditional construction of Maqasid can be seen in Auda's work.[18] When Auda uses a number of classical works to support his systems approach, it shows how exceptional he is. Ahmad al Raysuni claims that Imam

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[14] Ibrahim bin Musa al Lakhmi al Ghirnathi Al Syatibi, *Al-Muwafaqat fi Ushul al-Syariah*, Juz 2 (Kairo: Daral Hadits, 2005), 266.

[15] Siti Sarah dan Nur Isyanto, Maqasid al-Syari'ah dalam kajian Teoritik dan Praktik, *Tasyri' Journal of Islamic Law*, Vol. 1, No. 1, 2022, 83.

[16] Umar Ibn Shaleh Ibn Umar, *Maqasid al-Syari ah inda Izzudin ibn Abd al-Salam,* (Daar An-Nafs, 2003), 8.

[17] Luqman Rico Khashogi, Menakar Rekontruksi Maqashid Syariah Telaah Geneologis Pendekatan System Jasser Auda, *Jurnal Politik Islam,* Vol. 5, No. 1, 2022, 67.

[18] Retna Gumanti, Maqasid Al- Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam), *Jurnal Al-Hikmah,* Vol. 2, No. 1, 2018, 102.

Shathibi was the earliest to study maqashid and so is called the first master and Ibn Ashur, who lived six centuries later, the second master.

Furthermore, Auda argues that the classical al-maqasid classification, which exclusively focuses on the individual and According to Auda, the traditional Maqashid has several shortcomings, including: (1) its broad and non-specific discussion of certain fiqh; (2) its individualistic tendencies; (3) its inability to consider universal values of justice and freedom; and (4) its coverage of fiqh literature alone.[19]

Reconstructing the System Approach

Having read Jasser Auda's works, we can clearly conclude that the method of thinking or approach used by Auda is a systems approach. However, Auda offers a strong filter, clarifying that the Systems Approach he refers to consists of six fundamental features.[20][21] *First.* The Islamic legal system is cognitive. The most important point made here is that to prevent objectification and manipulation of God's message, the components of sharia in fiqh, 'urf and kanun must be proportional. Because human understanding (fahm) and cognition (idrak) are components of fiqh. *Second.* The entire system of Islamic law. Reductionism will occur by relying on only one Nash to resolve all cases without considering other related Nash. Therefore, to make religious and rational arguments more philosophical, we must seek to develop and integrate them. *Third,* the transparency of the Islamic legal system. Helps to develop a cognitive framework and subtleties of reality that enable individuals to understand and engage with their external environment. In response to the assertion that "*the door of ijtihad has closed*", this is said. Interaction with the environment and other perspectives is necessary. *Fourth.* Interrelated Hierarchy of the System of Islamic Law. The hierarchy of Islamic legal texts today needs to be reconstructed. *Fifth,* the multidimensionality of Islamic law (also known as the multidimensionality of the Islamic legal system). The idea of tarjih and kemansukhan for conflicting texts is no longer valid, so the best action is to contextualize the texts as best as possible, *Sixth.* The purpose of the Islamic legal system (the reason behind its creation). Auda uses Ibn Assyur's maqashid because it makes sense and is very relevant. There is an urge to build "goal-seeking systems" that follow the same procedures in the same situations without giving people the option or opportunity to change their procedures to get the same results.

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[19] Fita Setiati, Menelisik Spirit Profetik Konsep Audit Internal dalam Perspektif Maqashid Syaria Jasser Auda, *Journal of Economic and Business,* Vol. 1, NO. 2, 2022, 44.

[20] Akhmad Supriadi, Sistem Sebagai Filsafat (Tawaran Baru Jasser Auda Bagi Pengembangan Hukum Islam Kontemporer), *Jurnal Studi Agama dan Masyarakat,* Vol. 13, No. 2, 2017, 234.

[21] Muhammad Faisol, Pendekatan Sistem Jasser Auda Terhadap Hukum Islam: Ke arah Fiqh Post- Postmodernisme, *Kalam: Jurnal Studi Agama dan Pemikiran Islam*, Vol. 6, No. 1, 2012, 56-62.

Apparently Jasser Auda makes it clear that he wants to break with Western philosophy by saying that the "system philosophy" he emphasizes is "rational and non-eurocentric "post-postmodern" philosophy". However, he is unable to annihilate the postmodern discourse by going back and not only dissecting but also considering the evolving discourse. He is fully aware that most theories of systems philosophy, which have been "traumatized" by religion, reject the idea of divinity altogether.[22]

Relevance for Religious Moderation
Al-Hifz al-Waton

Therefore, it is important to realize that a person's paradigm, attitude pattern, and social and religious practices in his commitment to the basic principles of the Unitary State of the Republic of Indonesia include his attitude of national commitment. Not only that, within the framework of Indonesian social norms, religious individuals can be empowered to moderately realize their religious teachings through an attitude of devotion to nationality, which can also be used as a value or indication. The presence of a committed attitude as a sign of religious moderation can be seen as a form of hifz waton, or maintaining national security. In practical terms, hifz waton can be a model for all efforts aimed at maintaining peace, security and order in the affairs of the Indonesian state. The understanding and attitudes of religious believers in Indonesia can help achieve this. Preserving additional maqasid sharia ideals for religious people as individuals and social beings in the life of the state will have a positive impact by preserving the benefits of the life of the nation.[23]

There are those who argue that the dimension of the value of hifz waton in the national commitment indicator is an extension of the benefit dimension seen in traditional maqasid values. As Jasser Auda states, it is imperative to expand the scope of benefits included in traditional maqasid ideas at all levels in order for maqasid to become a legal goal and strategy that is not rigid and mechanical. Auda's classification known as al-maqasid al-'am (generic) can be used to discuss the existence of the value of hifz waton in such situations. This affirmation is based on the justification given above, which suggests that the use of hifz waton in state affairs may have far-reaching positive impacts on the achievement of various other shari'ah beneficial objectives.[24]

Al- Hifz al-Ird

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[22] Retna Gumanti, *Maqasid Al- Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam)*, 104.

