

YUSUF AL-QARADAWI'S PERSPECTIVE ON FIQH AQALLIYAT IN A MULTICULTURAL SOCIETY

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Abstract: *Fiqh al-aqalliyat plays an important role in addressing the unique challenges faced by Muslim minority communities in multicultural societies. In multicultural societies, where diversity and multiple cultures are embraced, issues relating to values, culture, and customs can lead to discrimination or marginalisation of certain groups. Therefore, it is important to promote equality, inclusion and non-discrimination, which allows all individuals to feel valued, respected and have equal access to opportunities. Muslim minority groups, such as Shia Muslims and Ahmadiyya Muslims, face particular challenges in a multicultural society like Indonesia. The study of fiqh al-aqalliyat in multicultural societies, particularly in Indonesia, aims to understand how Islamic law is applied to Muslim minority communities and their religious practices. Qualitative research using concept analysis is used to examine fiqh al-aqalliyat from the perspective of Yusuf al-Qaradawi. Data source triangulation and content analysis techniques were used to collect and analyse primary and secondary data. In conclusion, fiqh al-aqalliyat plays an important role in addressing the challenges faced by Muslim minority communities in a multicultural society. By adopting a comprehensive approach that considers various aspects of their lives, fiqh al-aqalliyat aims to promote the rights, obligations, and welfare of minority groups while respecting Islamic principles. The development and application of fiqh al-aqalliyat are constantly evolving to adapt to the ever-changing realities and contexts faced by Muslim minority communities.*

Keywords: *Fiqh Aqalliyat; Multicultural; Yusuf al-Qaradawi*

Introduction

Society as a social community in a civilization has a vital role in the development and progress of the world.¹ Especially among Muslims, the existence of Islamic law with the character of universality of its applicability ('alamiyyat al-islam) will continue to exist in this era. This is supported by the Qur'an surah al-Anbiya' verse 107:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

"We did not send thee (Prophet Muhammad), except as a mercy to all nature."²

These universal values are known as maqashid al-shari'ah (the purposes of shari'a), or other commensurate terms are the terms *mahasin al-shari'ah* (the beauties

¹Tri Yuliantoro, "Indigenous Constitution Dalam Perspektif Ketatanegaraan Dan Fikih Minoritas," *In Right, Jurnal Agama Dan Hak Asasi Manusia* 4, no. 2 (2015): 457-512, <https://core.ac.uk/download/pdf/229718682.pdf>.

²Departemen Agama RI, *Al-Qur'an Dan Terjemahannya*. (Bandung: Darus Sunnah, 2015).

of shari'a) and *asrar al-shari'ah* (the secrets of shari'a).³ Furthermore, the emergence of imams of the fiqh school in different places and their development in some parts of the Islamic world is proof of the ability of fiqh to provide answers to the problems of fiqh faced by Muslims in society.⁴

Jurisprudence as one of the products of Islamic law is required to always be a religious solution for society. This requires scholars to have high creativity so that the actualization of Islamic law can be perfectly realized in the current contemporary era. One of the scholars who focused on the actualization of Islamic law was Yusuf al-Qaradawi. This can be seen from his fatwa on fiqh al-aqalliyat which establishes various laws.⁵

In his fatwas on fiqh al-aqalliyat, he addressed issues such as integration and participation, religious practices, family law, halal food requirements, and dress code for Muslim minorities in non-Muslim majority societies. He addressed issues related to prayer, fasting, family law, and the recognition of Islamic marriage contracts, divorce, and child custody. He also addressed halal certification, food products, and alternatives for Muslim minorities.

A multicultural society is a society composed of diversity and various kinds of cultures that in people's lives concern values, cultures, and habits that are emphasized on accepting each other. Multicultural relating to culture and possibilities limited by the concept of value-laden or having certain interests.⁶ This problem may lead to discrimination or marginalization of certain groups. Therefore, it is important to ensure that all groups in society are recognized and respected fairly in the implementation of multiculturalism.

However, despite the celebration of diversity, there may be instances where certain groups face discrimination or marginalization. For example, one particular cultural group may encounter prejudice or stereotypes due to misunderstandings or biases held by others. This can result in limited opportunities, social exclusion, and unequal treatment within the broader society.

To address this issue, it is crucial to ensure that all groups in society are recognized and respected fairly. This means promoting equality, inclusion, and non-discrimination for every individual, irrespective of their cultural or ethnic background. By embracing a fair and inclusive approach to multiculturalism, society can create an environment where all individuals feel valued, respected, and have equal access to opportunities.

³Ahmad Imam Mawardi, "Fiqh Aqalliyat: Pergeseran Makna Fiqh Dan Usul Fiqh," *Jurnal Ilmu Syariah Dan Hukum* 48, no. 2 (2014): 315-32.

