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***Madzhab* Moderation in *Fiqh* Thought and its Implications for the Development of Islamic Law in the Modern World**

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Abstract

A moderate approach to schools of thought in *fiqh* is relevant for flexibly interpreting the Islamic law amidst the changing times and the challenges of globalization. This study discusses the role of moderation in schools of thought in *fiqh* and its implications for developing Islamic law in the modern world. By adopting a qualitative approach, collaborated with a conceptual, historical, and critical hermeneutic approach, this study explores the thoughts of contemporary scholars on the relevance of moderation in schools of thought and how it can enrich and adopt Islamic law in the dynamics of the modern society. Results show that moderation



in schools of thought can encourage the creation of an inclusive, adaptive understanding of Islamic law and respond to the people's needs in the era of globalization. However, the application of the school of thought in contemporary Islamic law encounters several limitations and complex structural challenges, including epistemological, sociological and political aspects. This finding highlights the importance of developing a moderate approach to Islamic law, which can strengthen the unity of Muslims amidst diversity and provide applicable and relevant legal solutions in the modern world.

KEYWORDS: Fiqh Thought; Globalization; Islamic Law; Modern World; Madzhab Moderation

Abstrak

Pendekatan moderat terhadap mazhab-mazhab fiqh menjadi relevan untuk menjaga fleksibilitas dalam penafsiran hukum Islam di tengah perubahan zaman dan tantangan globalisasi. Penelitian ini membahas tentang peran moderasi bermazhab dalam fiqh dan implikasinya terhadap perkembangan hukum Islam di dunia modern. Dengan mengadopsi pendekatan kualitatif, yang dikolaborasi dengan pendekatan konseptual, historis dan hermeneutic kritis, penelitian ini menggali pemikiran ulama kontemporer tentang pentingnya moderasi dalam bermazhab, serta bagaimana hal tersebut dapat memperkaya dan menyesuaikan hukum Islam dengan dinamika masyarakat modern. Temuan penelitian menunjukkan bahwa moderasi bermadzhah berpotensi mendorong terciptanya pemahaman hukum Islam yang lebih inklusif, adaptif, dan mampu merespons kebutuhan umat di era globalisasi. Namun, penerapan mazhab moderasi dalam hukum Islam kontemporer menghadapi berbagai keterbatasan dan tantangan struktural yang kompleks, meliputi aspek epistemologis, sosiologis, dan politis. Implikasi dari temuan ini adalah pentingnya pengembangan pendekatan moderat dalam hukum Islam yang dapat memperkuat persatuan umat Islam di tengah keberagaman serta memberikan solusi hukum yang lebih aplikatif dan relevan di dunia modern.

KATA KUNCI: Dunia Modern; Globalisasi; Hukum Islam; Moderasi Madzhab; Pemikiran Fiqih

Introduction

The development of Islamic law in the modern world faces complex challenges, along with accelerating social, political, and technological

changes.²³⁹ The modern world offers various dynamics that affect the aspects of material life and religious and legal thought. Analyzing how the thought of *fiqh* (Islamic jurisprudence) remains relevant and applicable in the midst of various recent changes is crucial which can be performed by developing a moderation approach to *madzhab* in *fiqh* thinking.²⁴⁰

The school in Islamic *fiqh* is the result of the thinking of scholars who study religious texts such as the Qur'an and Hadith, further interpreting and developing Islamic laws based on certain approaches.²⁴¹ However, some rigid or dogmatic interpretations and practices of *fiqh* can gradually make dealing with contemporary issues challenging.²⁴² Therefore, *madzhab* moderation, emphasizing a more flexible, inclusive, and responsive approach to the needs of the times, is essential for renewing and adapting Islamic law to the challenges of the modern world.²⁴³

This *madzhab moderation* integrates the profound classical principles of *fiqh* with evolving social dynamics.²⁴⁴ This is important because a rigid and narrow understanding of Islamic law can cause tension and even division in a pluralistic society. Meanwhile, Islamic law that can adapt to changing times without abandoning the basic principles of Islamic teachings can provide appropriate and relevant solutions in the lives of Muslims in the modern world. In addition, this moderation

²³⁹ Soleh Hasan Wahid, "Exploring the Intersection of Islam and Digital Technology: A Bibliometric Analysis," *Social Sciences & Humanities Open* 10 (2024): 101085, <https://doi.org/10.1016/j.ssaho.2024.101085>.

²⁴⁰ Waskito Wibowo, Rusli Hasbi, and Ahmed Abd Raziq Ali Madi, "Balancing Orthodoxy and Flexibility: Substantive and Accommodative Approaches to Women's Rights in Qaradawi's Fiqh," *AHKAM: Jurnal Ilmu Syariah* 24, no. 2 (2024): 311–26, <https://doi.org/10.15408/ajis.v24i2.34134>.

²⁴¹ Siti Purmini, "Schools and Classifications of Fiqh: A Guide to Understanding the Diversity of Islamic Law," *Jurnal Price: Ekonomi Dan Akuntansi* 3, no. 01 (2024): 59–77, <https://doi.org/10.58471/jecoa.v3i01.5229>.

²⁴² Baber Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*, vol. 7 (Brill, 2023).

²⁴³ Wildani Hefni, Imam Mustofa, and Rizqa Ahmadi, "Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 30–57, <https://doi.org/10.29240/jhi.v10i1.10694>.

²⁴⁴ Mujeeb Ahmad et al., "THE INTERPLAY OF FIQH AND USHUL FIQH: UNVEILING THE RICHES OF ISLAMIC SHARIA FOR COMPREHENSIVE INSIGHT," *Al-Akhyari: International Journal Multidisciplinary Science* 1, no. 1 (2024): 1–13, <https://doi.org/doi.org/10.5281/>.

approach may lower tensions between different groups in understanding religious texts and create space for constructive dialog to unite various views.

