

Manifestation of Moderation in the Context of Islamic Law: Maqasid Study

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Abstract

The study discusses an optimal method for building moderate society through the higher objective of Shariah, by employing the five essentials of goals of Islamic law based on the God Almighty command to His servants on righteousness, moderation and forbade them from excesses and corruptions. Islamic law prohibits extremism, intolerance, and extremism while it promotes respect among different cultural, religious, and civilization pluralism, and on the other hand, it renounces racism. The permissive people describe adherents of religion and moderation as hardliners, fanatics, and extremists against modern developments because of the permissive view that pornography contents should be permissible in religion as means of moral and civilization progress. They also claim that strict adherence to religious obligations leads to a lack of freedoms and compliance with global civilization. To this effect, Shariah law presents the ideal and best model for social organization and best human behavior practices, so that they may live a good and contented life, in harmony with the nature that God created people with. The study

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employs analytical induction methods with a basis for addressing contemporary issues and Islamic thought. It also discusses the higher objectives of Shariah from several angles and at the forefront explicates the criterion and judgment. Despite the setbacks and challenges confronting the Islamic nation, Allah has destined goodness and empowerment for its sustainability and never ceases to exist. The study concluded that achieving this requires: First: adherence to the highest revelation and most trusted bond of religion and strengthening loyalty to the Islamic faith and law. Second: The necessity of gathering the efforts of the Muslim community members and mobilizing the scholarly, intellectual, youth, and women forces. Third: Knowing the deficiency and resolving to address them through the higher objectives of Shariah, then hopefully Allah destines triumph after refraction, and victory after defeat.

Keywords: Manifestation, Moderation, Islamic Law, challenges, Maqasid.

Introduction

The study of concepts is considered the to understand surrounding issues, detailed terms, and their objectives. Its importance is not limited to an aspect of the accumulation of knowledge but includes comprehensive knowledge of phenomena and their interpretations to stand on its facts. This will help in developing a methodology of knowledge that might be considered after its approval as law, foundation, and reference for professionals. However, in the context of moderation and the higher objectives of Shariah, (Islamic laws), there is a dire need to realize the importance of related concepts as it's the focus of this study.

Moderation (الوسطية-*Wasatiyyah*) means no excessive nor negligence but maintaining a balance between the soul and body because the human is composed of elements of from the soul and physical body. His perfection is a merge of physical desire with spiritual pleasure. Thus, it is permitted for his spiritual aspirations, the acts of worship and supplication to fill up his spiritual emptiness and to make him feel balance and harmony. As Allah said {O ye who believe! Fasting is prescribed to you as it was prescribed to those before you, that ye may (learn) self-restraint} [al-Baqarah:183] and He also said {And when My servants ask you, (O Muhammad), concerning Me indeed I am near. I respond to the invocation of the supplicant when he calls upon Me. So let them respond to Me (by obedience) and believe in Me that they may be (rightly) guided} (al-

Baqarah:186). It is also has permitted humans to fulfil their physical desires, acting of ownership, buying and selling and the like, as Allah said {Allah hath permitted trade and forbidden usury -*Riba*-} [al-Baqarah:275], he also been permitted to get married as Almighty reveals {marry those that please you of [other] women, two or three or four} [An-Nisāi; 3] and several other permissions.

Islam promotes moderation in all matters. The religious affairs and activities must not be excessive like the socio-economic activities of the people. The Islam ummah is a moderate nation because it follows the straight path that all efforts, energies, and resources must be constructively utilized. The Islamic nation must strike a balance in the human relationship with Allah the creator, with one another, and with all-natural resources in the environment. That is, maintaining a balance between humanity in socio-economic interaction, religious affairs and enhancing, equilibrium between idealism and realism in the spiritual and physical realms, etc. (Marzouk, 1421 H: page 10-19). There is no doubt that the essence of education in the past and present, is to produce balanced graduates that are useful to themselves and the nation. Balanced graduates from the Islamic worldview are physically fit, mentally balanced, and morally and spiritually upright. Balanced individuals have the potential to avoid extremist, careless, and corrupt practices. Therefore, prevalent extreme activities and decadence behaviours in society call for awakening and positive response towards correcting these irregularities in present society and to protect the future generation from the reoccurrence of the mistakes.

When the members of the society lack the right consciousness and decent exemplary behavior, they fall into a psychological conflict between Halal and Haram. Modern society is also challenged with why and how to maintain a balance between classical and modern ways of life.

