



## Religious Moderation: A Concept of Genealogy and Internalization in the Maqashid Sharia Classic

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### ARTICLE INFO

*Keywords:* Religious Moderation, Maqashid Sharia, Genealogy, Internalization

*Received :* 03, August

*Revised :* 18, August

*Accepted:* 25, September

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### ABSTRACT

Islamic law will inevitably take some forms. There is room for reformulation even when using different legal istinbat techniques. Maqashid sharia is among the issues that Islamic legal scholars are concerned with. Maqashid, as a historical field, has developed quickly, moving from being an integral science to an autonomous one. It is crucial that legal observers understand how intricate the maqashid development process is. In this instance, the author – who is regarded as the father of maqashid sharia – presents a study of the evolution of classical maqashid prior to Imam Syatibi. The problems are formulated as follows: 1) How does the concept of maqashid compare to four figures prior to Syatibi? and 2) How does maqashid fit into the concept of religious moderation in relation to four figures? A descriptive-analytical technique is employed in the qualitative research methodology. According to the study's findings, the ideas of Imam al-Juwaini, al-Ghazali, al-Qarafi, and al-Thufi are pertinent and consistent with the four key pillars of religious moderation – tolerance, acceptance of local customs, national commitment, and nonviolence. Thus, the idea of religious moderation aligns with the principles of maqashid sharia.

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## **INTRODUCTION**

Muslims often encounter serious dilemmas due to the socio-cultural dynamics they face. The reason is that, along with the dynamics of the times, Muslims are always faced with a variety of problems that require space for answers in the modern era. In fact, classical scholars have developed theories that are considered established to formulate solutions to problems. It's common for theories to fail to provide a climax answer. Therefore, it is not surprising that scholars are trying to reformulate their methods of legal exploration with changing times in order to produce adaptable laws.

The development of legal excavation theories initiated by conventional scholars is still ad hoc. Thus, the next generation needs to reformulate the theory systematically in order to comprehensively respond to social reality. The old theory is not being countered by this. However, this is a manifestation of the dynamic essence of law; that the situation will always develop, therefore, scientific methodology also needs to be reconstructed in order to achieve relevant products.

A philosophical approach is the wrong way to gain a radical understanding of Sharia. Three main categories are used to categorize philosophical approaches: epistemological, ontological, and axiological. In Islam, the term 'hikmah' is often used. The axiological domain requires a philosophical approach to study a hikmah, where esoteric dimensions of Sharia are revealed. I am dedicated to discovering the purpose of sharia, including its commands and prohibitions. Maqashid sharia is the term used for this effort.

Maqashid Sharia has undergone significant development during its journey. Maqashid Sharia's dynamics can be described as progressive from time to time. Although maqashid sharia had existed at the time of the revelation, it had not yet developed into a distinct field of study. Maqashid sharia has been refined to this day by a number of contemporary academics, becoming an established Islamic legal system with its prototype. Aside from that, it's critical that all scholars comprehend the history of maqashid sharia. By constructing the same theory from earlier scholars, academics will also have an understanding of how the paradigm and ratio legis of maqashid specialists projected this theory in their period, adding to the intellectual treasure.

Many new words or concepts have evolved in modern times in response to the advancement of the times. Take religious moderation, for instance. Democracy is a notion that is upheld in Indonesia. Disparities in opinions and interests are normal in a democratic nation. The state is crucial in protecting religious communities' freedom to practice their own religions in accordance with their own convictions, even in the area of religion (Abror, 2020). With this distinction came the creation of a crucial phrase—religious moderation—that must be upheld in the face of multiplicity. In essence, plurality is a sunnatullah that permeates all spheres of human endeavour. Since tolerance is therefore essential to reacting to the disparities among all of Allah SWT's creatures, it is the defining quality of Allah's creatures at the numerous levels of sharia, way of life, and civilization. Religious tolerance, or pluralism in terms of religion, is acknowledging the existence of other religions and all of their unique traits and

customs while also embracing other differences and their freedom to practice their own religions and beliefs as they see fit (Syifaashoba, 2023).

People are nevertheless frequently perplexed about whether religious moderation aligns with the spirit of Islam or the other way around. Many Muslims believe that practicing moderation in their religion will make them less serious, less aggressive, and inconsistent (Mursyid, 2016). When the issue of strained relationships amongst religion devotees in Indonesia is re-examined, at least two possible causes come to light: First, hate speech directed towards specific religions, ethnic groups, and racial groups mixed with religious populism that is expressed in public. Sectarian politics is the second issue. It purposefully uses religious symbols to support particular political manoeuvres and sway public opinion in favour of conservative liberal viewpoints. (Muthohirin, 2018). These two factors are considered to have emerged due to a narrow perspective on religion, so that they always consider the most correct. This is what is called not actualizing religious moderation. As a result, the negative effect that is felt is that there will be many acts of hatred that spread to the real world.

Responding to this reality, the author will review from the historical and methodological side of the evolution of maqashid sharia before the classic, or pre-Syatibi. While there are numerous scholars that have addressed maqashid sharia, this article will concentrate on highlighting four notable figures: Imam al-Juwaini, Imam al-Ghazali, Imam al-Qarafi, and Najmuddin al-Thufi. Additionally, the author will absorb the four figures' paradigm of maqashid sharia in order to better understand the concept of religious moderation that is emerging in Indonesia. This concept consists of four main points: tolerance with the ideas of Najmuddin al-Thufi, national commitment with the ideas of Imam Juwaini, anti-violence with the ideas of Imam al-Qarafi, and acceptance of tradition with the ideas of Imam al-Ghazali.

## LITERATURE REVIEW

### *Terminology of Maqashid Sharia*

Maqashid in the word's "sharia" and "maqashid" are combined to form the word. Maqashid has two different meanings based on its etymology. Al-Thariq, or the straight way, comes first. From QS. Al-Nahl (16): 9 this is derived. "Their right to Allah (explains) the straight path" is expressed in "وعلى الله قصد السبيل." This verse refers about choosing the correct route. As for al-Qasd, it means inspiration to achieve objectives in this passage (Al-Qurthubi, n.d.). The opposite of al-Qasd, al-Ja'ir, which translates to "the wayward path," is also mentioned by Allah in this verse. Al-main aim as a guide, or al-I'timad wa al-Amm, comes in second. Islamic jurists as well as ushul frequently employ this meaning. The aim mentioned above serves as a standard for all of mukallaf's actions. To put it another way, it's a tool for comparison (Al-Kalani, 2000).

