

Rethinking the Legal Status of Non-Muslims in Islamic Law: *Al-Muwāṭinūn* and the Constitutional Framework of Citizenship in Indonesia

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ABSTRACT

This study aims to examine the relevance of classical Islamic legal categories in defining the status of non-Muslims within the context of Indonesia's pluralistic and democratic state. The research is motivated by recent debates surrounding the use of the term *kāfir* ("infidel") and the need to reassess traditional terminologies such as *ahl al-dhimmah*, *ahl al-ḥarb*, *al-mu'āhid*, and *al-musta'min* in light of contemporary constitutional values. Using a qualitative approach within a library-based research design, the study analyzes classical *fiqh* texts and Indonesian constitutional and statutory legal documents. Through thematic content analysis, the study evaluates the compatibility of Islamic legal reasoning with modern legal principles. The findings indicate that classical classifications of non-Muslims were shaped by the political and imperial contexts of premodern Islamic governance. These categories are no longer fully applicable in the Indonesian nation-state, which is based on equality before the law and religious pluralism. In contrast, the concept of *al-muwāṭinūn* (citizens) aligns with the Islamic legal principle of *murūnah* (adaptability) and supports *ijtihād* (juridical reasoning) responsive to contemporary societal needs. The study contributes practically by offering a theologically grounded yet constitutionally relevant vocabulary for citizenship that enhances civic inclusion and legal equality. It demonstrates how Islamic jurisprudence can evolve to support pluralistic nationhood. This research provides an original contribution by contextualizing classical *fiqh* within Indonesia's constitutional framework, an area underexplored in existing literature. By bridging Islamic legal ethics and Indonesian law, it offers a normative model for redefining non-Muslim citizenship in Muslim-majority democracies.

Keywords: *Al-muwāṭinūn*; constitutional pluralism; Indonesian law; Islamic jurisprudence; non-Muslim citizenship.

ABSTRAK

Penelitian ini bertujuan untuk mengkaji relevansi kategori hukum Islam klasik dalam mendefinisikan status non-Muslim dalam konteks negara Indonesia yang pluralistik dan demokratis. Penelitian ini dilatarbelakangi oleh perdebatan publik terbaru terkait penggunaan istilah *kāfir* ("kafir") dan kebutuhan untuk meninjau kembali terminologi tradisional seperti *ahl al-dhimmah*, *ahl al-ḥarb*, *al-mu'āhid*, dan *al-musta'min* dalam terang nilai-nilai konstitusional kontemporer. Dengan pendekatan kualitatif dalam desain penelitian kepustakaan, studi ini menganalisis teks-teks fikih klasik serta dokumen hukum konstitusional dan perundang-undangan Indonesia. Melalui analisis isi tematik, penelitian ini mengevaluasi kesesuaian antara nalar hukum Islam dengan prinsip-prinsip hukum modern. Temuan menunjukkan bahwa klasifikasi klasik terhadap non-Muslim dibentuk oleh konteks politik dan kekaisaran dalam pemerintahan Islam pramodern. Kategori-kategori tersebut tidak lagi sepenuhnya relevan dalam konteks negara bangsa Indonesia yang menjunjung kesetaraan di hadapan hukum dan pluralisme agama. Sebaliknya, konsep *al-muwāṭinūn* (warga negara) selaras dengan prinsip hukum Islam tentang *murūnah* (adaptabilitas) dan mendukung *ijtihād* (penalaran hukum) yang responsif terhadap kebutuhan masyarakat kontemporer. Secara praktis, studi ini berkontribusi dengan menawarkan kosakata kewarganegaraan yang berakar pada teologi Islam namun relevan secara konstitusional, guna memperkuat inklusi sipil dan kesetaraan hukum. Penelitian ini memberikan kontribusi orisinal dengan mengontekstualisasikan fikih klasik dalam kerangka hukum konstitusi Indonesia, suatu area yang masih jarang dijelajahi dalam literatur yang ada. Dengan menjembatani etika hukum Islam dan hukum Indonesia, studi ini menawarkan model normatif untuk mendefinisikan kewarganegaraan non-Muslim di negara demokrasi dengan mayoritas Muslim.

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Kata kunci: *Al-muwāṭinūn*; pluralisme konstitusional; hukum Indonesia; fikih Islam; kewarganegaraan non-Muslim.

INTRODUCTION

The term *kāfir* (“infidel”) has long carried complex theological and legal connotations within Islamic discourse. Historically, it referred to those who rejected Islam and was used to classify non-Muslims into hierarchical categories such as *ahl al-dhimmah* (protected non-Muslims), *ahl al-ḥarb* (those at war with Muslims), and *al-mustaʾmin* (foreigners granted temporary protection). Over time, however, the meaning and use of *kāfir* have shifted significantly, influenced by changing socio-political contexts and diverse scholarly interpretations. In Indonesia, this transformation reached a turning point when Nahdlatul Ulama (NU) publicly called for replacing *kāfir* with *ghayr al-muslimīn* (“non-Muslim”) in civic discourse, citing the need for inclusive language that reflects the equality of all citizens. This recommendation marked a departure from classical formulations and aligned with Indonesia’s democratic ideals, where national identity transcends religious categorization (Ahmad, 2022; Mu’awwanah, 2024).

At the same time, prominent Muslim thinkers such as Farid Esack and Reza Shah-Kazemi have promoted theological frameworks rooted in pluralism, arguing that Qur’anic ethics support mutual respect across faith communities (Okawa, 2021). Conversely, extremist movements like Daesh have weaponized the term *kāfir* through *takfir* (excommunication), using it to justify violence against religious “others” and dissenting Muslims (Kadivar, 2020; McCarthy, 2016). These conflicting uses underscore the urgent need to reassess classical Islamic classifications of non-Muslims in light of contemporary values such as human dignity, legal equality, and religious freedom. In modern nation-states like Indonesia, governed by constitutional principles rather than religious hierarchies, such reassessment is essential to ensuring that Islamic legal terminology fosters cohesion rather than division.

This evolving discourse on the term *kāfir* is intrinsically linked to the broader question of non-Muslim citizenship in modern Islamic societies, particularly in Indonesia. Classical legal categories such as *ahl al-dhimmah* were historically constructed within imperial frameworks where non-Muslims were granted protection in exchange for subordination, including payment of the *jizyah* tax and limited civil rights. Such classifications inherently positioned non-Muslims as second-class subjects rather than equal members of the polity. In contrast, the modern concept of *al-muwāṭinūn* (citizens) reframes non-Muslims not as protected minorities but as full legal equals, entitled to the same rights and responsibilities as Muslim citizens. In Indonesia, this shift is especially critical as the national constitution affirms equality before the law regardless of religious affiliation. Therefore, reevaluating Islamic legal terminology is not merely a semantic exercise but a necessary step toward aligning religious discourse with constitutional citizenship, ensuring that legal language supports inclusive nationhood and upholds the civic status of all Indonesians, Muslim and non-Muslim alike.