⁴Ibid.

⁵Zainul Mun'im, "Peran Kaidah Fikih Dalam Aktualisasi Hukum Islam: Studi Fatwa Yusuf Al-Qaradawi Tentang Fiqh Al-Aqalliyat," *Al-Manabij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 151-72, doi:10.24090/mnh.v15i1.4546.

⁶Ifa Nurhayati and Lina Agustina, "Masyarakat Multikultural: Konsepsi, Ciri Dan Faktor Pembentuknya," *Akademika* 14, no. 01 (2020), doi:10.30736/adk.v14i01.184.

There are minority rights that have been marginalized.⁷ Different conditions on the one hand and the persistence of the obligation as a Muslim to be a devotee (obedient person) to the teachings of his religion on the other hand, have given rise to fiqh al-aqalliyat (minority fiqh), which is a set of Islamic teachings that are considered capable of accommodating contemporary problems faced by the Muslim minority in carrying out their religious teachings.⁸ This fiqh al-aqalliyat is not a fiqh that binds itself strictly to the ijihad products of ancient salaf scholars, either substantially or methodologically. It is a fiqh that refers to the creation of benefits that become the basic value of maqashid al-syar'iah with a flexible and flexible method.

From the description above, researchers are interested in studying how the study of minority fiqh in today's multicultural society, where minorities are small groups in society. Minorities can be determined based on various criteria such as ethnicity, race, religion, gender, sexual orientation, etc. Such as Shia Muslims, Ahmadiyya, etc. who are different from other majority Muslims.

On the personal level of the Muslim minority itself, there are serious issues relating to their perception of life as a minority and the faith as Muslims living in a region different from the muslim state, where fiqh law is produced and developed. In countries like America and England, they are faced with problems that do not find a context match to what is in the fiqh books in general. Such as the difficulty of finding food that is guaranteed halal (halal food); difficulty carrying out qurban and aqiqah worship due to strict slaughter permits; religious differences in marriage; Christmas wishes and attending community events.⁹

Previous studies that discussed fiqh aqalliyat such as The Problem of Majority and Minority in Social Interaction between religious people,¹⁰ Multicultural Education in an Islamic Worldview Perspective,¹¹ Fiqh Aqalliyat : Shifting the Meaning of Fiqh and the Proposal of Fiqh.¹² What makes the difference with the

⁷Havis Aravik, "Hak Minoritas Dalam Konteks Islam," *Mizan: Journal of Islamic Law* 5, no. 1 (2018): 63-78, <http://jurnalfai-uikabogor.org/index.php/mizan/article/view/195>.

⁸Ahmad Imam Mawardi, *Fiqih Minoritas (Fiqh Al-Aqalliyat Dan Evolusi Maqashid Al-Syar'iah Dari Konsep Ke Pendekatan, Syria Studies*, vol. 7 (Yogyakarta: LKiS Yogyakarta, 2015), https://www.researchgate.net/publication/269107473_What_is_governance/link/548173090cf22525dc61443/download%0Ahttp://www.econ.upf.edu/~reynal/Civilwars_12December2010.pdf%0Ahttps://think-asia.org/handle/11540/8282%0Ahttps://www.jstor.org/stable/41857625.

⁹Ahmad Imam Mawardi, "Fiqh Aqalliyat : Pergeseran Makna Fiqh Dan Usul Fiqh."

¹⁰Umihani Umihani, "Problematika Mayoritas Dan Minoritas Dalam Interaksi Sosial Antar Umat Beragama," *Tazkiya; Jurnal Online Universitas Islam Negeri Sultan Maulana Hasanuddin* 15, no. 1 (2019): 248-68, <https://core.ac.uk/download/pdf/196255896.pdf>.

¹¹Iqbal Amar Muzaki and Ahmad Tafsir, "Pendidikan Multikultural Dalam Perspektif Islamic Worldview," *Jurnal Penelitian Pendidikan Islam* 6, no. 1 (2018): 57, doi:10.36667/jppi.v6i1.154.

¹²Ahmad Imam Mawardi, "Fiqh Aqalliyat : Pergeseran Makna Fiqh Dan Usul Fiqh."

writing of this article is how the study of fiqh aqalliyat in the life of a multicultural society like Indonesian society.