As a result, some people seek ways and other techniques to express their rejected and unacceptable opinions and activities in society, thus rebelling against reality just because does not reflect their needs and requirements. This is one of the geneses of extremism or atonement and the act of migration from the mainstream society, or immoderation of the worship, fanaticism of ideas and practices, excessive and negligence in the basic principle of the religion (Hanan Darwish, 2003, page 140).

Standing up against the phenomena of extremism and exaggeration can be only done by reviving the role of human reasoning and studying the social conditions responsible for the spread of these phenomena. Doing so will help in identifying the causes and ways of the problem and how to develop solutions to address them. Almighty Allah has commanded His

slaves to be consistent, moderate, and forbade them from extremism and disintegration, and "The Islamic religion is opposed to extremism and racism, and respects the cultural, religious and civilizations pluralism and rejects racism" and calls for moderation. As the Almighty Allah said: {O People of the Scripture! Do not exaggerate in your religion} [al-Nisāi: 171 He also said {And in the same way We made you a moderate Ummah (community) so that you should be witnesses over the people, and the Messenger a witness to you.} [Al-Baqarah: 143]. Discussing the phenomenon of moderation requires firstly, establishing a concept of the scientific essence of moderation, as a legal approach employed by all messengers of Allah. (Peace be upon them), and secondly, lawyers represent the best formula that regulates a sustainable equation between the mind and soul of a human.

The recognition of the validity of the moderation concept, and preparation for the establishment and formulation of required knowledge, is unanimously considered an Islamic fact thus: "moderation is the scale and the balance between constants and variations, between movement and stillness." the concept of moderation is applied to mediate between the two components, between human and animal, and their environments. This concept in the economics context stands for balanced economic and even distribution of wealth in the society. So, moderation protects against partiality, deviation, and excessive use of resources. Almighty has described a balanced human personality as a commitment to the divine law and moderation in behavior with other creatures of Allah. This evidence thus in the Quran {Then We granted the Book to those We have chosen from Our servants. Some of them wrong themselves, some follow a middle course, and some are foremost in good deeds by Allah's Will. That is 'truly' the greatest bounty.} (al-Fātir: 32)

Moderation in the modern time is considered as balanced in the belief, attitude, behavior, system, relationship, and moral values., That is, Islam is a moderate religion, that is not offensive nor excessive in any of its dealings. Moderation denounces exaggeration in religion, extremism and abnormalities in the belief, and arrogant attitudes. Moderates enhance servility, humiliation, surrender, submission, and worship to only Allah. Righteousness and steadfastness in Islam are against unnecessary rigidity, In, embarrassment, compromise, restriction, intolerance, and negligence. (Wahbah Zuhaili, 2005, p 37). The Almighty Allah describes His law moderate proper path, thus: {Indeed, that is My Path—perfectly straight. So, follow it and do not follow other ways, for they will lead you away from

His Way. This is what He has commanded you, so perhaps you will be conscious 'of Allah} [al-An'am: 153]. The straight path in Shariah terminology indicates moderation as mentioned in Surat al-Fatiha Allah guides the blessed ones to the right and moderate paths and the unrighteous are on the misguided path. Similarly, in Surat al-Baqarah He, mentioned the right path and describes it as moderation, He said: {He guided whom He will to a straight path} [Al-Baqarah: 142].

According to Shaibānī (1985), the concept of moderation synonymously is justice, virtue, charity, and mediation between two parties., This is usually established among Arabs that if they used the word (*Wasat*-middle), they refer to it as a charity, justice, quality, and high status. Hence, the word moderation is not applicable to be used unless these characters are presented (Shaibānī, E5, 1985, p 51).

1 - Charity: the achievement of comprehensive faith, surrounded by enjoining the good and forbidding the evil.

2 - Steadiness: It is to maintain the straight path without deviation, moderation is never meant to surrender or weakness.

3 - Clearness: There is clear evidence in all the aspects of religion, that the moderation path is clear from the paths of those who earn the anger and those who are misguided.

4 - Ease: An act of removing hardship from people is a necessary feature of moderation.

5 - Justice and Wisdom: the moderation has been interpreted by the Prophet (peace be upon him) based on justice (al-Nesae, 2863, p 319), This means that excellency and excellent people are the most just. The Almighty God said: {Allah commands for justice and charity} [Al-Nahl: 90].