In terms of terminology, maqashid sharia means everything prescribed by Allah for His servants in the form of laws so that their lives are directed. Or, it can be interpreted as all the rules originating from the Koran and Sunnah of the Prophet (Raisuni, 2014). This means, implicitly, that maqashid Shariah has

intrinsic content in the form of meaning, objectives, atsar and conclusions related to syar'i khitab and syar'i taklif (Raisuni, 2010). Imam Syatibi succinctly defines maqashid sharia as the aim of sharia' towards its servants to uphold benefits or prevent damage, or both (Al-Syatibi, 2010)

Wahbah Zuhaily stated that top to down sharia is essentially always oriented towards creating general welfare (maslahah amah); includes both individuals and collectives. Sharia has properly facilitated the world as a means to obtain goodness, perfection and a commendable civilization (Zuhaily, 1985). Ibn Ashur offers an interpretation of maqashid sharia that takes into account principles that are both generally and particularly relevant to sharia in its implicit form. Global sharia principles including moderation, tolerance, and comprehensive (Ashur, 1979). A unifying theme emerges from these divergent interpretations: maqashid sharia encompasses all universal objectives, such as defending maslahah and opposing madharat. Alternatively specialized objectives, such those related to one's family or personal life (Al-Kalani, 2000).

Maqashid values were already present in the revelation when it was revealed in historical development. both specific and general maqashid. In the words of Allah, QS. Al-Baqarah: 185 and QS. Al-Dzariyat: 56 provide an illustration of global maqashid. Examples of specific maqashid in the interim are those who are praying (QS. Al-Ankabut: 45), followed by zakat (QS. Al-Taubah: 103). In addition to the Qur'an and the Sunnah, the Companions in their different eras also conferred authority on maqashid sharia. Similar to the work done by Abu Bakar and Ustman to codify the Koran, Umar bin Khattab forbade the granting of zakat to converts who were qulubuhum. Each one of them has messages on maslahah that follow the Shari'a (Said, 2010).

The tabi'in and tabi'i al-*tabi'in* created maqashid sharia following the Companions. Until the 5th century, a great maqashid figure named Imam al-Juwaini was born. Before al-Juwaini, in fact, a number of people contributed to the development of maqashid sharia, including: (1) Al-Tirmidhi al-Hakim (d. 296 H) with his maqashid work "al-Shalah wa Maqashiduha"; (2) Abu Zayd al-Balkhi (d. 322 H) with his maqashid work "Problems of al-Abdan wa al-Anfus"; (3) Abu Manshur al-Maturidi (d. 333 H) with his maqashid work "Ma'khad al-Syara'i"; (4) Abu Bakr al-Qaffal al-Syasyi (d. 365 H) with his maqashid work "Mahasin al-Shariah"; (5) Abu Bakr al-Abhari (d. 375 AH) with his maqashid work "Mas'alah al-Jawab wa al-Dala'il wa al-Ilal"; The following are the maqashid works of: (6) Abu al-Hasan al-Amiri (d. 381 H) with "al-A'lam bi Manaqib al-Islam"; (7) Ibnu al-Qami (d. 381 H) with "Ilal al-Syarai"; and (8) Abu Bakar al-Baqilani (d. 403 H) with "al-Ahkam wa al-I'lal" (Hisyam bin Said, 2010).

The development of maqashid sharia into a methodical and all-encompassing scientific field was undoubtedly not just the work of one or two individuals. Maqashid sharia has undergone a notable expansion in its blueprint process over time. This is undoubtedly a benefit for modern legal scholars with relation to the development of the notion of maqashid sharia. The author of this article concentrates on four individuals: Najmuddin al-Thufi, Imam al-Qarafi, Imam al-Juwaini, and Imam al-Ghazali.

*The idea of moderation in religion*

Etymologically, religious moderation refers to lessening violence and staying away from extremes. According to Syaifudin (2023), moderation in English refers to simplicity or restraint. The Arabic words *tawassuth* (middle), *i'tidal* (fair), and *tawazun* (balanced) are comparable to the word *wasath*, or *wasathiyah* (Syaifudin, 2023) and (Munif, 2023). Every person has the right to practice their religion, which is a vital belief. In actuality, though, there is nothing that a person can truly escape from – such as the environment, nature, or interpersonal relationships. Thus, everyone should prioritize adhering to the idea of moderation (Widodo, 2019).

When Lukman Hakim Saifuddin, the Republic of Indonesia's Minister of Religion for the 2014–2019 term, published a book titled *Religious Moderation*, the country's policy of religious moderation was established. The Indonesian Minister of Religion, Fachrul Rozi (2019–2020), signed Decree of the Minister of Religion number 720 of 2020 as a follow-up. The foundation for the establishment of the Ministry of Religion's working group on religious moderation is KMA Number 720 of 2020. As a follow-up to Presidential Regulation Number 18 of 2020 regarding the 2020–2024 National Medium Term Development Plan (RPJMN), which designates the Ministry of Religion as the front-runner sector for executing the Strengthening Religious moderation program (Munif, 2023).

Religious moderation is a fundamental aspect of integrating into Indonesian society's diverse religious views (Subakti, 2023). Additionally, the Roadmap for Strengthening Religious Moderation for 2020–2024 lists four indicators of religious moderation in Indonesia: acceptance of customs, non-violence, national commitment, and tolerance (Munif, 2023).

