FIQH OF MODERATION:
An Inclusive, Flexible, and Contextual Approach for Contemporary Muslim Societies

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Abstract: This article examines the concept of *fiqh* of moderation (*wasaṭiyyah*) through the framework of inclusive, flexible, and contextual approaches to Islamic jurisprudence. However, the notion of *fiqh* of moderation is not a new term, and previous studies have yet to elucidate the mechanism through which inclusive, flexible, and contextual approaches can effectively serve as models of religious moderation. This article aims to address this lacuna by exploring their practical application to contemporary challenges in Muslim societies. This article uses a qualitative approach with a literature study type of research (library research). This article concludes that the inclusive approach of *fiqh* of moderation encompasses the diversity of legal opinions (*madhāhib*) and fosters interfaith dialogue. The flexible approach employs *ijtihād* to address emergent issues while upholding shariah principles. The contextual approach takes into account socio-cultural specificities in legal interpretation, guided by *maqāṣid al-sharīʿah* (the higher objective of Islamic law). These findings indicate that the integration of these approaches within the *fiqh* of moderation framework results in the creation of a balanced methodology. This methodology preserves the core principles of shariah while enabling adaptability to modern circumstances. This article contributes to the discourse on religious moderation by proposing a theoretical

framework that seeks to harmonize Islamic tradition with contemporary social dynamics. The framework functions as a resource for scholars, policymakers, and Muslim communities seeking to implement moderate religious perspectives that promote social harmony while maintaining religious authenticity.

Keywords: *Fiqh* of Moderation, Inclusive, Flexible, Contextual Interpretation.

Abstrak: Artikel ini mengkaji konsep fikih moderasi (*wasaṭiyyah*) melalui pendekatan inklusif, fleksibel, dan kontekstual dalam yurisprudensi Islam. Namun, fikih moderasi bukanlah istilah yang baru, dan studi-studi sebelumnya belum berhasil menjelaskan bagaimana pendekatan inklusif, fleksibel, dan kontekstual dapat menjadi model yang efektif dalam moderasi beragama. Oleh karena itu, artikel ini bertujuan untuk mengisi kekosongan tersebut dengan mengeksplorasi penerapan praktis dari pendekatan-pendekatan tersebut terhadap tantangan kontemporer dalam masyarakat Muslim. Artikel ini menggunakan pendekatan kualitatif dengan jenis penelitian studi pustaka (*library research*). Artikel ini menyimpulkan bahwa pendekatan inklusif dalam fikih moderasi mencakup keberagaman pendapat hukum (mazhab) dan mendorong dialog antar agama; pendekatan fleksibel memanfaatkan ijtihad untuk menjawab persoalan-persoalan baru dengan tetap menjaga prinsip-prinsip syariah; dan pendekatan kontekstual mempertimbangkan kekhasan sosial-budaya dalam penafsiran hukum, dengan berpedoman pada *maqāṣid al-sharīʿah*. Temuan ini menunjukkan bahwa ketika ketiga pendekatan tersebut diintegrasikan dalam kerangka fikih moderasi, maka akan terbentuk metodologi yang seimbang, yang mampu menjaga prinsip-prinsip inti syariah sekaligus memungkinkan adaptasi terhadap kondisi modern. Artikel ini memberikan kontribusi dalam diskursus moderasi beragama dengan mengusulkan kerangka teoretis yang mendamaikan tradisi Islam dengan dinamika sosial kontemporer. Kerangka ini menjadi sumber rujukan bagi para akademisi, pembuat kebijakan, dan komunitas Muslim yang ingin menerapkan perspektif keagamaan moderat yang mendorong harmoni sosial tanpa kehilangan keaslian ajaran agama.

Kata Kunci: Fikih Moderasi, Inklusif, Fleksibel, Penafsiran Kontekstual.