Moderation in Islamic *Shari'ah*: (Islamic law) is considered actions that oppose oppression, excessiveness, and estrangement in all aspects of life. The higher objective of Shariah law is to facilitate ease in religious obligation and human activities. The purpose of religious rules is to make life convenient and comfortable to co-exist and not to impose difficulties and exertion., Almighty Allah said

{Allah does not require of any soul more than what it can afford} [al-Baqarah: 286] and He also said {We never require of any soul more than what it can afford} [al-An'am: 152].

An example of the real ease of Islam is its, exemption of the kid and the insane from juridical obligations, which is explicated in the Sunnah of the Prophet that the Prophet (peace be upon him). The purpose of these eases is to prevent people from hardship and overburden Muslims with

responsibilities beyond their capacities. The Prophet peace be upon him encouraged his companions to be careful of unnecessary questions to avoid the imposition of duties upon them due to their excessive inquiries. For instance, a man asked him (peace be upon him) for Hajj?? Is it a year obligation? He said: "If I say yes, it going to be obligatory and you cannot afford it, leave what I have left". (Muslim ibn al-Hajjāj, part 8, 1992, 3321, p 420). Similarly, the Prophet Peace be upon him also said: "If I could have done so without imposing hardship on my community, I would have commanded them to use the toothbrush at the time of every prayer" (Muslim, part6.1992, 2782, p 329). And so on: moderation is a constant feature that is prominent in Islamic belief, legislation, obligations, worship, testimony, and judgment, enjoining the good and forbidding the evil, jihad for the sake of God, morals, and dealings, earn and spend money and the demands of self and its desires (Morsi, 1996, p 57). In this sense, moderation presupposes the existence of excessiveness and negligence, disentanglement and commitment, extravagance, and stinginess, etc. However, the significance of moderation cannot be conceived without variedness, otherwise, it became the practical rituals of moderation between the two points, or it restricts in one form and maintains a fixed character in the other which is incompatible with the vitality and dynamism of Islam. variedness in a Muslim society and moral principles of Islam are at the centre for acting upon moderation, it is to discipline the soul, and softening emotions, and purify the heart from physical and emotional diseases, which are the purposes of decent human, and not utilitarian materialism. Life cannot be out of the three circumstances: excessiveness or exaggeration in things. It can either be, negligence or deficiency in matters while moderation is the situation between them., Moderate call differs from deviation and exaggeration in religious interpretation and practices because the best course is to main the middle path. The moderation leads to the purity of self from dirtiness of morals, hatred of heart, and any form that initiates the fire of enmity and hatred, and also leads to the cleanliness of community from division, hypocrisy, evil morals, diseases of selfishness, narcissism and many other advantages that enjoyed by any society dominated by the moderation, which its features outstanding in its dealings, behavior, and life in it (Marzouk, 1421 H: p 12, 63, 89).

Moderation is a legitimate right, and requirement for a sustainable civil society to achieve integration harmony, and cooperation among all. It enhances community progress towards safety and wellbeing for everyone. The Moderate society leads to the effective performance of the duties and obligations of Allah and the rights of people without diminution in the

obligations nor denial of rights or failure in the duties. Moderation alleviates the challenges of prejudice or disagreement, conflict or dishonest competition contradiction in the behavior, and complexity of psychological and social illnesses because all the excessiveness and abnormalities lead to stress. The failures arising from the performance of duty and responsibilities often trigger conflicts and disputes, whereby delay in the legal and just process may disrupt the due process and increase the burden of hardship. (Faraj, 1426H: p35-39). For example, moderation in dressing has a significant economic impact on society as it allows the society to make savings and rechannelling the money for other projects that can benefit the people and their society. It is in terms of Moderate economic support for societal advancement, and development. Moderation helps to determine the proper methods of using, controlling, and application of resources from wastage. Therefore, moderate economic serves as a check for the consequences of a globalized economy where the rich get richer at the expense of the poor that get poorer. (Sweden, 1422 AH, p 19). Lack of moderate economic practices leads to the collapse of moral societal principles, an increase in selfishness, extortion, and the spread of poverty, hunger, and where the whole communities suffer from poverty and starvation at the same time the foods are thrown in the trash or giving to animals in many rich countries that do not feel the needs of the poor and the sympathy for them. Dehumanizing socio-economic practices are one of the main causes of societal collapse because there is no sense of feelings and concern for the plights and basic needs of the needy and the poor in society. It is important to note that one of the fundamental goals of the Holy Quran is to guide humanity towards moderation phenomenon in all affairs. It teaches moderate creeds, beliefs, actions, capabilities, and practices based on an awakening of conscience, strength of intentions, and the commitment to good work that is characteristic of the civilized society, (Alzantālī, 1993, p 91). This is evident in the verses thus: As briefed in the verses: {By the 'passage of' time! Surely humanity is in 'grave' loss, except those who have faith, do good, urge each other to the truth, and urge each other to perseverance} [Al-Asr: 1-3].

