PRINCIPLES OF ISLAMIC MODERATION IN INDONESIA FROM USHUL FIQH PERSPECTIVE

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*Correspondence Address: ahmadmafaid@stain-madina.ac.id Abstract: Indonesia with its various tribes, races, customs, traditions, culture, languages, beliefs and beliefs can be united under Pancasila ideology. This is a gift that must be appreciated by safeguarding and caring for it so that the nation is not divided by extreme and radical beliefs that have surfaced along with the advance of information and communication technology. Under this circumstance, a solution is needed to serve as a filter in society life. Furthermore, Islamic moderation functions as a stronghold and antidote to ward off such beliefs. From Islamic perspective, moderation is known as wasathivah or moderate Islam, namely an alternative way that is far from the frame of violence, peace-loving, tolerant. It maintains noble values and accepts every change and renewal for the common good. This study aimed to reveal the principles of Islamic moderation from the perspective of ushul figh. The principles included: (1) Tawassuth (taking the alternative way), (2) Tawazun (balance), (3) I'tidal (straight and firm position), (4) Tasamuh (tolerance), (5) Musawah (equality), (6) Shura (deliberation), (7) Ishlah (reform), (8) Aulawiyah (priority), (9) Tathawwur wa ibtikar (dynamic and innovation), (10) Tahadhdhur (civility). In the study of ushul figh, the discussion of moderation is summarized in three parts, namely: (1) Maslahah mursalah, (2) Istihsan, and (3) 'Urf.

INTRODUCTION

Islamic moderation is one of the characteristics of Islam that other religions lack. Islamic moderation calls for tolerance in Islamic da'wah, opposing all forms of liberal and radical thinking. Liberal thinking refers to a way to understand Islam by the standards of lust and pure logic that tend to seek unscientific justification, while radical thinking denotes textual interpretation of Islam and eliminate the flexibility of its teachings, making them seem rigid and ignorant of the realities of life (Nur, 2016).

Aberrant thoughts are always directed at Muslims, who are often discriminated even in Muslim-majority countries. Therefore, this paper is an attempt to return Islam to its nature as the most tolerant religion. Islamic moderation was born as a solution to anti-*mainstream* Islam which has been increasingly worrying and endangering Muslims' faith in recent years both nationally and globally.

This study used the *library research method*, collecting and analyzing information on the topic from various sources in the form of books, journals, and articles. The authors found a connection between the developing principles of moderation in Islamic studies and the concept of *ushul fiqh*. In the following discussion, it can be concluded that the principle of moderation is in accordance with the views of the scholars in the field of *ushul fiqh* (Islamic jurisprudence). This certainly requires in-depth discussion.

THEORETICAL STUDY

Studies on moderation have been extensively conducted by contemporary scholars such as Yūsuf al-Qaradāwī. In Indonesia, similar studies have been completed by Islamic scholars; in fact, the Indonesian Ulema Council held a National Deliberation in responding to this issue. Furthermore, studies on moderation are also found in various scientific writings in the form of books and journals.

The works found in book form, among others, include Maarif (2009), Al-Qaradhawi (2017), Shallabi (2009), and Qomar (2021). In addition, among the published articles on moderation include Fahri and Zainuri (2020), Achmad dan Agus (2020), and Arif (2020).

The above literature, however, only examines Islamic moderation in general from various aspects such as al-Qur'an, as-Sunna, the views of Ulama and Fuqaha, as well as the legal perspective of *maqoshid sharia*. Additionally, the aforementioned literature has yet to identify principles of moderation from the legal perspective of Islamic law or *ushul fiqh*. Therefore, this research attempted to gather other sources to gain support for the study of *ushul fiqh* theories.

RESEARCH METHOD

This research was *library research* which examined written information about law that comes from various sources and is widely published and needed in normative legal research (Kadir, 2004). The sources examined were in the form of books, periodically published scientific journals, as well as other literature sources used as references for the discussion. By its nature, this research is descriptive in nature, namely a form of research aimed at describing phenomena, both natural and man-made, which comprise activities, characteristics, changes, similarities, and differences between one phenomenon and another (Sukmadinata, 2019).