Furthermore, previous studies in this context have focused on three main strands. First, classical jurisprudential studies have examined the legal status of non-Muslims in Islamic law, particularly emphasizing constructs such as *dhimmah*, *jizyah* (a tax levied on non-Muslims), and *ḥarb* (state of war) (Al-Qattan, 1999; Littman, 1979; March, 2009; Richards, 1993; Ye’or, 2001). For instance, March (2009) explains that the “jurisprudence of Muslim minorities” (*fiqh al-aqalliyyāt*) seeks to provide an Islamic foundation for a robust relationship of moral obligation and solidarity with non-Muslims.

Second, political and sociological studies have explored interfaith relations and minority rights in Muslim-majority countries, including those in Southeast Asia (Carey, 1999; Leng et al., 2015; Malik, 2017; Pena, 2007). Leng et al. (2015), for example, observed that more than half a century on, controversies

surrounding religion and rights continue to resurface in Southeast Asia, including in Malaysia, Indonesia, Singapore, Thailand, and the Philippines.

Third, contemporary Islamic thought, particularly the work of scholars such as Fahmī Huwaydī and Yūsuf al-Qaradāwī, has advocated for more inclusive interpretations of citizenship, notably through the concept of *al-muwāṭinūn* (citizens), which emphasizes legal and civic equality (Al-Qaradāwī, 1999b; Huwaydī, 1999; Sholihuddin, 2021). For instance, Sholihuddin (2021) states that the discourse on Muslim–non-Muslim relations is closely tied to perspectives on religion and the state. He outlines three main views: (1) Integralism, which sees religion and state (*al-Islām dīn wa dawlah*) as inseparable; (2) Secularism, which treats religion and the state as distinct entities; and (3) Symbiosis, a view that regards religion and the state as mutually supportive, each needing the other for development and stability. However, most of these studies do not assess the applicability of such classical categories within a specific national legal system like that of Indonesia, leaving a gap in the literature that this article seeks to address.

Following the review of previous studies, this study poses two central research questions: (1) Are classical *fiqh* terminologies, such as *ahl al-dhimmah*, *ahl al-ḥarb*, *al-mu'āhid*, and *al-musta'min*, still relevant within Indonesia's contemporary legal framework? and (2) What term is most appropriate for describing non-Muslim citizens of Indonesia from a *fiqh*-based perspective? To address these questions, the study critically reexamines classical Islamic legal classifications through the lens of Indonesia's democratic constitutionalism, which is grounded in religious pluralism and the foundational principles of Pancasila. This study contributes to the growing discourse on Islamic constitutionalism by offering a reinterpretation of classical legal concepts that harmonizes Islamic jurisprudence with civic equality and national identity. It also aims to identify a terminology that aligns with both Islamic jurisprudence and Indonesia's constitutional values, particularly regarding religious freedom, civic equality, and national identity.

This study argues that the classical legal categories applied to non-Muslims in Islamic jurisprudence, such as *ahl al-dhimmah*, *ahl al-ḥarb*, *al-mu'āhid*, and *al-musta'min*, were historically grounded in hierarchical political contexts that are incompatible with the egalitarian ethos of modern constitutional democracies. In contrast, the concept of *al-muwāṭinūn* (citizens), as advanced by contemporary scholars like Huwaydī (1999) and Al-Qaradāwī (1999b, 1999a), offers a more inclusive legal framework for pluralistic societies. Drawing upon the principles of *maqāṣid al-sharī'ah* (the higher objectives of Islamic law), particularly justice (*'adl*), human dignity (*karāmah*), and coexistence (*ta'āyush*), this study hypothesizes that *al-muwāṭinūn* provides a normative and constitutional basis for affirming the equal legal status of all citizens in Indonesia, regardless of religion. While the theological classification of *kāfir* remains doctrinally fixed (*qaṭ'ī*), the juridical interpretation of citizenship is contingent (*ẓannī*), allowing for contextual *ijtihād* (juridical reasoning) that aligns with Indonesia's commitment to pluralism and civic equality. Through this framework, the article reassesses classical *fiqh* and explores the possibility of legal reinterpretation that maintains fidelity to Islamic principles while meeting the demands of a diverse, democratic society.

RESEARCH METHOD

This study employs a qualitative methodology within a library-based research design, focusing on the interpretive analysis of normative legal and religious texts (Parker, 2022). A qualitative approach was chosen because the objective of this study is not to measure variables but to explore complex legal, theological, and philosophical constructs through textual interpretation. The library-based model is appropriate given that the primary data consist of canonical Islamic legal texts and state regulatory documents, both of which require close reading and contextual analysis.

The unit of analysis in this study is normative texts, specifically classical *fiqh* (Islamic jurisprudence) literature from various Islamic legal schools (*madhāhib*) and contemporary Indonesian legal documents that regulate citizenship, religious identity, and civil rights. These texts serve as the core material through which the discourse surrounding the legal status of non-Muslims is examined. This includes both theological formulations and codified legal norms that reflect the sociopolitical realities of their respective periods.

Moreover, the data used in this study are drawn from two main categories. First, classical and contemporary *fiqh* sources representing multiple *madhāhib*, including the works of prominent scholars (Al-Baghdādī, n.d.; Al-Bāqī, n.d.; Al-Dasūqī, 1934; Al-Ḥambalī, n.d.; Al-Khayyāt, 1999; Al-Mālikī, 2006; Al-Maqdisī, 1996; Al-Qaraḍāwī, 1999b, 1999a; Shuwaykhāt, 1999; Zuḥaylī, 2008, 2022). Second, legal texts from Indonesia's positive law, including the 1945 Constitution, Law No. 12 of 2006 on Citizenship, Law No. 39 of 1999 on Human Rights, and various policy documents that address religious pluralism and national identity. Together, these sources provide both doctrinal foundations and contemporary legal interpretations of citizenship.

Data was collected through an in-depth literature review, focusing on both primary and secondary sources. This involved systematic searches through university libraries, digital repositories, and academic databases such as JSTOR, SAGE, SpringerLink, and Google Scholar. Search keywords included “non-Muslim in Islamic law,” “citizenship in Islam,” “*ahl al-dhimmah*” (protected non-Muslims under Islamic rule), “*al-muwāṭinūn*” (citizens), and “religious freedom in Indonesia.” Materials were selected based on their relevance to the research questions, their jurisprudential diversity, and their scholarly credibility.

To analyze the data, the study used content analysis, guided by a thematic approach as outlined by Clarke and Braun (2014). This technique allows for the identification and interpretation of recurring themes, patterns, continuities, and ruptures in the treatment of non-Muslim citizenship across both Islamic jurisprudence and Indonesian statutory frameworks. Key themes include the classification of non-Muslims, the historical and conceptual trajectory of *ahl al-dhimmah* and *al-muwāṭinūn*, and the principle of *murūnah* (legal flexibility). These themes are interpreted within their sociohistorical contexts to evaluate how theological and legal discourses converge or diverge in constructing inclusive models of citizenship in the Indonesian nation-state.