However, it is interesting to note that there are certain misconceptions about understanding moderation in contemporary society. Some people think that moderation means doing some of the duties and obligations while leaving others and avoiding some of the forbidden (haram) things and committing others. Until it became a common saying among people: "an hour for your Lord, and an hour for your heart". They also take as evidence the *hadeeth* of the Prophet peace be upon him: "But an hour and an

hour." There is no doubt that the intention of the *hadith*: An hour which a person strive in worship and an hour for himself to rest and do permissible things (not prohibited) for gaining more energy while returning to worship (Geban, 1415 H, p 61). It should be noticed here that moderation is an Islamic feature that empowers humans to act successfully on regulations and keep compliance to enjoy permissibility and avoid prohibitions. As Allah said: {Allah does not require of any soul more than what it can afford} (al-Baqarah: 286) and He also said – in the du'a of the believer {Our Lord! Do not burden us with what we cannot bear} than the Almighty responds: I did; based on the *hadith* of the prophet Peace be upon him: "I have been sent with al-Hanafiyyah listen and obedience, - ", he also said. The religion (of Islam) is easy, and whoever makes the religion rigor, will overpower him (Narrated by Ahmad, al-Nasae, al-Hakim, and Bayhaqi from Anas ibn Malik, hadeeth hasan). Then, if the understanding and practice of religion are this easy and convenient why do we see a lot of people not complying with the orders of Islam? There is no doubt that they comply more with this world (Dunia), their self-desire, and the devil, these obstacles stand between a person to do what is ordered in the Shariah.

The purposes of the Islamic law (*Maqāsid Shari'ah*) concept:

The fundamental objective of Shariah is to bring benefits to the people and protect them from harm. That is the higher objective of the lawgiver (Allah) for giving the shariah rules to provide human development and protection from harms. Scholars of Maqasid Shariah are unanimous that there is no specific definition for the concept, however, there are phrases reported from their works that depict the meaning and understanding of the higher objective of Shariah. The classical scholars have used several terms that indicate the meaning of Maqasid Shariah such as: (the interest, the wisdom, the reason, the benefit, the evil, the goals, the secrets, the meanings, objectives, the damage, and harm) (Nūruddin bin Mokhtar Khādamī, Edition1, 2001, p 15). The reason for this reluctance from the earliest scholars to put a specific definition for *Maqāsid* was because they were not burdened with understanding the scope of Maqasid of Islamic law since the meanings were clear to them and embedded in their minds and flow over their tongues and pens without hardship (Dr. Yusuf Ahmed Mohammed al-Badawi, Edition 1. 2000, p 45). One of the foremost contemporary scholars that explicate the concept of Maqasid was Muhammad Tahir ibn Ashur in his book (the purposes of Islamic law -*Maqasid al-Shari'ah al-Islamiyyah*-), as he de-

scribed it thus: "the general purposes of the legislation are: the meanings and rulings of The Law-giver (Allah) in all conditions of the legislation or most of it. The general objective of Shariah is not limited to a specific place or time, rather expands to the descriptions of the *Shari'ah*, the general purpose, and the meanings that are noticeable in many types of human affairs. (Muhammad Tahir Ibn Ashur, 2004, p 165). Despite these efforts, the definition of Ibn Ashur has its limitations as it was inclusive of other properties of the general purpose of the law and ignores the specific purpose of the legislation that Ibn Ashur himself recognizes in his book (Abdul Qader bin Harzallah, E1.2007, p 29). The efforts of other researchers afterward to define Maqasid evident its importance, commitment, and interest of scholars to facilitate its understanding and application. Therefore, it can be deduced that scholars are unanimous that Maqasid encapsulates interest, goals, and wisdom intended by the law-giver for prescribing shariah law. At this point, the definition of Nūrud-din al-Khādimī on *Maqāsid also shed light on this thus*: it is the emphasis on the worship of Allah which is the greatest destination of all creation, considering the human being interests in both realms, he says, "*Maqāsid* is the observed meanings in the provision of legitimate rules, overall interest or the total feature, concentrated within the goal to worship Allah and the interests of humanity in this world and hereafter. "(Nūrud-din Bin Mokhtar al-Khādamī, edn. 1, 1998, part 1, p 52). Therefore, it is important to explicate the significance of moderation on belief, worship, social relationships, and transactions in the community.