Introduction

Religious moderation has become one of the important issues in contemporary religious discourse. Amid rapid advancements in information

technology, societies increasingly face challenges related to the diversity of religious perspectives. Religious extremism and radicalism that frequently emerge often cause conflicts within communities. Therefore, religious moderation becomes important to apply in this context, meaning a religious approach that neither leans toward the extreme right nor left, but is capable of integrating religious principles with dynamic social realities.[1]

Religious moderation in the context of *fiqh* (Islamic jurisprudence) is particularly important to address, especially when facing various modern challenges that require flexible and relevant approaches.[2] *Fiqh*, which is fundamentally a dynamic and contextual Islamic legal system, has great potential to promote religious moderation when applied to the principles of *wasaṭiyyah* (moderation) recognized in Islamic tradition.[3] *Fiqh* of moderation emerges as one response to these challenges. *Fiqh* of moderation prioritizes an inclusive, flexible, and contextual approach to understanding and practising Islamic teachings. An inclusive approach means accepting different viewpoints as part of Islamic intellectual richness without disregarding the fundamental principles of Shariah. Flexibility in *fiqh* of moderation allows for adapting Shariah rulings to different temporal and spatial conditions without losing the essence of religious teachings. Meanwhile, the contextual approach emphasizes the importance of considering social, political, and cultural contexts in applying Islamic law, ensuring that the relevance of religious teachings can be maintained in modern life.[4]

Although numerous studies have explored the concept of *fiqh* of moderation, there remains a notable gap in scholarly literature thoroughly

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[1] Ade Jamarudin et al., "Implementing Religious Moderation Using the Perspective of the Qur'an," *KnE Social Sciences* 7, no. 8 (2022): 581, https://doi.org/10.18502/kss.v7i8.10776.

[2] Hasbiyallah, Busra Nur Duran, and Saca Suhendi, "Indonesian Fiqh in Higher Education: A Pathway to Moderate and Inclusive Islamic Values," *Jurnal Pendidikan Islam* 10, no. 1 (2024): 13, https://doi.org/10.15575/jpi.v10i1.26151.

[3] Taufiq bin Radja Nurul Bahri, "Understanding Islamic Moderation: The Wasatiyya Imperative," *Counter Terrorist Trends and Analyses* 4, no. 9 (2012): 18–19, https://www.jstor.org/stable/26351088.

[4] Kurnia Muhajarah and Moh. Erfan Soebahar, "Fiqh of Tolerance and Religious Moderation: A Study Towards Indonesia, Malaysia, and Thailand," *Cogent Arts & Humanities* 11, no. 1 (2024): 56, https://doi.org/10.1080/23311983.2024.2303817.

examining how inclusive, flexible, and contextual approaches within *fiqh* can serve as practical models for religious moderation in contemporary Muslim contexts. Nashiruddin (2016) proposed that *fiqh* moderation represents an effort to integrate literal textual understanding with *maqāṣid al-sharī'ah* (objectives of Islamic law), balancing between definitive principles (*al-thawābit*) and changeable aspects (*al-mutaghayyirāt*) of sharia, and navigating between literal and liberal interpretations to address modern needs.[5] Related research by Sanusi[6] and Dardiri in 2019[7] pursued similar themes. More recent scholarship has examined moderate legal considerations in marriage cases influenced by digital technology, analyzing factors including *fiqh al-maqāṣid*, *fiqh al-awlawiyyāt*, *fiqh al-muwāzanāt*, and *fiqh al-ma'ālāt*.[8] Additional research has illuminated how *fiqh* of moderation - emphasizing *tawassuṭ* (moderation), *tawāzun* (balance), and *i'tidāl* (straightness) in Islamic practice - shares common ground with *al-waṭaniyyah* as an integral aspect of Muslim faith in Indonesia.[9]

Despite those valuable contributions, a critical research gap exists in developing comprehensive, operational frameworks that can transform these theoretical principles into applicable models for addressing religious extremism, fostering peaceful coexistence, and guiding Muslims in navigating complex contemporary challenges in an increasingly globalized world. Moreover, amid increasing conflicts due to religious extremism and

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[5] Muh. Nashiruddin, "Fikih Moderat Dan Visi Keilmuan Syari'ah Di Era Global," *Diktum: Jurnal Syariah dan Hukum* 14, no. 1 (2016): 31, https://doi.org/10.35905/diktum.v14i1.221.

[6] Ahmad Sanusi, "Menggagas Fiqih Moderat (Studi Analisis Kritis Atas Metode Ijtihad Fiqih)," *Syaksia: Jurnal Hukum Perdata Islam* 20, no. 2 (2019): 10, https://doi.org/10.37035/syakhsia.v20i2.2352.