RESULTS

The Definition and Status of Non-Muslim in Classical *Fiqh*

In classical Islamic jurisprudence (*fiqh*), the term *kāfir* (“infidel” or one who rejects faith) plays a central role in defining the religious and legal status of non-Muslims. Etymologically, *kāfir* derives from the Arabic root *k-f-r*, meaning “to cover,” “to conceal,” or “to reject.” Theologically, it refers to those who reject the message (*risālah*) of the Prophet Muḥammad. From a legal perspective, classical *fiqh* defines a *kāfir* as anyone who does not affirm the core principles of Islamic belief, including monotheism and the finality of Prophethood (Al-Qaraḍāwī, 1999b).

The Qurʾān refers to non-Muslims using a range of terms, including *kāfir*, *ahl al-kitāb* (People of the Book), and *mushrik* (polytheist). A prominent example is Sūrat al-Bayyinah (98:6), which states, “Indeed, those who disbelieve among the People of the Scripture and the polytheists will be in the fire of Hell, abiding eternally therein.” In addition to these scriptural references, prophetic traditions (ḥadīth) emphasize ethical conduct toward non-Muslims. One notable narration states, “Whoever harms a *dhimmi* (a protected non-Muslim under Islamic rule), I will be his adversary on the Day of Judgment” (Abū Dāwūd). Classical exegetical works, such as Tafsīr al-Jalālayn (Al-Suyūṭī & Al-Dīn, 1999) and Tafsīr al-Qurṭubī (Al-Qurṭubī, 2003), expand on these references, highlighting their legal implications in the governance of religious minorities.

Drawing on these sources, classical Muslim jurists developed a typology of non-Muslims rooted in their legal and political relationship with the Islamic state. This classification includes *ahl al-dhimmah* (protected non-Muslim residents under Islamic rule), *ahl al-ḥarb* (non-Muslims at war with the Muslim polity), *al-musta'min* (foreigners granted temporary safe-conduct), and *al-mu'āhid* (non-Muslims bound by formal treaty). These legal categories carried specific rights and obligations, often contingent on tax payments, treaty agreements, or political allegiance (Shuwaykhāt, 1999).

Prominent jurists such as al-Māwardī, al-Ghazālī, Ibn Qayyim al-Jawziyyah, and Yūsuf al-Qaraḍāwī offered varied interpretations of these classifications. The Ḥanafī school, for instance, emphasized state protection for *ahl al-dhimmah* if they fulfilled their duties, such as paying *jizyah* (a tax levied on non-Muslim residents). The Mālikī school viewed this protection as conditional upon the individual's loyalty and compliance with Islamic law. The Shāfi'ī and Ḥanbalī schools offered stricter criteria for extending safe-conduct to non-Muslims, particularly those falling under the category of *ahl al-ḥarb*. These doctrinal differences reflect the jurists' attempts to regulate interreligious relations in the context of premodern Islamic empires such as the Abbasid and Ottoman caliphates.

In contrast to these premodern classifications, contemporary Muslim scholars have introduced the concept of *al-muwāṭinūn* (citizens under a unified national legal framework). Though absent from classical *fiqh*, this concept has emerged in response to modern constitutional and democratic structures. Scholars such as Qaraḍāwī and Huwaydī argue that this concept aligns more closely with Islamic principles of justice and the public interest (*maṣlaḥah*) and better suits the framework of modern nation-states.

A closer reading of classical *fiqh* reveals several recurring patterns. First, the legal status of non-Muslims was deeply influenced by power dynamics and security concerns. Second, civil rights were granted incrementally, based on the individual's classification. Third, legal provisions such as *amān* (safe-conduct) and treaty-based protections reflect an early recognition of peaceful coexistence. Lastly, the notion of equal citizenship (*al-muwāṭin*) as understood today was not present in classical jurisprudence and only emerged with the rise of the modern nation-state. These classifications are summarized in Table 1.

Table 1. Classification of Non-Muslims in Classical Fiqh

Category	Definition	Legal Basis	Rights and Restrictions	Juristic Opinions
<i>Ahl al-Dhimmah</i>	Protected non-Muslim residents under Muslim rule	Qur'an (9:29), Hadith	Right to worship, pay <i>jizyah</i> , restricted public religious expression	Māwardī, Ghazālī
<i>Ahl al-Ḥarb</i>	Non-Muslims at war with Islam	Classical legal treatises	No protection; subject to conflict	Shāfi'ī, Ḥanbalī
<i>Al-Musta'min</i>	Foreigners under temporary safe-conduct	Treaty (<i>amān</i>)	Temporary protection during residence	Ibn Qayyim, Mālikī
<i>Al-Mu'āhid</i>	Non-Muslims bound by formal treaties	Bilateral agreements	Conditional protection based on treaty compliance	Māwardī
<i>Al-Muwāṭin</i>	Equal citizens in the modern nation-state	Contemporary <i>ijtihād</i> and state law	Full civil rights based on shared national identity	Qaraḍāwī, Huwaydī

Each category was developed in response to specific historical and political circumstances. For instance, *ahl al-dhimmah* (protected non-Muslims under Islamic rule) refers to non-Muslims who resided in Muslim lands under a formal protection contract (*dhimmah*). In exchange for paying *jizyah* (a tax on non-Muslims), they were granted security of life, property, and religious freedom. This concept finds support in the Qurʾān, particularly in Sūrat al-Tawbah (9:8, 10), as well as in ḥadīth, such as the Prophet's statement: "Whoever harms a *dhimmi*, I will be his adversary on the Day of Judgment." Scholars emphasized the moral and legal obligation to uphold the rights of *ahl al-dhimmah*, whose protection was considered a trust with Allah and His Messenger (Al-Suyūṭī & Al-Dīn, 1999; Al-Ṭayyar, 2006). The agreement remained valid as long as the non-Muslims fulfilled three obligations: payment of *jizyah*, respect for Muslim authority, and compliance with certain aspects of Islamic law (Manzūr, 1994). In practice, *ahl al-dhimmah* were treated as permanent residents entitled to justice and protection.

By contrast, *ahl al-ḥarb* (non-Muslims in a state of war with Muslims) refers to those who were actively hostile toward the Muslim community. This classification applied to individuals or communities that fought Muslims, allied with enemies, or resided in territories designated as *dār al-ḥarb* (abode of war) with no formal treaty. The legal consequences extended to various domains, such as prohibitions on trade, inheritance, or interfaith marriage. For example, jurists like Ibn ʿAbbās held that Muslim men were forbidden from marrying women from *ahl al-kitāb* (People of the Book) if they were considered *ḥarbī* (from a belligerent group), due to the element of enmity (Fayyād, 1995).

Another category, *al-muʾāhid* (non-Muslims bound by formal treaties), refers to individuals or groups with whom Muslims entered into formal peace agreements. These treaties were authorized by the Muslim ruler and were valid only if they served the public interest (*maṣlaḥah*), had a clear time frame, and did not contradict Islamic law (Badrān, 1984). Though terminology varied across legal schools, *al-muwāʾadah* among Ḥanafīs, *al-muhādanah* among Mālikīs, *al-muṣālaḥah* among Shāfiʿīs, and *al-hudnah* among Ḥanbalīs all referred to temporary truces or peace settlements aimed at coexistence (Fayyād, 1995; Ibn Qāsim, 1352; Shaybah, 2006; Zuḥaylī, 2008). In the modern era, such agreements have evolved to include not only military truces but also diplomatic, cultural, and economic cooperation under international law.

