Reinterpreting Hadiths on Non-Muslims and Apostasy in the Contemporary Era: Toward a Moderate and Contextual Islamic Discourse

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Abstract

Rigid interpretations of *hadiths* concerning relations with non-Muslims and the death penalty for apostasy (*riddah*) remain critical issues in Islamic discourse, particularly amid the recurring phenomenon of religious intolerance in Indonesia and globally. This article aims to identify the classifications of non-Muslims and their potential to be considered hostile within the framework of Islamic jurisprudence, to explain how Islam views interreligious relations as part of socio-humanitarian life, and to critically examine the concept of the death penalty for apostates in light of justice and public welfare. The study employs a qualitative approach through library research, drawing on primary sources such as Qur'anic exegesis, collections of authentic hadiths, as well as relevant works of classical and contemporary scholars. The findings reveal that the classification of non-Muslims in *fiqh* is not monolithic but differentiated, such as *kāfir ḥarbī* and *kāfir dhimmī*, each bearing distinct social and legal implications. In today's plural societies, static classical approaches to these categories require critical reassessment to prevent legitimising hostility. Islam essentially promotes interreligious relations grounded in the principles of *taʿāruf* (mutual acquaintance), *ʿadālah* (justice), and *ṣulḥ* (peace). Meanwhile, the discourse on the death penalty for apostasy is more appropriately understood within the historical-political context of early Islam rather than as a universally binding rule. Reinterpretation informed by *maqāṣid al-sharīʿah* and contemporary realities highlights the importance of respecting freedom of religion as long as it does not involve hostility.

Contribution: The primary contribution of this study lies in its integrative approach, combining normative-textual analysis, *maqāṣid al-sharīʿah*, and contemporary social contexts, thereby offering a reference for developing an Islamic discourse that is moderate, inclusive, and responsive to modern challenges.

Keywords: *Apostasy, Ḥadīth representation, Non-Muslims, The death penalty.*

Abstrak

Pemahaman yang kaku terhadap *ḥadīth-ḥadīth* yang membicarakan tentang relasi dengan non-Muslim serta hukuman mati bagi orang *murtad* masih menjadi isu serius dalam wacana keislaman, terlebih di tengah fenomena intoleransi keagamaan yang terus muncul baik di Indonesia maupun di tingkat global. Artikel ini bertujuan untuk mengidentifikasi klasifikasi non-Muslim dan potensinya untuk dimusuhi dalam perspektif fikih, menjelaskan bagaimana Islam memandang relasi antaragama sebagai bagian dari kehidupan sosial-kemanusiaan, serta mengkaji secara kritis konsep hukuman mati bagi orang *murtad* dengan menekankan

prinsip keadilan dan kemaslahatan. Penelitian ini menggunakan pendekatan kualitatif melalui studi kepustakaan (*library research*), dengan menelaah sumber-sumber primer seperti *tafsir al-Qur'ān*, kitab-kitab *ḥadīth ṣaḥīḥ*, serta karya ulama klasik dan kontemporer yang relevan. Hasil kajian menunjukkan bahwa klasifikasi non-Muslim dalam fikih tidak tunggal, melainkan berlapis seperti *kāfir ḥarbī* dan *kāfir dhimmī* yang memiliki implikasi sosial dan hukum berbeda. Dalam masyarakat plural modern, pendekatan fikih klasik yang statis perlu dikaji ulang agar tidak menjadi dasar legitimasi permusuhan. Islam pada dasarnya mendorong hubungan antaragama berdasarkan prinsip *taʿāruf* (saling mengenal), *ʿadālah* (keadilan), dan *sulḥ* (perdamaian). Adapun wacana hukuman mati bagi *murtad* lebih tepat dipahami dalam konteks historis-politik masa awal Islam, bukan sebagai aturan mutlak. Reinterpretasi berbasis *maqāṣid al-sharī'ah* dan realitas kontemporer menegaskan pentingnya penghormatan terhadap kebebasan beragama, selama tidak disertai tindakan permusuhan.

Kontribusi: Kontribusi utama penelitian ini terletak pada pendekatan integratifnya yang menggabungkan analisis normatif-teks, *maqāṣid al-sharī'ah*, dan konteks sosial kontemporer, sehingga dapat menjadi rujukan dalam pengembangan wacana Islam yang moderat, inklusif, dan relevan dengan tantangan zaman.

Kata kunci: *Murtad, Representasi Ḥadīth, Non-Muslim, Hukuman Mati.*

Introduction

The issue of religious intolerance remains a recurring phenomenon in Indonesia. Over the past four years, various incidents have reflected the strengthening of religion-based radicalism. In 2021, for instance, a case emerged involving the dismissal of civil servants (ASN) accused of being influenced by radical ideologies. The following year, in 2022, public attention turned to the involvement of university students in terrorist networks. Then, in 2023, social media was reported to have been effectively used as a means to systematically spread radical ideas. By early 2024, the National Counter-Terrorism Agency (BNPT) recorded a significant increase in radicalization activities and warned of the potential for terrorist attacks.[1] This phenomenon indicates that rigid and textualist interpretations of religion remain deeply rooted in a large portion of Indonesian society.

In Islamic legal discourse, there are perspectives derived from religious texts such as the Qur'an and the hadith of Prophet Muhammad which, if not examined contextually, have the potential to be used as justification for acts of violence in the name of religion, including against non-Muslims and individuals deemed apostates (those who were previously Muslim

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[1] "Civil servants dismissed for exposure to radicalism are deemed not to have solved the root of the problem, so what is the appropriate deradicalization program for them?" *BBC News Indonesia,* 2021, https://www.bbc.com/indonesia/indonesia-56833812; "Terrorism: Students involved in terrorist acts, anti-radicalism programs on campus called 'ceremonial, ineffective,'" *BBC News Indonesia,* May 30, 2022, https://www.bbc.com/indonesia/indonesia-61622974; "BNPT Finds Hundreds of Thousands of Radical Content on Social Media," dw.com, 2023, https://www.dw.com/id/bnpt-temukan-ratusan-ribu-konten-penyebaran-radikalisme-di-media-sosial/a-67084972; "BNPT Says There Were No Acts of Terrorism in 2023, But Terrorist Cells Are on the Rise," National, CNN Indonesia, 2024, https://www.cnnindonesia.com/nasional/20240220194519-12-1065185/bnpt-sebut-tak-ada-aksi-terorisme-di-2023-tapi-sel-teroris-meningkat.

and then left Islam).[2] Conservative-textualist groups tend to understand Islamic teachings literally, without considering the historical, social, and *maqāṣid al-sharī'ah* contexts.[3] In the study of *uṣūl al-fiqh* ( ), it has become a consensus that understanding religious texts (*naṣṣ*) should follow a thematic, historical, and critical analytical approach. This type of approach is referred to as "evaluative hermeneutics," involving a serious and in-depth study of a legal issue (*ijtihād*). For example, in interpreting verses concerning relations with non-Muslims and criminal sanctions for apostates, an *ijtihād* method is needed, taking into account the *asbāb al-nuzūl / al-wurūd* (the historical circumstances of the revelation of Qur'anic verses or ḥadīth), the coherence between verses/ḥadīth, as well as the practices of the Prophet Muhammad (Saw.) and his companions. The same applies to the understanding of *ṣaḥīḥ ḥadīth*, which requires examining the *asbāb al-wurūd*, comparing between ḥadīth, and correlating them with Qur'anic verses. This approach enables the development of a more contextual, inclusive, holistic understanding of Islam, aligned with the principles of justice and universal welfare.[4]

Several previous articles have addressed issues surrounding Islamic criminal law and the right to religious freedom in a contemporary context, which are relevant to the main discussion of this article. The article titled *"Religious Freedom and Apostasy through the Maqāṣidī Interpretation of Ibn 'Āshūr"* discusses the need to reinterpret the death penalty for apostasy using a *maqāṣid al-sharī'ah* approach, but it is limited to Ibn 'Āshūr's theoretical framework without examining the detailed mechanisms of *ijtihād* in legal construction. The article *"Ensuring Restorative Justice Through Penal Mediation in Indonesia"* highlights the importance of the concept of *iṣlāḥ* as a form of restorative justice in Islamic criminal law, focusing primarily on cases of *qiṣāṣ* and *ta'zīr*, rather than issues of apostasy or interreligious relations. Meanwhile, the article *"Review of Islamic Criminal Law on the Crime of Blasphemy (Case Study in*

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[2] Mochammad Rizky Eka Aditya et al., "The Problem of Interfaith Marriage in Indonesia: A Juridical-Normative Approach," *El-Usrah* 6, no. 2 (2023): 456–70, https://doi.org/10.22373/ujhk.v6i2.20059; Renti Yasmar, Ahmad Fadhel Syakir Hidayat, and Umi Sumbulah, "Non-Muslim Discourse in Abdullah Saeed's Perspective," *AL QUDS : Jurnal Studi Alquran Dan Hadis* 8, no. 1 (May 2024): 71–90, https://doi.org/10.29240/alquds.v8i1.6015.