Table 1. Lists four indicators of religious moderation in Indonesia

<b>National Commitment</b>	National commitment is a key part of how a person's religious beliefs and practices can affect their loyalty to the main values of Indonesia. This is especially about accepting Pancasila as the country's guiding principle and how people respond to other, differing ideologies. Being part of the nation means agreeing to the national rules in the 1945 Constitution, which is the main law of Indonesia (Latifa, 2022).
<b>Non-Violence</b>	A key sign of moderate religion is not using violence. In the context of moderate religion, religious violence shows up as extreme actions and terrorism. These acts are seen as ideas that misuse religion to excuse hurting and killing others. Actually, this action is not allowed by Islamic law or the laws of Indonesia (Munif, 2023).
<b>Tolerance</b>	Tolerance means being open and accepting of

differences in others. Tolerance means being open and accepting of the differences that exist among people (Suryadi, 2023). Religious tolerance that is struggling includes both acceptance between different religions (inter-religious tolerance) and acceptance within the same religion (intra-religious tolerance). These types of tolerance are connected to how we accept different social and political views. Inter-religious relations help people be tolerant towards others who have different faiths. This means being open to talking, working together, building places to worship, and having experiences with people from different religions. At the same time, getting along within one religion can help deal with smaller groups of believers. Being accepting of others is important for peaceful living in our communities, countries, and around the world (Jamaluddin, 2022).

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**Acceptance of Traditions**

Accepting local traditions or cultures means being open to them as long as they don't go against Islamic law (Shari'ah). Being open to local traditions and culture shows how willing people are to accept religious practices that fit with those traditions (Munif, 2023).

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**METHODOLOGY**

The strategy utilized in this inquire about is library investigate (writing audit). Library inquire about is investigate that employments composed references such as books, diaries and magazines related to inquire about considers which are named as essential sources of fabric to be utilized as references. This investigate is displayed in descriptive-analytical shape, which contains a research focus on books and writing considers that don't require field investigate.

The sort of investigate utilized in this investigate is subjective investigate, so it can create data as well as notes and expressive information beginning from the content considered. In subjective investigate, expressive examination is required, so that it can give an efficient, objective and clear picture and clarification, additionally be basic approximately the internalization of classical maqashid al-Shariah in devout balance.

**RESEARCH RESULT AND DISCUSSION**

**Classical Maqashid Figures and Their Internalization in the Concept of Religious Moderation**

*Imam al-Juwaini's Profile Sketch*

His name is Abdul Malik, son of Abdullah, son of Yusuf, son of Abdullah, son of Yusuf, son of Muhammad, from Juwain in Nisapur (Khallikan, 1972) the majority of historians say that he was born on 18 Muharram 419

AH/22 February 1028 AD. The name al-Juwaini is the ratio of his father, Muhammad al-Juwaini. Apart from al-Juwaini, he also got chewed (nickname) Abu al-Ma'ali. This chewing is not merely a rationing to parents, but in order to glorify and respect the nature and characteristics of al-Juwaini, which means "noble", both in terms of degrees and scientific achievements (Al-Zuhaily, 1992). Besides Abu al-Ma'ali, Imam al-Juwaini is also well-known as Imam al-Haramain. He was called Imam al-Haramain (Imam of Mecca and Medina) because he spent four years working there. During that time, he studied, gave religious advice, wrote books, and became a religious leader in these important cities (M. F. bin Ismail et al., 2021).

During his education, al-Juwaini learned from his father, who was a well-known writer. His father wrote important books like Tafsir al-Kabir wa al-Tabsirah wa Tadzkir, Muhtashar al-Muhtashar, Syarh al-Muzani, and Syarh al-Risala al-Shafi'i. Besides that, he focused on Ushul science with Abi Qasim al-Iskafi al-Isfirayni. Then he paid attention to and learned from hadith by Abi Sa'id Abd Rahman bin Hamdan al-Nisaburi, Abi Hasan Muhammad bin Ahmad al-Muzakky, and Manshur bin Ramisy (Al-Dzahabi, 1982). In fan Qira'ah, he learned from Abi Abdillah al-Khabazi. During this time, in the study of grammar, he learned directly from the writer of the book Iksir al-Dzahab, Abi al-Hasan Ali bin Faddhal (Al-Asakir, 2012). Many other teachers taught him things, but we might not have records of their lessons (Said, 2010).

Al-Juwaini was known as a profitable researcher in his time. He composed numerous expositions, a few of which are: In fan ushul fiqh he composed al-Burhan, al-Waraqat, al-Tuhfah wa al-Tahlish. In fan Fiqh he created Nihayah al-Mathlab and Muhtashar al-Nihayah. In fan religious philosophy he composed al-Irsyad, al-Syamil, and al-Aqidah al-Nidzamiyah. Within the fan of rationalizations and wrangle about he composed al-Asalib, al-Kafiyah. In fan elucidation he composed; Tafsir al-Qur'an al-Karim. And within the hadith science of al-Arba'un (Said, 2010).

Imam al-Juwaini passed on since he was enduring from jaundice (al-Shafra'a). At that time, he recouped, at that point carried out his regular exercises, specifically educating and spreading bliss both to certain individuals and to the assembly. Be that as it may, it didn't take long for the illness to repeat. Within the end he felt an awfully solid heat and was taken to the town of Buthaniqan. Within the conclusion, al-Juwaini confronted the Maker on Wednesday night after the Isha' supplication on 25 Rabiul Akhir 478 H. Imam al-Juwaini's body was moved that night to Nisabur, and his child was supplicated for. Imam Abu Qasim, at that point buried in his house (Al-Subki, 1964).

### ***The Idea of Imam al-Juwaini's Maqashid Sharia***

In the study of the goals of Islamic law, Imam al-Juwaini wrote an important book called al-Burhan fi Ushul al-Fiqh. This work includes ideas about the basic principles of Islamic law. In that work, he discussed the goals of Islamic law. Al-Juwaini began by discussing qualifications. He said that to create a law, a person needs to understand or be aware of the reasons for

applying Islamic law (maqashid sharia). If not, then he can't make a law. This idea shows how important it is to understand the overall goals of Islamic law (Musolli, 2018).