The term *al-mustaʾmin* (non-Muslim foreigners granted temporary safe-conduct) describes individuals who entered Muslim territory with a guarantee of protection. This category included foreign merchants, travelers, envoys, and others granted *amān* (safe passage) either by the Muslim government or an individual Muslim. The Qurʾān supports this in Sūrat al-Tawbah (9:6), and prophetic traditions affirm that such protection, once granted, must be honored by the entire Muslim community. In modern terms, the *mustaʾmin* is analogous to a visa holder or short-term resident who enjoys temporary protections under the host country's laws (Al-Mālikī, 2006; Al-Maqdisī, 1996; Shukrī, 1883).

Finally, *al-muwāṭin* (citizen) is a modern legal concept that emerged alongside the formation of nation-states. Unlike the categories, it does not originate in classical *fiqh* but in contemporary Islamic legal and political thought (Ābidīn, 1252; Fayyād, 1995). Historically, the term *umma* was used to describe the collective identity of the Muslim community, as seen in the Constitution of Medina, where Muslims and non-Muslims were treated as constituents of a single political unit (Al-Khayyāt, 1999; Al-Mālikī, 2006). Contemporary thinkers such as al-Sanhūrī have argued that Islamic governance traditionally accommodated non-Muslim populations with legal recognition. In this context, *al-muwāṭinūn* conveys not merely residency but full civic membership, with rights and responsibilities defined by national law rather than religious affiliation. The related term *waṭaniyyah* (national identity) emphasizes attachment to homeland, culture, and history (Kaylānī, 1987). Thus, *muwāṭinah* (citizenship) represents a modern legal framework rooted in equality and shared public responsibility, one more fitting for pluralistic societies such as Indonesia.

Based on the findings, it can be concluded that classical Islamic law categorized non-Muslims according to their legal and political relationship with the Islamic state. These classifications were shaped by the historical context of empire-building, warfare, and treaty-making. As a result, the rights and protections granted to non-Muslims were not uniform but depended on their legal status within the Islamic polity.

In detail, several key patterns emerge from this classification system. First, the legal status of non-Muslims was determined primarily by their political position, whether they were allies, neutral, or hostile to the Islamic state. This linkage between legal identity and political security underscores the strategic nature of classical legal classifications. Second, civil rights were distributed along a hierarchical continuum. Non-Muslims did not enjoy equal rights by default; rather, their entitlements were contingent upon loyalty, location, and the specific legal category to which they were assigned. Third, the inclusion of categories such as *al-mu'āhid* (treaty-bound non-Muslims) and *al-musta'min* (temporarily protected foreigners) reflects an early legal recognition of peaceful coexistence and mutual agreement, even without shared religious beliefs. Finally, the concept of *al-muwāṭin* (citizen) as equal legal membership was entirely absent from classical *fiqh* and only emerged with the development of the modern nation-state.

These findings suggest that the classical legal categories were highly contextual, developed in response to the geopolitical and administrative structures of premodern Islamic governance. Although they provided a comprehensive legal framework for managing relations with non-Muslims, these categories were not designed for the egalitarian principles underlying modern constitutional democracies. As such, applying them literally in the contemporary context, such as in the Indonesian nation-state, would be incompatible with constitutional commitments to equality, religious freedom, and civil rights.

The emergence of the concept of *al-muwāṭinūn* (citizens) therefore marks a significant and necessary shift. Rooted in Islamic principles of justice (*ʿadl*) and compassion (*rahmah*), this concept provides a more inclusive and relevant legal identity for non-Muslims in modern Muslim-majority societies. It affirms the adaptability of *fiqh* through contextual *ijtihād* (juridical reasoning), enabling legal norms to evolve in accordance with time, place, and the common good (*maṣlahah*). In this way, Islamic legal thought remains responsive to contemporary challenges while maintaining fidelity to its normative foundations.

***Al-Muwāṭinūn* as the Citizenship of Non-Muslim**

In the context of this study, the primary data analyzed are Indonesian constitutional and statutory laws related to citizenship, particularly for non-Muslims, and contemporary *fiqh* (Islamic jurisprudence) perspectives on the concept of *al-muwāṭinūn* (citizens). This dual focus enables a critical comparison between modern national law and Islamic legal thought regarding equality, rights, and civic belonging in pluralistic societies. In the modern Indonesian state, which upholds equality before the law and religious freedom, classical *fiqh* categories such as *ahl al-dhimmah* (protected non-Muslims), *ahl al-ḥarb* (hostile non-Muslims), and *al-musta'min* (temporarily protected non-Muslims) no longer hold legal or social relevance (Bagir, 2014; Hefner, 2021).

From the standpoint of Indonesian positive law, the 1945 Constitution forms the foundation of citizenship principles (Butt, 2020). Article 26 clearly states, "Citizens shall consist of native Indonesians and individuals of foreign origin who are legalized as citizens by law." It distinguishes between citizens (*warga negara*) and residents (*penduduk*) and affirms equality under the law. Article 27 guarantees that "all citizens shall have equal status before the law and government," while Article 28E guarantees freedom of religion, conscience, and expression. Additionally, Law No. 12 of 2006 on Citizenship provides a comprehensive framework for defining and protecting the rights of all Indonesian citizens. It affirms equal legal standing regardless of religious identity (Colbran, 2010).

When interpreted through the lens of *maqāṣid al-sharī'ah* (the higher objectives of Islamic law) and *murūnah* (legal flexibility), the concept of *al-muwāṭinūn* encompasses essential elements of human security, such as the safeguarding of life, dignity, religion, property, and freedom of conscience. Classical *fiqh* has long emphasized the protection of *ḥuqūq al-insān* (human rights), even for non-Muslim subjects. Extending this ethical foundation, the modern concept of *al-muwāṭinūn* supports equal access to justice, freedom of religion, and legal protection from discrimination. As scholars such as Al-Qaraḏāwī (1999b, 1999a) and (Huwaydī, 1999) have emphasized, the full civil inclusion of non-Muslims in Muslim-majority societies is supported both ethically and legally by *sharī'ah* (Islamic law). The Prophet's ḥadīth, "*Man aḏlama dhimmiyyan fa-anā khaṣmuhu yawma al-qiyāmah*" (Whoever harms a *dhimmī*, I will be his opponent on the Day of Judgment, HR. Abū Dāwūd), is frequently cited as a normative basis for the protection of minorities in Islamic law. This ethical imperative aligns with the constitutional promise of equality and strengthens the relevance of *al-muwāṭinūn* as a term that bridges Islamic legal ethics and the civic ideals of the Indonesian nation-state.