[3] M . Sholahuddin Al Ayyubi and Try Heni Aprilia, "The Death Penalty for Apostasy from the Perspective of Sheikh Ali Jum'ah," *Syariah: Journal of Fiqh Studies* 1, no. 1 (June 2023): 43–60, https://doi.org/10.61570/syariah.v1i1.17; Yusdiandra Alfarishy, "Freedom of Religion in the Perspective of the Universal Declaration of Human Rights and the 1990 Cairo Declaration," *IN RIGHT: Journal of Religion and Human Rights* 12, no. 1 (June 2023): 81–99, https://doi.org/10.14421/inright.v12i1.2815.

[4] Khairuddin Hasballah et al., "Identifying 'Illat through Munasabah in Islamic Law: A Perspective of Imam Al-Ghazali," *Samarah: Journal of Family Law and Islamic Law* 5, no. 2 (December 2021): 598, https://doi.org/10.22373/sjhk.v5i2.10914; Muhammad Asadurrohman, "Historical Analysis of the Influence of Pre-Islamic Traditions in Jurisprudence and the Importance of Recontextualization," *TAJDID* 30, no. 2 (March 2024): 213, https://doi.org/10.36667/tajdid.v30i2.1587.

Tebing Tinggi City)" connects blasphemy cases to apostasy, but its approach is normative-dogmatic and does not consider the *maqāṣid* or the historicity of the texts. The article *"Justification for Islamic Penology"* emphasizes the effectiveness of Islamic criminal law in reducing crime through statistical comparisons between Saudi Arabia and the United States, but it does not address the hermeneutics of law or its relation to inclusive values.[5] Considering th s these limitations, this article positions itself as a thematic study that combines the *maqāṣid al-sharī'ah* and *uṣūl al-fiqh* approaches to critically reinterpret *ḥadīth* concerning relations between Muslims and non-Muslims and the death penalty for apostates in a contextual manner. It takes into account historical aspects (*asbāb al-wurūd*), *munāsabah*, and the practices of the Prophet Muhammad to produce an understanding that is more just, inclusive, and relevant to the context of contemporary society.

This study aims to identify the classification of non-Muslims and their potential to be regarded as hostile from a contemporary fiqh perspective, to explain how Islamic teachings view interreligious relations as part of socio-humanitarian life, and to critically examine the concept of the death penalty for apostates, as well as how principles of justice and public welfare can serve as the basis for addressing it. The main contribution of this research lies in its integrative approach, combining normative-textual analysis with the *maqāṣid al-sharī'ah* framework and contemporary social context, ultimately introducing an interpretive method based on "evaluative hermeneutics." Accordingly, this study is expected to serve as an important reference for formulating a more moderate and inclusive Islamic narrative.

The study employs a qualitative approach using library research, examining primary and secondary sources including Qur'anic exegesis, collections of *ṣaḥīḥ ḥadīth* and their commentaries, as well as works of classical and contemporary scholars related to Muslim–non-Muslim relations and the issue of apostasy within the *maqāṣid al-sharī'ah* and *uṣūl al-fiqh*

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[5] Lalu Supriadi B. Mujib and Khairul Hamim, "Religious Freedom and Riddah Through the Maqāṣidī Interpretation of Ibn 'Āshūr," *HTS Teologiese Studies / Theological Studies* 77, no. 4 (2021), https://www.ajol.info/index.php/hts/article/view/232993; Choirul Hamdan Rambe and Abdul Mukhsin, "Review of Islamic Criminal Law on the Crime of Blasphemy (Case Study in Tebing Tinggi City)," *Legal Brief* 13, no. 5 (December 2024): 1259–67, https://doi.org/10.35335/legal.v13i5.1164; Joko Sriwidodo, "Ensuring Restorative Justice Through Penal Mediation in Indonesia: An Examination from the Perspective of Islah (Reformation) in Islamic Criminal Law," *Manchester Journal of Transnational Islamic Law & Practice* 20, no. 3 (July 2024): 45, https://openurl.ebsco.com/contentitem/gcd:181002287?sid=ebsco:plink:crawler&id=ebsco:gcd:181002287; Isa Olawale Solahudeen, "Justification for Islamic Penology: A Comparative Study of Crime Rates Between the United States of America and Saudi Arabia," *Fountain University Law Journal* 2, no. 4 (February 2025): 24–41, https://doi.org/10.53704/2skyvx34.

frameworks. Key references include *Ṣaḥīḥ al-Bukhārī, Ṣaḥīḥ Muslim, Tafsīr al-Ṭabarī, al-Jāmiʿ li Aḥkām al-Qur'ān* by al-Qurṭubī, and other relevant tafsīr works. The analysis follows a thematic-hermeneutic approach, examining verses and ḥadīth holistically based on *asbāb al-nuzūl, asbāb al-wurūd,* and the coherence (*munāsabah)* between texts, supported by *maqāṣid al-sharī'ah* principles such as *ḥifẓ al-nafs* (protection of life), preservation of religion, preservation of intellect, and preservation of honor. Through a critical construction of understanding that integrates textual and contextual dimensions, this research is expected to provide a scientific contribution in the form of an objective, comprehensive, and contextual reinterpretation. It also aims to address the challenges of understanding Islamic law s in multicultural and democratic societies concerning issues of intolerance and religious radicalization, while filling a gap in the literature regarding the legal construction of Muslim–non-Muslim relations and apostasy through a thematic *maqāṣidī* and *uṣūlī* approach.[6]

Muslim and non-Muslim

Etymologically, the word "Muslim" comes from the Arabic مُسْلِمٌ(*muslim*), which is the *ism fāʿil* (active participle) form of the verb أَسْلَمَ - يُسْلِمُ - إِسْلَامًا(*aslama - yuslimu - islāmān*), meaning "to submit" or "to surrender." Terminologically, a Muslim is a person who believes in Allah as the only God and in the prophethood of Muhammad (Saw.), while demonstrating submission to and acceptance of His teachings. This definition aligns with a ḥadīth narrated by al-Bukhārī, in which the Prophet (Saw.) explains that a Muslim is one who does not harm other Muslims, either with his tongue or his hand.[7]

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[6] Endang Hidayati and Bahriyan Ar-Rasyid Hutagaol, "An Analysis of Hasan Hanafi's Tafsir Method: Hermeneutics as An Interpretative Approach," *INJIES: Journal of Islamic Education Studies* 2, no. 1 (June 2025): 39–48, https://doi.org/10.34125/injies.v2i1.22; Jasser Auda, "The Maqasid Methodology: A Guide for the Researcher in the Research Network," *Journal of Contemporary Maqasid Studies* 1, no. 1 (December 2021): 1–30, https://doi.org/10.52100/jcms.v1i1.59; Tarmizi Tahir and Syeikh Hasan Abdel Hamid, "Maqasid Al-Syari'ah Transformation in Law Implementation for Humanity," *International Journal Ihya' 'Ulum al-Din* 26, no. 1 (June 2024): 119–31, https://doi.org/10.21580/ihya.26.1.20248.