The lives of Shia Muslims in Indonesia can vary depending on the community and neighbourhood in which they live.¹³ Some groups of Shia Muslims have formed communities that are active in religious activities, such as organising prayer assemblies and commemorating important events in Shia history. However, Shia Muslims also face challenges in Indonesia.¹⁴ Some Shia Muslim groups experience stigmatisation, discrimination, and sometimes conflict with other groups who consider their views controversial or incompatible with the majority Sunni Muslims in Indonesia.¹⁵

A further Muslim minority is the Ahmadiyya Muslims. Ahmadiyya is a Muslim group that recognises Mirza Ghulam Ahmad as the "Prophet" after Prophet Muhammad.¹⁶ This view contradicts the majority of Sunni Muslims who believe that Prophet Muhammad was the last prophet. The existence of Ahmadiyya in Indonesia has faced challenges and controversy.¹⁷ Since 2008, the Indonesian government issued policies that resulted in restrictions on Ahmadiyah activities and their official recognition as a religion in Indonesia.¹⁸ Some Ahmadiyah members have experienced acts of violence, assaults, and destruction of their places of worship.

Despite these challenges, there are also Ahmadiyya groups who continue their religious practices in safer neighbourhoods and have the support of the communities around them.¹⁹ It is important to remember that the lived experiences of any individual or group in society cannot be generalised across the board. The lived experiences of Shia and Ahmadiyya Muslims in Indonesia may vary depending on factors such as location, local community, and interactions with other groups in society.²⁰

¹³Rachmah Ida and Muhammad Saud, "The Narratives of Shia Madurese Displaced Women on Their Religious Identity and Gender Citizenship: A Study of Women and Shi'as in Indonesia," *Journal of Religion and Health* 60, no. 3 (2021): 1952–68, doi:10.1007/s10943-020-01001-y.

¹⁴Muhammad Zuhdi, "Challenging Moderate Muslims: Indonesia's Muslim Schools in the Midst of Religious Conservatism," *Religions* 9, no. 10 (2018), doi:10.3390/rel9100310.

¹⁵Paul Marshall, "The Ambiguities of Religious Freedom in Indonesia," *Review of Faith and International Affairs* 16, no. 1 (2018): 85–96, doi:10.1080/15570274.2018.1433588.

¹⁶Muhammad As'ad, "Ahmadiyah and the Freedom of Religion in Indonesia," *Journal of Indonesian Islam* 3, no. 2 (2009): 390–413, doi:10.15642/JIIS.2009.3.2.390-413.

¹⁷Ahmad Najib Burhani, "The Ahmadiyya and the Study of Comparative Religion in Indonesia: Controversies and Influences," *Islam and Christian-Muslim Relations* 25, no. 2 (2014): 141–58, doi:10.1080/09596410.2013.864191.

¹⁸As'ad, "Ahmadiyah and the Freedom of Religion in Indonesia."

¹⁹Simon Naylor and James R. Ryan, "The Mosque in the Suburbs: Negotiating Religion and Ethnicity in South London," *Social and Cultural Geography* 3, no. 1 (2002): 39–59, doi:10.1080/14649360120114134.

²⁰Jens Koehrsen, "Muslims and Climate Change: How Islam, Muslim Organizations, and Religious Leaders Influence Climate Change Perceptions and Mitigation Activities," *Wiley Interdisciplinary Reviews: Climate Change* 12, no. 3 (2021): 1–19, doi:10.1002/wcc.702.

Several studies on the implementation of fiqh law in the context of minorities have been conducted. For example, a study by David H. Warren²¹ sought to explore discussions on Islamic citizenship fiqh with a focus on Yusuf al-Qaradawi's thoughts concerning the fulfillment of civil and political rights for minority groups. The results of his research showed that al-Qaradawi attempted to integrate modern citizenship concepts into the classical Islamic legal tradition in order to accommodate the rights of minorities. He aimed to develop a new fiqh of citizenship that provides equal civil and political rights to both Muslims and non-Muslims.

Secondly, Adul Jabbar's research²² aimed to explore the concept of diasporic existence in Muslim minorities and the necessity for a curriculum that reflects these ideas. The study advocated for a curriculum for Muslim minorities informed by fiqh al-aqalliyat and diasporic concepts to promote an educational structure that prepares students to face the realities of diaspora.

Thirdly, Adul Halim conducted research²³ discussing the legal choices in the Sharia Court of Aceh and the preferences of non-Muslims toward Aceh's Qanun Jinayat. This research aimed to examine how non-Muslims, as minorities, could accept the enforcement of Qanun Jinayat in Aceh, where the majority of the population is Muslim. The study revealed that non-Muslims in Aceh choose Qanun Jinayat Aceh as their preferred option in criminal cases due to practical and socio-cultural reasons. The article also indicated that the common perception that Sharia-based punishments are always negative is not entirely accurate.

The three studies mentioned above primarily focused on examining the concept of fiqh aqalliyat in the context of equal rights and obligations for minority communities. The first study delved into Yusuf al-Qaradawi's thoughts concerning the fulfillment of civil and political rights for minorities, while the second study centered on curriculum formulation in relation to the concept of diasporic existence in Muslim minorities. The third study tended to explore non-Muslim preferences toward Sharia law Qanun Jinayat Aceh.