[7] Ahmadi Fathurrohman Dardiri, "Fiqh Moderat Muhammad Mushtafa Al-Zuhaily," *al-Mawarid Jurnal Syariah dan Hukum* 1, no. 1 (2019): 112, https://doi.org/10.20885/mawarid.vol1.iss1.art6.

[8] Erlin Diana Wati et al., "Dimensi Fikih Moderat Dalam Putusan Hakim Atas Perceraian Yang Disebabkan Penyalahgunaan Aplikasi Karaoke Online," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 15, no. 1 (2023): 209, https://doi.org/10.32505/jurisprudensi.v15i1.5613.

[9] Muhammad Akil et al., "The Jurisprudence of Religious Moderation: Strengthening Al-Wathanniyah Values at the Intersection of Islam and Nationality," *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 2 (2024): 310, https://doi.org/10.29303/ius.v12i2.1410.

radicalism, research is needed that not only discusses theoretical aspects but also develops practical models that can guide Muslims to implement religious teachings in a moderate, peaceful and harmonious manner. Hence, the study on *fiqh* of moderation is important to explain how inclusive, flexible, and contextual approaches can become effective models of religious moderation. This approach can help avoid exclusivism and rigidity that often cause division within the *ummah* (Muslim community) and provide solutions for society in facing religious challenges in the era of globalization.[10] Thus, this article examines the concept of *fiqh* of moderation (*wasaṭiyyah*) through the lens of inclusive, flexible, and contextual approaches to Islamic jurisprudence.

This article contributes to the development of religious moderation discourse and serves as a reference for Muslims in implementing religious teachings in a more moderate, peaceful, and harmonious manner.[11] This research also contributes theoretically to Islamic scholarship by establishing a conceptual framework that bridges traditional *fiqh* principles with contemporary challenges through inclusive, flexible, and contextual methodologies. On a practical level, it provides tangible direction for Muslim communities navigating the intricate religious landscape of our globalized world. In response to rising tensions driven by religious extremism, the religious moderation model presented here serves as an effective tool for fostering tolerance and community cohesion. Additionally, the findings offer valuable resources for policymakers, Islamic educational institutions, and civil society organizations developing deradicalization initiatives and implementing programs that reinforce moderate religious practices.[12]

Research Method

This article employs a qualitative approach, as this topic relates to understanding, interpretation, and analysis of concepts of *fiqh* of moderation

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[10] Mustaqim Pabbajah, Ratri Nurina Widyanti, and Widi Fajar Widyatmoko, "Membangun Moderasi Beragama: Perspektif Konseling Multikultural Dan Multireligius Di Indonesia," *Jurnal Darussalam* 13, no. 1 (2021): 11, https://doi.org/10.30739/darussalam.v13i1.1304.

[11] Sulaiman et al., "Moderation Religion in The Era Society 5.0 and Multicultural Society," *Linguistics and Culture Review* 5, no. 5 (2022): 188, https://doi.org/10.21744/lingcure.v6nS5.2106.

and religious moderation.[12] The qualitative approach aims to explore how the inclusive, flexible, and contextual approach model is articulated in *fiqh*. The type of research is a literature study (library research).[13] This research focuses on collecting secondary data through literature reviews from *fiqh* texts, academic journals, books related to religious moderation, scientific articles related to religious moderation, and the concept of *fiqh* of moderation. The data analysis technique uses descriptive analysis to elaborate on how the concepts of inclusivity, flexibility, and contextuality in religious moderation are applied in *fiqh*.[14]

Understanding the Concept of *Fiqh* of Moderation

Fiqh of moderation is a concept that emphasizes the application of Islamic teachings in social life, focusing on common welfare (*maṣlaḥah*) and social justice. This *fiqh* attempts to address the challenges of modern society by offering solutions based on relevant Islamic values that are responsive to social dynamics. The concept of *fiqh* of moderation is rooted in the basic principles of Islamic law that prioritize humanity, welfare, justice, and concern for others.[15]

One important concept in *fiqh* of moderation is *maqāṣid al-sharīʿah* (the objectives of Islamic law). *Fiqh* of moderation is strongly influenced by *maqāṣid al-sharīʿah*, which are the fundamental objectives of Islamic law, including the protection of religion, life, intellect, lineage, and property. In the context of fiqh of moderation, Islamic laws are applied with consideration of how they contribute to public welfare (*maṣlaḥah*) and prevent harm (*mafsadah*). This can be seen in social development, where *fiqh* of moderation emphasizes the importance of maintaining societal welfare by avoiding

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[12] Muhammad Ishtiaq, "Creswell, J. W. (2014). Research Design: Qualitative, Quantitative and Mixed Methods Approaches (4th Ed.). Thousand Oaks, CA: Sage," *English Language Teaching* 12, no. 5 (2019): 40–41, https://doi.org/10.5539/elt.v12n5p40.