[7] Almaany Team, "Ta'rīf wa Sharḥ wa Maʿnā Muslim bi al-ʿArabī fī Maʿājim al-Lughah al-ʿArabiyyah, Muʿjam al-Maʿānī al-Jāmiʿ, al-Muʿjam al-Wasīṭ, al-Lughah al-ʿArabī al-Muʿāṣir, al-Ra'id, Lisan al-ʿArab, al-Qamus al-Muhit *Almaany.Com,* accessed August 16, 2025, https://www.almaany.com/ar/dict/ar-ar/%D9%85%D8%B3%D9%84%D9%85/.

Furthermore, the meanings of Islam, Iman, and Ihsan are clarified in the well-known long hadith narrated in Muslim's collection, where Jibril (Gabriel) came in the form of a man and asked the Prophet (Saw.) about the meanings of Islam, Iman, and Ihsan. The Prophet (Saw.) replied, "Islam is that you bear witness that there is no God but Allah and that Muhammad is His Messenger, establish prayer, pay zakāt, fast during the month of Ramadan, and perform the pilgrimage to the House of Allah if you are able..."[8] The Qur'an explicitly instructs that every believer must follow the teachings of Islam comprehensively and not partially, while warning against following the footsteps of Satan (the desires of the self), who is the real enemy of humanity, as stated in Q.S. al-Baqarah [2]: 208 and an-Nisā' [4]: 136.[9]

The term non-Muslim generally refers to anyone who does not follow Islam, whether they come from a revealed religion (*samawī*) such as Judaism or Christianity, a non-revealed religion ( ) such as Confucianism or Hinduism, or those who are irreligious. In fiqh and theological terminology, this group is often referred to as *Kāfir*. Linguistically, *Kāfir* ((كَافِرٌ means "one who conceals or denies," and in Islamic terminology, it can refer to anyone outside the teachings of Islam—that is, those who do not affirm the two testimonies of faith (*shahādah*), reject core religious teachings, do not believe in Allah and His Messenger, demean the honor of Allah or the Prophet Muhammad (Saw.), or neglect any of the pillars of faith (*arkān al-īmān*) established in Islam.[10]

The Qur'an often uses the term *Kāfir* to refer to those who reject the truth of revelation and prophethood, as emphasized in Q.S. al-Fath [48]: 13, which states that whoever does not believe in Allah and His Messenger will have blazing Hell prepared for them. However, the Qur'an also makes exceptions for some People of the Book (*Ahl al-Kitāb)* who believe in Allah and the teachings revealed to them, as mentioned in Q.S. Āli 'Imrān [3]: 199. In the interpretation by the Ministry of Religious Affairs of Indonesia, this verse is explained as

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[8] Abū al-Ḥusayn Muslim bin al-Ḥajjāj Al-Nīsābūrī, *Al-Jāmi' al-Ṣaḥīḥ (Ṣaḥīḥ Muslim),* 1 reprint, ed. Muḥammad Dhihnī Afandī et al., vol. 1 (Beirut, Lebanon: Dar Tawq al-Najat, 2011), 28.

[9] Ministry of Religious Affairs of the Republic of Indonesia, "Qur'an Kemenag," https://quran.kemenag.go.id/.

[10] Almaany Team, *Definition, Explanation, and Meaning of Kāfir in Arabic in the Arabic Language Dictionary, Comprehensive Dictionary of Meanings, Intermediate Dictionary, Contemporary Arabic Language, al-Rā'id, Lisān al-'Arab, al-Qāmūs al-Muḥīṭ – Arabic-Arabic Dictionary,* accessed August 17, 2025, https://www.almaany.com/ar/dict/ar-ar/%D9%83%D8%A7%D9%81%D8%B1/.

recognition of figures such as King Najasyi and 'Abdullah bin Salam, who accepted the prophethood of Muhammad (Saw.) and did not show hostility toward Islam. The Prophet (Saw.) even encouraged his companions to perform the *salāt al-ghā'ib* as a form of respect for King Najasyi upon receiving news of his passing. This demonstrates that the term *Kāfir* in Islam is neither singular nor uniform, but should be understood contextually based on attitudes and acceptance of the truth brought by the Prophet Muhammad.[11]

In classical fiqh literature, scholars classify non-Muslims (*Kāfir*) into several categories based on their attitudes and relations toward Muslims. Among the most fundamental classifications are *Kāfir Ḥarbī* and *Kāfir Dhimmī*.[12] . This division is not only theological but also has socio-political dimensions that are relevant for understanding Muslim–non-Muslim relations in modern plural societies. *Kāfir Ḥarbī* refers to non-Muslims who openly show hostility toward Islam, oppose Islamic propagation, and actively resist the Muslim community. They break all forms of peace agreements and take an aggressive stance in conflicts. The main characteristics of this group include actively fighting against Muslims or obstructing the spread of Islam, refusing to establish peace agreements with Muslim communities, and promoting hostility or systematic efforts to undermine the existence of Muslims.[13] In the classical context, the Quraysh, who fought against the Prophet Muhammad and the Muslim community during the early period of prophethood, serve as a clear example of this category.

In contrast to *Kāfir Ḥarbī*, the term *Kāfir Dhimmī* refers to non-Muslims who live peacefully alongside Muslims within the territory of an Islamic state (*dār al-Islām*) and who adhere to its regulations. They are guaranteed protection of life, property, and the freedom to practice their religion.[14] The characteristics of *Kāfir Dhimmī* include paying *jizyah* or other forms of contribution to the Muslim government as recognition of the protection provided, living peacefully without disturbing Muslims, obeying state laws, and refraining from

[11] RI, "Qur'an Kemenag."

[12] Asma Afsaruddin, *The First Muslims: History and Memory* (Simon and Schuster, 2013).

[13] Rumadi Ahmad, "Speaking the Unspeakable: The Status of 'Non-Muslims' in Indonesia," *Samarah: Journal of Family Law and Islamic Law* 6, no. 2 (December 2022): 734, https://doi.org/10.22373/sjhk.v6i2.13576.

[14] Ahmad Hanif Fahruddin, "Greetings to Non-Muslims (Analysis of the Qur'an, Hadith, Asbabul Wurud, and Legal Implications)," *Akademika* 13, no. 01 (June 2019): 01, https://doi.org/10.30736/adk.v13i01.137.

rebellion, sedition, or incitement against the government or the Muslim community. Historically, *dhimmah* represents a socio-political contract between the Islamic government and non-Muslim residents, ensuring their rights to life, property, and religious freedom in exchange for social loyalty and contributions to the stability of the state.[15]

Within the framework of social relations between Muslims and non-Muslims, Islamic jurists emphasize the importance of upholding the values of justice, humane treatment, and the spirit of coexistence toward *Kāfir Dhimmī*. This principle is affirmed in the words of Allah Almighty in Surah al-Mumtahanah [60]: 8–9, which states that Allah does not forbid Muslims from acting kindly and justly toward non-Muslims who do not fight them on account of religion and do not drive them out of their homes. This verse demonstrates that as long as there is no hostility or oppression from non-Muslims, Islam continues to encourage benevolence and justice toward them. Therefore, the status of *Kāfir Dhimmī* is not intended as a form of discrimination but as a recognition of diversity within a civilized society that upholds peaceful coexistence— . This serves as evidence that Islam is a religion that highly values humanity and tolerance within the framework of Sharia.[16]

In the context of modern society and the nation-state, the terms *Kāfir Dhimmī* and *Kāfir Ḥarbī* must be understood carefully and contextually. International relations, human rights law, and citizenship systems have established new forms of legal protection and civil rights that make no distinction based on religion. Nevertheless, the moral and social spirit underlying these classical classifications remains relevant as part of Islam's ethical approach to pluralism. In a plural Muslim society, the principle of *ta'āyush salmī* (peaceful coexistence) is an essential value that must be preserved, in line with the spirit of *maqāṣid al-sharī'ah* in safeguarding religion, life, intellect, lineage, and property.[17] The classification *of Kāfir* into

[15] Ahmad, "Speaking the Unspeakable"; Muḥammad al-Ḥusayn Al-Ḥusaynī al-Ṭihrānī, "Aḥkām al-Kuffār al-Dhimmīyīn wa al-ḥarbīyīn," MadrasatAlwahy.org, MadrasatAlwahy.org, accessed August 7, 2025, https://madrasatalwahy.org/Document/Speech/Details/12229/%D8%A7%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D9%83%D9%81%D8%A7%D8%B1-%D8%A7%D9%84%D8%B0%D9%85%D9%8A%D9%8A%D9%86-%D9%88%D8%A7%D9%84%D8%AD%D8%B1%D8%A8%D9%8A%D9%8A%D9%86; Sushil Jain, "Ghiyar and Sartorial Differentiation: Exploring Shurut Vinar, Tashabbah-Bi-l-Muslimin, and the Status of Dhimmi and Kafir," SSRN Scholarly Paper no. 4880052 (Rochester, NY: Social Science Research Network, June 25, 2024), https://doi.org/10.2139/ssrn.4880052.

