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## Muslim Minorities in the Context of Citizenship in Western Countries According to *Fiqh al-Aqalliyat*; Challenges and Obligations

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### Abstract

The reality the Muslim population in Western countries is increasing significantly every year. By 2030, it is projected that the world's Muslim population will reach 2.2 billion with a growth rate of 24.9%. Muslims living in Western countries live their lives as a minority group, they are faced with various complex challenges, ranging from worship issues, and muamalah, to marriage issues. This paper aims to analyze the legal responses offered by fiqh al-aqalliyat to the challenges faced by Muslim minorities in Western countries, particularly in dealing with issues related to worship, social interaction, and interfaith relations. The research is a combination of empirical and normative legal research. The primary data is drawn from the experiences of informants in Western countries who are the object of this research and minority fiqh figures. Meanwhile, the secondary data is taken from books, contemporary books, and reputable journals that discuss minority fiqh. Theoretically, this research concludes that Muslims living in Western countries need to adapt and integrate with non-Muslim communities to build good and harmonious relationships. Therefore, according to fiqh al-aqalliyat, they are encouraged to say 'happy holidays' to non-Muslims to maintain social relations, not to divorce even if their husbands are non-Muslims to maintain the interests of their families, and may receive inheritance from their non-Muslim parents to protect their property from the control of infidels. However, they are still not allowed to consume non-Muslim meat that is not slaughtered by the provisions of Islamic law. As citizens, they must preach, implement basic religious laws, maintain Islamic sharia, assist in the development of the state, establish good relations between communities, and not rebel against the state.

**Keywords:** Muslim Minorities, Jurisprudence of Minorities, Non-Muslim**Corresponding author:**Khoirul Anwar, e-mail: [khoirulanwar@ibrahimy.ac.id](mailto:khoirulanwar@ibrahimy.ac.id)**Article History**

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## Introduction

Muslims residing in Western countries lead their lives as a minority population, where they constitute a small-scale group confronted with daily challenges. These challenges manifest when practicing their religious and spiritual teachings, especially in adhering to rules related to their interactions with those around them.<sup>1</sup> On one hand, they must engage in their worship with total commitment as an expression of their faith, while on the other hand, they are also tasked with maintaining harmonious relationships with the non-Muslim community.<sup>2</sup> Being a Muslim minority living within constrained circumstances is not an anticipated life situation for anyone. However, in reality, numerous Muslims today are embarking on migrations from regions predominantly inhabited by Muslims to areas where non-Muslims dominate, whether for educational pursuits or to seek employment for the betterment of their families.<sup>3</sup> This issue requires a legal solution from the thoughts of contemporary scholars who specifically discuss the problem of Muslim minorities in Western countries. In other words, it requires an in-depth *ijtihad* method by considering aspects of benefit and *maqashid al-syariah* (the objectives of sharia) and by the message of the universality of the Qur'an and Hadith.

The challenges faced by the Muslim community in Western countries are highly diverse and intricate, not as straightforward as those encountered by the Muslim majority in Islamic nations. It can even be argued that the majority group has never experienced the difficulties associated with performing religious rituals, seeking halal food,<sup>4</sup> and encountering discriminatory treatment, as has been the case with Hejaaz Hizbullah. Hejaaz Hisbullah is a renowned human rights lawyer in Sri Lanka who was incarcerated for 20 months on charges of hate speech and causing social discord. The prosecuting attorneys accused Hizbullah of delivering a speech in front of Muslim youths that incited them to harbor hatred towards the Christian community.<sup>5</sup>

In contrast, minority Muslims in the United States find themselves consistently regarded as a source of threat. This perception stems from the tragic attacks on the World Trade Center and the Pentagon, which were suspected to have been carried out by the Al-Qaeda group led by Osama bin Laden on September 11, 2001. It is on this basis that the American populace views Islam as a radical and extremist religion. Consequently, on October 26, 2001, President Bush issued a policy to detain immigrants for extended and indefinite periods.<sup>6</sup> Since that tragedy, Western countries have also begun to perceive minority Muslims as potential terrorists. The arrival of Muslims in the West is seen as a source of problems. Ultimately, Islam has become a contentious issue in Western

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<sup>1</sup> Claire Alkouatli et al., "Something More Beautiful: Educational and Epistemic Integrations Beyond Inequities in Muslim-Minority Contexts," *Journal for Multicultural Education* 17, no. 4 (2023): 406–418.