Several previous studies have emphasized the importance of *wasathiyyah* as a basic principle in Islam, which is moral and methodological in the formation of law. Within the framework of developing moderate *fiqh* thought relevant to the modern times, research has examined moderation in schools of thought and its implications for the development of Islamic law in the modern world. One of the fundamental studies was of Kamali (2015), which was on an in-depth conceptual study of the principle of *wasathiyyah* in the Qur'an and its application in law and society, providing a strong theological and methodological foundation for constructing moderate Islamic law.²⁴⁵ This thinking is reinforced by al-Qaradawi (2016) in his classic work *Fiqh al-Wasatiyyah al-Islamiyyah bayna al-Tasyaddud wa al-Tasāhul*, formulating a moderate *fiqh* approach as a middle way between extremism and liberalism, has become a major reference in contemporary *fiqh* discourse.²⁴⁶ In Indonesia, Azra (2019) studied the idea of *wasathiyyah* in the local context, showing that moderate Islam is the basis for sociopolitical practices and the development of Islamic law in Indonesia, providing a sociological context that enriches the implementation dimensions of the principle of moderation.²⁴⁷ Auda (2018), in a monumental work of writing, introduced a systemic approach to understanding the *maqasid al-shariah*. He allows a moderate and contextual cross-school methodology, which is relevant in formulating Islamic law in the global and digital era.²⁴⁸

²⁴⁵ Mohammad Hashim Kamali, *Moderation and Balance in Islam: The Qur'ānic Principle of Wasatiyyah*. (Kuala Lumpur: IAIS Malaysia, 2015).

²⁴⁶ Yusuf Al-Qardhawi, *Fiqh Al-Wasatiyyah Al-Islamiyyah Wa Al-Tajdid: Ma'alim Wa Manarat* (Beirut: Muassasat Al-Risalah, 2016).

²⁴⁷ Azyumardi Azra, "Wasathiyyah Islam in Indonesia: Between Tradition and Modernity," *Studia Islamika* 26, no. 2 (2019): 235–52.

²⁴⁸ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. (London: International Institute of Islamic Thought (IIIT), 2018).

Reportedly, Hallaq (2019) critiqued the formalism of modern Islamic law and proposed an ethical approach that emphasized the importance of historical awareness and moral values in the development of Islamic law. This thinking provides a normative basis for a new legalistic and humanistic direction of *fiqh*.²⁴⁹ In a more contemporary landscape, Faiz (2023) examined the challenges of digitalization in Islamic law, emphasizing the need for inclusive and adaptive *fiqh* in the information age and encouraging a cross-school approach in responding to digital disruption.²⁵⁰ Notably, al-Buthi's (2013) defends the existence of schools of thought without getting caught up in fanaticism. Al-Buthi criticized the rejection of schools of thought while emphasizing the importance of moderate and tolerant schools of thought structure.²⁵¹ Rahman (2019) highlighted the important role of traditional authorities and school of thought institutions in shaping the face of moderate Islam in Indonesia's plural society; he emphasized that traditional schools of thought can provide a strong foundation for the development of accommodating and tolerant Islamic law in the modern era.²⁵²

Unlike previous studies, this study discusses how *madzhab* moderation can overcome various challenges of Islamic law in the modern world and how contemporary scholars can understand moderation in *fiqh* and use the same to respond to increasingly complex social changes. Therefore, this study focuses on four main schemes: analyzing the concept and basic principles of *madzhab* moderation in contemporary *fiqh* thought, identifying the factors that encourage the formation of the moderation approach among modern scholars, examining the impact and

²⁴⁹ Wael Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha* (Columbia University Press, 2019).

²⁵⁰ Muhammad Faiz, *Rekonstruksi Pemikiran Fiqh Moderat Di Era Digital* (Bandung: Mizan Media Utama, 2023).

²⁵¹ Said Ramadhan Al-Buthi, *Menampar Propaganda Kembali Kepada Al-Qur'an, (Keruntuhan Argumentasi Paham Anti Mazhab Dan Ati Taqlid)* (Yogyakarta: LkiS Printing Cemerlang, 2013).

²⁵² Budhy Munawar Rahman, "Masa Depan Wajah Islam Indonesia Kajian Atas Islam Moderat-Progresif," *Nusantara; Journal for Southeast Asian Islamic Studies* 15, no. 1 (2019): 10–28, <https://doi.org/10.24014/nusantara.v15i1.10610>.

implications of implementing this approach on the development of Islamic law, and evaluating the contribution of *madzhab* moderation in reducing conflicts between *madzhabs* and strengthening the unity of the community in carrying out religious practices. A deeper understanding of the relevance of moderate *madzhab* in the context of *fiqh* and its impact on the development of applicable and inclusive Islamic law can be obtained.

Methods

This research adopts a normative method with a qualitative approach combined with a conceptual, historical, and critical hermeneutic approach. The argument, *fiqh* thought to be a product of the *ijtihad* of classical and contemporary scholars, is textual, historical, and contextual; therefore, studying it requires an interpretive and multidimensional approach. A text-based qualitative approach allows researchers to explore the depth of meaning, argumentation structure, and dynamics of complex *fiqh* discourse. However, because moderation in *fiqh* is closely related to efforts to find a balance between text and context and between scientific authority and social dynamics, the critical hermeneutic method is important for dissecting the depth of the message contained in *fiqh* literature across eras and schools of thought. Hermeneutics is used to read texts and interpret the relationships among texts, interpreters, and social reality.

Research data sources include classical *fiqh* books from the four primary schools of thought—Hanafi, Maliki, Shafi'i, and Hanbali—such as *al-Mabsūt* by al-Sarakhsī (Hanafi school)²⁵³, *al-Mudawwanah* by Sahnun (Maliki school)²⁵⁴, *al-Umm* by al-Syafi'i (Shafi'i school)²⁵⁵, and *al-Mughni* by Ibn Qudamah (Hanbali school)²⁵⁶. These books are used as references to trace the characteristics of schools of thought and their respective

²⁵³ Syamsuddin Al-Sarakhsī, *Kitab Al Mabsut* (Beirut: Dar Ma'rifah, 1991).

²⁵⁴ Sahnun, *Al-Mudawwanah Al-Kubra* (Beirut: Dar Sadir, n.d.).

²⁵⁵ Muhammad bin Idris al-Syafii Abu Abdullah, *Al-Umm* (Beirut: Dar al-Ma'rifah, 1972).