[16] Fakhr al-Dīn Al-Rāzī, *Mafātīḥ al-Ghayb (Al-Tafsīr al-Kabīr)*, 3rd ed., vol. 29 (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1420), 521.

[17] Jakob Skovgaard-Petersen, "Islamists, Civil Rights, and Civility: The Contribution of the Brotherhood Siras," *Contemporary Islam* 18, no. 2 (July 2024): 243–55, https://doi.org/10.1007/s11562-023-00535-8.

Harbī and *Dhimmī* thus not only has conceptual value in classical fiqh, but also gives rise to a number of important implications in the context of social relations, da'wah strategies, and the enforcement of Islamic criminal law. A proportional understanding of this classification is necessary to avoid an exclusive and discriminatory approach towards non-Muslims, especially in the modern era which promotes the principles of human rights and religious tolerance.

In the context of da'wah, the classification of non-Muslims plays a role in determining the approach and strategy of a *da'i* (preacher). Towards *Kāfir Dhimmī*, da'wah is carried out persuasively, dialogically, and wisely as directed in Q.S. an-Naḥl [16]: 125-128, which emphasizes the importance of a peaceful and polite approach to those who do not oppose Islam. Conversely, towards *Kāfir Ḥarbī* _who actively obstructs da'wah and commits aggression against Muslims_, a firm and protective attitude is required, including through political or military defense channels if necessary. However, what needs to be a common concern in this regard is that in the context of modern societies that uphold the supremacy of law and international agreements, conditions that fully meet the criteria *of Kāfir Ḥarbī* in the classical sense are very rare, so that the basic principle of preaching to all non-Muslim groups today remains centered on the ethics of dialogue, respect, and a humanistic approach. Thus, the fundamental purpose of religion and what must be done to create harmony in today's world remains to be realized .[18]

The classification between *Kāfir Ḥarbī* and *Kāfir Ẓimmī* also has important consequences in the application of Islamic criminal law (*al-ʿuqūbāt*). *Kāfir Dhimmī*, who lives under a treaty (*ʿahd* or *dhimmah*), receives full protection for his life and property. They are subject to Islamic public law, such as *jinayah* (Islamic criminal law) and *muʿāmalah* (social relations), but in personal matters such as marriage and inheritance, they are allowed to practice their own religious provisions in accordance with the *dhimmah* contract. Conversely, *Kāfir Ḥarbī* have no right to protection under Islamic law unless they enter into a peace agreement. This principle is emphasized in various primary sources of Islam that emphasize the prohibition

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[18] Gabriele Lattanzio, "Beyond Religion and Culture: The Economic Consequences of the Institutionalization of Sharia Law," *Emerging Markets Review* 52 (September 2022): 100918, https://doi.org/10.1016/j.ememar.2022.100918.

of injustice, including the words of the Prophet SAW narrated by Abu Dawud: *"Whoever oppresses a non-Muslim who is bound by a treaty, reduces his rights, burdens him beyond his capacity, or takes something from him without his consent, then I will be his defender on the Day of Judgment."*[19]

The principle of respect for non-Muslims who do not oppose Islam was emphasized through many events during the time of the Prophet Muhammad. Asma bint Abu Bakr, for example, once asked whether she could continue to be kind to her mother, who was still *a polytheist* (a follower of Arab polytheism), and the Prophet Muhammad replied, "Yes," then Allah revealed Q.S. al-Mumtahanah: 8. The Prophet (peace be upon him) also permitted 'Umar bin Khattab to give silk cloth to his brother who was still *a polytheist* in Mecca. In another *hadith* narrated by al-Bukhari, the Prophet emphasized: *"Whoever believes in Allah and the Last Day should not harm his neighbor, should honor his guest, and should speak kindly or remain silent."* Even in the Prophet's letter to the people of Yemen, it is stated that Jews and Christians who do not convert to Islam should not be forced to leave their religion, but are still required to pay *jizyah* as a form of state protection. This guarantee of protection is also reinforced by a strict prohibition on killing non-Muslims who are bound by the treaty. This provision is emphasized in the narration of al-Bukhārī, which stresses that violating their right to life is a grave sin and that the oppressor ( ) faces severe punishment in the hereafter.[20] All of these principles affirm that in Islam, the existence of *Kāfir Dhimmī* is not a basis for discrimination, but rather a form of recognition of diversity in a civilized society. Fair treatment, respect for their rights, and the prohibition of oppression are important pillars in maintaining social harmony in accordance with the guidance of the Sharia. The main principles that must be upheld are justice, the protection of human rights, and the spirit of da'wah that *is rahmatan lil ʾālamīn.*

Furthermore, the use of the term *People of the Book* refers to non-Muslim communities who accepted the *heavenly* scriptures before the advent of Islam, specifically Jews and Christians according to the majority opinion. They have a special position in the Qur'an and

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[19] Sulaimān ibn al-Ashʿath al-Azdī al-Sijistānī Abū Dāwūd, *Sunan Abī Dāwūd*, 1st ed., ed. Shuayb Al-Arnaʾūṭ and Muḥammad Kāmil Qarrah Ballī, (Damascus: Dār al-Risālah al-ʿĀlamiyyah, 2009), 658.

[20] Abu Abd Allah Muhammad ibn Isma'il Al-Bukhari *al-Juʿfi*, Muṣṭafā Dīb Al-Bughā,Damascus: Dār Ibn Kathīr, 1993), p99; Al-Bukhārī al-Juʿfī, 8: 4-11 ʿAbd al-Razzāq ibn Hammām *Al-Ṣanʿānī*, Al-Muṣannaf, (Dār al-Taʾṣīl, 2013), 185.

the hadith of the Prophet Muhammad, because even though they do not believe in the message of the Prophet Muhammad, they are still recognized as owners of the holy scriptures which originally came from Allah SWT.[21] In this regard, Rashīd Riḍā, in *Tafsīr al-Manār*, broadens the scope of the term *People of the Book* to include not only Jews and Christians, but also Magians, Shabi'in, Hindus, Buddhists, and *Confucians*, because they are considered to have had holy books or *syibh al-kitāb* which originally contained the teachings of monotheism. Riḍā argues, as quoted by Muflihun, that every nation in the past had been sent a messenger with a book, even though many of them deviated from the original revelation. Riḍā also emphasized that what is meant by *mushrik* in the Qur'an is the Arab *mushrik* community that did not have a scripture at all, unlike religions outside the Arabian Peninsula which, although not explicitly mentioned in the Qur'an, are still considered part of *the People of the Book* because they have sources of teachings that are believed to originate from *heavenly* teachings, even though they are now mixed with elements of human culture and thought (*bid'ah* and deviations from teachings).[22]

In this regard, the Qur'an provides clear ethical guidance, namely allowing and even encouraging kindness and fairness towards non-Muslims who do not fight against Muslims and do not expel them from their homeland, as explained in the verse " " in Surah al-Mumtahanah [60]: 8. This attitude is in line with the universal principles of justice and humanity that are upheld in Islamic teachings. However, history records that not all *People of the Book* treated Muslims the same. Some of them lived peacefully side by side, while others were hostile and betrayed the peace agreement. In this context, the Qur'an emphasizes the importance of distinguishing between those who faithfully uphold the agreement and those who violate it. This principle is reflected in the provision that allows for the continuation of peaceful relations with those who uphold the agreement, as well as taking a firm stance against those who betray it, as explained in Q.S. At-Taubah [9]: 3–16.[23]

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[21] Joshua R. Sijuwade, "Islam and the Pan-Abrahamic Problem," *Religions* 16, no. 1 (January 2025): 51, https://doi.org/10.3390/rel16010051.