[13] Lynn Silipigni Connaway and Marie L. Radford, *Research Methods in Library and Information Science* (California: Bloomsbury Publishing, 2021), p. 210.

[14] Marcia A. Mardis and Ruth V. Small, *Research Methods for Librarians and Educators: Practical Applications in Formal and Informal Learning Environments* (Amerika Serikat: ABC-CLIO, 2018), pp. 21-22.

[15] Daniel Engster, *Justice, Care, and the Welfare State* (UK: Oxford University Press, 2015), p. 112.

actions that damage the environment, alleviating poverty, and maintaining social stability.[16]

Concerning welfare, there is also the concept of *maṣlaḥah mursalah* in Islam. *Maṣlaḥah mursalah* is a principle used in social *fiqh* to create laws or policies for the public interest, even if not explicitly mentioned in the Qur'an or Hadith. *Fiqh* of moderation emphasizes the importance of making legal decisions that positively impact the welfare of society at large. In Islam, policies on *zakāt*, *infāq*, *ṣadaqah*, and *waqf* can be expanded to support social welfare programs, such as economic empowerment, education, and health services for people with low incomes.[17]

Besides the above concepts, in *fiqh*, there is also the term *tawāzun* (balance). The principle of *tawāzun* or balance becomes central in social *fiqh*, where Islam teaches balance between individual rights and community interests. *Fiqh* of moderation aims to maintain harmony between personal needs and social responsibilities. In economic transactions, *the fiqh* of moderation emphasizes the importance of justice and balance, both for the benefit of entrepreneurs and the welfare of workers. This concept can be applied to issues of fair wages, labor rights, and corporate responsibility.[18] *Fiqh* of moderation also includes the attitude of justice (*al-'adl*). Justice is a core value in Islam, and in the context of *fiqh* of moderation, any policy or law must be fair to all parties, without discrimination. Fiqh of moderation focuses on achieving social justice, especially for vulnerable or oppressed groups. Fiqh of moderation supports efforts to eradicate poverty, inequality, and social discrimination. For example, the law of *zakāt* is regulated to ensure fair wealth distribution and help those in need.[19]

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[16] Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (London: International Institute of Islamic Thought, 2022), p. 68.

[17] Muhammad Izzat Mohamed and Muhammad Hakimi Mohd. Shafiai, "Islamic Agricultural Economic Financing Based On Zakat, Infaq, Alms And Waqf In Empowering The Farming Community," *IQTISHADUNA: Jurnal Ilmiah Ekonomi Kita* 10, no. 1 (2021): 149, https://doi.org/10.46367/iqtishaduna.v10i1.334.

[18] Samsul Arifin, "The Implementation of At-Tawazun Counseling New Normal Era," *Jurnal Konseling Religi* 12, no. 1 (2021): 21, https://doi.org/10.21043/kr.v12i1.8646.

[19] Sabri Orman, "Al-Ghazâlî on Justice and Social Justice," *TUJISE: Turkish Journal of Islamic Economics* 5, no. 2 (2018): 60, https://doi.org/10.26414/m020.

Fiqh of moderation is also related to social *ijtihād*. *Ijtihād* is an intellectual effort to produce laws or solutions for new problems not explicitly mentioned in religious texts. In the context of *fiqh* of moderation, social *ijtihād* is a process of creative thinking to respond to newly emerging social issues, such as environmental, technological, and globalization issues, while still adhering to Islamic values. Fiqh of moderation can be used to guide in addressing environmental issues, such as sustainable natural resource management laws and efforts to preserve the earth as part of humanity's trust as *khalīfah* (vicegerent) on earth.[20] *Fiqh* of moderation also recognizes the state's role in ensuring that social justice, public welfare, and societal well-being can be achieved. The state is considered an important actor that can facilitate the implementation of Islamic laws oriented toward social welfare. In the context of the state, *fiqh* of moderation supports resource redistribution policies through taxes or *zakāt*, as well as social welfare programs aimed at reducing poverty and inequality.[21]