²⁵⁶ Abdullah bin Ahmad Qudamah, *Al- Mughni Fi Fiqhi Al-Imam Ahmad Bin Hanbal* (Beirut: Dar al-Fikr, n.d.).

approaches to legal problems. In addition, contemporary works such as *Fiqh al-Jamā'ah* by Yusuf al-Qaradawi,²⁵⁷ *Uṣūl al-Fiqh al-Islāmī* by Wahbah al-Zuhaili,²⁵⁸ and journal articles and academic proceedings are used as secondary data that enrich the context and content of the reading. These sources were obtained by exploring digital libraries such as *al-Maktabah al-Syamilah*, Google Books, and international journal databases such as JSTOR, ScienceDirect, and Middle Eastern scientific portals. While sorting and managing data, a systematic thematic classification was performed on relevant content, which was then codified as conceptual categories such as “*fiqh* moderation,” “*ijtihad* of schools,” “reconciliation across schools,” and “Islamic law’s response to modernity.”

Data processing was performed via repeated reading (close reading), content annotation, and mapping of the main arguments. The collected data were constructed in a conceptual framework consistent with the moderation of the school of thought. At this stage, referential triangulation was performed to ensure the validity and richness of the data by comparing the opinions of various figures and schools of thought on the same issue. The classified data were synthesized to observe patterns of thought showing moderate tendencies, such as a preference for *maqāṣid al-syarī'ah*, acceptance of differences in *ijtihad*, and encouragement toward inclusive and adaptive legal reform. Thus, this method works in finding information, structuring meaning, and building a critical analysis of *fiqh* thought in terms of its historical and sociological dimensions.

The sources of Islamic law are analyzed by combining content analysis and legal hermeneutics. Content analysis identifies the legal construction formed within the framework of *fiqh* school of thought by paying attention to the argumentation structure, evidence used and methodological approaches such as *qiyās*, *istihsān*, *istislāh*, and *sadd*

²⁵⁷ Al-Qardhawi, *Fiqh Al-Wasatiyyah Al-Islamiyyah Wa Al-Tajdid: Ma'alim Wa Manarat*.

²⁵⁸ Wahbah Az Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu* (Jakarta: Gema Insani Press, 2011).

al-dzarā'i. This technique can explain how each school of thought builds its normative framework uniquely but remains within the corridor of *ushul fiqh*. Meanwhile, hermeneutic analysis reveals the dimensions of meaning behind the legal texts. Here, the analysis is directed toward how a *fiqh* product is reinterpreted in a contemporary, especially amidst modern problems such as citizenship issues, gender relations, legal pluralism, and the *sharia* financial system. Legal hermeneutics allows the understanding that *fiqh* is a collection of rules and a historical product contextualized based on the development of modern Muslim society. The moderation of schools of thought in this case becomes a dialectical tool between classical texts and contemporary reality, in which legal norms are reformulated by considering *maqāṣid al-syarī'ah* and the actual needs of the people.

Using this methodology, research can reveal that the moderation of schools of thought is an epistemological strategy and a methodological foundation in building adaptive, tolerant, and future-oriented Islamic law. The implications of moderate *fiqh* thinking make room for dialog between schools of thought, strengthens the mechanism of collective *ijtihād* (*ijtihād jamā'i*) and the construction of Islamic law not exclusive and rigid, but rather dynamic and open to the development of science and global social change. Finally, this method explains how moderation in *fiqh* is formed and developed and how it can become a major catalyst for reforming Islamic law in the modern world.

Discussion

Understanding *Madzhab* Moderation in Contemporary *Fiqh* Thought

Historically, a sharp difference exists in views between the schools that developed in the Islamic world.²⁵⁹ Each school has different basic principles in interpreting Islamic law, leading to various differences in

²⁵⁹ Ibrahim Usmanov, "Sufism and Fiqh: Different Views on Islamic Law," *Russia and the Moslem World*, no. 4 (322) (2023): 117–26, <https://doi.org/10.31249/rmw/2023.04.10>.

worship practices and social life. However, over time, some contemporary scholars started introducing moderation to bridge these differences and offer legal solutions that are more in line with the needs of modern society. A main characteristic of *madzhab* moderation is an inclusive and adaptive understanding and acceptance of diversity of opinion in a pluralistic environment.

With advancing globalization, Islamic law faced external challenges, especially regarding the influence of western culture and technological developments that introduced new and contradictory values.²⁶⁰ In this case, *madzhab* moderation is applicable because it allows space for Muslims to adhere to religious teachings without being trapped in exclusivity or extremism in religion. Therefore, this study delves deep into the concept of *madzhab* moderation, in addition to how the application of this principle can contribute to the development of Islamic law, which is more responsive and relevant to the current context.

In the development of contemporary *fiqh*, *madzhab* moderation is understood as a form of methodological *ijtihad* that seeks to integrate the basic principles of Islamic law with the ever-evolving dynamics of global social, political, and cultural life. This moderation is not intended as a compromise to *sharia* values but an epistemological strategy for maintaining the relevance of Islamic law by considering the plurality of contexts and realities of the people. Within this framework, moderation prioritizes the substance of Islamic teachings and includes the approach, interpretation, and implementation of Islamic law in various social fields.²⁶¹

This approach is particularly relevant in responding to the tension between the authority of classical *fiqh* texts and modern social transformations marked by religious pluralism, technological advances,

²⁶⁰ Samuel O Carter, "The Impact of Globalization on Local Axiologies: Resisting or Integrating?," *Cultura: International Journal of Philosophy of Culture and Axiology* 22, no. 3 (2025).