[22] Muflihun Muflihun, "The Meaning of Ahl Al-Kitâb in the Perspective of the Qur'an (A Comparative Study of Tafsîr Al-Manâr and Tafsîr Al-Mishbâh)" (Master's thesis, PTIQ Institute Jakarta, 2024), accessed August 15,2025, https://repository.ptiq.ac.id/id/eprint/1485/.

[23] RI, "Qur'an Ministry of Religious Affairs."

An applicable example in line with the explanation in Q.S. At-Taubah [9]: 3–16 can be seen in the open conflict between Israel and Iran that erupted in June 2025. Israel first attacked dozens of strategic targets in Iran, including nuclear and military facilities, and carried out planned assassinations of military leaders and nuclear scientists. This action was seen as a violation of the peace agreement and open hostility. Iran then retaliated with ballistic missile and drone attacks on military, intelligence, and residential targets, which led to the involvement of the United States in attacking three major Iranian nuclear facilities. This conflict also took place in the fifth generation warfare (5GW) battlefield, where both sides utilized advanced technology, artificial intelligence, algorithms, and cyber attacks to control the narrative and shape public perception, as warned in the Qur'an to be wary of betrayal and deception by hostile parties.[24]

Furthermore, the Qur'an in Q.S. Al-Mujadilah [58]: 22 also describes that believers will not take those who oppose Allah and His Messenger as allies or helpers, even if blood ties or social proximity bind them. Thus, the classification of *the People of the Book* is not only based on religious identity, but also on their attitudes and actions towards Muslims. This view allows for a more specific categorization, such as groups that are peaceful and can be cooperated with, and groups that are hostile and reject peace. As mentioned earlier in Q.S. Āli 'Imrān [3]: 199, some of *the People of the Book* are described as believing in Allah and the revelations that were sent down, including those sent down to the Prophet Muhammad. These are the ones who are exempted from the general designation of *Kāfir*. One example of a figure who falls into this category is King Najāshī, as can be seen in the Indonesian Ministry of Religious Affairs' interpretation, which explains that *"...not all People of the Book deviate from the teachings of Allah... but there are some of them, such as King Najāshī, 'Abdullāh bin Salām, and others, who truly believe in Allah..."*[25] Thus, the meaning of *People of the Book* cannot be

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[24] Basim Tweissi, "Iran vs. Israel: How Deception and the Information War Shaped Public Perceptions," *Arab Center for Research and Policy Studies,* 2025, https://www.dohainstitute.org/en/Lists/ACRPS-PDFDocumentLibrary/iran-vs-israel-how-deception-and-the-information-war-shaped-public-perceptions.pdf.

[25] *Indonesian Wikipedia, free encyclopedia,* "Abdullah bin Salam," June 8, 2025, https://id.wikipedia.org/w/index.php?title=Abdullah_bin_Salam&oldid=27378765; RI, "Qur'an Kemenag."

generalized as "*Kāfir* Ḥarbī" (unbelievers at war), because there are those who actually demonstrate true faith and closeness to the values of monotheism.

In the reality of a pluralistic and diverse modern society, the classical division between *Kāfir Ḥarbī*, *Dhimmī*, and *Ahli Kitab* cannot be applied rigidly. The current state system guarantees equal rights for all citizens, regardless of religion, ethnicity, or social status. Thus, this classification is more appropriately understood in a theoretical-normative context, rather than as the basis for exclusive legal treatment in state practice.[26] The Islamic principle of bringing mercy to all of creation emphasizes the importance of peaceful interaction between communities, mutual respect, and cooperation. Q.S. Al-Ḥujurāt [49]: 13 _even though textually it refers to the internal community of Islam_ in this case emphasizes that differences in nationality and ethnicity are a means of getting to know one another, and that glory in the eyes of Allah is determined by the level of piety, not by physical identity. This message serves as a moral foundation for rejecting identity-based discrimination and encouraging the creation of social relations based on the values of justice, brotherhood, and respect for human dignity.[27]

The verses of the Qur'an that speak about non-Muslims have a variety of characteristics, ranging from normative-ethical messages that emphasize human values, to legal and political provisions that regulate relations in certain conditions. In contemporary readings, scholars emphasize the need to understand these verses by considering the historical context in which they were revealed (*asbāb al-nuzūl*), the general objectives of Sharia law (*maqāṣid al-sharī'ah*), and the current socio-political situation of Muslims. This approach helps avoid rigid application of the law and ensures that the universal values of Islam remain relevant in the midst of changing times.[28] Q.S. al-Mumtahanah [60]: 8–9, for example, is an important reference in establishing the principle of harmonious interfaith relations. This verse emphasizes the obligation to do good (*al-birr*) and uphold justice (*al-qisṭ*) towards non-

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[26] "Universal Declaration of Human Rights," United Nations, 1948, accessed July27, 2025, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[27] Muhammad bin Ahmad al-Anshari Al-Qurṭubī, *Al-Jāmi' Li Aḥkām al-Qur'Ān (Tafsir al-Qurṭubī)*, ed. Aḥmad Al-Bardūnī and Ibrāhīm Aṭfīsh, vol. 16 (Cairo: Dār al-Kutub al-Miṣriyyah, 1964), 340-348.

[28] Burhanudin Al-Ghoni et al., "Reframing Qur'anic Perspectives on Interfaith Relations in the Contemporary World: A Thematic Analysis," *Al-Karim: International Journal of Quranic and Islamic Studies* 3, no. 1 (March 2025): 1–14, https://doi.org/10.33367/al-karim.v3i1.6478.

Muslims as long as they do not commit hostility or expulsion against Muslims. This principle establishes that the basic condition of relations with outsiders is peaceful and respectful, while decisive action is only justified in the event of actual aggression. In the context of a pluralistic society, this message provides theological legitimacy for mutually respectful social interaction, interfaith cooperation, and the enforcement of justice for all parties without discrimination.[29]

Furthermore, in *TafsirfFī Ẓilāl al-Qur'ān*, it is explained that Q.S. al-Mumtahanah [60]: 8 provides a fair and balanced principle in the relationship between Muslims and non-Muslims. This verse emphasizes that Muslims are permitted and even encouraged to establish good, loving, and fair relationships with those who do not fight them because of their religion and do not expel them from their homeland. In social interactions, they are prohibited from reducing the rights of these parties in any way. Conversely, Islam strictly prohibits forming alliances or loyalties with parties who fight, expel, or assist in the expulsion of Muslims, and refers to such actions as a form of injustice, one meaning of which is *shirk*. This principle is in line with Islam's vision of universal peace, where the basic condition of relations with all human beings is peace, kindness, and justice, except in cases of military aggression, betrayal of agreements, or obstruction of freedom of preaching and belief. In this view, the only cause worthy of defense and struggle, even through *jihad*, is the Islamic creed, the implementation of Allah's sharia, the establishment of His kingdom ( ), and the enforcement of His word on earth—not worldly interests, tribalism, racism, or lineage.[30]

Contemporary scholars such as Yusuf al-Qaraḍāwī and Abdullah Saeed emphasize that confrontational verses in the Qur'an cannot be separated from their historical context, namely a period when Muslims were under military and political pressure. Therefore, they reject the generalization that all non-Muslims are enemies or untrustworthy. Instead, they promote a *maqāṣidī* (universal objectives of Sharia) approach, which is to protect life, religion, honor,

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[29] Wahbah Az-Zuhailī, *At-Tafsīr al-Munīr Fī al-'Aqīdah Wa Ash-Sharī'ah Wa al-Manhaj,* 10th ed., vol.28 (Damascus: Dar al-Fikr, 2009), 134-137.