In contrast, the research in this article will place a stronger focus on how Yusuf al-Qaradawi, through his fiqh aqalliyat, constructs a concept that can ensure the rights of minorities within a multicultural society to practice their religious beliefs and exercise their social rights on an equal footing with the majority. This research is centered on Yusuf al-Qaradawi's thoughts because he is considered an esteemed scholar with a credible record on Islamic law (fiqh) and issues related to

²¹David H. Warren and Christine Gilmore, "One Nation under God? Yusuf Al-Qaradawi's Changing Fiqh of Citizenship in the Light of the Islamic Legal Tradition," *Contemporary Islam* 8, no. 3 (2014): 217-37, doi:10.1007/s11562-013-0277-4.

²²Wisam Kh Abdul-Jabbar, "Diasporicity and Intercultural Dialectics in Muslim Education: Conceptualizing a Minorities Curriculum (Minhaj Al-Aqalliyat)," *Educational Philosophy and Theory* 54, no. 2 (2022): 204-16, doi:10.1080/00131857.2021.1892485.

²³Abdul Halim, "Non-Muslims in the Qanun Jinayat and the Choice of Law in Sharia Courts in Aceh," *Human Rights Review* 23, no. 2 (2022): 265-88, doi:10.1007/s12142-021-00645-x.

Muslim minorities.²⁴ Additionally, he is viewed as a scholar who consistently contextualizes the law within contemporary perspectives.²⁵ Therefore, this article aims to contribute to the emergence of new concepts and ideas regarding the construction of a new fiqh that can accommodate the rights of minorities within the context of a multicultural society.

Method

This research is a type of qualitative research using the concept analysis method in examining Fiqh Aqalliyat in Multicultural Society from the perspective of Yusuf al-Qaradawi. Data collection techniques are triangulated (combined), data analysis is inductive/qualitative, and qualitative research results emphasise meaning rather than generalisation.²⁶ Thus research is produced that is able to develop scientific insights for all circles of society to explore Fiqh Aqalliyat in Multicultural Society from the perspective of Yusuf al-Qaradawi. The data sources in this research are divided into two, namely, primary data sources and secondary data sources. Primary data in this study are various references in the form of articles on Fiqh Aqalliyat in Multicultural Society from the perspective of Yusuf al-Qaradawi. While secondary data sources are supporting data sources related to the problem to be studied such as journals, books relevant to the main theme of the research. While the data analysis technique used is content analysis with document review or literature review, namely looking for data on things or variables in the form of notes, transcripts, books, newspapers, magazines, the internet and so on.

Result and Discussion

Fiqh al-aqalliyat Sheikh Yusuf al-Qardhawi

Fiqh al-Aqalliyat is a form of fiqh that maintains the interrelation of shari'a law to the dimensions of a community, and to the place in which it lives. This fiqh is a limited community fiqh that has special conditions, which allows something that is not appropriate for others (the majority) to be appropriate for them.²⁷

Sheikh Yusuf al-Qardhawi said that, the essence of Fiqh Al-Aqaliyat does not come out of fiqh in general, only that it is a fiqh that has its own specificity, main discussion, and problems that were not yet known to previous jurists regarding the

²⁴Tauseef Ahmad Parray, "The Legal Methodology of 'Fiqh Al-Aqalliyat' and Its Critics: An Analytical Study," *Journal of Muslim Minority Affairs* 32, no. 1 (2012): 88-107, doi:10.1080/13602004.2012.665624.

²⁵Sami E. Baroudi, "Sheikh Yusuf Qaradawi on International Relations: The Discourse of a Leading Islamist Scholar (1926-)," *Middle Eastern Studies* 50, no. 1 (2019): 2-26, doi:10.1080/00263206.2013.849693.

²⁶Michelle E. Kiger and Lara Varpio, "Thematic Analysis of Qualitative Data: AMEE Guide No. 131," *Medical Teacher* 42, no. 8 (2020): 846-54, doi:10.1080/0142159X.2020.1755030.

²⁷Amir Sahidin, "Telaah Atas Fiqh Al-Aqalliyat Syekh Yusuf Al-Qardhawi," *An-Natiq Jurnal Kajian Islam Interdisipliner* 2, no. 2 (2022): 121, doi:10.33474/an-natiq.v2i2.15774.

distinguishing theme. This, as it now appears medical fiqh (*al-fiqh al-thib*), economic fiqh (*al-fiqh al-iqtisadi*) and political fiqh (*al-fiqh al-siyasi*) and so on.²⁸

Some scholars do not like the term aqalliyat (minority) because the term can give rise to an impression of inferiority. This term according to them is also confusing because there are many types of minorities in the Muslim world. A Sheikh from Syria, Saeed Ramadan al-Buti, also feared that the new jurisprudence would wreak havoc, "a plan to divide Islam".²⁹

There are four things to note in defining the nature of fiqh al-aqalliyat³⁰: first, Muslims need not only fiqh as understood today, which only deals with something religious exoteric in solving its life problems. There is another thing that is no less important, namely problems of an esoteric, spiritual, mental, theological nature. Muslim minority communities need a special fiqh that encapsulates the entirety of the religious problem. This is the substance of fiqh al-aqalliyat.