²⁶¹ Jasser Auda, *Reclaiming the Mosque: The Role of Women in Islam's House of Worship* (London: Claritas Books, 2017).

awareness of human rights, and demands for gender justice. Several contemporary scholars such as Jasser Auda, Abdullah bin Bayyah, and Syamsul Anwar emphasize that *fiqh al-waqi'* (*fiqh* of reality) must go hand-in-hand with *fiqh al-nushush* (*fiqh* of texts) so that Islamic law does not become foreign amidst modern society.²⁶²

Furthermore, *madzhab* moderation reflects openness to the diversity of legal views between *madzhabs* by prioritizing the values of *ta'ayush* (coexistence) and *tasamuh* (tolerance). Contextually, differences in *ijtihad* between *madzhabs* are understood not as a point of conflict but a source of Islamic intellectual wealth that must be maintained and empowered.²⁶³ In the Indonesian context, figures such as Abdurrahman Wahid and Nurcholish Madjid have emphasized the importance of legal pluralism as a means of building an inclusive and democratic society without abandoning religious values.²⁶⁴ Concerning *fiqh* methodology, *madzhab* moderation necessitates a cross-*madzhab* approach, a form of *ijtihad* that is not rigidly tied to one particular *madzhab* but is open to opinions from various *madzhabs* by considering *maslahat* and *maqāṣid al-sharī'ah*. This approach provides ample space for contemporary *mujtahids* to respond to current issues such as family jurisprudence, *sharia* economics, Islamic ecology, and bioethics, most of which are not mentioned in classical literature.²⁶⁵ Moreover, *madzhab* moderation synthesizes tradition and innovation. Tradition is used as an epistemological foundation, whereas innovation functions as a creative response to changing times. Scholars such as Mohammad Hashim Kamali and Zainal Abidin Bagir have demonstrated that moderation-based *fiqh* renewal does not contradict tradition but enriches and strengthens it through the reinterpretation of

²⁶² Syamsul Anwar, *Usul Fiqh Kontemporer: Studi Kritis Atas Teori Hukum Islam* (Yogyakarta: UII Press, 2019).

²⁶³ Abdurrahman Wahid, *Islamku, Islam Anda, Islam Kita: Agama Masyarakat Negara Demokrasi* (Jakarta: The Wahid Institute, 2016).

²⁶⁴ Wahid.

²⁶⁵ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2017).

the meaning and purpose of law.²⁶⁶ This indicates the urgency of the principle of institutional *ijtihad*, which states that collective *ijtihad* involves many experts across disciplines as a way out of the limitations of traditional individual *ijtihad*.²⁶⁷

In its application, *madzhab* moderation becomes relevant when confronted with contemporary problems such as gender equality, women's rights, digitalization of economic transactions, and public policy in the national legal system. Various Islamic world *fatwa* forums, such as the International Islamic *Fiqh* Academy and the Indonesian Ulema Council, have started using this approach in formulating contextual *fatwas* that do not conflict with *maqāṣid al-sharī'ah*.²⁶⁸ For example, regarding gender-equitable inheritance distribution in several Muslim countries, *madzhab* moderation allows scholars to reinterpret the law of *faraidh* by considering the social and economic context of today's women²⁶⁹.

Epistemically, *madzhab* moderation emphasizes tolerance in differences and encourages the reconstruction of Islamic law that supports substantive justice. This approach allows Muslims to practice religion dynamically, inclusively, and participatively in their national and state life. During increasing exclusivism and religious radicalization, *madzhab* moderation has become a soothing and strategic oasis of thought for the future of Islamic law.

Thus, understanding *madzhab* moderation in contemporary *fiqh* offers a new methodology and builds the character of Muslims who are tolerant, open, and ready to dialog.²⁷⁰ This approach combines the traditional principles of *fiqh* with the needs of the modern era in a

²⁶⁶ Bagir, Zainal Abidin. "Pluralisme Hukum Islam dan Tantangan Globalisasi," dalam *Studia Islamika*, Vol. 27, No. 2 (2020), 215–236.

²⁶⁷ Nadirsyah Hosen, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism* (Edinburgh: Edinburgh University Press, 2018).

²⁶⁸ International Islamic Fiqh Academy. *Resolution on Contemporary Issues* (Jeddah: IIFA Publications, 2021).

²⁶⁹ Hassan, Riffat. "Revisiting Islamic Inheritance Law: Towards Gender Justice," dalam *Journal of Islamic Ethics* 4, no. 1 (2020): 89–107.

²⁷⁰ Zaid Barzenji et al., "Fiqh of Diversity in the Frame of Tolerance as a Pillar of Indonesian Integrity," *Amorti: Jurnal Studi Islam Interdisipliner* 3, no. 2 (2024): 38–50, <https://doi.org/10.59944/amorti.v3i2.296>.

harmonious dialectic knot. In this fast-paced and challenging world, *madzhab* moderation becomes a relevant and necessary approach to bridge the transcendental values of Islam and the practical needs of humanity.

Factors Driving the Development of the Moderation School in Contemporary *Fiqh* Thought

The development of the moderation school in contemporary *fiqh* discourse cannot be separated from various driving factors, originating from internal dynamics of the Islamic scientific tradition and external influences that are global and multidimensional. In this context, the moderation school is understood as an epistemological and methodological approach seeking to reconstruct *fiqh* thought as more inclusive, adaptive, and contextual to the challenges of the times. This approach was as a response to the requirements of Muslims during rapid and complex social, cultural, political, and technological transformations.²⁷¹

Globalization is one of the main factors driving the emergence of the moderation school. The interaction of Muslims with various non-Islamic cultural systems, values, and ideologies has underscored the need for openness in understanding and implementing Islamic law. Globalization forces *fiqh* to emerge from the isolation of rigid schools of thought and enter the arena of cross-cultural and inter-religious dialog.²⁷² Then, the moderation approach becomes an important instrument for developing an understanding Islamic law, which is more accommodating of cultural plurality and social diversity. In this case, the moderation of schools of thought is a form of tolerance and reflects a hermeneutic effort to bridge religious texts and contemporary contexts.²⁷³

²⁷¹ Jasser Auda, *Developing Maqasid Al-Shariah: Theory and Application* (London: International Institute of Islamic Thought, 2022).

²⁷² Abdullahi Ahmed An-Na'im, *Decolonizing Human Rights* (Cambridge: Cambridge University Press, 2021).

²⁷³ Mohammad Hashim Kamali, *Policy-Making in Islamic Law: Theory and Practice* (London: Islamic Texts Society, 2018).