Sources of information were taken from related literature, either in the form of reference books, research results, or scientific journals. The data was collected by examining relevant and up-to-date documents as well as bibliographies. The methods of information analysis in this model includes information reduction, information presentation, and conclusion drawing/validation. The content of the information obtained was analyzed to arrive at appropriate answers (solutions).

RESULTS AND DISCUSSION

Islam as a religious system adhered to by the majority of Indonesians has two basic teachings: textual origins from the Qur'an as *kalamullah* and hadith as the sunna of the Prophet, as well as context-based teachings born of human creativity and initiative. Different geographical, social, and cultural conditions resulted in the differences in wisdom and traditions, which in turn created distinctive religious practices. It seems that these differences are *natural laws* which are a blessing by God Almighty.

Islam in Indonesian is an area of discursive struggle between two extreme poles of Islam: radical Islam versus liberal Islam. This cannot be separated from the fact that

Indonesia consists of numerous islands with thousands of different ethnic groups and has been a free trade haven for numerous nations since centuries ago (Lombard, 2008; Reid, 1992). The people of the archipelago, therefore, are characterized by their openness to external influences. Accordingly, it is not an exaggeration to say that "any seed planted in Indonesia must grow" (Fadl, 2006).

Nevertheless, what is worrying now is whether we are able to understand the differences, respect, understand, and be tolerant to each other, putting aside egos and personal interests and being prepared to dialogue with each other. If this is understood, it will appear that the diversity among us is in the midst of combining the scripture and contexts in life as a single nation and state. This is essentially the manifestation of the basic concept of religious moderation as a nation with the values of Pancasila.

Finding the references to the Islamic teachings of religious moderation is not difficult. In-depth exploration will reveal that religious moderation is evident throughout the history of Islamic civilization in the world and in the archipelago. From the birthplace of Islam in Arabia, we can learn how Rasulullah Muhammad PBUH and his friends as agents of moderation promoted peace among ethnic groups and religions until the Medina Charter was promulgated. Meanwhile, the concept of moderation in our nation can be traced back to the life period of Islamic preachers such as *Wali Songo* (the Nine Spreaders), *sunan, syeikh, sayyid, habeeb*, and *kyai*, all of whom were considered to be wise. They mingled with the society with a cultural approach while instilling Islamic teachings that were far from violence and creating peace that later would be adopted as the forerunner of the Pancasila ideology by the founders of the nation.

a. The Meaning of Moderation

Yusuf al-Qardlawi emphasized that *al-wasathiya* or moderation is a balance between two opposing sides, not allowing one of the two to influence excessively. Furthermore, al-Qardlawi illustrated that moderation is located in between two different characteristics, namely *rabbaniyah* (divinity) and *insaniyah* (humanity), between material and spiritual worlds, between the mundane world and the hereafter, between revelation and reason, between the past and the future, between individualism and collectivism, and between reality and idealism(Al-Qaradhawi, 2011).

As a concept formulated by the Ministry of Religion of the Republic of Indonesia, the term moderation refers to the "middle position" in the spectrum of liberal and literal understanding. This conception is manifested in the context of *maslahah*, which means the attitude of prioritizing aspects of usefulness, appropriateness, appropriateness, harmony and propriety for society in general. Therefore, the conception of moderation has several meanings; *first*, being average and not extreme in quantity, intensity, quality; *second*, not being old-fashioned and extreme in political choices; and *third*, staying within the limits and in favor of public interest (Ministry of Religious Affairs, 2019).

In religious context, moderation, or commonly referred to as *wasathiya* Islam or moderate Islam by Muslims, suggests that Islam of the middle way that is far from violence and tolerant. It loves peace, maintains noble values, accepts every change and renewal, and accept each fatwa due to geographical, social and cultural circumstances (Hasan, 2021).

From the explanation above, terminologically moderation can be understood as a commendable attitude that is nurtured according to moderate teachings and adequate way of thinking, acting, and behaving which prevent extreme measure in dealing with a situation.

b. Principles of Islamic Moderation in Indonesia

As shown above, moderation in dealing with the differences in understanding in Islam has quite a broad scope. This term is relatively popular, especially after the spread of radicalism, extremism and fanaticism (Shihab, 2019). Moderation in this research referred to the concept offered by the Indonesian Ulema Council (MUI). MUI serves as a connector, intermediary, or a bridge between the government and Muslims. It functions to regularly hold deliberations on social issues in faith, worship, and muamalat. This assembly consists of scholars, *umara, zuama,* and other Muslim scholars (Lathifah et al., 2021), thus becoming a national reference in making arguments on contemporary issues including discussions on moderation.