Secondly, Muslim minority communities are part of the overall Muslim community. They are the same in terms of religious rights and obligations. However, they have differences with the majority of Muslims in terms of submission to the laws of the country where they live, which is not an Islamic country or a country with a majority Muslim population. Shia Muslims and Ahmadiyah Muslims in Indonesia, special attention is needed for them in terms of the application of Islamic law so that it does not clash with the reality of their lives.

Third, although fiqh al-aqalliyat is part of fiqh in general, it has a different character from fiqh in general. The fuqaha of the past that has produced the works of fiqh that are widely known today, never imagined the possibility of mixing nations as it is today through the wave of immigration that occurs as the distance between countries gets closer, with the help of the sophistication of science and technology. Therefore, a special type of fiqh is needed for those who are a minority in Western countries. The emergence of minority fiqh is actually commonplace when the emergence of medical fiqh, economic fiqh, and political fiqh is also considered natural, because it has a special character.

Fourth, the existence of Islam in the West is very important in the journey of Islamic proselytizing as a universal mercy. Affirming it, belittling it or even not caring about its existence is part of the abuse of the glory of Islam. Therefore, the question of whether or not to live in an infidel country becomes irrelevant to question.

Fiqh al-aqalliyat with a zeal to bring to life a new model ijtihad with a fiqh format that is different from the mainstream development of fiqh these days, due to its efforts to cover all Islamic issues with the main qibla of Islamic universal values

²⁸Ibid.

²⁹Abas Mujiburohman, "Fiqh Al-Aqalliyat As an American Version of Local Wisdom," *Khazanah: Jurnal Studi Islam Dan Humaniora* 16, no. 1 (2018): 1, doi:10.18592/khazanah.v16i1.2091.

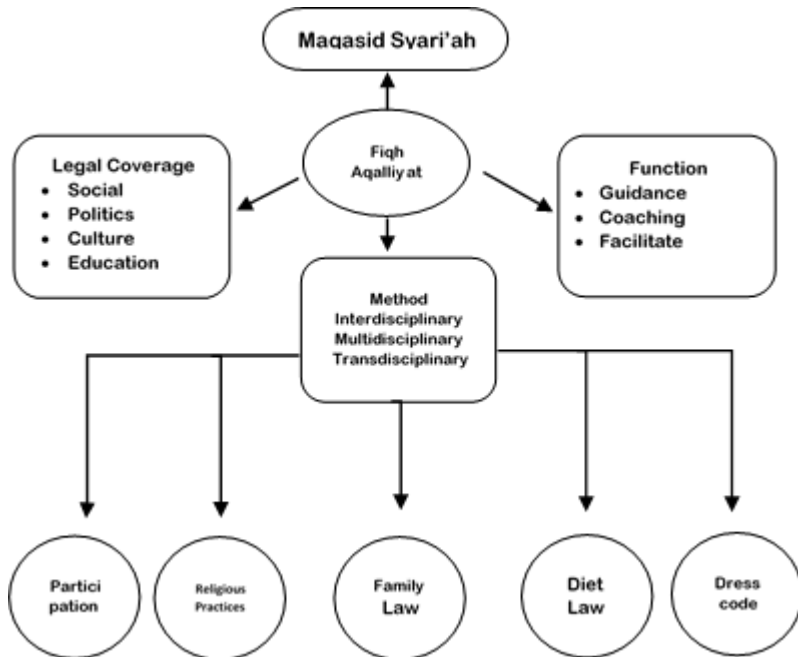
³⁰Mawardi, *Fiqih Minoritas (Fiqh Al-Aqlliyat Dan Evolusi Maqashid Al-Syariah Dari Konsep Ke Pendekatan*.

which refers to efforts to realize benefit. In terms of form, Fiqh al-Aqalliyat is a new form because the perpetrators of the law are Muslim minority communities that have a special character, not owned by other Muslim majorities.³¹

Looking at the problem material discussed in the relatively recent fiqh al-aqalliyat and in a context that has not been discussed by classical fiqh, it can actually be positioned as part of fiqh al-nawazil, that is, the fiqh of a new reality that has not been discussed in the days of the classical development of Islamic law.

Fiqh al-aqalliyat became part of this fiqh because it discussed new things in a special context, namely Islamic law in Western countries. In discussing these new things, the istinbath (determination) methodology of the law also requires something new, namely an interdisciplinary approach so that a legal fatwa oriented towards maqashid al-shari'ah is produced.