<sup>2</sup> Hajra Tahir, Jonas Ronningsdalen Kunst, and David Lackland Sam, "Threat, Anti-Western Hostility and Violence among European Muslims: The Mediating Role of Acculturation," *International Journal of Intercultural Relations* 73, no. March (2019): 74–88, <https://doi.org/10.1016/j.ijintrel.2019.08.001>.

<sup>3</sup> Khulud Almutairi et al., "Validation of the Perceived Islamophobia Scale (PIS) among Muslims Living in the United States," *Social Sciences and Humanities Open* 10, no. August 2023 (2024): 1–7.

<sup>4</sup> Bushra Ishaq et al., "Is the Degree of Religiosity Related to Community Belonging and Trust in Society? A Cross-Sectional Study among Muslims in Norway," *Social Sciences and Humanities Open* 10, no. November 2023 (2024): 1–9.

<sup>5</sup> Christine G. Schenk and Shalul Hasbullah, "Informal Sovereignties and Multiple Muslim Feminisms: Feminist Geo-Legality in Sri Lanka," *Political Geography* 94, no. October 2021 (2022): 102527, <https://doi.org/10.1016/j.polgeo.2021.102527>.

<sup>6</sup> Michael A. Crane et al., "The Response to September 11: A Disaster Case Study," *Annals of Global Health* 80, no. 4 (2014): 320–331, <http://dx.doi.org/10.1016/j.aogh.2014.08.215>. Read more: Hilmi Ridho and Afif Sabil, "Jihad In The Name Of God; An Examination Of The World's Religious Fundamentalism and Radicalism Movement," *An-Natiq: Jurnal Kajian Islam Interdisipliner* 3, no. 2 (2023): 110–120.

countries, and its adherents are considered a group lagging in terms of progress, democracy, and modernity.<sup>7</sup>

Twenty years after 9/11, in September 2021 the Othering and Belonging Institute of the University of Berkeley released its research report which revealed that more than two-thirds of Muslims in America have experienced Islamophobia. In this case, Islamophobia is defined as physical or verbal crimes directed at Muslims based on hatred towards them. The study, which involved more than a thousand respondents, also stated that of the 67.5% of respondents who had experiences related to Islamophobia, 76.7% of them were women and 58.6% were men. This has led to many Muslims hiding their Islamic identity (32.9%) or even being very cautious in their speech and behavior due to fear of how others will respond to them (88.2%).<sup>8</sup>

In 2021, there were at least 140 cases related to discrimination, which means that the manifestation of Islamophobia in this country is still a problem that needs serious attention. Some of these cases include: a ban on North Mississippi Muslims from building a mosque; a Muslim politician in the state of Virginia questioning her ability to serve the people of Virginia based on her religion; a Muslim passenger on a Southwest Airlines flight claiming that she was denied a seat for wearing a hijab; a worker being harassed for her faith at a dealership in the state of Utah after her request for permission to pray was denied by the company.<sup>9</sup>

Apart from America, Muslim minority conflicts also occur in Thailand. This is as revealed by Hafiz Salae and Yasmin Sattar from Prince of Songkla University, Thailand that Muslim relations with the Thai government experience acute conflict dynamics. The Thai government has a policy of ethnic homogenization. This Royal Thai policy triggered a separatist movement within the Thai Muslim community. The problem makes people with Malay ethnicity feel that they have to give up their cultural identity. their cultural identity. So that people who have names that are synonymous with Islam, must change their name to a Thai name.<sup>10</sup>

Social conflicts also affect the Muslim minority in India. They experience a lot of discrimination, especially in terms of human rights. The Indian government passed a citizenship law that only lists Hindu, Sikh, Buddhist, Jain, Parsi, or Christian communities. At the same time, Muslims who follow Islam in India are discriminated against through political policies generated through published laws.<sup>11</sup> However, some Western countries have accepted Muslims as equal social communities through Islamic diplomacy. This manifests the relevance of maqasid al-syariah in Islamic diplomacy carried out through socio-cultural relations in Western countries.