The tenth National Conference of the Indonesian Ulema Council in Surabaya on 24-27 August 2015 formulated 10 principles of *Wasathiya* Islam, which included:

1. *Tawashshut* (taking the middle way), which prevents a believer from exaggerating (*ifrath*) and undermining (*tafrith*) understanding and practicing religious teachings.

Tawashshut is a view that takes the middle stance by not exaggerating or undermining religious teachings. It can also mean an understanding that combines textual religious teachings and contextual social circumstances. Therefore, *wasathiya* is understood as a view or behavior that always take the middle position of two conflicting perspectives and behaviors to prevent any of the two from dominating one's mind and behavior. As Khaled Abou el-Fadl argues in *The Great Theft*, moderation is an understanding that takes the middle course, i.e. an understanding that is neither extreme right nor extreme left (Misrawi, 2009).

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Muslims must not only be guided by the text and forget the contexts so as to result in an extreme, radical, rigid and hard (fundamentalist) understanding that selfishly dismiss others' understanding and beliefs as invalid. Neither do Muslims only prioritize contextual circumstances, setting aside religious texts (the Qur'an and Hadith) as guidelines so as to lead to free, wild, and uncontrollable behaviours of liberalism.

A believer must obey Allah SWT. as his god, by carrying out prayers, fasting, zakat, pilgrimage and other sunnah services. A servant is also obliged to understand that it is not acceptable to cut off worldly activities and distance oneself from society. The world and the hereafter must be balanced; one should not dominate the other.

2. *Tawazun* (balance); i.e. a balanced understanding and practice of religion in all aspects of both worldly and spiritual lives, taking an assertive attitude between *inhiraf* (deviation) and *ikhtilaf* (differences).

Tawazun is a concept of balance, i.e. in accord with what has been set. The term *tawazun* originated from the word *mizan*, which means a scale. In the the context of moderation, *mizan* is not interpreted as a measurement tool. Rather, it refers to balance in all aspects of life both in the world and the afterworld.

Islam is a balanced religion, harmonizing the role of divine revelation by reasoning, and maintaining an equal proportion of revelation and reason. Islam teaches to balance the soul and the mind, reason and intuition, and conscience and desire (Setiyadi, 2012).

From the above description, *tawazun* in the context of moderation refers to behaving in a fair, balanced, impartial, and honest manner that does not sway from a predetermined course because injustice is a way of disrupting the universal balance and conformity preordained by Allah the Almighty.

3. *I'tidal* (straight and firm position), i.e. placing something in its place and exercising rights and fulfilling obligations proportionally.

The term *I'tidal* originated from the Arabic word *adil* which means 'equal'. According to Kamus Besar Bahasa Indonesia, *adil* means *not one-sided*, *not arbitrary*. *I'tidal* encourages placing something in its place, dividing something according to its portion, implementing rights and fulfilling obligations (The Department of Religious Affairs, 2017).

As a Muslim we are obliged to treat anyone fairly in any circumstances and to always perform *ihsan* (good deeds). Since justice is the noble value of religious teachings, it is a prerequisite for social welfare (N. H. Maarif, 2017).

4. *Tasamuh* (tolerance), i.e. recognizing and respecting the differences in religious and various other aspects of life.

Tasamuh originated from the Arabic word *samhun*, which means 'to facilitate', 'to simplify'. Meanwhile, according to Kamus Besar Bahasa Indonesia, tolerance means respecting and allowing the practice of something that one does not necessarily agree with. Therefore, tolerance referred to the act of

respecting other people's stances, rather than correcting, agreeing, and justifying them.

Tolerance in the realm of faith and divinity is strictly forbidden. The ordinances of worship must be in accordance with the respective rituals and places. Moderation teaches that every religion is true from the perspective of its believers, rather than assuming that all religions are true and the same. Tolerance should only be exercised in the social and humanitarian spheres to maintain harmony and unity.