The implications of moderation on the society

Islamic law is moderate in its provisions, legal and social regulations, including family affairs, civil, criminal, and international. Islam has permitted certain things and forbidden others, but the permission and the prohibition were never placed in the hand of human beings, rather remains the sole right of Allah alone who has forbidden things that are bad and harmful and permitted things that are good and beneficial to humanity and the society. Thus, one of the prophets (peace be upon him) characteristic as described by the people of the book: {He commands them to do good and forbids them from evil, permits for them what is lawful and forbids to them what is impure, and relieves them from their burdens and the shackles that bound them} (al-A'raf: 157). Moreover, Islamic law is moderate in family matters, as it is in all its affairs. It's also moderate between those who established polygamy without a limited number and those who objected

and rejected it in totality, even if obliged by necessity and need. Islam allowed this type of marriage, provided the man can protect and spend for the family and maintain, trust in justice between wives. If he fears not to be just, then he must be limited to one, as the Almighty said {But if you fear that you will not be just, then [marry only] one or those your right hand possesses} [al-Nisāi: 3]. It is also moderate in terms of a divorce between those who were denied a divorce, for whatever reason, even if life becomes unbearable for marital couples and living hell life as Catholics and those who ease the unleashed the order of divorce with no restriction or condition, making the divorce in man or woman hand, that ease cancelation of the marriage contract for senseless reasons. However, the Islamic law allowed divorce, when all the means of other treatment fails, negotiation of reformation are useless, yet it is the most hated to God and can be restored from time to time to review his ex-wife and take her back to the new marriage (Yusuf al-Qaradawi, 1427 H, p 133).

The term moderation has become too broad and might be abused among people there is always a need to determine among different group claimants who belong to the real moderation of Islam. It seems to the researcher that it is challenging today to declare an individual or group as committed to the moderate course but still need to ask, which moderation he belongs to? What is his position on the critical issues raised in the community? This expansion in the understanding of the term is not intended for moderation only, but also includes the various issues raised at our time, such as Islamic liberalism, secularism, pluralism, etc. As though these titles refer to a specific destination, it becomes very important to recognize one's objective to be attained at the end. There is no way to check it out only through the two things that complement each other, the first is to set the term and to agree on its definition, and the second is to test that concept when applied to reality, as I referred to represent the critical issues or challenges facing the society. There is a Quranic text that describes the Islamic nation as "the moderate nation", the Almighty says {And so We have made you 'believers' a upright¹ community so that you may be witnesses over humanity and that the Messenger may be a witness over you} [Al-Baqarah: 143].

Moreover, the Quranic description added a valuable dimension to the term which afforded the scholars of exegeses of the Quran to interpret the term "moderate" meaning "justice" as mentioned by Imam al-Tabari. Several Arab thinkers noted that moderation is an important value in the Islamic culture (Ali Saeed Ismail, 2000, p 83). If we try to moderate in the

light of the multiple dimensions, based on balanced attitudes and considerable thoughts, this might require strong evidence to investigate the different branches and to maintain balance in identifying the situation that aligns to what would simplify and facilitate people as an appropriate situation and period, this logic requires some elaboration (Jamali, Mohammad Fadel, 1972, p37).

Furthermore, moderation fully aligns with goodness and righteousness with the recognition of the presence of their opposite. for each of them which are not the mid-point between good and evil or right and wrong. This recognition is evident based on human existence to distinguish between ugliness and evil and injustice so that the values of truth and goodness and beauty can be realized only through the right value, and the denial of opposite values that do not represent and recognized the divine wisdom. When the angels argued to the creation of man claiming that he will spoil the earth and destroy crops and cattle, the Almighty Allah shows them the wisdom hidden from His creation and that this creature mediates between good and evil among the, who is vicegerent, who knows the names and entrusted with the building of earth. Man is also able to combine religious and worldly affairs, materialism and idealism, reality and imagination, the right of the individual and the right of the group (al Asmar, Ahmed Ragab, 1997, p 67), and to be closer to Allah by enjoying *halal* and promote development and goodness in the universe. An invocation of God in various dimensions of life depicts a balance in the purpose of existence. The purpose of moderate viceregency is to uphold the necessary rights of all creatures' humans, plants, animals, and non-living objects. The Quran also noted that other nations apart from human beings also worship Allah in their way, but we don't understand their glorification. However, we trust in the Islamic culture as the principle, the vision of a more comprehensive and complete reference, calls for respect for all Allah's creatures and objects of the universe. Also, falls under the title of the various activities that seek to defend these objects.