Also, al-Juwaini played a big part in the development of maqashid sharia. Al-Juwaini explained the goals of sharia in connection to the reasons behind laws. Al-Juwaini was the first to organize the goals of Sharia into five categories: 1) Dharuriyat (basic needs); 2) Hajjiyat (important but not essential needs); 3) Makramah (nice-to-have needs); 4) Needs that don't fit into the first two categories; 5) Needs that don't fit into any of the first three groups. Al-Juwaini also said that the purpose of Islamic law is to protect faith, life, identity, and possessions (Al-Buthi, 2020).

Within the prepare of investigating the maqashid of sharia, in examining the hypothesis of illat and ushul, he mapped the maqashid of sharia into two: To begin with, maqashid coming about from istiqlal (inductive rationale) towards the writings. The laws coming about from this strategy are stubborn (ta'abbudi). For illustration, imploring 5 times a day and fasting. A few circles call it 'azimah. Moment, maqashid are not born from perusing and concluding writings. In this case, the lawful arrangements have not yet been found within the content. This handle is called judicious thinking (ta'aqquli). The part of reason here is exceptionally vital in arrange to compare one content with another (Sya'ban, 1971). Al-Juwaini inserts the fundamental standards of Islamic statute as a system for measuring maslahah. There are six rules of fiqh that he passes on, to be specific: 1) Laa taklif bima la yuthaq; 2) Raf'u al-Haraj; 3) Daf'u al-Dharar; 4) I'tibar al-Ma'al; 5) Al-Hajah al-Ammah Tanzilu Manzilah al-Dharurah al-Khasah; 6) Taqdim al-Maslahah al-A'la ala al-Maslahah al-Adna Inda al-Ta'arudh (Said, 2010).

### ***Internalization of Maqashid Imam al-Juwaini in National Commitment***

Al-Juwaini's use of maqashid sharia is focused on one aspect of being religiously moderate, which is being committed to the nation. The first indicator, national commitment, looks at how a person's beliefs, attitudes, and religious practices affect their loyalty to the main agreement of the nation, particularly the acceptance of Pancasila as the country's guiding principle (Muhammad, 2021).

In al-Juwaini's ideas about sharia, being dedicated to the country means focusing on basic needs. Being committed to the nation means taking care of it, which is focused on helping everyone. If we look at it through the lens of maslahah al-Juwaini, then national commitment is part of showing the idea of "preventing harm." This means that if people care about their country, it will be safer from big problems that affect everyone. This is called preventive action to maintain stability in a state according to Islamic principles.

In Indonesia, the idea of togetherness comes from four important things: Pancasila, the 1945 Constitution, the Republic of Indonesia, and Bhinneka Tunggal Ika. These four main parts will work best if society uses the ideas and values of religious moderation, including a commitment to the nation (Abror, 2020). If every Indonesian citizen didn't follow their duty to the country,



Indonesia wouldn't be stable, and there would be many actions that go against religious and government rules. In Islam, all types of harm, whether to an individual or to society, should be stopped. So, the country's dedication to promoting religious moderation is connected to al-Juwaini's ideas about the goals of Islamic law.

### ***Imam al-Ghazali's Profile Sketch***

His full name is Muhammad son of Muhammad son of Muhammad son of Ahmad. He was born in the city of Thusi, Khurasan (northeast of Persia) in the year 450 in the Islamic calendar, which is 1058 in the common calendar. Al-Ghazali was born into a poor family. His dad worked as a weaver, doing physical work (I. Ismail, 2019). Al-Ghazali is an important Islamic thinker known for being a famous religious scholar, philosopher, and Sufi. One could say that al-Ghazali's search for knowledge was challenging. After finishing elementary school, he started studying at the Jurjan madrasa when he was 15, which was about 250 miles away from Thusi. At that time, he learned an important lesson from the thieves when he went back to Thus (Azyumardi dkk, 2003).

After studying in Jurjan, al-Ghazali moved on to learn in Naisabur, which is the main city of Khurasan. This is where he learned from Imam al-Juwaini (Imam of the Two Holy Places). In Naisabur, al-Ghazali quickly made progress in science. Al-Ghazali was very active in studying and learning. Even then, he was known as a non-literary source for his peers. It's no surprise that his friends often asked him for advice on religious questions. Al-Ghazali was very knowledgeable. His teacher, Imam al-Juwaini, said he was like a "very deep ocean" in front of his students (Azyumardi dkk, 2003). At Naisabur, al-Ghazali studied many things, starting from law, theology, ushul fiqh, and philosophy (Sibawaihi, 2004).

Al-Ghazali dedicated his whole life to learning, teaching, and connecting with God (Al-Ghazali, 2013). He thinks that following the Sufi way is the best path to find real truth. Al-Ghazali passed away on 14 Jumadil Akhir in the year 505 H, which is the same as 1111 AD, when he was 55 years old. Because he loved science, many people say that al-Ghazali was studying traditional science before he died. In another story, al-Ghazali was looking at Sahih Bukhari and Sunan Abu Daud. There is another story that says al-Ghazali died while holding the book Sahih Bukhari (Bakar, 2010). As Hujjatul Islam, al-Ghazali wrote a lot of books. There are different opinions about how many works al-Ghazali has written. Some people say he wrote 58 works, while others say it was 80. This is because he created a lot of pieces. There is a story that says he created a total of 999 pieces of work, including books and other things.

### ***The idea of Imam al-Ghazali's Maqashid Sharia***

Al-Ghazali followed in the footsteps of his teacher, Imam al-Juwaini, in developing the ideas of maqashid sharia. He focused a lot on studying earlier thinkers, both in the study of principles and laws. One of the important ideas in Islamic law that affected many thinkers was a concept he created in his

important writings. Al-Ghazali's writings on the study of the goals of Islamic law include three main works: "al-Mankhul min Ta'liqat al-Usul," "Syifa' al-Ghalil fi Bayan al-Shabh wa al-Mukhil wa Masalik al-Ta'liil," and "al-Mustasfa fi Ilm al-Usul al-Fiqh." Al-Ghazali pointed out that when figuring out the law, it's important to carefully consider the reason behind it. Besides that, it's important that the illat (reason) is in line with the goals of sharia (Islamic law) (Hirz Allah, 2007). In simple words, al-Ghazali explains the main purpose of maqashid sharia like this:

أما المصلحة فهي عبارة في الأصل عن جلب منفعة او دفع مضرة, ولسنا نعني به ذلك, فإن جلب المنفعة ودفع المضرة مقاصد الخلق, وصلاح الخلق في تحصيل مقاصدهم. لكننا نعني بالمصلحة المحافظة على مقصود الشرع ومقصود الشرع من الخلق خمسة, وهو أن يحفظ عليهم دينهم ونفسهم وعقلهم ونسلهم ومالهم. فكل ما يتضمن حفظ هذه الأصول الخمسة فهو مصلحة وكل ما يفوت هذه الأصول فهو مفسدة ودفعها مصلحة.