5. *Musawah* (egalitarianism/equality), i.e. not being discriminatory towards others due to the differences in beliefs, traditions and origins.

Musawah means equality; Islam has never discriminated against certain personalities. All humans are equal regardless of their gender, race, ethnicity, tradition, culture, or rank because everything has been preordained and cannot be altered.

Allah says:

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allāh is the most righteous 1 of you. Indeed, Allāh is Knowing and Aware. (The Qur'an Al-Hujurat 49: 13)

Based on this verse, all humans are equal; it is their deeds that set them apart from others.

Historically, Wali Songo as the propagators of Islam in the archipelago intensely taught the concept of equality; no one was no higher and nobler than others, everyone is a subject of God. In Indonesian, the word *rakyat* (literally, 'people') originated from 'roiyat', which means leaders who have the same duties and responsibilities and work together hand in hand in a community. This term is commonly used to refer to people in general nowadays.

6. *Shura* (deliberation); i.e. every issue is resolved by way of deliberation to reach a consensus by placing public good above all else.

The term *shura* originated from the word '*shawara-yushawiru*', which means to to explain, to state or to take something. Another form of the word '*shawara*' is '*tasyawara*', which means negotiation, mutual dialogue, exchanging ideas; while '*syawir*' means expressing opinions or exchanging thoughts (Amiruddin, 2000:18). Accordingly, deliberation is a way to solve a problem by sitting together in a dialogue and discussing it together to reach a consensus with the principle of the common good.

In the context of moderation, deliberation is a solution to minimize and eliminate prejudice and disputes between individuals and groups because it facilitates communication, openness, freedom of opinion, and friendship as well as establishing brotherhood and unity under *ukhuwah Islamiyah*, *ukhuwah wathaniyah*, *ukhuwah basariyah* and *ukhuwah insaniyah*.

7. *Ishlah* (reform), i.e. prioritizing reformative principles to achieve a better condition that accommodates changes and progress of the times on the basis of

the general benefit (*mashlahah 'amah*) by sticking to the principles of *al-muhafazhah 'ala al-qadim al-shalih wa al-akhdzu bi al-jadid al-ashlah*.

Ishlah originated from Arabic vocabulary which means repairing or reconciling. In the concept of moderation, *ishlah* provides better conditions for responding to changes and progress of the times on the basis of the common good by adhering to the principle of maintaining noble old traditional values and implementing new, improved traditional values for the common good. This understanding will create a society that always spreads messages of peace and progress, accepts renewal and unity in the life of the nation.

8. *Awlawiyah* (priority), i.e. the ability to identify more important matters that must be prioritized to be implemented.

Al-Awlawiyah is the plural form of the word '*al-awla*', which means 'important' or 'prioritized'. *Awlawiyah* can also be interpreted as prioritizing the common good. The term '*awlawiyah*' terminologically means prioritizing cases that need to be prioritized over other less important cases by taking into account the time and duration of implementation (al-Qardhawi, 1996).

Awlawiyah in the context of moderation in life as a nation calls for prioritizing public interests that benefit the majority of the nation. In another sense, *awlawiyah* means having a broad perspective, analyzing and identifying issues to find a basic problem that is currently happening in society and to contribute in solving the issues in society (*problem solving*).

9. *Tathawwur wa ibtikar* (dynamic and innovation), i.e. being open to changes and innovation for the benefit and progress of mankind.

Tathawwur wa ibtikar is a dynamic and innovative nature that embraces openness and active participation in carrying out reforms in accordance with the times and benefit of the people.

Historically according to Anang Solikhudin, one of the causes of the decline in Islamic civilization was the decline in reasoning among Muslims (Sholikhudin, 2017). Passive and static nature became a major disease among Muslims in the past due to the doctrine of the teachings of the *jabariyah* school promoted by the colonialists who tried to spread the false idea that what happened to Muslims was prerordained in order to weaken Islamic movement of the time. Humans were considered powerless to determine their own destiny. This doctrine led to the notion that the door to *ijtihad* (to reason and find a solution to problems) was closed. As a result, Muslims became old-fashioned, *taqlid* (unquestioning acceptance), and resistant to reforms and enlightenment.