Unlike classical categories such as *ahl al-dhimmah*, *ahl al-ḥarb*, *al-mu'āhid*, and *al-musta'min*, which were shaped by hierarchical and imperial contexts, *al-muwāṭinūn* signifies legal and civic equality. In Indonesia, this term reflects a sense of shared belonging, responsibilities, and protection under the law. Derived from *waṭan* (homeland), it emphasizes loyalty, cooperation, and shared destiny. It is the equivalent of the Indonesian term *warga negara* (citizen), and its legal expression is evident in Articles 27 to 30 of the Constitution and Law No. 12/2006, which provide full rights and responsibilities to all citizens.

Indonesia's modern political system guarantees equal rights for all citizens, Muslim and non-Muslim alike, based on shared contributions to national identity. This fundamental shift demands a fresh *ijtihād* (juridical reasoning) responsive to present-day Indonesian realities. In this light, the terms *al-muwāṭin* (singular) and *al-muwāṭinūn* (plural) are the most appropriate descriptors for non-Muslims. Rooted in the concept of loyalty to the state (*umma*, or community), *muwāṭanah* (citizenship) not only signifies nationality (*jinsiyyah*) but also reflects civic responsibility and mutual protection (Baalbaki et al., 2001). In English, *mawṭin* translates to "citizen," and *muwāṭanah* to "citizenship" (Al-Shāwī, 1992; Shuwaykhāt, 1999). As Marshall explains, citizenship involves full membership in a community, a principle reflected in the Indonesian terms *warga* and *warga negara*, which include both native-born and naturalized individuals (Kaylānī, 1987).

However, the practical implementation of such inclusive citizenship must also contend with localized expressions of religious identity. In Jakarta, for instance, Betawi Muslims have increasingly foregrounded Islamic identity in ways that sometimes politicize ritual practices and differentiate their community from Indonesia's pluralistic heritage. As Miharja, Mulyana, and Izzan (2019) point out, this strengthening of religious identity contributes to the emergence of exclusive groups, which may challenge the hybrid cultural and religious dynamics foundational to Indonesian unity.

Table 2. Classical vs. Modern Islamic Legal Categories for Non-Muslims

Category	Definition	Context of Application	Legal Rights	Relevance to Indonesia
<i>Ahl al-Dhimmah</i>	Protected non-Muslims living under Muslim rule	Classical Islamic empires	Protection in exchange for <i>jizyah</i>	Obsolete under constitutional equality
<i>Ahl al-Ḥarb</i>	Non-Muslims in conflict with Muslim states	Wartime or hostile territories	No legal protection	Not applicable in modern pluralism

Rethinking the Legal Status of Non-Muslims in Islamic Law: *al-Muwāṭinūn* and the Constitutional Framework of Citizenship in Indonesia
Hermanto Harun et al.

<i>Al-Musta'min</i>	Temporary foreign visitors under Muslim protection	Classical treaties or verbal guarantees	Limited, temporary protection	Now governed by visa and immigration law
<i>Al-Mu'āhid</i>	Non-Muslims bound by treaty	Bilateral agreements in imperial contexts	Conditional protection	Replaced by national citizenship frameworks
<i>Al-Muwāṭinūn</i>	Equal citizens in the nation-state	Nation-states, modern constitutional law	Full Civic and legal equality	Fully aligned with Indonesian constitutional principles

According to Article 26 of the 1945 Constitution of Indonesia, citizens are defined as native Indonesians as well as individuals of foreign origin who are legally recognized under Indonesian law. The article further clarifies that residents (*penduduk*) include both citizens and foreign nationals residing within the territory of Indonesia. Furthermore, Articles 27 to 30 of the Constitution guarantee fundamental civil rights and obligations for all citizens. These include the right to work, to defend one's life, to form a family through lawful marriage, and to develop oneself within society and the nation. In turn, citizens are expected to uphold the law, respect the rights of others, and participate in the defense of the nation (Natamiharja & Rasya, 2021).

Recent studies by Indonesian constitutional experts such as Jimly Asshiddiqie and Yusril Ihza Mahendra underscore the nation's pluralist foundation, which rejects legal discrimination based on religion and affirms equal participation in public life (Asshiddiqie, 2021; Mahendra, 1999). Empirical studies such as those by Luthfi Assyaukanie and surveys conducted by the Wahid Institute show that non-Muslims in Indonesia experience citizenship not merely as a legal category but as a lived reality shaped by legal access and social inclusion (Assyaukanie, 2009). These findings reinforce the notion that *al-muwāṭinūn*, when applied through the lens of *fiqh* (Islamic jurisprudence), is a meaningful and inclusive term that aligns with both Islamic ethics and the constitutional principles of modern Indonesia.

To further clarify and operationalize these rights, the Indonesian government issued Law No. 12 of 2006 on Citizenship. This law defines eligibility, procedures for naturalization, causes for loss of citizenship, and pathways to re-acquisition. Within this framework, all citizens are treated equally, affirming that Islamic teachings do not marginalize minority groups (Aji et al., 2024). On the contrary, Islam emphasizes shared humanity and the equal dignity of all individuals (Baalbaki et al., 2001; Karimullah, 2023). A notable example is Caliph 'Umar's policy toward the Christian tribe of Banū Taghlib, who were not subjected to *jizyah* (tax on non-Muslims) but instead paid charitable taxes like their Muslim counterparts. This historical precedent supports inclusive policies in many modern Muslim-majority states.

These constitutional and Islamic values are not unique to Indonesia. In Lebanon, for example, Shaykh Muḥammad Mahdī Shams al-Dīn argued for *waḥdah waṭaniyyah* (national unity) between Muslims and Christians as equal citizens. The term *al-muwāṭin* (citizen) is therefore increasingly relevant in multiethnic and multireligious societies. As a concept rooted in *murūnah* (adaptability), it allows *fiqh*-based *ijtihad* (juridical reasoning) to evolve with sociocultural change (Farah et al., 2004).

Based on the analysis of Indonesian legal texts and contemporary *fiqh* perspectives, it can be reaffirmed that among the classical classifications, only *al-muwāṭinūn* accurately reflects the civic and legal identity of non-Muslim citizens in modern Indonesia. Terms such as *ahl al-dhimmah* or *ahl al-ḥarb*, rooted in

hierarchical and protection-based frameworks, are no longer relevant within a constitutional system that upholds equal rights and shared national identity.

Several key patterns emerge from this analysis. First, there is a clear legal shift from exclusive to inclusive models of citizenship. The transition from the toleration-based status of *ahl al-dhimmah* to the equal civic status embedded in *al-muwāṭinūn* reflects a broader movement from protective differentiation to participatory equality. Second, the principles of *maqāṣid al-sharīah* (higher objectives of Islamic law) align closely with the Indonesian Constitution, particularly Articles 26 to 28, indicating a convergence between Islamic ethical teachings and constitutional values. Third, the adaptability of Islamic law, conceptualized through *murūnah*, allows scholars to engage in contextual *ijtihād*, enabling the reinterpretation of legal categories without undermining core theological doctrines. Finally, *al-muwāṭinūn* proves to be a powerful ethical and legal vocabulary for conceptualizing multicultural citizenship, firmly grounded in both *sharīah* and national law. The integration of *al-muwāṭinūn* into Indonesian legal and religious discourse not only revitalizes Islamic jurisprudence but also reinforces the legitimacy of the constitutional framework in a Muslim-majority democracy. This synthesis of Islamic tradition and modern governance enriches the discourse on *fiqh al-muwāṭinah* (jurisprudence of citizenship), offering a viable normative model for other Muslim-majority nations seeking to reconcile religious heritage with contemporary constitutionalism.