Thus, the *fiqh* of moderation encourages the application of moderate and inclusive laws, avoiding extreme religious attitudes that could divide society. This moderation aligns with the principle of *wasaṭiyyah* (moderation) recommended in Islam. For instance, a moderate approach in addressing issues of differences in legal schools (*madhāhib*) or religious views in society. *Fiqh* of moderation encourages dialogue and tolerance among various groups to create social harmony.[22] Therefore, *fiqh* of moderation is an approach in Islamic law that emphasizes social welfare and justice, focusing on applying Islamic values in the context of social life. Principles such as *maṣlaḥah*, *maqāṣid al-sharīʿah*, justice, and *ijtihād* become the main foundations in addressing complex social problems in the modern era, with the ultimate goal of creating

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[20] Maryam Qasim, Mohammad Nadeem, and Shazia Ibrahim, "Social Changes, Importance and Need of Ijtihad: An Analytical Study," *Journal of Social Sciences Review* 3, no. 1 (2023): 945, https://doi.org/10.54183/jssr.v3i1.343.

[21] Tanza Dona Pertiwi and Sri Herianingrum, "Menggali Konsep Maqashid Syariah: Perspektif Pemikiran Tokoh Islam," *Jurnal Ilmiah Ekonomi Islam* 10, no. 1 (2024): 10, https://doi.org/10.29040/jiei.v10i1.12386.

[22] Bahri, "Understanding Islamic Moderation: The Wasatiyya Imperative..." p. 19.

a just, prosperous, and harmonious society in accordance with Islamic teachings.[23]

Understanding Inclusive, Flexible, and Contextual Approaches

Inclusive, flexible, and contextual approaches are principles used to understand and apply laws or rules in various fields, including Islamic law, social life, politics, and education. These approaches help create more relevant, fair, and responsive solutions to society's continually evolving dynamics.[24] An inclusive approach means involving all parties and considering the interests of all groups in society without discrimination. This approach emphasizes openness to diversity and appreciation for various perspectives. The main characteristics of an inclusive approach are, first, respect for diversity. It acknowledges that differences in opinions, views, or beliefs within society are natural. In the context of Islamic law, this could mean respecting various legal schools (*madhāhib*) or diverse scholarly opinions. Second is the involvement of all parties in decision-making or policy implementation; an inclusive approach involves all societal groups, including minorities, women, children, and other vulnerable groups. Third, dialogue and tolerance; an inclusive approach encourages cross-group dialogue and tolerance for differences in beliefs, views, or traditions. In *fiqh* of moderation, an inclusive approach means considering opinions from various legal schools and attempting to find common ground that all layers of the Muslim community can accept.[25]

A flexible approach is adapting rules or decisions to evolving situations and conditions. This approach emphasizes that rules or laws need not be understood and applied rigidly but can be adjusted based on needs and realities. The main characteristics of a flexible approach include adaptation to

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[23] Sigit Barazili and Abdul Syukur, "Fundamental Principles of the Ideal Islamic Community (Khair Ummah) in Preserving Religious Solidarity in the Islamic World," *Educatio* 8, no. 3 (2023): 291, https://doi.org/10.29138/educatio.v8i3.1320.

[24] Md. Asham Ahmad, "Moderation in Islam: A Conceptual Analiysis of Wasatiyyah," *IKIM Journal of Islam and The Contemporary World* 4, no. 1 (2011): 10, https://doi.org/10.56389/tafhim.vol4no1.2.

[25] Ahmad Muzakki, "Moderate Fiqh in The Perspective of Islamic Boarding School Students: The Study of Mahasantri Ma'had Aly Situbondo," *Syaikhuna: Jurnal Pendidikan dan Pranata Islam* 14, no. 1 (2023): 101, https://doi.org/10.58223/syaikhuna.v14i01.6400.

situations. Laws or rules can be changed or modified according to time, technology, and societal needs. In Islam, this can be seen in *ijtihād* in Islamic law. In the context of *fiqh*, flexibility is demonstrated by using *ijtihād* to adapt Islamic laws to contemporary situations. For example, scholars can respond to new problems such as digital technology, environment, or Islamic finance with flexible laws. This flexible approach characteristically also avoids rigidity. This means the flexible approach prevents the application of laws that are too rigid and no longer relevant to current conditions.[26]