[30]Sayyid Quṭb, "Tafsir Fī Ẓilāl Al-Qur'ān," Al-Mawsū'ah al-Shāmilah Li al-Tafsīr, accessed August 14, 2025, https://quran-tafsir.net/qotb/sura60-aya8.html.

reason, and property for all human beings regardless of religious background.[31] Thus, the treatment of non-Muslims in Islam is largely determined by their attitude towards Muslims, not solely because of differences in creed. *The hadith* of the Prophet and the results of Qur'anic exegesis, when read contextually and oriented towards the principle *of maqāṣid,* confirm that Islam does not teach discrimination, but emphasizes justice and peace as its main principles. Therefore, these principles can still be used as a normative basis for building peaceful, just, and mutually respectful relations between religious communities.

Reinterpretation *of Hadiths* **Exclusive to Non-Muslims in the Framework of** *Maqasid al-Shari'ah*

In the collection *of the* Prophet's *hadith*, there are several accounts that at first glance appear to show an exclusive attitude towards non-Muslims, and in some cases even contain harsh connotations. However, the interpretation of such *hadiths* cannot be separated from their historical context (*asbāb al-wurūd)*, the socio-political position of Muslims at that time, and the overall objectives of the implementation of Sharia law (*maqāṣid al-sharī'ah*). One example of *a hadith* that is often highlighted in this regard is as follows:

لَا تَبْدَؤُوا الْيَهُودَ وَالنَّصَارَى بِالسَّلَامِ، فَإِذَا لَقِيتُمُوهُمْ فِي الطَّرِيقِ فَاضْطَرُّوهُمْ إِلَى أَضْيَقِهِ

"Do not initiate greetings to Jews and Christians. If you encounter them on the road, push them to the narrowest part of the road."[32]

This *hadith* has been the subject of debate in the study of interpretation and social jurisprudence. When read textually, this *hadith* does appear to affirm discrimination against non-Muslims, especially the *People of the Book*. However, a contextual approach based on *maqāṣidī* to this *hadith* shows that its meaning is not static.

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[31] Abdullah Saeed, *Interpreting the Qur'ān: Towards a Contemporary Approach* (Abingdon [England] ; New York: Routledge, 2006), 1, 126, 149 ; " Status of Muslim Heirs to the Property of Non-Muslim Deceased Persons from the Perspective of Yusuf Al-Qarḍâwî," *TAJDID* 28, no. 1 (July 2021): 121, https://doi.org/10.36667/tajdid.v28i1.565; Ahmad Anas, "Yusuf Al-Qardhawi's Hermeneutics: An Alternative Moderate Reading of Qur'an," *An-Nur International Journal of The Quran & Hadith* 2, no. 2 (November 2024): 34–44, https://doi.org/10.62032/aijqh.v2i2.49.

[32] Al-Nīsābūrī, *Al-Jāmi' al-Ṣaḥīḥ (Ṣaḥīḥ Muslim),* vol. 7: 5.

Historically, this *hadith* was narrated in the context of war or political tension between the Muslim community of Medina and the surrounding non-Muslim communities. Al-Nawāwī and Ibn Ḥajar emphasized the literal and textual meaning, viewing this action as a form of subjugation and humiliation in accordance with the status *of dhimmis* who were subject to Muslims, as reflected in the practice of 'Umar ibn al-Khattab, who imposed conditions that formally placed severe restrictions on non-Muslims seeking protection within Islamic territory, including restrictions on worship, a ban on imitating Muslim life, and the obligation to give limited greetings and respect. In contrast, Ibn Kathīr emphasized the legal and political context, interpreting the cornering as part of social regulation and political obedience of non-Muslims until they paid *the jizyah*, but still emphasized the ethical aspect by requiring a return greeting and fair social attitude, as explained in Q.S. An-Nisa '[4]: 86. Therefore, the literal meaning of the *hadith* can be understood in conjunction with the principles of justice and social ethics of Islam, which are universal and fair.[33] Al-Qaraḍāwī explains that the greeting is a form of courtesy and respect that has become a well-known custom of modern humans, not a matter of theological recognition. Therefore, this *hadith* should not be used as a basis for severing social ties in a harmonious society, but should serve as a warning against compromising when dealing with actively hostile groups.[34]

Another *hadith* that is often studied in relation to this issue is the following: *"I have been commanded to fight people until they testify that there is no god but Allah and that Muhammad is the Messenger of Allah, establish prayer, and pay zakat. If they do that, then their blood and wealth are protected from me, except for reasons justified in Islam, and their reckoning is with Allah."*[35]

The scholars noted several contexts behind the *hadith*. *First*, the account of the Battle of *Khaybar* (around 7 AH), when the Prophet gave the banner of war to Ali bin Abi Talib. At that time, Ali asked on what basis he should fight people, and the Prophet replied: "Fight them until they bear witness, then their blood and property will be protected except by right."

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[33] Ismā'īl ibn 'Umar Ibn *Kathīr, al-'Aẓīm,* vol. 3 (Saudi Arabia: Dar Ibn al-Jawzi, 1431), 174 ; Aḥmad bin 'Alī bin Ḥajar Al-'Asqalānī, *Fatḥ Al-Bārī bi Sharḥ al-Bukhārī,* 1st ed., vol. 11 (Cairo: Al-Maktabah al-Salafiyyah, 1970), 42 ; Muhyi al-Din Yahya bin Sharaf Al-Nawawi, *Al-Minhāj Sharḥ Ṣaḥīḥ Muslim Bin al-Ḥajjāj,* 2nd ed., vol. 14 (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 1972), 144.

[34] Yūsuf Al-Qarḍāwī, *On the Jurisprudence of Muslim Minorities: The Life of Muslims in Foreign Societies,* 1st ed. (Cairo: Dār al-Syurūq, 2001), 146-150.

[35] Al-'Asqalānī, *Fatḥ Al-Bārī Bi Sharḥ al-Bukhārī,* vol. 1: 76.

Second, the account of Mu'adh bin Jabal on his way to the Battle of Tabuk (9 AH), when he asked the Prophet about the deeds that would lead him to Paradise. The Prophet explained the fundamentals of religion, the pillars of Islam, and its pinnacle, which is *jihad,* with his words: "I have been commanded to fight people until they establish prayer, pay zakat, and testify that there is no god but Allah and that Muhammad is His messenger." *Third,* the story of the dialogue between Abu Bakr and Umar during the war against the *apostates* (after the death of the Prophet, around 11 AH), especially those who were reluctant to pay zakat. In this incident, Abu Bakr emphasized that zakat is a right of wealth and is included in the consequences of the shahada, so that those who refuse to pay zakat will still be fought.[36]

From these three accounts, it is clear that the *hadith* appeared in the context of defensive *jihad,* the affirmation of the pillars of Islam, and the enforcement of consistency in Sharia law, so it cannot be understood absolutely as a command to kill non-Muslims simply because of their different beliefs. The Prophet himself did not immediately practice the command to fight absolutely, but rather adapted it to the situation at hand. Abu Bakr practiced this *hadith* specifically on groups that refused to pay zakat, and this was later agreed upon by 'Umar ( ) after understanding the legal reasoning behind it. Badruddin provides many comments on this matter, emphasizing that even though the scholars use *the hadith* about fighting those who abandon prayer as an argument for the obligation to kill them, as is the opinion of the majority of scholars, this argument is considered invalid because the command in the use of the word *qital* (to fight) does not automatically mean to kill. In comparison with zakat, Badruddin emphasized that those who refuse to pay zakat are fought but not killed, unless they fight back with weapons, as Abu Bakr did without directly killing those who refused to pay zakat.[37]

The maqāṣid-based interpretation approach encourages the reading *of ḥadīth-ḥadīth* that seem exclusive by considering the universal objectives of Sharia law, such as the protection of life (*ḥifẓ al-nafs*), which affirms respect for the lives of all human beings as stated in Q.S. al-

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[36] Ṣuhayb Abd al-Jabbār, *Al-Musnad al-Mawḍūʿī al-Jāmiʿ Li-al-Kutub* al-ʿAsharah, (Al-Maktabah Al-Syamilah, 2013), 34-35 ; *Al-Ṣanʿānī, Al-Muṣannaf,* , vol. 6: 169.