"Maslahah means focusing on what is good and avoiding what is bad. " But that's not what I meant. Every living thing tries to get good things and avoid bad things. At the same time, the good thing about living beings is that they are achieving their goals. In my view, Maslahah means keeping the goals of Islamic law. At the same time, Maqashid Shariah shows five main ideas: keeping religion safe, protecting life, valuing reason, caring for family, and safeguarding property. Any law or rule that includes these five important ideas is called maslahat. At the same time, any choice that goes against these five rules is called mafsadah. "Not allowing harm is a way to promote good." (Al-Ghazali, 2008).

In this situation, al-Ghazali divided the goals of sharia into two main categories: religious matters (ila al-diin) and worldly matters (ila al-dunyawi). Each of the two is divided into two types: al-tahsil (which means creating benefits) and al-Ibqa' (which means keeping things as they are or protecting against harm). According to al-Ghazali, maqashid sharia means protecting what is already there so it can keep going and getting rid of anything harmful. This way, we can create good things for ourselves now and in the future. For example, in QS. Al-Ankabut 45 says that praying can stop bad actions and things that are not right. If you pay attention, stopping yourself from doing bad things is good for both your future and this life (Al-Ghazali, 1971).

Al-Ghazali explained that munasabah is anything that helps protect the goals of Islamic law (sharia). So, anything that goes against the goals of sharia is not included in munasabah. An example is the ban on alcohol. Al-Ghazali said that khamr (wine/liquor) is forbidden because it can take away a person's ability to think clearly. At the same time, keeping a clear mind to stay normal and live is one of the goals of Islamic law. The mind is an important part of the body. It helps us understand things and is necessary for communication and responsibility (Al-Ghazali, 1971). Even in a marriage. The sexual organ should be protected. If you have sex without being legally married, it can make it hard to know who your family members are.

Al-Ghazali believes that all connections or relationships are strengthened to support the goals of Islamic law. Also, al-Ghazali split the goals of sharia into

three levels. The first level is called al-Dharuriyah, which includes the most essential needs. For example, at this level, drinking alcohol is not allowed, and having sexual relations is only lawful within marriage. Second, there are secondary interests. An example of this is allowing a guardian to arrange a marriage for their child who is not yet an adult. This situation isn't an emergency, but we still want to make sure that both husband and wife stay equal in the long run. Third, making things beautiful or making things easier. An example at a lower level is that servants cannot be witnesses, even though what they say and their opinions are accepted (Al-Ghazali, 1971).

According to what was explained above, al-Ghazali said that *maslahah* can be divided into three types: *Maslahah Mu'tabarah*, which refers to a situation that has been confirmed by certain texts or statements. Islamic legal experts agree that this issue can be taken into account when making legal decisions and can be included in studies of analogy (*qiyas*). There is also the idea of *Maslahah Mulghah*, which refers to problems that are rejected by specific texts or statements. Islamic law experts agree that this issue should not be considered when deciding the law. Additionally, "*Maslahah Mursalah*" refers to a problem that does not have a clear argument for or against it. In this situation, experts on Islamic law have different views on whether it can be used as a legal reason or not.

### ***Internalization of al-Ghazali's maqashid in the Acceptance of Tradition***

The application of al-Ghazali's *maqashid sharia* considering within the context of devout control within the acknowledgment of convention is regularly found in acculturation and social absorption with the lessons of the *sharia*. One of them is almost tolerating nearby conventions. Indonesia could be a differing and pluralistic nation where, sometime recently Islam came to Indonesia, Indonesian individuals as of now had convictions and societies that were followed to from era to generation and contrasted from one another over districts. Within the setting of tolerating convention, there's a shape of *da'wah* technique based on neighbourhood shrewdness, to be specific social *da'wah* as a representation of nearby shrewdness standards.

The Way this cultural teaching is being carried out can be seen in how Javanese culture has mixed with Islamic culture through the efforts of Walisongo. For example, Sunan Kalijaga used local culture to share Islamic teachings in a way that people did not feel forced. Sunan Kalijaga mixed Javanese culture with Islamic teachings to help people accept Islam more easily. For example, Sunan Kalijaga combined Javanese culture with Islam as part of his teaching methods. He used local traditions, like shadow puppets, to share Islamic messages with the people (Hendra, 2023).

Besides that, al-Ghazali's ideas about the goals of Islamic law can be seen in the pregnancy celebration customs. In Java, this celebration is known as *tingkeban* (which includes *ngupati* and *mitoni*), and in Madura, it's called *pellet betteng* (celebrations for four months and seven months). In this case, it's important to highlight that Islam accepts the traditions and culture that have grown in society. Besides the idea of *maslahah murrasa*, Islamic law also

considers 'urf. This means that some laws are based on the customs and traditions that grow in society. So, this method can be used to help understand Islamic law as long as it does not go against the teachings found in the Quran and the sayings of the Prophet Muhammad SAW (Buhori, 2017).

Using al-Ghazali's ideas about the goals of Islamic law in the context of being moderate in religion can often be seen in actions that have changed to focus more on Islamic teachings. According to al-Ghazali's idea, the lawfulness of *maslahah mursalah* happens when it fits with the main purposes of sharia, which are to protect five key values. Also, the *maslahah* should be important for basic needs or necessities. It's important to accept traditions. If we encourage people to reject local traditions, it can lead to disagreements and even conflict between different religions.