Practical Legal Implications of the Term *al-Muwāṭinūn*

The term *al-muwāṭinūn* (citizens) plays an increasingly important role in shaping not only Islamic legal discourse but also Indonesia's broader legal and political framework. Its relevance emerges most clearly in how it offers a civic-based, egalitarian model of citizenship consistent with Indonesia's constitutional foundation. Law No. 12 of 2006 concerning Citizenship explicitly states that citizenship in the Republic of Indonesia cannot be discriminated against based on religion, race, ethnicity, or gender. Article 4 of the law affirms this commitment, mirroring the ethical and legal principles embedded in *al-muwāṭinūn*, which reject religious hierarchies in favor of shared legal identity. Additional instruments, such as Law No. 39 of 1999 on Human Rights and Law No. 23 of 2006 on Population Administration, underscore this inclusivity by ensuring equal documentation and legal standing for all citizens, including those outside the majority religious groups.

The relevance of *al-muwāṭinūn* is further supported by the evolving interpretations among contemporary Muslim thinkers. Scholars such as Fahmī Huwaydī and Yūsuf al-Qaraḍāwī explicitly call for the abandonment of classical categories such as *ahl al-dhimmah*, which were historically linked to hierarchical state structures. In Huwaydī's seminal work *Muwāṭinūn Lā Dhimmīyyūn*, he argues that modern Muslim and non-Muslim citizens should be viewed as equal participants in the civic order. Qaraḍāwī similarly affirms that the legitimacy of a state is measured by its justice, not by religious imposition, and that *al-muwāṭinah* (citizenship) must be grounded in dignity and freedom. These scholarly positions provide a robust jurisprudential basis for Indonesia's constitutional model of citizenship, thereby integrating Islamic principles into the national legal narrative.

Evidence from Indonesian legal practice further strengthens this alignment. Judicial reforms and legal decisions increasingly reflect the ethos of *al-muwāṭinūn*. For instance, the Constitutional Court's 2016 decision affirming the right of religiously unaffiliated citizens to obtain identity documents marks a significant shift toward equal civic treatment. In areas such as family law, inheritance, and interfaith marriage, where classical *fiqh* (Islamic jurisprudence) traditionally imposed restrictions on non-Muslims, Indonesian legal institutions are beginning to adopt more inclusive interpretations, driven by the need for equity and legal certainty. In doing so, they echo the ethical imperatives of Islamic law, particularly those rooted in *maqāṣid al-sharīah* (the higher objectives of Islamic law) and *murūnah* (legal adaptability).

Furthermore, *al-muwāṭinūn* has implications for political participation. While classical jurisprudence often excluded non-Muslims from holding positions of political authority, modern Indonesian constitutional law guarantees political equality through Article 27 of the 1945 Constitution. This article ensures that every citizen, regardless of religious affiliation, has the right to equal opportunity in public service and political life. Contemporary *ijtihād* (juridical reasoning) informed by *al-muwāṭinūn* supports a reinterpretation of political leadership grounded in national identity rather than religious exclusivity, provided it does not contravene definitive religious rulings (*qaṭʿī*). Thus, *al-muwāṭinūn* becomes a functional legal term that reconciles religious tradition with the inclusive demands of a pluralist democracy. The distinctions between classical Islamic legal categories and Indonesia’s modern legal framework can be seen clearly in Table 3.

Table 3. Classical Fiqh Categories and Modern Legal Status in Indonesia

Category	Definition	Rights and Obligations	Relevance in Indonesia
<i>Ahl al-Dhimmah</i>	Protected non-Muslims under Islamic rule	Limited rights, jizyah tax	Obsolete under constitutional equality
<i>Ahl al-Ḥarb</i>	Non-Muslims in conflict with Muslim polity	No protection	Incompatible with current legal system
<i>Al-Mustaʿmin</i>	Foreigners granted safe conduct	Temporary protection	Governed by immigration law
<i>Al-Muʿāhid</i>	Non-Muslims bound by treaty	Conditional protection	Replaced by national citizenship frameworks
<i>Al-Muwāṭinūn</i>	Equal citizens in a nation-state	Full rights and responsibilities	Affirmed in constitutional law and fiqh ethics

A more focused comparison of *ahl al-dhimma* and *al-muwāṭinūn* also highlights the paradigm shift in rights and responsibilities as explained in Table 4.

Table 4. Rights Comparison: *Ahl al-Dhimmah* vs. *Al-Muwāṭinūn*

Aspect	<i>Ahl al-Dhimmah</i>	<i>Al-Muwāṭinūn</i>
Legal Status	Protected minority	Equal citizen
Taxation	Obligated to pay <i>jizyah</i>	Equal tax duties with Muslims
Political Rights	Excluded from governance	Eligible for public office
Religious Freedom	Restricted in public expression	Constitutionally protected
Civil Participation	Partial legal standing	Full legal standing

From these data and developments, several clear patterns emerge. First, all classical legal categories were historically contextual, designed to operate within the framework of Islamic empires where Muslims held hegemonic power. These terms were structured to delineate rights based on treaty status, religious affiliation, or subordination. Second, despite this history, there is continuity in the ethical commitment of Islamic jurisprudence to human dignity (*ḥuqūq al-insān*), as evidenced by longstanding protections offered to non-Muslims. Third, *al-muwāṭinūn* represents a doctrinal evolution that integrates Islamic ethics with the principles of equality and legal pluralism central to modern nation-states. As such, it is a more suitable term for addressing contemporary challenges in citizenship, law, and governance.

The integration of *al-muwāṭinūn* into Indonesia's legal and religious lexicon carries significant normative implications. Socially, it fosters a more inclusive understanding of nationhood that transcends sectarian boundaries. Politically, it strengthens the legitimacy of state institutions by ensuring equitable participation for all citizens. Legally, it encourages rights-based *ijtihād* that remains faithful to Islamic tradition while responding to new realities. As a theological and constitutional bridge, *al-muwāṭinūn* offers a powerful framework for civic inclusion, one that harmonizes the ethical spirit of *sharī'ah* with the democratic values enshrined in Indonesia's constitutional order.

Discussion

The analysis of classical Islamic legal categories regarding non-Muslims reveals a deeply contextualized framework rooted in the sociopolitical dynamics of premodern Islamic empires (Husain et al., 2024; Sahner, 2023). Terms such as *ahl al-dhimmah* (protected non-Muslim subjects under Islamic rule), *ahl al-ḥarb* (non-Muslims in a state of war), *al-musta'min* (non-Muslim foreigners granted temporary protection), and *al-mu'āhid* (non-Muslims bound by treaty) were not fixed theological designations but legal classifications shaped by the imperatives of political sovereignty, military security, and treaty obligations. These categories provided varying degrees of rights and protections to non-Muslims based on their political relationship with the Islamic state, highlighting the hierarchical nature of Islamic legal thought in managing religious diversity.