Another notable factor is the sociopolitical changes in Muslim countries, especially concerning democratization, strengthening human rights, and gender equality.²⁷⁴ Amid public pressure for enforcing values of justice and equality, the traditional *fiqh* is often challenged because of being considered less responsive to these principles. In this case, the moderation of schools of thought is important in providing a new space for *ijtihad* to respond to contemporary issues without abandoning the normative foundations of Islam.²⁷⁵ Several countries, such as Morocco, Tunisia, and Indonesia, have demonstrated that the renewal of Islamic law based on a moderation approach can strengthen the integration between *sharia* values and the principles of modern democracy.²⁷⁶ Additionally, advances in information and communication technology have become an important catalyst for developing moderate schools of thought. Technology allows wide access to the treasures of *fiqh* from various schools of thought and traditions, opening opportunities for the creation of more constructive and open interschool dialog. In addition, technology raises unimaginable ethical and legal challenges in the classical *fiqh* literature, such as issues related to bioethics, digital transactions, and artificial intelligence. In such case, a moderate and adaptive *fiqh* approach becomes vital²⁷⁷.

Furthermore, increasingly inclusive and transnational education strengthens the orientation of moderation in *fiqh* thought. The emergence of a new generation of Muslim scholars and intellectuals with multidisciplinary educational backgrounds and international experience has changed the landscape of *fiqh* epistemology toward an open and

²⁷⁴ Md Intekhab Hossain, "Resurgent Totalitarianism, Charismatic Dictatorship, and the Rise of Socio-Political Extremism in the Age of Globalisation and Multiculturalism: An Escalating Human Rights Crisis," *The International Journal of Human Rights* 28, no. 4 (2024): 598–623.

²⁷⁵ Edi Kuswanto, Muhammad Nurul Mubin, and Dwi Setia Kurniawan, "Internalizing Islamic Moderation: A Model Approach for Educational Institutions," *IJoReSH: Indonesian Journal of Religion, Spirituality, and Humanity* 2, no. 1 (2023): 93–113.

²⁷⁶ Ziba Mir-Hosseini, Mulki Al-Sharmani, and Jana Rumminger, *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (London: Oneworld Publications, 2019).

²⁷⁷ Arifin, Syamsul. "Digital Fiqh: Islam and the Challenges of Technology in Muslim Societies." *Jurnal Ilmu Sosial dan Ilmu Politik* 26, no. 1 (2023): 1–18.

reflective direction. The Islamic education curriculum accommodating comparative studies of schools of thought, *maqāṣid al-sharī'ah*, and contemporary *shul fiqh* encourages a dialogical understanding of the diversity of Islamic legal views²⁷⁸.

Another important factor is the response to religious extremism and radicalism. The emergence of groups with rigid, textualist, and exclusive religious ideologies has threatened social integration and peace between communities. Thus, the moderate school of thought functions as a counter-narrative emphasizing the importance of a balance between textual and contextual understanding, in addition to between orthodoxy and openness to social change²⁷⁹. Therefore, *madzhab* moderation is a methodological choice and a cultural strategy for stemming the tide of the narrow and ahistorical ideologization of Islamic law.

Conceptually, all these factors converge on one need: the renewal of a reformative, transformative, and integrative *fiqh* thought. Therefore, contemporary *fiqh* thought with a moderation paradigm constructs an Islamic law that is more inclusive, egalitarian, and can interact healthily with the universal principles of humanity and global norms.

In other words, the driving factors for developing the moderation school in contemporary *fiqh* thought include the following:

1. Globalization: Increasing cross-cultural and religious interactions demand a more open and adaptive approach to Islamic law that respects differences in values and norms²⁸⁰.
2. Social and Cultural Pluralism: The diversity of schools of thought, ethnicities, and cultures in Muslim society encourages the birth of a *fiqh* approach that upholds tolerance and diversity of views.²⁸¹

²⁷⁸ Bagir, Zainal Abidin. "Rekonseptualisasi Pendidikan Islam dalam Era Global." *Studia Islamika*, Vol. 28, No. 2 (2021), hlm. 233–256

²⁷⁹ Hosen, Nadirsyah. *Human Rights, Politics and Islam* (Singapore: Springer, 2020).

²⁸⁰ Al-Attas, Syed Farid. "Islam and Global Modernity." *Islam and Civilisational Renewal* 11, no. 1 (2020): 77–95.

²⁸¹ Fadlilah Novia Rahmah, "Promoting Pluralism Through Critical Thinking In Islamic Religious Education," *Proceeding International Conference on Islam and Education (ICONIE)* 3, no. 1 (2024): 1650–78.

3. Contemporary Issues: Women's rights, democracy, human rights, and modern social problems demand a reinterpretation of the law relevant to the current context²⁸².
4. Criticism of Classical *Fiqh*: Several contemporary scholars consider classical fiqh as less responsive to social change; therefore, a new, more flexible, and substantive approach is needed²⁸³.
5. Technological and Educational Advances: Wide access to information and education introduces more rational, comprehensive, and critical fiqh thinking.²⁸⁴
6. Threat of Extremism: Moderation of schools of thought is crucial for suppressing radicalism and building a balanced, just, and nondiscriminatory legal rationale.²⁸⁵

These factors complement each other and unify for developing the Moderation School in Contemporary *Fiqh* Thought.

Implications of the Moderation School of Thought in the Development of Islamic Law in the Modern World

The implications of the moderation school of thought in the development of contemporary Islamic law is crucial for the formation of an adaptive, inclusive, and progressive legal system.²⁸⁶ The moderation approach (*wasathiyyah*) in *fiqh* bridges text and context is vital for upholding relevant Islamic law amidst the dynamic flow of social, political, cultural, and technological change.

²⁸² Hassan, Riffat. "Gender Equality and Maqasid al-Shariah." *Journal of Islamic Ethics* 5, no. 1 (2021): 45–67.

²⁸³ Syamsuddin, Din. *Islam Wasathiyah: Moderasi Islam dalam Kehidupan Berbangsa dan Bernegara*. Jakarta: MUI Press, 2022

²⁸⁴ Badrah Uyuni and Mohammad Adnan, "Philosophical Foundations in Training Traditional Religious Educators: Bridging Past and Present," *Futurity Philosophy* 3, no. 2 (2024): 40–65.