Meanwhile, a contextual approach means understanding and applying rules or laws based on specific situations, social conditions, and cultures in a particular place or time. This means laws or rules are not applied universally without considering a society's local or specific context. The main characteristics of this contextual approach include considering socio-cultural conditions. This approach takes into account social, cultural, and economic factors in applying a rule or law. What applies in one place may not be relevant elsewhere due to differences in context.[27]

In Islam, the characteristics of a contextual approach refer to *maqāṣid al-sharī'ah* (the objectives of Islamic law). In Islamic law, the contextual approach is based on the main objectives of Islamic law (*maqāṣid al-sharī'ah*), namely to protect religion, life, intellect, lineage, and property.[28] The rules applied must adapt to the conditions of society to achieve these objectives.

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[26] Vienne W. Lau et al., "Moving From Problems to Solutions: A Review of Gender Equality Interventions at Work Using An Ecological Systems Approach," *Journal of Organizational Behavior* 44, no. 2 (2022): 400-401, https://doi.org/10.1002/job.2654.

[27] Nia Nur Pratiwi and Putu Ayu Suniadewi, "Navigating Common Good for Religious Moderation in Indonesia's Multicultural," *Pancasila: Jurnal Keindonesiaan* 4, no. 1 (2024): 120, https://doi.org/10.52738/pjk.v4i1.437.

[28] Edi Kurniawan et al, "Early Marriage, Human Rights, and the Living Fiqh: A Maqasid Al-Shari'a Review," *Al-Risalah* 20, no. 1 (2020): 9; Edi Kurniawan, "Distorsi Terhadap Maqasid Al-Syari'ah Al-Syatibi di Indonesia," *Al-Risalah* 18, no. 2 (2018): 191, https://doi.org/10.30631/al-risalah.v18i2.301; Edi Kurniawan and Syed Arif Asyraf Bin Syed Zaiful, "Beribadah Di Tengah Wabak Covid-19: Analisis terhadap Fatwa Majelis Ulama Indonesia No 14 Tahun 2020 Berasaskan Teori Maqāṣid Al-Sharī 'ah Al-Shāṭibī," *Jurnal Fiqh* 19, no. 1 (2022): 98; Rahmi Hidayati Al Idrusiah et al., "Faskh Law Reformulation in Malaysia: A Critical Examination of Terengganu Sharia Court Case," *Journal of Islamic Thought and Civilization* 14, no. 2 (2024): 311; Kurniawan et al.

Additionally, it focuses on *maṣlaḥah* (benefit). The contextual approach focuses on the welfare of the *ummah*, that is, achieving good and preventing harm in a particular context.[29] These three approaches complement each other and are important in creating relevant and fair decisions or laws. The inclusive approach ensures all groups are involved, the flexible approach allows for adaptation to changing times, and the contextual approach ensures that decisions or laws conform to specific social conditions and realities.[30]

Inclusive, Flexible, and Contextual Approaches in *Fiqh* of Moderation

Inclusive, flexible, and contextual approaches in *fiqh* of moderation are methods Muslim scholars and intellectuals use to understand and apply Islamic law in a broader context, per modern society's social and cultural dynamics. This *fiqh* of moderation aims to make Islamic teachings relevant to contemporary realities without disregarding the fundamental principles of Shariah. The explanation of these three aspects is as follows:[31]

1. *Inclusive Approach*

An inclusive approach in *fiqh* of moderation means involving all groups in society, without discrimination, in legal decision-making or in applying religious rules. This approach emphasizes the importance of dialogue, tolerance, and openness to diverse views within the Muslim community, including in the context of differences in legal schools (*madhāhib*), culture, and social background.[32] There are characteristics of the inclusive approach in *fiqh*

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[29] Pertiwi and Herianingrum, "Menggali Konsep Maqashid Syariah: Perspektif Pemikiran Tokoh Islam..." p. 10.

[30] Yucheng Zhang et al., "A Meta-Analytic Review of The Consequences of Servant Leadership: The Moderating Roles of Cultural Factors," *Asia Pacific Journal of Management* 38 (2021): 390, https://doi.org/10.1007/s10490-018-9639-z.