Moreover, scholars such as Lewis (2013) and Friedmann (2003) have emphasized that categories like *ahl al-dhimmah* and *ahl al-ḥarb* reflected not only religious worldviews but also imperial politics and territorial control. While functionally effective in their time, these classifications established a tiered legal system in which non-Muslims occupied a subordinate civil status. In addition, Littman (1979) and Al-Qattan (1999) further explain that the *dhimmah* system institutionalized protection in exchange for submission, taxation, and restricted public religious expression.

Building on this analysis, the present study confirms that these classical categories are no longer adequate within Indonesia's modern, pluralistic constitutional context. It argues that the legal framework of *al-muwāṭinūn*, grounded in equal citizenship and civic inclusion, is both normatively superior and more consistent with Indonesia's commitment to pluralism, human dignity, and national unity.

These classical legal frameworks were developed in a historical context where Muslims held unilateral political power and Islamic empires governed through a legal system that presupposed asymmetry between Muslims and non-Muslims. Such frameworks were intrinsically tied to a model of statehood rooted in religious hierarchy and territorial expansion. However, this model of Islamic political authority is no longer compatible with the structure of modern constitutional nation-states. In contemporary democracies, such as Indonesia, the state is grounded in principles of equal citizenship, legal unity, and an inclusive national identity (Bourchier, 2019). Legal distinctions based on religious identity stand in direct contradiction to the egalitarian norms enshrined in the 1945 Constitution and reinforced by laws such as Law No. 12 of 2006 on Citizenship (Bourchier, 2019; Hefner, 2021).

This legal disparity is not merely theoretical; it manifests in ongoing political realities, especially during highly polarized electoral moments. As Ahmad et al. (2023) demonstrate, Indonesia's 2019 presidential election was marked by strong religious sentiment and visible alignment of Islamic fundamentalist groups with specific candidates. Their study anticipates similar religious polarization in the 2024 elections, where fundamentalist actors are expected to support figures amenable to their ideological stance. The challenge of fostering inclusive citizenship is further complicated by the persistence of intolerant views even among young intellectuals. Lestari (2021), in her study involving over 600 university students in West Java, reveals that while many exhibit multicultural awareness, a significant portion still harbors misconceptions linking

jihād with violence and terrorism. Alarmingly, 15% of respondents showed partial agreement with suicide bombing as a form of jihād. These findings underscore the urgent need for robust civic and religious education rooted in the inclusive ethics of al-muwāṭinūn, which affirms pluralism, human dignity, and peaceful coexistence in the framework of Islamic jurisprudence and national identity.

Moreover, this political polarization is exacerbated by the rise of conservative Islamic groups that resist the inclusive narrative of civic equality. As Jubba, Awang, and Sungkilang (2021) observe, organizations such as Muhammadiyah and NU face internal challenges in promoting Islamic moderation due to the increasing influence of conservative factions. These groups often demonstrate limited respect for other religious communities and tend to reject perspectives outside their ideological boundaries, thereby obstructing the broader implementation of egalitarian concepts like al-muwāṭinūn in public life.

In light of this shift, this study finds that the concept of *al-muwāṭinūn*, as developed by contemporary Muslim scholars including Yūsuf al-Qaraḏāwī and Fahmī Huwaydī, provides a more theologically sound and contextually relevant model for articulating citizenship in pluralistic societies (Al-Qaraḏāwī, 1999a; Huwaydī, 1999). This orientation in al-Qaraḏāwī's thought reflects a broader commitment to renewing Islamic legal methodology in response to dynamic societal needs. As Khaeruman (2016) emphasizes, al-Qaraḏāwī proposes two approaches to address contemporary legal challenges: *intiqā'ī* (critical selection of existing fatwas) and *inshā'ī* (formulating new rulings), both grounded in moderation and guided by the principle of *taysīr* (facilitation). His jurisprudence does not treat social change as a threat but as an opportunity for growth and *ijtihād*. This perspective situates al-muwāṭinūn not merely as a legal reclassification, but as part of a larger juristic movement toward harmonizing Islamic ethics with modern realities.

Unlike the classical categories that institutionalized differential treatment, *al-muwāṭinūn* reconceptualizes citizenship as a relationship grounded in mutual obligation, equal dignity, and shared legal status within a unified political community. As argued by Norman and Ruhullah (2024), *al-muwāṭinūn* reflects core Islamic values such as justice (*'adl*), compassion (*rahmah*), and public welfare (*maṣlahah*), which align with the *maqāṣid* (higher objectives) of Islamic law. Rather than preserving asymmetrical legal hierarchies between Muslims and non-Muslims, this model promotes an egalitarian ethos that resonates with democratic governance. It empowers Islamic jurisprudence to serve not only as a moral compass but also as a viable framework for contemporary citizenship in multicultural and multireligious societies. This view finds further support in classical and historical sources. As Abdullah (2018) emphasizes, the mission of Islam is deeply rooted in liberating humanity from injustice and preserving religious freedom as a central ethical imperative. This shift, rooted in dynamic *ijtihād* and ethical adaptability, demonstrates that Islamic legal tradition has the internal capacity to evolve and engage constructively with the modern state's commitment to inclusivity and human rights.

Recent scholarship has challenged the contemporary relevance of classical legal categories. Huwaydī's influential work *Muwāṭinūn Lā Dhimmiyyūn* argues that the *dhimmah* contract is obsolete and must be replaced with a model of equal citizenship rooted in civic participation (Huwaydī, 1999). Likewise, Al-Qaraḏāwī (1999a) calls for renewed *ijtihād* (juridical reasoning) that prioritizes *maqāṣid al-sharī'ah* over textual literalism, especially when addressing issues of governance, minority rights, and the legal integration of diverse religious communities.

In the Indonesian context, the relevance of *al-muwāṭinūn* is especially pronounced. The 1945 Constitution defines citizenship in legal rather than religious terms (Sholihuddin, 2021). Article 26 recognizes both native Indonesians and legally acknowledged individuals of foreign descent as citizens. Article 27 guarantees equal status before the law for all citizens, while Article 28 protects freedom of religion and conscience. These provisions are more than symbolic; they reflect Indonesia's pluralistic society, in which

both Muslims and non-Muslims participate actively in national development and governance (Bedner & Huis, 2008).

Previous studies e.g., Assyaukanie (2009); Bagir (2014); and Carey (1999) have documented how classical *fiqh* terms are still invoked in political discourse, particularly in relation to minority rights. Yet, as Butt (2020) and Colbran (2010) argue, Indonesian constitutional law increasingly promotes an inclusive civic identity grounded in equality. Surveys by the Wahid Institute further reveal that despite legal protections, non-Muslim citizens often face structural discrimination, underscoring the need for reinterpretation both in *fiqh* and public policy (Khanif, 2020).