²⁸⁵ Idrus Ruslan and Muhammad Candra Syahputra, "Implications of Religious Moderation on Domestic Policy in Indonesia," *RADEN INTAN: Proceedings on Family and Humanity* 2, no. 2 (2025): 327–34.

²⁸⁶ Asnal Mala and Wiwin Luqna Hunaida, "Exploring the Role of Religious Moderation in Islamic Education: A Comprehensive Analysis of Its Unifying Potential and Practical Applications," *Jurnal Pendidikan Agama Islam (Journal of Islamic Education Studies)* 11, no. 2 (2023): 173–96.

One of the primary implications of this approach is the flexible interpretation and application of Islamic law. The moderation school provides ample space for the actualization of contemporary *ijtihad* responsive to the present issues, such as technological developments, digital finance, ecology, bioethics, and rights of women and minorities. According to Mohammad Hashim Kamali, this contextual *ijtihad* is important for keeping Islamic law alive and functioning effectively in a pluralistic and complex modern society.²⁸⁷

In addition, the moderation school of thought strengthens Muslim social cohesion of Muslims by fostering an attitude of mutual respect for differences of opinion between schools of thought. In Islamic law history, differences in opinion (*ikhtilāf*) are an unavoidable scientific reality. However, in practice, these differences often lead to exclusivism and even conflict. The moderation approach intends to change this pattern into a complementary epistemological richness, as developed by Yusuf al-Qaradawi's "cross-school *fiqh*" and other contemporary scholars such as Abdullahi Ahmed An-Na'im.²⁸⁸

Another implication is the creation of inclusive and participatory Islamic law. In a global society inhabited by diverse cultural backgrounds, ethnicities, and beliefs, exclusive Islamic law can only widen the social gap. However, the moderate school of thought builds a foundation of *fiqh* considering universal values such as justice, equality, and public welfare (*al-maṣlaḥah al-‘āmmah*).²⁸⁹ Additionally, this approach agrees with *maqāṣid al-sharī‘ah* as a paradigm emphasizing the protection of the five basic principles of human life, which, from a modern perspective, can be expanded to include the protection of social and ecological rights²⁹⁰.

²⁸⁷ Mohammad Hashim Kamali, *The Middle Path of Moderation in Islam: The Qur'anic Principle of Wasatiyyah* (Oxford: Oxford University Press, 2015).

²⁸⁸ Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Harvard University Press, 2008).

²⁸⁹ Adis Duderija & Halim Rane, "Toward a Maqasid al-Shariah based Islamic legal reform: Prospects and challenges," *Intellectual Discourse* 27, no. 2 (2019).

²⁹⁰ Jasser Auda, *Reclaiming the Maqasid al-Shariah: Towards a New Methodology of Islamic Jurisprudence* (IIIT, 2018).

Moreover, the moderation of the school of thought substantially contributes to responding to the challenges of religious extremism and conservatism. Rigid and scripturalist *fiqh* thinking is reportedly vulnerable to being politicized by groups that carry radical agendas. In such case, moderate *fiqh* is an important alternative for building a peaceful, tolerant, and common-welfare religious narrative²⁹¹. Concerning national law, Muslim countries adhering to pluralistic systems, such as Indonesia, Malaysia, and Morocco, have started to adopt the principles of moderation in formulating religious and social regulations. In concrete terms, the moderate school of thought also expands women's space in Islamic law. This approach reinterprets classical texts that considerably limit women's roles. For instance, Siti Ruhaini Dzuhayatin's research shows that gender equality-based *fiqh* can be developed through the *maqāṣid al-sharī'ah* framework and inclusive social justice principle²⁹²; this is crucial for encouraging women's empowerment in the public and domestic spheres in various Muslim countries.

Another important implication of the moderate school of thought is the formulation of rational and structured Islamic law. Moderation provides a methodological basis for building a synthesis between normative Islamic values and the demands of empirical reality. This process involves scholars, academicians, and policymakers in integrative scientific ecosystems. This is developed in the approach to Islamic law based on social and empirical research²⁹³.

In conclusion, the implications of the moderate school of thought on the development of Islamic law in the modern world include the following aspects:

²⁹¹ Azyumardi Azra, "Moderasi Islam di Tengah Ekstremisme Global," *Jurnal Maarif* 16, no. 2 (2021).

²⁹² Siti Ruhaini Dzuhayatin, "Gender Equality in the Legal Discourse of Islam: A Maqasidic Approach," *Indonesian Journal of Islam and Muslim Societies* 11, No. 1 (2021).

²⁹³ Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Rowman & Littlefield, 2014).

1. Flexibility of Islamic Law: Providing space for legal adjustments to social and technological realities without departing from the basic principles of *sharia*.
2. Unity and Harmony in the Muslim Community: cultivating a tolerant attitude toward differences and suppressing the potential for conflict between schools of thought.
3. Social Justice and Equality: fighting for the rights of women, minorities, and vulnerable groups through a fair reinterpretation of the law.
4. Response to Extremism: offering a peaceful, rational, and inclusive religious alternative.
5. Strengthening *Maqāṣid al-Sharī'ah*: making the welfare of the people the main orientation of contemporary Islamic law.

Regarding rapid globalization and social transformation, the moderate school of thought is an epistemological alternative and a strategic need in an attempt to make Islam a religion that continues to live and provides solutions to the problems of humanity.

Role of *Madzhab* Moderation in Reducing Conflict and Increasing Harmony among *Madzhabs*

Madzhab moderation plays a strategic role in reducing conflict and strengthening the harmony between *madzhabs* in Islam.²⁹⁴ Although differences in *fiqh* views are inevitable in the history of Islamic thought, a moderate approach manages this diversity within a framework of brotherhood and mutual respect. *Madzhab* moderation does not seek to standardize opinions, but offers a healthy space for dialog to acknowledge and accommodate differences as the richness of Islam's intellectual heritage.

²⁹⁴ Sekar Ayu Aryani et al., "Synergy of the Ministry of Religious Affairs, Nahdlatul Ulama, and Muhammadiyah in Driving Religious Moderation to Achieve Indonesia's SDGs Targets," *Profetika: Jurnal Studi Islam* 25, no. 02 (2024): 433–54.