[37] Abū Muḥammad Maḥmūd bin Aḥmad al-ʿAinī Badr al-Dīn, ʾUmdah Al-Qārī Syarḥ Ṣaḥīḥ al-Bukhārī, vol. 1 (Beirut: Dār Iḥyāʾ al-Turāš al-ʿArabī, n.d.), 179.

Māʾidah [5]: 32, protection of reason (ḥifẓ al-ʿaql) and freedom of belief (ḥurriyat al-Iʿtiqād), which rejects coercion in religion as explained in Q.S. al-Baqarah [2]: 256, as well as the protection of human honor and dignity (ḥifẓ al-ʿirdh wa al-karāmah), which prohibits insulting or degrading someone because of their beliefs. Thus, ḥadīths that appear exclusive must be understood within the limitations of the situation and not be used as a basis for discrimination outside of emergency conditions. This maqāṣid-based approach opens up space for reinterpreting religious texts to align with the principles of justice and peace, so that in a multicultural and multireligious state context, values such as interfaith tolerance, legal justice without discrimination, and peaceful coexistence across faiths become manifestations of the theory *of maqāṣid al-sharīʾah* that must be continuously upheld.

In addition, *authentic hadiths* narrated in the main *hadith* books also indicate the existence of the death penalty for *apostates*. One important narration in this regard is the following hadith:

$$\text{مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ}$$

"Whoever changes his religion (from Islam), then kill him."[38]

The *hadith* comes from 'Ikrimah through different chains of narration and redactions, including a narration that tells of several *Zindiqs* being brought before 'Ali bin Abi Talib, who then burned them. Ibn 'Abbas heard about this incident and commented that if he were in that position, he would not have burned them, because the Prophet Muhammad forbade torturing people with the punishment of Allah. However, he would still have killed them based on the words of the Prophet: *"Whoever changes his religion, kill him!"* From the various accounts that exist, it appears that this *hadith* arose in the context of dealing with groups that were considered dangerous to the purity of faith and the stability of the ummah, not merely as a justification for killing those who turned away from Islam. The *hadith* also does not

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[38] Al-Bukhārī al-*Juʿfī*, Ṣaḥīḥ Al-Bukhārī: vol. 3:1098.

contain the direct context in which the Prophet (peace be upon him) uttered it. The existing wording is a narration by Ibn 'Abbās who attributed the statement to the Prophet.[39]

Another *hadith* narrated by al-Bukhari from 'Abdullah bin Mas'ud states that the blood of a Muslim who has professed faith is not lawful to shed except for three reasons: killing another person without right (*an-nafsu bin-nafs*), committing adultery while married (*ats-tsayyib az-zani*), and apostasy and leaving the Muslim community (*al-māriq min ad-dīn at-tārik al-jamā'ah*). A narration from Abu Musa al-Ash'ari also reinforces this. When he was sent to Yemen, Mu'adz bin Jabal came to him. Before him was a man who was tied up. Abu Musa explained that this man was formerly a Jew, then converted to Islam, then returned to Judaism. Mu'adz insisted three times that he would not sit down until the man was killed in accordance with the decree of Allah and His Messenger. Finally, Abu Musa ordered that the man be killed. Another account from Jabir describes that a Bedouin Arab pledged allegiance to the Prophet to convert to Islam, but the next day he asked for his pledge to be revoked because he was suffering from a fever. This request was repeated three times, but the Prophet (peace be upon him) refused. He said: *"Madinah is like an iron forge; it purifies the bad people from it and selects the good ones."*[40]

Several verses of the Qur'an in this regard should be included in the discussion of the death penalty for *apostates*. In Surah al-Baqarah [2]: 216–217, Allah warns that the *disbelievers* will continue to fight the Muslims until they *apostatize*, and whoever *apostatizes* and then dies in disbelief, their deeds will be in vain in this world and the hereafter, and they will abide in Hell forever. Q.S. al-Maidah [5]: 54 emphasizes that if anyone *apostatizes*, Allah will replace them with people whom Allah loves and who love Him, who are firm against the disbelievers, and who strive in His cause. Q.S. al-Maidah [5]: 32–34 contains the principle that killing one soul without a valid reason is equivalent to killing all of humanity, but for those who fight Allah and His Messengerand cause corruption on earth, the appropriate punishment is to be killed, crucified, have their hands and feet cut off on opposite sides, or

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[39] Al-'Asqalānī, *Fatḥ Al-Bārī Bi Sharḥ al-Bukhārī*, vol. 12, 267-275*Al-Musnad al-Mawḍū'ī al-Jāmi' Li-al-Kutub* al-'Asharah, Rokhmadi Rokhmadi et al., "Understanding Riddah in Islamic Jurisprudence: Between Textual Interpretation and Human Rights," *HTS Teologiese Studies / Theological Studies* 79, no. 1 (July 2023), https://doi.org/10.4102/hts.v79i1.8613.
[40] Al-Bukhārī al-*Ju'fī*, *Ṣaḥīḥ* Al-Bukhārī, , 2537, 2638.

be exiled, unless they repent before being captured.[41] Thus, several *authentic hadiths* supported by a number of verses in the Qur'an indicate the legitimacy of the death penalty for *apostates,* whether in the form of leaving Islam for another religion or leaving the ranks of Muslims (treason), as part of efforts to maintain the purity of religion and the integrity of the Muslim community. However, these *hadiths* must be understood in the context of treason against the Muslim community, namely when someone leaves Islam and at the same time sides with the enemies of Islam in war or acts subversively against the Islamic state. Thus, the issue of *apostasy* referred to in the *hadith* is not only oriented towards a change of belief, but also political or military actions that endanger the stability of the Muslim community.

The history of Islamic civilization records various incidents *of apostasy*, both during the lifetime of the Prophet Muhammad and after his death. The most significant incident was *the* mass *apostasy* after the Prophet's death, as predicted in Q.S. al-Māidah [5]: 54, when many groups refused to pay zakat even though they still performed salat. Caliph Abu Bakr fought them until some were killed, burned, or returned to paying zakat. Historical records also mention famous figures such as al-Aswad al-'Ansi from the Bani Mażḥij tribe who claimed to be a prophet and was eventually killed by a Muslim, Musailimah al-Każżāb from the Bani Ḥanīfah tribe who offered to share power with the Prophet Muhammad (PBUH) and was killed by Wahsyi, and Ṭulaiḥah bin Khuwailid from the Bani Asad tribe who claimed to be a prophet, fled to Syria ( ) but later returned to Islam. During the time of Abu Bakr, there were also seven major groups that *apostatized,* including the Gaṭafān, Khuza'ah, Bani Sulaim, Bani Yarbū', part of the Bani Tamīm, Kindah, and Bani Bakr.[42]

Upon closer examination, during the time of the Prophet Muhammad, *the Khulafā' al-Rāshidīn,* and subsequent Islamic governments, apostasy was not viewed solely as a matter of personal change of faith, but was closely related to acts of political treason and threats to the stability of the Muslim community. For example, cases *of apostasy* after the Prophet's death were more related to political rebellion, refusal to pay zakat, and attempts to divide

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[41] RI, "Ministry of Religious Affairs Qur'an."
[42] RI, "Qur'an Ministry of Religious Affairs."