This study builds on and extends these discussions by offering a systematic comparison between classical Islamic legal categories and Indonesia's constitutional framework, using *maqāṣid al-sharī'ah* as a normative bridge. Its novelty lies in integrating theological discourse with legal-constitutional analysis to propose *al-muwāṭinūn* as a viable replacement for outdated categories such as *ahl al-dhimmah*. Unlike previous studies, which either critique classical *fiqh* or analyze Indonesian law in isolation, this research brings both traditions into structured dialogue, resulting in a context-sensitive, theologically grounded model for inclusive citizenship in Muslim-majority democracies.

The principle of *al-muwāṭinūn* harmonizes with these constitutional commitments. It represents not a rupture with the Islamic legal tradition but a continuation of its interpretive tools, especially *ijtihād* and *murūnah*. These mechanisms enable legal reinterpretation in response to be changing sociopolitical realities while maintaining fidelity to Islamic ethical foundations. In this context, *al-muwāṭinūn* embodies core values such as the protection of minorities, human dignity, and justice, while translating them into a legal vocabulary appropriate for the modern nation-state.

Moreover, Indonesia's legal system increasingly reflects this shift. Constitutional Court decisions recognizing the civil rights of religious minorities, along with a rejection of religious exclusivism in administrative policy, demonstrate a gradual internalization of inclusive legal principles (Khanif, 2020). These changes are not coincidental; they stem from the recognition that classical *fiqh* categories, while historically significant, are no longer adequate to meet the legal and moral demands of a pluralist democracy (Crouch, 2013). Moreover, the difficulty of harmonizing Islamic legal frameworks with diverse socio-cultural traditions is not unique to national governance but is evident at the local level as well. Mulia et al. (2024) highlight how in Aceh, conflicts often arise between customary practices and interpretations of *fiqh siyasah*, illustrating the tension between religious orthodoxy and cultural autonomy. Their findings affirm that legal pluralism and contextual sensitivity are crucial for maintaining social solidarity in Muslim-majority regions. The study's emphasis on consensus and cultural accommodation reinforces the need for flexible jurisprudential models—such as *al-muwāṭinūn*—that can bridge doctrinal rigidity and social cohesion.

Furthermore, Bouchier (2019) states that Indonesia's national ideology, Pancasila, supports this shift by reinforcing civic equality and religious pluralism. Islamic jurisprudence, far from opposing this framework, can serve as a theological resource that strengthens social cohesion and democratic legitimacy (Chia, 2022). In addition, Huwaydī (1999) explicitly called for a complete departure from *ahl al-dhimmah* terminology in favor of a civic legal identity in which Muslims and non-Muslims are equal stakeholders in public life.

This study builds upon earlier research by systematically comparing classical Islamic categories with Indonesia's legal framework, including Law No. 12 of 2006 and Articles 26–28 of the Constitution. It also engages with the work of Prihantoro et al. (2023), who argue for the contextual adaptation of Islamic law through reinterpretive methodology. This aligns with Ahmad (2022), who demonstrates how *sharī'ah*-based ethics and state law can be harmonized to govern religious diversity.

Evidence from Indonesian legal reform supports this convergence. As Hefner (2021) notes, the 2016 Constitutional Court ruling affirming the identity rights of religiously unaffiliated citizens reflects a judicial

commitment to inclusive citizenship. In fields such as family law, inheritance, and political participation, areas where classical *fiqh* often imposed restrictions on non-Muslims, Indonesian legal institutions are increasingly adopting interpretations aligned with equality and constitutional rights.

The concept of *al-muwāṭinūn* offers a compelling and ethically sound framework for reimagining non-Muslim citizenship in Indonesia. It bridges Islamic legal reasoning with modern legal principles by affirming that justice, not religious hierarchy, should form the foundation of political legitimacy. This conceptual reorientation is crucial for Indonesia's internal unity and may also serve as a model for Muslim-majority nations navigating the intersection of Islamic tradition and democratic governance.

CONCLUSION

This study finds that in Indonesia's pluralistic and democratic context, the term *al-muwāṭinūn* (citizens) is the most appropriate terminology for describing the legal and civic status of non-Muslims from the perspective of *fiqh* (Islamic jurisprudence). In response to the first research question, whether classical legal categories remain relevant, the analysis confirms that terms such as *ahl al-dhimmah*, *ahl al-ḥarb*, *al-musta'min*, and *al-mu'āhid*, although historically meaningful, were formulated by classical '*ulamā'*' (Islamic scholars) to address the sociopolitical realities of their time. These contexts were characterized by imperial expansion, religious stratification, and asymmetric political authority. Given the radically different political and constitutional framework of Indonesia today, rooted in legal equality, pluralism, and democratic governance, these classical categories no longer provide a suitable foundation for defining citizenship in the contemporary era. Therefore, a renewed process of *ijtihād* (juridical reasoning) is necessary to develop legal terminology that resonates with Indonesia's constitutional values and inclusive national identity.

In addressing the second research question, what term is most appropriate for replacing these classical categories? This study proposes *al-muwāṭinūn* as a theologically grounded and contextually appropriate alternative. Unlike hierarchical classifications, *al-muwāṭinūn* conceptualizes all citizens, Muslim and non-Muslim alike, as legal equals. It affirms shared rights to religious freedom, political participation, legal protection, and civic responsibility. Both communities are entitled to the same protections and bound by the same obligations, including adherence to the constitution and contributions to national development. This formulation is rooted in the Islamic legal principle of *murūnah* (adaptability) and aligned with the overarching aims of *maqāṣid al-sharī'ah* (the higher objectives of Islamic law), namely justice (*'adl*), human dignity (*karāmah*), and public benefit (*maṣlaḥah*). As such, the term *al-muwāṭinūn* not only preserves fidelity to Islamic jurisprudence but also reinforces Indonesia's commitment to constitutional equality and religious inclusion.

The novelty of this study lies in its integrative framework that systematically bridges classical *fiqh* categories with Indonesia's constitutional framework through the normative lens of *maqāṣid al-sharī'ah*. While previous studies have addressed the inadequacy of terms like *ahl al-dhimmah*, this study advances discourse by offering a structured reinterpretation that is both theologically grounded and constitutionally actionable. Unlike earlier works that treat *al-muwāṭinūn* as a general concept, this research operationalizes it as a juristic model for Muslim-majority democracies by aligning *ijtihād*-based reasoning with Indonesia's legal foundations, such as the 1945 Constitution and Law No. 12 of 2006. This theoretical synthesis enables a context-sensitive reimagining of civic identity that affirms Islamic tradition while fully embracing pluralistic statehood.

Despite its contributions, this research is not without limitations. It is limited in scope to textual and normative analysis and does not include empirical fieldwork, such as interviews with legal practitioners, judges, or community leaders. Additionally, it focuses solely on Indonesia and does not provide comparative

data from other Muslim-majority nations that are navigating similar issues. Future research could explore the lived realities of non-Muslim citizens in Indonesia and conduct comparative analyses with countries such as Tunisia, Egypt, or Malaysia. An interdisciplinary approach that combines legal, theological, and sociopolitical perspectives would also deepen the understanding of *al-muwāṭinūn* as a unifying concept of citizenship in Islamic legal discourse.

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