History has taught us that moderation opens up opportunities for us as a great nation to continue to move dynamically according to our capacities and to innovate and create breakthroughs, rather than distancing themselves from the changing times and being complacent with the present.

10. *Tahadhdhur* (civility), i.e. upholding '*akhlakul karimah*', character, identity, and integrity as '*khairu ummah*' in human life and civilization.

Upholding the morality, personality, nobility, identity and integrity as *khoiruu ummah* in human life and civilization. Being civilized can be interpreted in numerous ways, one of which is being educated. Knowledge is the forerunner of a civilization. The higher the knowledge a person has, the wider his view will be, thus allowing him to wisely view an issue from different perspectives. A wise person is characterized by his *adab* (civility) or noble morality.

Civilization in the context of moderation in life as a nation is important to practice because a civilized individual will demonstrate high tolerance and respect for others, looking at an issue not only from his own perspective but also from various perspectives.

c. The Principle of Moderation in the Perspective of Usul Fiqh

Ushul Fiqh teaches that a law can be examined through *ijtihad*, which is an attempt made by the scholars to formulate laws that are not contained in Al-Qur'an and Hadith. *Ijtihad* is divided into two meanings; *first: Ijtihad Istinbathi*, i.e. *ijtihad* that aims to create a new law; *second*, *Ijtihad Tathbiqi*, i.e. *ijtihad* which aims to apply the law, rather than to create one.

Another difference between the two types of *ijtihad* lies in the testing process. The validity of *ijtihad istinbathi* can be tested from the coherence (According to Kamus Besar Bahasa Indonesia, coherence is a systematic arrangement of descriptions or views so that they form a united whole) of the arguments. Meanwhile, the validity of *ijtihad tathbiqi* can be evaluated through the benefit of its application. *Ijtihad tathbiqi* is a method of applying law by taking into account its value or benefit. A mujtahid is required to master a very wide range of knowledge, not only mastering the Qur'an and Hadith, but also the ability to assess the field situation and conditions (Wahid et al., 2015).

Efforts to apply moderation from the perspective of *ushul fiqh* are limited to three discussions, namely *Mashlahah Mursalah*, *Istihsan*, and *'Urf*.

1. Mashlahah Mursalah

Mashlahah mursalah is defined by ushul fiqh scholars as a benefit that is not legally prescribed by Islamic laws, and there are no laws that describe or cancel it (Khallaf, 2014). *Maslahah mursalah* is a method of applying law by taking into account the benefit of a case. *Maslahah mursalah* is more concerned with the values of benefit, justice, mercy, and wisdom, because Islamic law in essence aims to achieve the benefit of the people. Because maslahat is considered to be of considerable importance, the scholars have reached a consensus on the role of *maslahah* as a source of law by suggesting that there is no contradiction between *the scripture* and *maslahah* because where there is *benefit* there is *shari'a* and vice versa.

Umar bin Khattab, for instance, refrained from cutting off the hands of thieves during a crisis, did not divide the spoils of war, did not give zakat to *mukallaf* for some time, leading to critics to his change in attitude. Umar, however, replied firmly, "This is my current decision. And my previous decision

was different from the current one". The change in his decision was not without reason; he took into account the situation and conditions of society at that time.

2. Istihsan

Istihsan in Arabic means 'to think well of something', while according to *ushul fiqh* scholars, *istihsan* is a mujtahid's preference for *khafi* (vague) *qiyas* demand over *jali* (clear) *qiyas* demand, or from *kulli* (general) law to exceptions because there is an argument that requires him to do so (Khallaf, 2014).

Etymologically, *istihsan* means to consider and declare the goodness of a case, while terminologically, as stated by the Malikiyah scholars, *istihsan* is an attempt to leave *kulli* (general) law and adopt *juz'i law* (exceptions); to take *qiyas khafi* (vague analogy) and leave *qiyas jali* (clear analogy).