There is a general moderation and specific. the general focuses on the view of the universe, the creation, and the approach to dealing with the various activities there within. It also describes the mental structure that deals with the interpretation application of things based on the concepts and visions that we have just referred to above. The specific moderation is to put these concepts and visions on the activities and peculiar areas, such as religious thought, political, Media activities in a balanced mode so that

moderate religious thought and features can be derived. Doing so, will depend on one religious view and understanding to interpret the just commitment to the obligations and pillars of Islam. At the same time, it is important to note that moderation is not an intellectual vision that can be based on the teachings and inspirations from concepts alone, because the cultural environment, political and economic in which one lives reflect on his view and can influence a particular direction either to moderation or to extremism. Nevertheless, striving to define and describe moderation and promoting the slogans of its relevance legitimacy may not claim sufficient acceptance and support for it, if the social and political environment lacked balance features. On the other hand, the term moderation is not limited to intellectual perception rather extends to the reality that prevails and interacts in a positive direction in all cases. There is a dire need for continuous discussion about moderation at the level of various social institutions like family, education. Media and government. The good society is made up of the righteous individuals and the righteousness of the individual leads to the righteousness of the nation, state, and society. A reconciled society creates harmony, affection, love, and people can have a sense of brotherhood in faith, and a peaceful search for their livelihood. A harmonious society will improve the situations, alleviate the tendencies toward evil and harm. The essence of balance and justice is to guide and mediate peoples' individual and collective commitment by promoting freedom of expression and protection from fatal diseases and deviations. Moderation has far-reaching prospects because it is a positive benefit that excludes negative consequences to humanity and the entire ecosystem. One of the consequences of moderation is the spread of love, affection, tolerance providing confidence and kindness in dealing while repelling hatred. Furthermore, the conditions of the family and society become a sense of harmony, stability, devotion to attainments and tenders, and commitment to truth and justice, and deprave from evil and temptation and corruption on the earth. Whenever a social problem arises, it was caused by an abnormality in the planning, management of the resources triggered by corrupt practices and deviation from the decent purpose. The moderation situation is one of the most important reasons for stability and harmony, the happiness of the individual and the group, and the progress of the nation and prosperity of the civilization. The Islamic law is an integrated system as one building complements each other and explains each other, so the purposes of *Maqāsid* was based on this factor. Hence, it cannot consider the purpose of particular interest in part unless it bears a significant purpose of permissibility or prohibition of the Maqasid system. On this basis, the

interests are preferred in case of disagreement. Specific interest is neglected if conflicts with the public or general interest, and the presence of suspicious interest around the underpinning evidence. As the duty of the *mujtahid* to judge those suspicious *Maqāsid* in an ultimate judgment, it also considers the possibility of the evidence, and this consideration must be revolving within the integrated and consistent understanding of that evidence. In addition, the purpose is not considered if the legal and specified approach was missed, rejected, and leads to the illegitimate purpose, which is manifested in the correct dimension of integrative and holistic nature of the study of phenomena and incidents and to identify its provisions according to the purposes and *Shari'ah* guidelines.

Overall, the *Maqāsid* system - the purposes of the *Shari'ah* law - is a comprehensive and harmonious fundamental building which the *mujtahid* should invoke by applying it comprehensively and deductively, on two parallel tracks: first is the complete understanding of the legal provisions with the full and interrelated understanding. The second is based on the first in deducing the provisions of the laws into the current issue or in the discovery of an elusive, and suspicious purpose, to reject and conjecture the previous discretionary provisions. Shātibī said, "The degree of discretion (*ijtihad*) can be obtained for those who characterized with two: one to understand the purposes of the *Shari'ah* fully on its perfection, and the second being able to deduce based on the understanding of it" (Shātibī, part 3, p 331). Therefore, the *Maqasid* approach is not confined to the literal meaning of the texts only but extends to understand their meanings, essence, and reasons, without breaching the rule that prescribed it in sources of *Shari'ah* "not to abandon the obvious in the quotation of the texts" it's an approach to achieve the moderation in the understanding of the texts in terms of the basis and the meaning, as it mediate between the excessive ostensible and interior prejudice, *Shātibī*, therefore, has pointed (Shātibī, part 5, p 277) that:

- The first is represented in the apparent denial of the logical reasoning of the *shari'ah* meaning, purposes, and interests. That the literal meaning of the texts is sufficient to know the provisions, and there is no lesson beyond that to learn from the use of analogy, the public interest, custom, and the desirability and to consider consequences behind a ruling in a matter.
- The second, are those who deny the presence of the purpose of the Lawgiver in the literal meaning of the text. *Shātibī* viewed that

those people who considered both literally and figuratively meaning of the text are with straight and upright evidence, with no prejudice to the meaning of the text or vice versa, hence the shari'ah can be understood from this basis without differences or contradiction (Shātībī, part 5, p 177-178).