### ***Imam al-Qarafi's Profile Sketch***

His name is Shihab al-Din Abu al-Abbas Ahmad, and he is the son of al-Ala Idris, who is the son of Abd al-Rahmad, who is the son of Abdillah, who is the son of Yallin al-Shanhaji al-Qarafi al-Maliki (Al-Qarafi, 1999). Just because Ahmad lived in al-Qarafi doesn't mean he is from there. Another story says that Ibn Farkhun got the name al-Qarafi because some of his students started calling him that. This is about something that happened before. One time, when little al-Qarafi was not at school, the secretary didn't know what to write for his name in the attendance book. By chance, al-Qarafi always arrived from the way of Qarafah. Since then, he has become well-liked with the al-Qarafi group (Farkhun, 2011). Al-Qarafi was born in 626 Hijri in Egypt. There is a disagreement among scholars about when he died; some say it was in 682 Hijri (Bardi, 1984), while others say it was in 684 Hijri (Farkhun, 2011).

Al-Qarafi is a great scholar of the Maliki school of thought. He is a scholar specializing in Ushul fiqh and Ushuluddin. He also mastered Tafsir and other sciences (Al-Qarafi, 1999). al-Qarafi studied with several famous scholars at that time, such as Shaykh Sharafuddin Muhammad (Syarif al-Kharki). Both of them also moved to Egypt and studied with Sheikh Izzuddin bin Abdissalam for approximately 21 years. Al-Qarafi learned a lot about jurisprudence from him, even though in reality al-Qarafi and his teacher were of different schools of thought. Apart from leading scholars of the Shafi'i school of thought, al-Qarafi also studied with Shaykh Syamsuddin al-Miqdasi, a follower of the Hambali school of thought who was also from the Maghrib. Al-Miqdasi was the first person to become a Qadi in Egypt from among the Hambalis (Al-Qarafi, 1994).

Studying with different schools of thought for a long time had a big influence on al-Qarafi's thinking. This can be clearly seen in his monumental works, such as *al-Dzakhirah*. He intensely compared more than one madhhab. This book is the main book of the Maliki school of thought in the field of jurisprudence. Apart from that, there is a phenomenal essay by him which concentrates on ushul fiqh and maqashid sharia, namely *al-Furuq fi Anwar al-Buruq* (Al-Qarafi, 1994).

### *The idea of Imam al-Qarafi's Maqashid Sharia*

In the study of maqashid sharia, al-Qarafi has important works that are central to his discussions. Al-Qarafi grouped the goals (maqashid) into three types based on their importance: the most necessary (al-Dharuriyat), important but not critical (al-Hajat), and things that are nice to have (al-Tatimmat). This level is used when there is a conflict. It helps to decide what is more important: first things are more important than second things, and second things are more important than third things (Al-Qarafi, 2004). Al-Qarafi says that the five important principles in the goals of sharia must be protected. These principles are: life (al-dima'), honor (al-a'radh), reason (al-uqul), family (al-ansab), and wealth (al-amwal). To achieve the goals of sharia, anything that causes harm to any of the five important areas mentioned above is not allowed by sharia (Al-Qarafi, 1994).

About the five main ideas of maqashid sharia, al-Qarafi said that people have different views on whether "hifdz al-irdh," which means keeping honor, is its own main idea or is part of one of the five main ideas. Al-Qarafi said that keeping your honor is just as important as keeping your faith. Some people believe that you can keep your honor even if you don't follow a religion (Al-Qarafi, 2004). In this situation, we can say that al-Qarafi was one of the first to divide dharuri levels into five sections. He also mentioned the importance of keeping honor (Raisuni, 1995). Besides that, only al-Qarafi was someone who called the third level of maqashid sharia "al-tatimmah," which means complementary (Al-Qarafi, 1994).

Al-Qarafi's importance to the goals of sharia is evident when he introduces the idea of al-Wasail (mediator). He clearly said that middlemen could help start the right laws. He said, "The means serve the goals in their rulings." It means that anything that helps us meet a duty is required, and anything that leads to something forbidden is not allowed. He split wasilah into two types: one for figuring out the rules and one for ending the rules. (Al-Qarafi, 1994). Besides that, al-Qarafi also distinguished the reasons for the Prophet's actions based on his goals. He said that sometimes the actions of the Prophet, which affected Islamic law, were meant for all people and forever. At the same time, the legal choices he made related to politics, the military, public trust, and leadership were all connected to his role as a leader (Auda, 2013).

In the explanation above, al-Qarafi splits the goals of sharia into two types based on how general they are: Maqashid al-Khasah (specific goals) and Maqashid al-Ammah (general goals). In general, universal maqashid is more about outside factors than khasah, because it deals with broader emergencies (Al-Qarafi, 1994). First, Maqashid al-Ammah means goals that benefit the people or the majority. Doesn't pay attention to each person. This is like keeping our religion and the people together (Ashur, 1979). This means following the five basic rules, taking care of people's well-being, and ensuring fairness in society (Al-Qarafi, 1994). Second, Maqashid al-Khasah refers to goals that are important for each individual person. Like the rule against spending too much money to protect one's wealth (Ashur, 1979).

In talking about al-munasib, an important tool for understanding the goals of Islamic law created by al-Ghazali, al-Qarafi breaks it down into two parts. One part, al-munasib, focuses on benefits in this life, and he explains it in three levels: primary, secondary, and tertiary. and the afterlife, like making better choices and developing the spiritual self, all connected to what happens after we die (Al-Qarafi, 1995). When it comes to the different goals of sharia, al-Qarafi's way of checking sharia is similar to what earlier experts said. These include three main types: *maslahah mu'tabarah*, *mulghah*, and *murlahah*.

In the topic of *illat*, al-Qarafi agrees with most scholars from the Hanafi, Maliki, Shafi'i, and Hambali schools of thought. They believe that Sharia laws are created to take care of people's needs and promote their well-being. God doesn't need nature; rather, it is a gift from Him to provide goodness to His people. From this explanation, al-Qarafi concluded that the *maqashid sharia* model has two types. The first type is *maslahah* that can be understood physically, which is called *ma'qul al-ma'na* (meaning it can be understood in a logical way). Second, problems that can't be understood logically are called *al-Ta'abbudi* (dogmatic).