The following diagram is an illustration of the concept of fiqh aqalliyat in the perspective of Yusuf al-Qardawi:



Picture 1 the concept of fiqh aqalliyat in the perspective of Yusuf al-Qardawi

Some examples of the kinds of issues that may have been addressed in his fatwas on fiqh al-aqalliyat include, Integration and Participation: Providing guidance on how Muslim minorities can actively participate in the social, political,

³¹Sahidin, "Telaah Atas Fiqh Al-Aqalliyat Syekh Yusuf Al-Qardhawi."

and economic spheres of non-Muslim majority societies while upholding their Islamic principles and identity.³²

Religious Practices: Addressing issues related to prayer, fasting, and other religious practices for Muslim minorities in non-Muslim majority societies. This may include guidance on accommodating prayer times, fasting during long daylight hours, and other adjustments necessary to practice Islam in a minority context.³³

Family Law: Offering legal rulings on matters such as marriage, divorce, and child custody for Muslim minorities. These fatwas may address the recognition of Islamic marriage contracts, the validity of divorce in non-Muslim legal systems, and the protection of the rights of Muslim women and children.³⁴

Dietary Laws: Providing guidance on adhering to halal food requirements in non-Muslim majority societies. This may include addressing issues related to halal certification, permissibility of certain food products, and alternatives for Muslim minorities in obtaining halal food.³⁵

Dress Code; Offering guidance on the Islamic dress code, particularly for Muslim women, in non-Muslim majority societies. This may include discussions on the permissibility and appropriateness of wearing hijab, niqab, or other Islamic attire in various contexts.³⁶

Majority and Minority in a Multicultural Society

Majority and minority in a multicultural society refer to the distribution of ethnic, racial, or cultural groups within a society. Larger groups in numbers are referred to as majorities, while smaller groups are referred to as minorities. In multicultural societies, the majority typically holds greater social, political, and economic power than the minority, which is often treated discriminatorily. However, this concept is not always fixed, since the number and position of the majority and minority groups may change over time.

The Indonesian nation as a *Bhineka Tunggal Ika* country consisting of various ethnic groups, cultures, religions, social strata and others, certainly yearns for

³²Abdurrohman Kasdi et al., "Fiqh Minority for Papuan Muslims in the Perspective of Maqasid Al-Shari'ah," *International Journal of Islamic Thought* 20 (2021): 1-12, doi:10.24035/ijit.20.2021.205.

³³Matthew D. DeLang et al., "The Effects of Ramadan Intermittent Fasting on Football Players and Implications for Domestic Football Leagues Over the Next Decade: A Systematic Review," *Sports Medicine* 52, no. 3 (2022): 585-600, doi:10.1007/s40279-021-01586-8.

³⁴Ejjemel Special Issue, "Islamic Family Law in Europe and Islamic World: Current Situation and Challenges," *Islamic Family Law in Europe and Islamic World: Current Situation and Challenges* 8, no. 1 (2020), doi:10.24921/2020.94115949.

³⁵Eva C. Monterrosa et al., "Sociocultural Influences on Food Choices and Implications for Sustainable Healthy Diets," *Food and Nutrition Bulletin* 41, no. 2_suppl (2020): 59S-73S, doi:10.1177/0379572120975874.

³⁶Zulina Kamarulzaman and Nazlina Shaari, "Fashion Industry-Palarch's," *Journal Of Archaeology Of Egypt/Egyptology* 17, no. 7 (2020): 7063-72.

harmony in differences both in terms of religion, culture, politics, security, social strata and education in an effort to create a state and nation that is socially just as a reflection of the basis of the Pancasila state.³⁷

Issues within the sphere of majority-minority relations often reflect the potential for disharmony and tension in the relationship between the two.³⁸ When applied in practical life, various competing interests can reinforce these signals.

The following are some examples of issues that can arise in majority-minority relations: Discrimination and Prejudice: Minorities often face discrimination and prejudice from the majority, which can limit their access to the same opportunities, resources and services that the majority receive.³⁹ This discrimination can be structural, such as unfair policies, or social, such as stereotypes or negative perceptions of minorities.⁴⁰

Violence and Conflict: Relationships between majorities and minorities can exist in the context of violence or conflict, whether physical or verbal. Tensions between these groups may arise due to differences in religion, culture, race, or political issues.⁴¹ Violence or conflict may include acts of direct violence, intolerance, or social segregation that reinforce the gaps between groups.⁴²

Restrictions on Religious Freedom: Minorities often face restrictions on religious freedom, both legal and social.⁴³ This can include prohibitions on practising their faith or religion, restrictions on the construction of places of worship, or denial of official recognition to minority religions.⁴⁴

Equality of Rights and Opportunities: Minorities often face difficulties in achieving the same equal rights and opportunities as the majority in various aspects of life, including education, employment, housing, and political participation. This

³⁷Ali Akbar & Saidul Amin Masyhuri, "Minoritas Dalam Masyarakat Plural Dan Multikultural Perspektif Islam," *Jurnal An-Nida': Jurnal Pemikiran Islam* 43, no. 2 (2019): 169-93.