Islamic moderation is a reflection of *istihsan*, i.e. Islamic teachings do not totally erase local cultural values, but it adopts the decent ones and modified them to fit into Islamic culture. This is an example of *istihsan bi al-'urf*, i.e. *istihsan* based on community tradition. Several Indonesian scholars have implemented *ishtihsan* in various aspects such as religion, social life, economics and politics. This is what distinguishes between Islam in Indonesia and Islam other parts of the world. Indonesian Islam is moderate, emphasizing the values of unity and brotherhood, moral and ethical values, and the value of Islamic universality. In the end, this condition gave birth to the term Islamic moderation.

3. 'Urf

'Urf is a concept that has been known to humans and has become a tradition for long time, either by stating, performing, or leaving something. 'Urf is also commonly known as tradition (Khallaf, 2014). Islamic moderation is formed from acculturation of local cultures with Islamic teachings. The spreaders of Islam in Indonesia, i.e. the Wali Songo, preached Islam by using local cultural media such as shadow puppets, prayers, and incantations. Interestingly, they modified this culture by incorporating Islamic values. For instance, they changed the incantations with the two *shahadas*, so the *shahadas* became famous among the people. Making an offering to the gods or ancestral spirits were prohibited and even accommodated and modified as a form of gratitude to Allah The Almighty. In addition, the Hindu-Buddhist religious symbols found in the community also became the focus of Wali Songo's attention. These symbols were adopted and employed in building a mosque along with a tower that resembled a temple.

The three ways of applying the law mentioned above turned out to be very relevant and in harmony with the condition of Islam in Indonesia. Therefore, it can be concluded that Islamic moderation from the perspective of *ushul fiqh* is very relevant and not contradictory to the teachings of Islam. Islamic moderation from a methodological point of view gave birth to three legal variants, namely *Maslahah Mursalah, Istihsan*, and *'Urf*. Thus, there is no reason to reject the birth of the term Islamic moderation in Indonesia, because the birth of this term has a legal basis that can be accounted for, both morally and legally.

CONCLUSION

Religious moderation is the key to creating tolerance and harmony at the local, national and global stages. The choice of moderation by rejecting religious extremism, radicalism and liberalism is the key to balance in civilization and the creation of peace. By adopting religious moderation, each religious community can treat others with respect, accept differences, and live together in peace and harmony. In the context of Indonesia's multicultural society, religious moderation is a necessity (Zuhdi, 2021).

Islam with the mission of *rahmatan lil 'alamin*, i.e. a blessing to the whole world, requires its followers to be moderate. *Wasathiyah* Islam is 'Islam of the middle way' to create the best people (*khairu ummah*). Allah SWT has created Muslims the middle community in all affairs, including religious affairs and worldly affairs. Islam as a *din* that applies universally is opposed to the attitudes and behavior of *tatharruf*, *ghuluw*, liberalism, radicalism and various other similar terms.

Thus, the principles of Islamic moderation in Indonesia as introduced by the Indonesian Ulema Council, after being investigated from the *ushul fiqh* approach, are found to increase the strength and enthusiasm. This concept does not conflict with the mission of Islam, its teachings and da'wah. In fact, the principle of moderation is relevant to be practiced by Muslims in Indonesia. Nevertheless, further research is expected to complement and improve this research in order to strengthen the existence of Islam in Indonesia as a Muslim-majority country as well as countries in other parts of the world.

Al-Qardhawi's statement in Johari, "The future belongs to moderate Islamic thought" is interesting to examine. He clearly explained the reasons and basis for his statement why Islamic moderation has a promising future; it is more open and objective while still holding fast to the scripture and the constants (Johari, 2021). Subsequent studies will provide a more complex legal contribution in accordance with the times.

SUGGESTIONS

The lack of knowledge of moderation, as Idrus argued, creates an attitude of prejudice and even disbelief of people who are of different groups. This leads to radicalism that promote verbal and physical violence or doctrines which in turn will have a negative impact on the social and political system. The radical groups born out this usually want to make drastic changes in a short time and contrary to the prevailing social system (Idrus, 2020).

Finally, the study on Islamic moderation must be further explored in order to address to issues arising at the present time. Otherwise, Indonesia as a Muslim-majority country will be underdeveloped and restrained by radical ideas and movement. Islam 'as a religion of peace' prohibits acts of violence. Scholars, academics, and activists in the study of Islamic law should continue to conduct research on the issue of moderation, which has been growing rapidly lately.

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