### ***Internalization of Maqashid Imam al-Qarafi in the Principles of Non-Violence***

Islamic expansion cannot be separated from war activities as a form of defence and territorial expansion. However, apart from that, in the context of the history of the spread of Islam in Indonesia, it is not recorded that the spread of teachings was carried out through war, but rather through peaceful means, and not using violence or coercion, because this would be dangerous (*mafsadah*) for the realm of life of others both in the long term. short or long. Peace is one of the main teachings in the Islamic religion. The term Islam itself means peace or safety, the origins of which are *salama*, *silm* and *salam*, which means peace, thus confirming that Islamic teachings have a character that is full of peace (Alfiani, 2003).

Islam, as a large religion, has a clear and specific way of dealing with violence that happens for religious reasons. The way Islam teaches to respond to violence is explained in the Koran and the sayings of the Prophet Muhammad (peace be upon him) (Alfiani, 2003). The idea of non-violence in Islam encourages Muslims to be accepting and helps them get along peacefully with each other. This situation helps Muslims realize how violence done in the name of religion can harm people. A twisted or extreme view of religion can make problems worse and create bigger divides between different religious groups. Acts of violence by individuals or groups who break religious rules often come from a misunderstanding of their faith. When they interpret the sacred texts of the Koran in a limited way, it can lead to extreme beliefs and actions that are actually against Islam, like violence and suicide bombings (Mutaqin, 2023).

One of the ideas of *maqashid sharia* is that using violence in *da'wah* (inviting to Islam) can block the goals of *maqashid sharia*. To follow al-Qarafi's idea that "means achieve goals in their rulings," (*al-wasail tutbi' al-maqashid fi ahkamiha*) it is important to stop all acts against violence to establish the goals

of sharia in society. The idea of non-violence is a good and smart way to solve problems, making sure everyone in the country is safe and protected. We want to reduce and manage cases related to SARA issues so that people in the country and state can live and work well. Everyone in society can do their jobs and responsibilities safely and peacefully while supporting each other and respecting one another, following the idea of Bhinneka Tunggal Ika (Munif, 2023).

### ***Profile Sketch of Najmuddin al-Thufi***

Al-Rabi' Sulaiman bin Abd al-Qawi bin Abd al-Karim bin Sa'id was his name. He was born in the village "al-Thufa" in the Sharshar area, close to Baghdad; this community is known as al-Thufi. There is disagreement among experts over the exact dates of al-Thufi's birth and death. According to Ibn Hajar al-Asqalani, he was born in 657 AH. (M. Zaid, 1954). In the meantime, Ibn Rajab and Ibn Imad calculated his birth year to be 670 AH. (Al-Thufi, n.d.). Ibnu Rajab, Ibnu Hajar, and Ibnu Imad concurred that al-Thufi passed away in 716 AH. In the meantime, al-Thufi passed away in 711 AH, according to Imam Suyuthi and Ibnu Maktum. Al-Thufi matured and became a perceptive person. He sought the advice of numerous eminent academics of the day.

As a careful Islamic legal thinker, al-Thufi had a good working relationship with the important scholars of his time. While in Baghdad, he learned from: Isma'il bin Ali bin al-Thibal (a teacher at Mustanshariyyah), Abdurrahman bin Sulaiman bin Abd al-Aziz (a teacher of Hambali law), Ibnu al-Buqi (another teacher of Hanbali law), and Nasr al-Faruqi (a teacher of the basics of Islamic law), among others. While in Damascus, he learned from several teachers, including Taqiyyudin ibn Taimiyah, Yusuf bin Abdurrohman, Abu Muhammad al-Qasim, and Sulaiman bin Hamzah. While he was in Cairo, al-Thufi learned from many teachers, including Abd al-Mu'min bin Khalaf, Mas'ud bin Ahmad bin Mas'ud, and Muhammad bin Yusuf al-Nahwi, who were all well-respected scholars of that time. Al-Thufi was a very productive scholar. He wrote many works in different areas: 10 on the Qur'an and Hadith, 22 on the basic principles of Islamic law, and 10 on language and literature. If you add them up, there are about 42 works in total. (M. Zaid, 1954).

### ***The Idea of Maqashid Shariah Najmuddin al-Thufi***

Al-Thufi stands out for his understanding of how Islamic law works, especially in the study of Ushul Fiqh. His well-known mashlahah theory has made him a debated person among scholars, both old and new (Farouq Abu Zaid, 1986). About maqashid sharia, al-Thufi first explained what maslahah means like this:

عبرة عن السبب المؤدي الى المقصود الشارع عبادة وعادة

"An expression of causes that lead to sharia goals in both spiritual and social dimensions." (Al-Thufi, 1998).

Al-Thufi explained that maslahah means something that brings about harmony and does not have bad effects. He gave an example of a ballpoint pen, which is helpful when used for writing (F. A. Zaid, 1986)

Al-Thufi had a very different view compared to earlier maqashid experts. Al-Thufi decided not to pay attention to the different types of maslahah, which are classified as maslahah mu'tabarah, mulghah, and murlahah. And also, important needs (maslahah dharuriah), necessary needs (hajjah), and nice-to-have needs (tahsiniyah). He said that this kind of separation actually makes things harder and creates more trouble. At the same time, learning about the problem is easier to understand and more precise for what we want to achieve. Al-Thufi also said that everyone agrees that the purpose of syara' (Islamic law) is to protect good things and prevent harm (Al-Thufi, 1987). He also argued against Imam Malik's idea of maslahah murrasa, saying that al-Thufi's concept of Ri'ayah Maslahah was more accurate.