³⁸Michaëlle Browsers, "Minorities in Islam/Muslims as Minorities," *Contemporary Islam* 8, no. 3 (2014): 211-15, doi:10.1007/s11562-014-0299-6.

³⁹Sabine Trittler, "Consequences of Religious and Secular Boundaries among the Majority Population for Perceived Discrimination among Muslim Minorities in Western Europe," *Journal of Ethnic and Migration Studies* 45, no. 7 (2019): 1127-47, doi:10.1080/1369183X.2018.1437343.

⁴⁰Kristy Y. Shih, Tzu Fen Chang, and Szu Yu Chen, "Impacts of the Model Minority Myth on Asian American Individuals and Families: Social Justice and Critical Race Feminist Perspectives," *Journal of Family Theory and Review* 11, no. 3 (2019): 412-28, doi:10.1111/jftr.12342.

⁴¹Reza Hasmath, "What Explains the Rise of Majority-Minority Tensions and Conflict in Xinjiang?," *Central Asian Survey* 38, no. 1 (2019): 46-60, doi:10.1080/02634937.2018.1496067.

⁴²Mariah Xu et al., "Racial and Ethnic Differences in Bullying: Review and Implications for Intervention," *Aggression and Violent Behavior* 50 (2020): 101340, doi:10.1016/j.avb.2019.101340.

⁴³Hannah M. Ridge, "State Regulation of Religion: The Effect of Religious Freedom on Muslims' Religiosity," *Religion, State and Society* 48, no. 4 (2020): 256-75, doi:10.1080/09637494.2020.1804781.

⁴⁴Jonathan Fox and Roger Finke, "Ensuring Individual Rights through Institutional Freedoms: The Role of Religious Institutions in Securing Religious Rights," *Religions* 12, no. 4 (2021): 1-23, doi:10.3390/rel12040273.

lack of equality can reinforce social and economic inequalities between majority and minority groups.⁴⁵

Recognition and Representation: Minorities often feel that their identity, culture or interests are ignored or unrecognised by the majority. Lack of representation in public institutions, policies that do not take into account the specific needs of minorities, or the dominance of the majority culture can reinforce these signals of imbalance and injustice in relationships.⁴⁶

Indonesia is a country rich in culture and ethnic diversity, so it can be said to be a country that has a multicultural society. This diversity is reflected in the different languages, customs, religions, and cultures in each region.

This multicultural society poses challenges in the development of the country. Nevertheless, the Indonesian government has sought to respect and appreciate this diversity through a variety of laws, programs, and policies. However, there are still problems of discrimination and social conflicts occurring in some areas that must be addressed.

In the context of Islam, studying the relationship between the majority (Islam) and minority groups is an exciting theme in Indonesia, such as Shia Muslims and Ahmadiyah Muslims. It is an interesting issue because, firstly, Indonesia is a nation with the most significant Muslim majority in the world that is considered to have developed a thriving democracy. The development of democracy in Indonesia even surpasses democracy in South Asian countries. But on the other hand, discriminatory actions against minority groups by the state and majority groups are still taking place in this country. Secondly, as the majority group, Muslims still feel like a minority in political and economic access in the republic. For some groups, the political conditions in Indonesia still do not fully represent the interests of Muslims. Third, the symptoms of the re-emergence of identity politics that often marginalise minority groups. Democracy is often interpreted as majoritarianism.

Application of Fiqh al-Aqalliyat in a Multicultural Society

The majority of Muslims believe that muslim minority communities in the West are an integral part of muslim society in general, which is united in the word "ummah". This belief is not false and has a very strong nash postulate, both from the Qur'an and al-Hadith. These beliefs become problematic when followed by subsequent beliefs that they should be governed by Islamic law as prevailing in their home country.

⁴⁵Tina Kempin Reuter, "Human Rights and the City: Including Marginalized Communities in Urban Development and Smart Cities," *Journal of Human Rights* 18, no. 4 (2019): 382-402, doi:10.1080/14754835.2019.1629887.

⁴⁶ Hanna Zagefka et al., "Blindspots in Acculturation Research: An Agenda for Studying Majority Culture Change," *European Review of Social Psychology* 34, no. 1 (2022): 127-60, doi:10.1080/10463283.2022.2079813.