Primarily, *madzhab* moderation reduces sectarian tensions that often arise because of claims of a single truth in *fiqh*. An exclusive approach that rejects the existence of other *madzhabs* divides the Muslim community. Therefore, *madzhab* moderation promotes inclusivity by realizing that *ikhtilāf* (differences in opinion) are a legitimate part of *ijtihad* dynamics.²⁹⁵ This approach reminds us that the *imams* of the *madzhabs* respect each other's differences and never claim a monopoly on the truth of the *sharia*.²⁹⁶

Furthermore, *madzhab* moderation encourages the strengthening of harmony through a dialogical approach based on tolerance, deliberation, and mutual learning between schools of thought. Differences in legal views, such as those of worship procedures, zakat provisions, and/or family law, if not addressed moderately, can lead to internal conflict among Muslims. However, with an approach that respects the different *ijtihad* processes as part of the search for beneficial laws, these conflicts can be reduced constructively.²⁹⁷

Moreover, *madzhab* moderation builds awareness among the community of the importance of ethics and diversity in Islamic law. In the classical Islamic tradition, legal diversity is considered a blessing, not a threat. In the moderate view, differences are not a source of hostility, but an opportunity to broaden one's horizons and deepen one's understanding of religion. This attitude is helpful amid a multicultural and pluralistic Muslim society, in which interaction between adherents of schools of thought is a social and political necessity.²⁹⁸

Another important role is the preparation of an Islamic legal framework that is inclusive and responsive to social realities. The moderate approach allows the epistemological selection of various school

²⁹⁵ Kamali, *The Middle Path of Moderation in Islam: The Qur'anic Principle of Wasatiyyah*.

²⁹⁶ Ahmed E. Souaiaia, *Contesting Justice: Women, Islam, Law, and Society* (Cambridge University Press, 2021).

²⁹⁷ Adis Duderija, *Islam and Gender: Major Issues and Debates* (Routledge, 2020).

²⁹⁸ Rachid Ghannouchi, *Public Freedoms in the Islamic State* (Yale University Press, 2019).

of thought views by considering *maqāṣid al-sharī'ah* and the needs of contemporary society. This is critically necessary to avoid the dominance of certain schools of thought in the legislative process, which can marginalize other schools of thought or minority communities.²⁹⁹ School moderation positions Islamic law as an open system that can accept all elements of the Muslim community fairly and proportionally. Amid the influence of globalization and the openness of information, the role of school moderation has become increasingly vital. Globalization accelerates cross-school interactions and increases the potential for ideological friction, especially through social media, which often becomes an arena for sectarian propaganda. However, globalization also promotes strengthening cross-school understanding through scientific forums, education, and cooperation between international Islamic institutions. Thus, school moderation can function as a mechanism for global dialog that prioritizes Islamic brotherhood and the integration of values of justice, equality, and respect for the diversity of *fiqh*.³⁰⁰

Notably, school moderation is crucial for preventing religious polarization, which can damage the order of society. When differences in *fiqh* law are used as a tool to discredit other schools, religious-based social conflict becomes inevitable. Moderation is presented as an alternative narrative that voices the importance of building a harmonious Islamic society by making differences a potential, not a threat. In several cases, moderation efforts reduce the escalation of conflict and increase cooperation between schools, especially on strategic issues such as education, health, and poverty alleviation³⁰¹.

Thus, school moderation is theologically relevant and strategic in responding to community challenges in the contemporary era. It provides

²⁹⁹ Asma Afsaruddin, "Pluralism and Religious Diversity in Islam: Legal and Theological Perspectives," *The Muslim World* 107, no. 3 (2017).

³⁰⁰ Farid Panjaitan and Abdul Mustaqim, "No Title," *Moderasi Islam Dalam Perspektif Maqāṣid Al-Sharī'Ah* 22, no. 2 (2023).

³⁰¹ Yusriandi et al., "Moderasi Beragama dalam Upaya Merawat Kerukunan Umat Beragama," *Dialog: Jurnal Penelitian Keagamaan* 44, No. 2 (2021).

an ethical and epistemological framework for Muslims to respond to legal diversity without getting caught up in identity conflicts and claims of a single truth. By strengthening cross-school *fiqh* education, dialog between scholars, and the formulation of inclusive religious policies, school moderation can continue to be the foundation for building community unity and creating a peaceful and productive social life amidst differences.

Limitations and Challenges of the Moderation School in Contemporary Islamic Law

The application of the moderation school in contemporary Islamic law faces various limitations and complex structural challenges, covering epistemological, sociological, and political aspects.³⁰² Although the moderation approach (*wasatiyyah*) promises integration between the authority of normative texts (*naṣṣ*) and contemporary social reality (*wāqi'*), its practical realization in many regions of the Islamic world is still hampered by ideological resistance, institutional weaknesses, and counterproductive geopolitical dynamics.

Resistance to plurality of schools of thought is a fundamental challenge, which is born from an exclusive religious paradigm. Some Muslims remain trapped in a monolithic way of thinking, only recognizing the legal validity of the schools of thought they adhere to, and reject the cross-school approach, which is the main characteristic of the moderation school of thought³⁰³. This exclusivist attitude has led to stagnation in the discourse of *fiqh* and made differences a source of division and not an opportunity for constructive collective *ijtihad*. In many cases, the moderate approach is misunderstood as liberalization or normative relativism that threatens the authority of the *shari'ah*, when in fact, it aims to revive the

³⁰² Hussein Raja Al-Shuqairat and Mohanad Nayef Aldajah, "Islamic Historiography and Modernity: A Systematic Literature Review on the Evolution of Muslim Societies in the Postcolonial Era," *Journal of Islamic Thought and Civilization* 15, no. 1 (2025): 240–60.