[31] Mauloeddin Afna, "Exploring Imam Al-Ghazali's Teachings: The Application of Mashlahah-Mursalah in Balancing Islamic Values and Digital Conduct at the Intersection," *Digital Muslim Review* 1, no. 1 (2023): 13, https://doi.org/10.32678/dmr.v1i1.4.

[32] Benjamin Garcia-Lee, Iva Strnadová, and Leanne Dowse, "Researching Belonging in The Context of Research With People With Intellectual Disabilities: A Systematic Review of Inclusive Approaches," *Journal of Applied Research in Intellectual Disabilities* 37, no. 1 (2023): 13178, https://doi.org/10.1111/jar.13178.

of moderation, including respect for diversity: *Fiqh* of moderation respects differences in religious understanding, in terms of differences in legal schools and cultural approaches to religion. For example, the acceptance of various legal schools in Islam (Hanafi, Maliki, Shafi'i, Hanbali, and others) is part of the diversity of the Muslim community.[33]

Furthermore, the characteristic of the inclusive approach in *fiqh* of moderation can be seen in interfaith and inter-group dialogue. *Fiqh* of moderation encourages dialogue between Muslims and adherents of other religions as well as between various groups within Islam. This inclusive approach helps create an atmosphere of tolerance and peaceful coexistence amid differences in beliefs. The involvement of women and minorities is also an inclusive approach in *fiqh* of moderation. *Fiqh* of moderation also emphasizes the importance of involving all groups in society, including women and minority groups, in various fields of life, be it social, political, or economic.[34]

Thus, this inclusive approach responds to the challenges of globalization and pluralism faced by Muslims. In an increasingly complex and heterogeneous society, an exclusive approach (recognizing only one view or one group) is no longer relevant. The inclusive approach in fiqh of moderation maintains the unity of the *ummah* (*ukhuwwah Islāmiyyah*) and builds a harmonious and just society, regardless of existing differences.

2. *Flexible Approach*

A flexible approach in *fiqh* of moderation means adapting Islamic law according to conditions, time, and place. This flexibility is based on the principle of *ijtihad* to establish new laws) which allows scholars to reinterpret existing laws to be relevant to the needs of contemporary society.[35] Characteristics of the flexible approach in *fiqh* of moderation can be seen from

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[33] Asrizal Saiin and Anwar M. Radiamoda, "The Application of the Values of Religious Moderation in Pesantren," *Al-Wasatiyah: Journal of Religius Moderation* 1, no. 2 (2022): 181, https://al-wasatiyah.uinjambi.ac.id/index.php/jrm/article/view/7.

[34] Ahmad, "Moderation in Islam: A Conceptual Analiysis of Wasatiyyah..." p. 10.

[35] Md. Rashidul Islam, "How to Achieve Financial Flexibility: The Role of Corporate Governance," *Journal of The Knowledge Economy* 15, no. 1 (2024): 6549, https://doi.org/10.1007/s13132-023-01182-3.

ijtihād in addressing contemporary issues. Fiqh of moderation encourages the use of *ijtihād* in addressing modern problems not explicitly discussed in the Qur'an and Hadith, such as issues of technology, digital economy, environment, and human rights.

The next characteristic is that the law changes according to the situation. Certain *fiqh* laws can be adapted to different societal conditions. For example, some Islamic economic practices can be adapted to the modern financial system, such as *zakāt* for poverty alleviation or Shariah investments in the capital market. Another characteristic of the flexible approach in *fiqh* of moderation is avoiding rigidity. *Fiqh* of moderation avoids a rigid attitude when applying the law, as rigidity could cause Islamic law to become irrelevant to changing times. Flexibility allows Islamic law to remain alive and beneficial in all social contexts.[36]

This flexible approach addresses Muslims' needs in various evolving social dynamics. The modern world presents new challenges, from the digital economy to climate change, which cannot be answered with a rigid approach to classical *fiqh*. Flexibility in *fiqh* of moderation opens space for adaptation without disregarding Shariah principles. This ensures that Islamic law remains a relevant and applicable guide in the daily lives of Muslims.

3. *Contextual Approach*

A contextual approach in *fiqh* of moderation means understanding and applying Islamic law in accordance with specific social, cultural, and temporal contexts. This includes considering the situations society faces today and how Islamic law can be applied effectively and wisely in that context.[37] Understanding local conditions is part of the contextual approach in *fiqh* of moderation. *Fiqh* of moderation considers the social, cultural, and economic conditions of the local community in establishing a law. This helps avoid applying laws that might be relevant in one place but not in another.