This fiqh al-aqalliyat is all the more interesting because, apart from being something new, it also gets a sharp spotlight from two conflicting groups. Hizbut Tahrir, as a group considered an Islamic fundamentalist movement, points the finger at fiqh al-aqalliyat as impermissible innovation (a very despicable heresy), because it has subjugated God's laws under public interest, which should base itself on the laws of God.⁴⁷

The author considers that Islamic countries and countries where the majority of the population is Muslim have relatively no obstacles in relation to the application of fiqh in daily life due to three factors: First, fiqh emerged and developed in that country, so it can be assumed that the fiqh answers that developed are indeed a response to the real conditions faced; Second, Muslims in that country have a relatively similar world view of shari'ah so that socio-ethic conflicts tend to be minimal; Third, the possibility of vertical clash between the government and Muslims and horizontal clash between Muslims and non-Muslim communities is very small.

The urgency of fiqh al-aqalliyat will be felt if the difficulties and problems of living as a Muslim minority in a non-muslim majority society can be well understood. The social, political, cultural, and religious problems they face require special and in-depth study as a unitary problem. Fiqh al-aqalliyat would be the answer to this problem if it were able to become a complete set of rules for the religious life of muslim minority communities. The text approach is certainly not quite capable of solving their problems. A multi-disciplinary approach with a comprehensive methodology in berijtihad will help provide the right solution for them. It is this kind of thinking pattern that gives birth to fiqh al-aqalliyat.⁴⁸

Yusuf al-Qaradhawi mentioned seven objectives for the preparation of fiqh al-aqalliyat whose urgency for minority Muslim communities is more understandable: first, to facilitate the practice of religion of muslim minority communities in the context of individuals, families, and communities. Second, helping minority groups, maintaining their existence as Muslims who must carry out Shari'a as a whole. Third, it makes it easier for minorities to carry out the obligation of delivering Islamic treatises to non-Muslims in a way that they can understand. Fourth, as a contribution of Islamic thought with the values of openness and tolerance so that it does not reflect the separation of fiqh from the reality of society. Fifth, make minority groups aware of their rights, their freedom of religion, work and society so that they are able to exercise their rights and obligations without feeling pressured by any party. Sixth, assisting the Muslim minority in exercising its various rights and obligations so that they feel that Islam is not a shackle in life, but

⁴⁷Sirojuddin Aly, "Revitalization of Jihad and Khilafah: A Review for Political Thought of Hizbut Tahrir Indonesia," no. Icri 2018 (2020): 1753–60, doi:10.5220/0009934817531760.

⁴⁸Mawardi, *Fiqih Minoritas (Fiqh Al-Aqlliyat Dan Evolusi Maqashid Al-Syariah Dari Konsep Ke Pendekatan*.

rather a handle that ushers in happiness. Seventh, fiqh al-aqalliyat is expected to be able to help minority groups in answering contemporary problems faced in the midst of non-Muslim society.⁴⁹

Fiqh al-aqalliyat became important because its emergence had three main functions: (1) it became a handle for the muslim minority in carrying out religious teachings, not only as individuals, but also as society in general; (2) provide guidance to muslim minority communities on their obligations in interacting with other community groups, so that the religion they profess is not a dividing wall, but a bridge between them. Islamic universal values, such as the values of love and compassion, ta'aruf (mutual knowledge) and justice, as well as respect for human rights pave the way for good humanitarian interaction with people of different religions and become the medium of Islamic proselytizing itself; (3) This fiqh al-aqalliyat facilitates religious life, advocating Islam as an elastic and flexible religion.

Conclusion

Fiqh al-aqalliyat, advocated by Sheikh Yusuf al-Qaradhawi, is a specialized fiqh that addresses the unique challenges faced by Muslim minority communities, particularly in non-Muslim majority societies. It emphasizes the need for a comprehensive approach to address their lives' religious, social, political, and cultural aspects. This interdisciplinary approach incorporates various fields of knowledge, such as sociology, politics, economics, and psychology, to develop relevant and practical legal rulings aligned with Islamic law objectives and values. Applying fiqh al-aqalliyat is crucial in multicultural societies to ensure fair recognition and respect for all groups, particularly minority communities. It addresses issues such as integration, religious practices, family law, dietary laws, and dress codes, providing guidance that considers the specific circumstances and challenges faced by Muslim minorities.

Despite potential resistance and controversy, the urgency of fiqh al-aqalliyat lies in addressing the practical and specific challenges faced by Muslim minorities, promoting their religious rights and obligations, and facilitating harmonious integration into diverse societies. The development and application of fiqh al-aqalliyat aim to uphold principles of justice, equality, and human rights while preserving the essence of Islamic teachings and values. The field of study continues to evolve and adapt to the ever-changing realities and contexts faced by Muslim minority communities.

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