the newly established state of Medina. Historically, this can also be seen in the fiqh debate between the Shafi'iyah and Hanafiyah, in which apostasy was positioned within a political-security framework, with male *apostates* being viewed as equivalent to "prospective enemy soldiers" who had the potential to join *the dār al-ḥarb*, and thus punished with the logic *of ḥudūd* (fixed punishment for major crimes in Islam) and *daf' al-ḍarar (*the principle of rejecting or preventing harm); while the Hanafiyah excluded women because they were not involved in war and emphasized imprisonment until repentance. In the modern context, when the dichotomy *of dār al-Islām/dār al-ḥarb* has faded and relations between countries are governed by international law, this framework further emphasizes that policies on *apostasy* should be interpreted as instruments for protecting the public order in accordance with the principle *of maqāṣid,* not as a universal verdict on an individual's change of religion. This is in line with the principle *of maqāṣid al-sharī'ah,* particularly *hifẓ al-dīn* (protection of religion) and *hifẓ al-dawlah* (protection of the state/sovereignty).[43]

Within the framework of *maqāṣid al-sharī'ah,* severe punishments such as execution can only be applied if there is a very significant benefit and it falls within the category *of dharūriyyah* (primary necessity). The question is, should someone who peacefully converts to another religion in the modern era, in a country that guarantees freedom of religion, still be considered a public threat? In the classical Islamic legal system, where religion and state were integrated, apostasy was often seen as a form of rebellion against state authority. However, in modern state systems that lean more towards secularism with its various applications, conversion does not automatically mean treason or a threat to state stability.[44]

The reinterpretation *of the hadith* regarding punishment for *apostates* leads to two important points. *First,* the purpose of Sharia law in protecting religion (*ḥifẓ al-dīn*) is not to force individuals to remain Muslim, but rather to guarantee Muslims' freedom to believe without interference. Therefore, if someone *apostatizes* peacefully and does not disturb public order, there is no strong justification for imposing the death penalty. *Second,* the principle of

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[43] Mouez Khalfaoui, "Islam and Freedom of Belief: The Challenge of Female Apostasy," *Brill* 23, no. 2 (September 2025): 239–54, https://doi.org/10.1163/15692086-12341435.

[44] Mahmood Khosh Khabar et al., "Reconsidering the Criminalization of Apostasy with a Maqasid al-Shari'a Approach," *Fighe Maqaran* 11, no. 21(): 203–37, https://doi.org/10.22034/fm.2023.184088.

freedom of religion is affirmed in the Qur'an, including in Q.S. al-Baqarah [2]: 256, Q.S. al-Kahf [18]: 29, and Q.S. Yunus [10]: 99–100, which emphasize that in the end, after various efforts at proselytizing have been made, the choice to believe or not is a right given by Allah, not something that can be forced by humans.[45] These verses show that freedom of religion is part of the values protected by Islam, as long as it is not accompanied by acts of hostility, treason, or attempts to destroy the social order. Thus, a relevant legal approach in the modern context should distinguish between political apostasy, which threatens state security and social harmony, and apostasy that is purely a matter of personal belief. This distinction is important so that the application of Islamic law remains in line with the principles contained in the concept *of maqāṣid al-sharī'ah* and the principle of universal justice.

Disputes Among Scholars Regarding Social Relations with Non-Muslims and the Death Penalty for Apostates

Classical scholars and most contemporary scholars adhere to the provisions of the Qur'an and *the* Prophet's *hadith* regarding social relations with non-Muslims and the imposition of the death penalty for *apostates*. However, there is a fundamental difference in the classification *of Kāfir Ḥarbī* and *Kāfir Dhimmī*. Az-Zuḥailī emphasizes that the main reason for the death penalty for *apostasy* is to maintain obedience and loyalty to the government, in order to prevent rebellion that threatens the stability of the Muslim community and the teachings of Islam. According to him, this punishment is only imposed on apostates who are and have the potential to attack Muslims. The Mālikiyyah school of thought even exempts female *apostates* from the death penalty because they are not considered to have the potential to weaken Islam. The implementation of this punishment is only valid if it is carried out by the Imam (state leader) or his official representative.[46]

A number of contemporary scholars reject the application of the death penalty for *apostates* solely because of a change in belief. Muhammad 'Abduh, Rashid Rida, and

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[45] RI, "Qur'an Kemenag."

[46] Wahbah Az-Zuhailī, *Al-Fiqh al-Islām Wa* Adillatuh, (Suriyah: Dar al-Fikr, 1985), 187-188..

Mahmoud Shaltut assert that the Qur'an does not prescribe the death penalty for apostasy, but only mentions punishment in the hereafter, and *the ahadith* that states: *"Whoever changes his religion, kill him"* cannot be used as a basis for determining *hudud*. Furthermore, Muhammad Shahrur and Nasr Hamid Abu Zayd consider that this provision arose from political motives, not from the text of the Qur'an, and emphasize that freedom of religion includes the right to leave Islam. Muhammad 'Abid al-Jabiri adds that the war against *apostates* during the time of Abu Bakr was not solely due to a change in religion, but rather because of a threat to the state. Thus, in the present era, the death penalty is only relevant for treason accompanied by aggression, not pure apostasy. Historically, the Prophet himself never directly killed *apostates* or *zindiq*, and the application of this punishment was more related to political and security threats.[47]

Thus, the application of the death penalty for *apostates* would be contrary to the constitution and the principle of tolerance. Based on a study *of maqāṣid al-sharī'ah* that is in line with international law, the purpose of enforcing Islamic law is to protect religion, life, reason, lineage, property, and human dignity by promoting the principles of benefit, justice, human dignity, and the basic rights of every individual. Therefore, the reinterpretation *of hadiths* related to relations with non-Muslims and the death penalty for *apostates* needs to be placed within the framework of the universal objectives of Sharia in order to create justice, peace, and harmony among human beings.[48]

Conclusion

The results of this study indicate that the classification of non-Muslims in fiqh is not singular and monolithic. There are more detailed classifications such as *Kāfir Ḥarbī* and *Kāfir Dhimmī*, each of which has different implications in social and legal interactions. In the context of a pluralistic modern society, the classical static approach to these categories needs

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[47] Ali Akbar and Abdullah Saeed, "Death Penalty for Apostasy: Selected Sunni and Shi'a Scholars' Views in Favor of Abolition," *Melbourne Asia Review* 4 (November 2020), https://doi.org/10.37839/MAR2652-550X4.17; Badr al-Dīn, *'Umdah Al-Qārī Syarḥ Ṣaḥīḥ al-Bukhārī*, vol. 24: 79.

[48] Ahmer Bilal Soofi and Muhammad Masud, "International Law and Maqasid Al-Shariah," preprint, 2024, https://doi.org/10.2139/ssrn.4937103.

to be reexamined, especially when used as a basis for determining hostility or rejection towards other groups. Islam basically views interfaith relations as part of socio-human dynamics characterized by the principles *of taʿāruf* (mutual understanding), *ʾadālah* (justice), and *sulḥ* (peace). Many verses of the Qur'an and practices of the Prophet Muhammad show that there is ample room for peaceful coexistence and orderly and positive interfaith social cooperation.

In the case *of apostasy*, this study finds that the death penalty cannot be imposed without considering the social and political context and the fundamental values of the concept *of maqāṣid al-sharīʿah*. The *hadiths* used as evidence for this sanction are more appropriately understood in the historical context and security of Muslim society during the time of the Prophet, the generation *of his companions,* and subsequent generations, which were fraught with war and identity politics, rather than as absolute rules that apply universally. In a society that upholds religious freedom and the constitution of the state, respect for the right to choose a religion must be maintained as long as it is not accompanied by hostile actions. Using an integrative approach that combines normative-textual studies, *maqāṣid al-sharīʿah,* and the contemporary social context, this study emphasizes the importance of reinterpreting religious texts in a proportional and holistic manner. The principles of justice and maslahah are not only the normative spirit of Islamic law, but can also be important instruments in building a moderate, inclusive Islamic civilization that is relevant to the challenges and needs of the times. Thus, the results of this study are expected to serve as a reference in formulating an Islamic discourse that is more open to differences, upholds universal human values, and promotes harmonious interfaith relations within a framework of justice and peace.

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