[23] Syamsul Bachri dan Tarmizi Habibah, Nasionalisme dalam Perspektif Hukum Maqasid al-Syariah, *Jurnal Moderation*, Vol.1, No. 2, 2021, 66.

[24] Muhammad Faisol, *Pendekatan Sistem Jasser Auda Terhadap Hukum Islam: Ke arah Fiqh Post-Postmodernisme*, 47.

Although it is impossible to say with certainty that various types of religious radicalism and terrorism originate from the same thing, namely deviant religious ideologies and teachings. When it comes to religious moderation in Indonesia, the term "radicalism" refers to the perception and behavior of people who tend to use various forms of violence in the name of their religion to change the social and political structure of the country.[25] Generally speaking, all types of religious radicalism are eager to bring about major changes, even if they have to clash with society.

In the maqasid sharia perspective, the presence of anti-radicalism as a sign of religious moderation can be classified as a form of hifz 'ird, namely the preservation of safety, honor, and human dignity. Today, the phrase "hifz ird" is now more widely used to refer to the defense of human rights and human dignity (HAM). Practically speaking, the expression hifz 'ird can be aligned with a number of initiatives that support human values, such as the preservation of the human soul, known as hifz nafs (saving the soul).

The identification of anti-radicalism indicators in the dimension of the value of hifz 'ird is an extension of the dimension of benefit seen in the traditional maqasid value of hifz nafs. The presence of the dimension of hifz al-ird in the indication of anti-radicalism is included in the category of distinctive maqasid (special) if taken into account in Jasser Auda's classification. This is true because hifz 'ird contained in the special maqasid branch known as hifz nafs can be seen as an extension of the positive orientation of Islamic law.[26]

Al- Hifz al- Ummah

One of the markers of religious moderation in Indonesian state life is a tolerant mindset. Tolerance requires paradigms, patterns of behavior, and religious practices that recognize and embrace societal variations as inherent laws in order to be realized. Therefore, demonstrating tolerance towards religious believers in Indonesia is an important component in creating a peaceful and pluralistic society.[27] Democracy, which is the political system of Indonesian society, can be realized if people (groups) are able to respond to differences with tolerance. This is also expected through fostering tolerance in interfaith interactions, the availability of a spirit of communication and collaboration among them within the framework of cooperation.

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[25] Achmad and Neneng Mujlipah. Religious Moderation In Islamic Portals: Study of mainstreaming religious moderation in the digital space. *QISTINA: Jurnal Multidisiplin Indonesia,* Vol. 2. Vol. 2, 2023, 1245.

[26] Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law. a Systems Approach,* (London: The International Institute of Islamic Thought, 2008), 5

[27] Achmad, Islamic Thought Offers In The Polemic of Fanaticism Religious Communities in Indonesia, *West Science Islamic Studies*, Vol. 2, No. 1, 2024, 53.

The religious character development of a moderate person in addressing the diversity of local wisdom in Indonesia also depends on an accommodating attitude towards local culture as a form of religious moderation. In this context, a society that is friendly, approachable and tolerant in addressing various traditional practices of local wisdom as long as they do not conflict with religious beliefs.[28] The presence of a friendly and tolerant mindset towards regional customs as a sign of religious moderation in Indonesia highlights the importance of appreciating the diversity of social interactions that already exist.

Therefore, it is no exaggeration to say that hifz ummah, or "safeguarding the interests of the ummah," is equivalent to the maqasid sharia ideals of tolerance and accommodation of local cultures. Tasamuh (tolerance), ta'awun (mutual cooperation), and al-'adl (justice) are just some of the universal principles or attributes of life that are necessary for the peaceful living of different religious communities.[29] Universal principles can be found in the way hifz ummah manifests itself in signs of Indonesian religious moderation, such as acceptance and tolerance of local cultural wisdom. The implementation of maqasid sharia values, especially rahmatan lil alamin through hifz ummah in a tolerant and accommodating attitude towards the diversity of Indonesian local culture will be able to show the universal teachings of Islam.[30]

CONCLUSIONS

Maqashid Syariah is the result of ijtihad which must always survive in facing modern society and is expected to be able to resolve and reconcile various cultural problems. Auda's theory seems relevant to current conditions and is considered capable of effectively encouraging dialogue and helping society realize how important flexible Islamic law is so that Islam can progress and be applied in today's contemporary world. In Jasser Auda's maqasid shariah theory there is an understanding of Al-Hifz al-Waton, Al-Hifz al-Ird and Al-Hifz al-Ummah as the basis for creating a moderate attitude without extreme attitudes in the state and nation.

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[28] Agus Akhmadi, Moderasi Beragama dalam Keragaman Indonesia, Surabaya: Balai Diklat Keagamaan Surabaya, Vol. 13, No. 2, 2019

[29] Irma Yunita, Upaya Membentuk Sikap Moderasi Beragama Pada Pelajar Dan Mahasiswa Desa Datar Lebar Kecamatan Lungkang Kule Kabupaten Kaur. *GUAU: Jurnal Pendidikan Profesi Guru Agama Islam*, Vo. 2, No. 3, 127-134.

[30] Donny Khoirul Azis, Made Saihu , Akmal Riz ki Gunawan Hsb, Athoillah Islamy, "Pancasila Educational Values in Indicators Religious Moderation in Indonesia", dalam *Fitrah : Jurnal Kajian Ilmuilmu Keislaman,* Vol. 7. No. 2, 2021, 229.

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