In common, al-Thufi groups The measurements of maqashid sharia are separated into two tomahawks: To begin with, laws of revere and muqaddarat or modern rules. Typically a category of perspectives that cannot be come to by reason, so it is guided by writings and ijma'. Moment, mu'amalah (social), convention, legislative issues, and the like. In this setting, meaning and expectation can be come to by reason, so that the emphasis is on human advantage, whether there's a content or ijma' or not. In this way, it can be concluded that within the setting of social, traditional, political and worldly matters, he prioritizes maslahah over writings and ijma' on the off chance that there's a inconsistency. Usually as the saying goes:

وان خالفها وجب تقديم رعاية المصلحة عليهما

"If there is a contradiction with the maslahah, then it is mandatory to prioritize the maslahah of both (nash and ijma')" (Al-Thufi, 1987).

In any case, what must be caught on from the express a priority thank you compared to the content and ijma'" isn't by disregarding the content itself, but what is implied is prioritizing the issue utilizing the takhsis (detail) and bayan (clarification) strategies. Like prioritizing al-Sunnah over al-Quran in a bayan way. This is often based on the hadith "La dharara wa la dhirara", where the hadith prioritizes advantage over fiendish. usually a shape of compromise between two recommendations (Hasan, 1971). At slightest, he built al-Thufi's questionable worldview with 4 columns; (1) تقلال العقول بادراك المصالح والمفاسد (Solely relying on reason without having to go through revelation can know good and bad); (2) المصلحة دليل شرعي مستقل عن النصوص (The manifestation of goodness is independent evidence of Sharia' rather than confirmation of the text); (3) مجال العمل بالمصلحة هو المعاملات و العادات دون العبادات و المقدرات (The field of application of the form of goodness adopted as a shari'a proposition is in certain areas, namely social relations and customs, while not in worship and muqaddarah); and (4) المصلحة اقوى ادلة الشرع (Maslahah is the supremacy of Islamic propositions').

### ***Internalization of Maqashid al-Thufi in the Principle of Tolerance***

A relevant example of keeping mistakes in mind is like the idea of being forgiving towards each other. Being open-minded is important when dealing with the different religions and cultures that are in Indonesia. Being tolerant in public life means allowing others to have their own beliefs and opinions. It involves being open-minded, accepting differences, and treating others kindly and respectfully. It doesn't end there; being tolerant means being respectful and



accepting of other people's rights. In inter-religious situations, tolerance means being open to talking, working together, building places to worship, and getting to know people from other religions. At the same time, people show tolerance within their own religion by accepting and responding to different groups or beliefs (Muhammad, 2021).

Azra says that the process of adopting Islam in Indonesia was done by religious leaders in a way that respected local culture, without any wrongdoing. They were friendly, open, and worked well with existing traditions. This initially caused a mix of local religious beliefs and practices. Until then, the movement for Islamic renewal was ongoing and introduced ideas aimed at helping Indonesian Muslims be more adaptable and align more closely with traditional Islamic beliefs and practices (Fuadi, 2018).

Throughout history, Islam has interacted with Jewish and Christian communities since the time of the Prophet Muhammad (peace be upon him), chosen as a leader. After the Prophet moved to Medina, he got in close touch with the Jewish community. At that time, these two groups were already living in the Arabian Peninsula. The Jewish community had a strong presence in Medina and Khaibar. At the same time, Christians have a big impact in Najran. The way the Prophet and his friends interacted with Jewish and Christian groups went well because they treated each other with respect and kindness (Yusuf, 2014).

The main idea is that we should keep good relationships with people of the book (like Christians and Jews) because the Qur'an teaches us to do so. Tolerance helps different cultures blend together. For example, traditions like *Selamatan* and *Wayang Kulit* show how Islam has influenced Indonesian culture. Over time, this blending helps different religious groups live peacefully together. This kind of acceptance will later show in religious practices that welcome and respect different beliefs and cultures in society, helping everyone live together in peace and harmony. To keep the important idea of promoting good for everyone, it is necessary to live peacefully and work together with people of other religions today.

## CONCLUSIONS AND RECOMMENDATIONS

According to reliable information from different sources, the idea of maqashid sharia has been present since the time the Prophet Muhammad (SAW) received revelations. After him, his companions, the following generations, and Islamic scholars continued to develop this idea. From its early beginnings, the idea of maqashid sharia has grown a lot over time to become a well-known and independent way of thinking. Some thinkers have greatly helped in developing the idea of maqashid sharia even before Imam Syatibi. This idea is also important for understanding and applying the four main principles of religious moderation.

First, Imam Juwaini (who passed away in \_\_\_) 478 H) was the first to organize the Maqashid into five levels. Al-Juwaini's ideas about being moderate in religion and national commitment can connect to the principle of "avoiding harm." This means that if people are dedicated to their country, it will help

keep everyone safe from issues that could hurt the community. This is what we call taking steps to keep the country stable according to Islamic principles.

Second, Imam al-Ghazali (who died in 1111) 505 H) who worked on explaining the goals of Islamic law (maqashid sharia) and organizing them into two areas: the world and the afterlife. Al-Ghazali's ideas about being moderate in religion can be seen in many ways in Indonesia. For example, there is the blending of Javanese and Islamic culture due to the teachings of Walisongo, and local traditions like the thanksgiving ceremony called Mitoni in Java or Pellet Betteng in Madura.

Third, Imam Qarafi (who passed away in 1285) 684 H) talked about keeping honour as an important part of life and also introduced the idea of a mediator, which has legal importance. He believed that to promote religious moderation and prevent violence, we need to close off any actions that support violence. This is necessary to achieve the goals of Islamic law (maqashid sharia) in the community.

Fourth, Najmuddin al-Thufi (who died in 716 H) was a controversial person who talked about the well-being of the people being the most important argument, using logic to support it. His ideas about religious moderation and "Tolerance" focus on the ideas of welfare and prosperity. To keep enjoying the good things in life, we should live peacefully and harmoniously with people of different religions. Being tolerant is very important right now to uphold the purpose of our values.

## ADVANCED RESEARCH

Research on Classical Maqashid Sharia: Lineage and Internalization in the Concept of Religious Moderation certainly still has limitations. Therefore, further research and good practices of religious moderation in Indonesia are still needed regarding its relevance to maqashid sharia.

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