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[36] Hasbiyallah, Duran, and Suhendi, "Indonesian Fiqh in Higher Education: A Pathway to Moderate and Inclusive Islamic Values…" p. 13.

[37] Muzakki, "Moderate Fiqh in The Perspective of Islamic Boarding School Students: The Study of Mahasantri Ma'had Aly Situbondo."

For example, issues related to customs and local practices can be considered in establishing the law.[38]

Fiqh of moderation recognizes that society continues to change, both in terms of values and social practices. This means social and cultural change becomes part of the contextual approach in *fiqh* of moderation. Therefore, Islamic law needs to adapt to these changes to avoid losing relevance. The contextual approach in *fiqh* of moderation plays an important role in maintaining the relevance of Islamic law amid changing times. When law is applied without considering social and cultural contexts, it can cause injustice or even resistance from society. Local context and community needs must be considered so that the application of Islamic law can create greater benefit (*maṣlaḥah*) and not cause division.[39]

Inclusive, flexible, and contextual approaches in *fiqh* of moderation complement each other in creating a model of Islamic law application that not only conforms to Shariah principles but is also relevant to the needs of modern society. The inclusive approach encourages dialogue and participation from various groups, ultimately enriching legal decision-making flexibility. Cross-group dialogue in society helps scholars understand the needs and problems faced by various layers of society, which a rigid legal approach might not address.[40] The inclusive approach respects diversity, including applying the law adapted to diverse socio-cultural contexts. Thus, applying inclusive law will also consider the different socio-cultural backgrounds in various regions. Legal flexibility is needed to adapt to local contexts. Each society has a unique social and cultural context, so a flexible legal application helps address the specific needs of that society.

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[38] Philip Fei Wu, Jessica Vitak, and Michael T. Zimmer, "A Contextual Approach to Information Privacy Research," *Journal of The Association for Information Science and Technology* 71, no. 4 (2019): 489, https://doi.org/10.1002/asi.24232.

[39] Muzakki, "Moderate Fiqh in The Perspective of Islamic Boarding School Students: The Study of Mahasantri Ma'had Aly Situbondo…" p. 101.

[40] Bahri, "Understanding Islamic Moderation: The Wasatiyya Imperative…" p. 19.

Conclusion

This study reveals that *fiqh* of moderation can be effectively implemented through three complementary approaches: inclusive, flexible, and contextual. The main finding demonstrates that when integrated systematically, these approaches create a balanced methodology that preserves essential Shariah principles while enabling adaptability to modern circumstances. The inclusive approach promotes acceptance of legal diversity (*ikhtilāf al-madhāhib*) and facilitates interfaith dialogue, cultivating an environment of mutual respect rather than exclusivism. Through the principled application of *ijtihād*, the flexible approach provides mechanisms to address contemporary issues such as digital technology, environmental challenges, and economic developments while maintaining Islamic legal integrity. The contextual approach, anchored in *maqāṣid al-sharī'ah*, ensures that legal interpretations consider specific socio-cultural contexts, leading to more relevant and effective applications of Islamic law.

This article contributes significantly to religious moderation discourse by constructing a coherent theoretical framework that bridges traditional Islamic jurisprudence with contemporary social dynamics. Unlike previous studies that acknowledge *fiqh* of moderation conceptually, this research articulates practical methodological pathways for its implementation in diverse societal contexts. The implications of this study extend to multiple domains: for Islamic jurisprudence, it offers a methodological framework for addressing novel issues; for religious education, it provides a balanced approach to teaching Islamic law; for community leadership, it presents strategies for fostering cohesion amid diversity; and for policymakers, it suggests approaches for institutional frameworks that promote moderate religious perspectives.

The theoretical development presented herein reinterprets *fiqh* of moderation not merely as a doctrinal concept but as an applicable methodology with practical guidelines for navigating complex contemporary issues while maintaining authentic Islamic values. Subsequent research endeavors should concentrate on conducting empirical tests of this framework across a range of diverse Muslim communities and investigating its application to particular emerging challenges, including the ethical considerations of artificial intelligence, responses to climate change, and the shifting family structures observed in contemporary societies.

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