The *Maqāsid* approach in the *ijtihad* is the moderate method position in the understanding of the shari'ah fundamental principles and textual application, although it seems obvious that scholars have differing views on the purpose of shariah (Karim, Mohammed Ahmed, Edition 1, 1983, p 124) considering that:

- Expandable in the applications without due consideration for standard methodology and shariah fundamentals, overriding the limits of the general meaning as to make it absolute and extensively continue to ignore the general interpretation of the textual sources and denying the basis of related specific rulings with holistic and comprehensive. This group aims at restricting the interpretation of the Shariah text and limits its application in the name of the public interests and higher objectives of the law. Maqasid application was interpreted in such a way that excludes the higher objectives and rulings of Shariah. Hence, the provision is constraining only to the text and dedicated to the extent it is considered.

Ibn Ashur mentioned that: "Shari'ah seeks to achieve the higher objectives in the whole classes of the Ummah without embarrassment or discomfort, combines aspects of its purposes in the duties and laws that facilitate the combination. It ascends the Ummah from the lowest in terms of those purposes to the highest, as much as circumstances allow and easy to achieve.

Otherwise, it descends from the harder to the less hard which it fixes of most important of the purposes "(Ibn Ashour, p 228). From here, the Shari'ah took into consideration setting the obligations and prohibitions which are conserving the purposes of creations and their deserving interests. Considering the degree of the higher objective of shariah, it is divided into five famous general dimensions: protection of conservation of religion, soul, mind, progeny, and property, and these are further divided into a necessity, need, and embellishment. Furthermore, Shariah rulings require the consideration between the general and specific interest, private or public matters, the definitive and speculative, fact and assumptions, conjecture conclusive or presumptive, and the presence of considerable abrogated, or

suspensions evidence from the lawgiver. Consideration of interest is observed and determined based on the extent of its concordant and conflict whereby it favors the higher objective of protection of religion above the soul, and protection of soul over the conservation of intellect so on. Moreover, it prefers necessity above needs, what is needy, and what is needed above embellishment and favour what is generally over what is specific, and what is definitive on what presumptive, and what presumptive over what is fake, (ijtihad Maqasid, 2, p 45) There is no doubt that this section is the most important part of shariah studies. Ibn Taymiyyah also mentioned that it is a great chapter that requires essential attention; because it helps to achieve clarity in argument in religion and how to mediate between the pros and cons, benefits, and harms, and between opposing issues that need to be differentiated, (Majma'u al-Fatawa, part 10, p 619). He says: "the wise is the one who prefers the higher benefit from the two interests and void the greater harm", (al-Maqasid al-Shari'ah 'inda Ibn Taymiyyah, p 300). Accordingly, the consideration of interests is considered when there is no violation of other more important interests or equal to it.

- The right approach is the middle between this and that, considering the general appropriately and putting the specifics in their position. *Shātibī* paid significant attention to these facts and (Shātibī, part 3, p 331), he warned that its necessary to be diligent when taking the general into account and neglect the specific, and rejecting the general in dealing with the specific, where he said: (It is necessary to consider these particulars from the fundamental principles as these colleges, that is; the necessities, needs, and embellishment - when making special evidence from the Qur'an, Sunnah, juristic consensus and analogy, whereby is impossible for the specific to be independent of their general, so whoever takes a partial text, without consideration of the whole has erred as well as accept the general and avoiding the specific is a mistake (Assaf, Saleh bin Hamad, part 3, 1424, p 107). The *Maqāsid* approach which resulted in jurisprudence covers every affair of life, as it accommodates the revelation as a reference framework and a systematic policy. It mobilizes the mind and sharpens its effectiveness to understand the revelation and societal reality- The Shariah objective can reform the conditions of the Ummah according to the priorities which are considered legally, according to the potential in each stage for optimum utilization of potential and avoidance wastage, loss, and er-

ror. The *Maqāsid* approach with its well-built bases and legal policies is capable to achieve moderation that takes the courage without neglecting the permissible from its places and applying the principles of the constant without violating the changes of place and time in non-fix rules. which always held a load of time and place without fix ruling. This approach also deals with accomplishing the reasoning to the people and the others and adjusting the realization bases of the needs, interests, general affliction, and purifier for precautions whereby link between texts and between considerations of interest in the fatwas and Ijtihad, hence there is no excess or negligence.