³⁰³ Ahmad, I. "Sectarianism and the Limits of Islamic Pluralism," *Contemporary Islam* 13, no. 2 (2019): 145–60.

ethos of *ijtihad* based on *maqāṣid al-sharī'ah*.³⁰⁴ Another serious challenge is the low capacity for contextual and open Islamic legal literacy, especially among the younger generation of Muslims. Most Islamic educational institutions maintain a textualist and repetitive approach to teaching *fiqh*, lacking interschool dialog or a critical understanding of social reality.³⁰⁵ Nawab and Jalil (2022) found that low access to progressive *fiqh* education hinders the ability of Muslim society to understand the flexibility of Islamic law in responding to the needs of the times.³⁰⁶

At the macro level, moderation faces major challenges from the politicization of religion and the identity of the school of thought used as a tool of power hegemony. In several countries, certain schools of thought are used as the ideological basis of the state or dominant group. Thus, initiatives to build an inclusive Islamic legal framework are perceived as a threat to the political status quo.³⁰⁷ This phenomenon is evident in the prolonged conflicts in Syria, Iraq, and Yemen, where sectarian tensions are rooted in theological differences and are manipulated for geopolitical interests and regional power.³⁰⁸

Furthermore, the challenges of digitalization and globalization add to the complexity of mainstreaming the school of thought of moderation. On the one hand, digitalization provides a broad and cross-border discourse space to promote moderate *fiqh*. On the other hand, cyberspace has become a fertile ground for spreading extreme ideologies that use religious rhetoric manipulatively to strengthen intolerant views.³⁰⁹

³⁰⁴ I. Albayrak, "Islamic Legal Theory and the Problem of Authoritative Interpretation," *Journal of Islamic Studies* 31, no. 3 (2020): 351–372.

³⁰⁵ M. Halstead, "An Islamic Education for the 21st Century: Meeting the Challenges of Modernity," *British Journal of Religious Education* 38, no. 3 (2016): 251–264.

³⁰⁶ M. Nawab and A. Jalil, "Maqāṣid Al-Sharī'ah and Reform in Islamic Legal Education," *Journal of Muslim Minority Affairs* 42, no. 1 (2022): 59–74.

³⁰⁷ Muhammad Qasim Zaman and Roxanne L Euben, *Princeton Readings in Islamist Thought: Texts and Contexts from Al-Banna to Bin Laden* (Princeton University Press, 2017).

³⁰⁸ M. Valbjørn, "Identity and Regional Politics in the Middle East," *Third World Quarterly* 39, no. 3 (2018): 532–549.

³⁰⁹ Imran Awan, "Cyber-Extremism: Isis and the Power of Social Media," *Society* 54, no. 2 (2017): 138–49, <https://doi.org/10.1007/s12115-017-0114-0>.

Mahfouz (2021) reported that weak religious digital literacy increases the possibility of the young generation of Muslims being exposed to extreme ideologies, whereas moderate preaching spaces are still less massive in the production and distribution of content.³¹⁰

The lack of historical and epistemological awareness of the community regarding the value of plurality in Islamic jurisprudence is also concerning.³¹¹ Differences in legal opinion (*ikhtilāf*) are often viewed as conflicts that must be avoided and not as a manifestation of the dynamics of *ijtihad* in the history of Islamic law.³¹² In fact, as Al-Raysuni explained, legal plurality is the result of the diversity of social and cultural realities that are the objects of *fatwas* and *ijtihad*. The moderation of the school of thought seeks to revive this tradition of intellectual tolerance by prioritizing the values of inclusivity, deliberation, and *maqāṣid* as methodological foundations.

The challenges to the implementation of the moderate school of thought in contemporary Islamic law can be mapped as follows:

1. Resistance to change, especially from conservatives who view moderation as compromising with traditional authority.
2. Misunderstanding of the concept of moderation, often associated with liberalism or deviation from Shari'ah.
3. Limited access to contextual *fiqh* education, especially in areas with an underdeveloped Islamic education infrastructure.
4. Politicization of religious identity and sectarianism, reducing the diversity of schools of thought, is an ideological and political threat.
5. Digital radicalization strengthens the rhetoric of exclusivism and weakens the spread of moderate ideas.

³¹⁰ A. Mahfouz, "Digital Literacy and the Challenges of Religious Moderation in Muslim Societies," *Journal of Religion and Technology* 10, no. 4 (2021): 213–231.

³¹¹ Yaser Ellethy, "Coping with a Quranic Truth Claim: Muslim Hermeneutics of Knowledge and Pluralism," *Interreligious Studies and Intercultural Theology* 6, no. 1 (2022): 66–84.

³¹² Junaid Quadri, *Transformations of Tradition: Islamic Law in Colonial Modernity* (Oxford University Press, 2021).

6. Lack of literacy in the history of Islamic law causes people to overlook pluralism as part of the classical characteristics of Islamic law.

Therefore, systematic and sustainable efforts are needed by strengthening cross-school *fiqh* education, integration between *shari'ah* science and contemporary social sciences, and empowering the digital space with in-depth and moderate Islamic content. In addition, the active role of ulama, academics, and civil society organizations is crucial in building collective awareness that the moderate school of thought is not a form of compromise on principles but an ethical strategy to keep Islamic law relevant, just, and inclusive in the modern era.

Conclusion

Madzhab moderation in *fiqh* thinking plays a crucial role in enriching the development of Islamic law in the modern world by allowing Muslims to develop laws that are more flexible and responsive to changing times, without having to sacrifice the basic principles of Islamic teachings. This moderate approach can lower tensions arising from sectarian differences and create space for a constructive dialog between sects, ultimately supporting harmony in the social life of Muslims. However, the implementation of *madzhab* moderation is substantially challenging, owing to ideological tensions that often arise among Muslims who are bound to certain sects, limited intellectual understanding of the importance of inclusivity in *fiqh*, and sociopolitical and globalization challenges that exacerbate polarization between *madzhabs*. Nevertheless, *madzhab* moderation offers great potential in developing Islamic law, which is more just, inclusive, and relevant to the conditions of the modern world.

Therefore, this study recommends several steps and actions to implement *madzhab* moderation in *fiqh* by improving *fiqh* education, strengthening interschool dialog, bridging an inclusive approach in the development of Islamic law, building awareness of the importance of

moderation among religious and political leaders, and addressing the challenges of globalization and extremism. Accordingly, *madzhab* moderation is will potentially be an important *pillar* in renewing and developing Islamic law that is fairer, inclusive, and relevant to the challenges of the times while maintaining harmony and unity of Muslims in the modern world.

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