Ijtihad requires the knowledge of *Dirāyah* (the science of understanding the text) and patience and persistence, and an investigation and precise checking, without all these approaches, may -Allah forbid – it is tantamount to personating to understanding the intent of Allah without the knowledge or comprehension of the text. The realization of this approach does not lead ultimately to an agreed answer on all issues, as it is impossible, because Allah install upon human beings the variation of views. It is sufficient to contribute to bridge the differences and narrow its scope and draw attention to the vision of the real goals of human existence as the Creator wanted and pointed by His noble Messenger peace be upon him and to contribute to Maqasid intellectual development in knowledge and researcher, and ability to consider the consequences, which is apparent in the transformation of mental indoctrination and critical thinking, deduction, inference, induction, analysis, criticism, moderation, and future foresightedness.

Moderation in juristic analysis requires not accepting any thought or judgment without authority or proof and evidence under the slogan: (Bring your proof), and becomes a clear well-dealing with the causes, foundations and the usage and defender of the Sunan, as much as loves to Allah, as Ibn al-Qayyim may Allah have mercy on him said: "It is not a Muslim who surrender to fate, but a Muslim who pushes fate as much as love to Allah "(Ibn al-Qayyim, undated: p 142). Highlighting the principles for dealing with religious texts and understanding the guidelines and mechanisms of extrapolation of these texts, as well as the understanding of reality and its considerations to attain holistic and comprehensive jurisprudence to achieve the purpose of the Lawgiver in maintaining the

Ummatic system and the sustainability of human reforms and development of their energies and intellectual, economic, and social abilities. As Allal El Fassi says, " the General purpose of the Islamic law is building the earth and keeping the maintaining its living system and the sustainability of vicegerent's goodness as appointed for justice, straightening, reforming of the mind and in the work and the earth by extrapolation and management of its resources for the benefits of all "(Research Conference of the educational curricula in the Islamic philosophy and the modern philosophy, 1990).

Conclusion

- In sum, it should be noted that mediation is the basis of legislation in Islam, because Islam mediates between spirituality and the materialistic world. It also balances monasticism, devotion to spirituality, worship, and running after the mortal world with its luxuries and adornments. Islam combines the interests of this world and the hereafter. It is an equilibrium between exaggeration and estrangement, and between excess and negligence, just as extremism and estrangement are blameworthy acts, everyone must benefit from the advice and warning of others against exaggeration or dissolution and concessions which the religion to fade away. In this paper, there is the concern limitation of effective awareness to the people, hence, the stresses the role of the other parties in the educational curricula and institutions for preaching the message and guidance to the people. All of these do not come unless the media adopt moderate transformation and strategic responsibility for the state, which its various organs and institutions adopt in its discourse and exemplify in its practices. The media is a means of evangelization of mirroring the image and purpose of society, and the media industry realized that performing evangelistic functions requires three means, which are: News, education, and entertainment. To play its role in advocating moderation, it should adhere to the three main approaches because the media, with the advancement of its arts and the strength of its influence, has become one of the most important factors in shaping people's perceptions and no doubt that it can also contribute to fueling and promoting

violence. It can also help to spread tolerance, moderation, and justice in society. It is therefore necessary that Fatwas on emerging issues and new incidents are based on moderation and following the controls and provisions mentioned explained and clarified by Islamic jurists. The purpose of this research is to emphasize that Islamic legislation is based on moderation. In addition to the above, we can add that the culture of moderation means: the multiplicity of sources of goodness and the parallelism between its paths, whether those sources are from the different categories of Muslims or belong to non-Muslims.

- Open minded to all human beings who seek good, in adherence to the principle of cooperation in righteousness and piety and guided by the slogan that wisdom is the lost property of the believer, and whenever he finds it, he is more entitled to it.
- The juxtaposition between differentiation issues in a manner that respects the rule of difference and diversity.
- Careful innovation and facilities to the people in a way that does not conflict with the principles and fundamentals of the Shariah.
- Realizing priorities and arranging legal obligations to accommodate each community and environment.
- Considering the change of rulings with the change of places, times, and conditions in the sense of interaction with the geographical and historical structures.
- Gradual legal reporting and obligation.

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