An example of Islamic financial diplomacy can be seen in the entry of Al-Baraka International Bank in 1982 as the first Islamic bank to open in the United Kingdom (UK). The

<sup>7</sup> Samina Yasmeen, "Muslim Minorities in the West: Spatially Distant Trauma," *Australian and New Zealand Journal of Public Health* 35, no. 4 (2011): 316, <http://dx.doi.org/10.1111/j.1753-6405.2011.00720.x>. Eman Abdelhadi, "The Hijab and Muslim Women's Employment in the United States," *Research in Social Stratification and Mobility* 61, no. June (2019): 26–37.

<sup>8</sup> Hasbi Aswar, "The Strategy Of Muslim Communities In Encountering Islamophobia In The United States," *Jurnal A'fkaruna* 17, no. 1 (2021): 80–97.

<sup>9</sup> Melissa M. Sloan and Murat Haner, "Perceived Discrimination and Depressive Symptoms among Muslims in the United States," *Ethnic and Racial Studies* 47, no. 15 (2023): 3428–3452. See:

<sup>10</sup> Christopher M. Joll and Srawut Aree, "Rethinking the Dynamics of Conflict in Malay South Thailand," in Routledge Handbook of Islam in Southeast Asia, 1st ed. (London: Routledge, 2022), 21.

<sup>11</sup> Interview with Sageer Ahmed, Founder of Asian Humanity Foundation India, January 5, 2025. Read more: Syeda Jenifa Zahan, "Dwelling in The City: Socio-Spatial Dynamics Of Gendered And Religious Embodiment Of Young Muslim Women in Delhi, India," *City, Culture and Society* 36, no. January (2024): 1–8, <https://doi.org/10.1016/j.ccs.2023.100563>.

bank initially aimed to target Muslim immigrants from the Middle East in the UK, due to the emergence of the needs of the Muslim minority in the UK to save funds and access capital by Islamic teachings. Over time, customers of this Islamic bank also came from non-Muslims in the vicinity who wanted access to interest-free capital. The presence of this Islamic bank was quickly accepted by the British public because it offered something different from the general interest-based and more ethical financial institutions.<sup>12</sup>

As a supporter, the author will describe previous studies to determine the position of this research and distinguish it from other studies. First, the research of Ahmad Qiram As-Suvi and Erfaniah Zuhriah (2023) entitled *Ratio Legis of Interfaith Inheritance Reformulation From The Perspective of Fiqh Minority: A Study of The Thoughts of Yusuf Al-Qardhawi and Taha Jabir Al-Alwani*.<sup>13</sup> This research concludes that the legal status of inheritance between different religions according to Yusuf Al-Qardhawi and Thaha Jabir Al-Alwani is a methodological necessity to overcome the normative vacuum in Western countries. Methodologically, they say the importance of understanding 'law in context' rather than 'law in the book'. This is because the interpretation of the hadith about the prohibition of inheritance between religions in the classical books is an anachronism in ijihad when applied in a Muslim minority environment. So it is necessary to formulate the law in a context guided by aspects of *maslabat* and *maqashid al-syariah* (the objectives of sharia). The research limitations only focus on one case, namely the law of inheritance of different religions, and use a comparative study approach.

Second, an article entitled *Fiqih Minoritas: Pemikiran Nadirsyah Hosen Tentang Penyelenggaraan Sholat Jumat* was written by Khusnul Amalia (2024).<sup>14</sup> The conclusion of this study is the permissibility of Muslim minorities when performing Friday prayers to do *Talfiq*, which combines opinions from various madhhabs in one problem. However, the condition must be accompanied by a reason (uzur), and the reference must be clearly stated regarding the opinion that is followed. According to Prof. Nadirsyah Hosen, *talfiq* can be a progressive paradigm leap and is relevant in minority Muslim countries. In *Talfiq* there is no fanaticism of the madhab, instead, it emphasizes the inclusiveness and accommodation of the results of the ijihad of the scholars. This research is only limited to the issue of worship and uses literature studies that explore Prof. Nadirsyah Hosen's thoughts, both contained in books, journal articles, and online media.

Third, Muhammad Wildan's research (2019) entitled *Perkembangan Islam di tengah Fenomena Islamofobia di Jerman*.<sup>15</sup> The results of this study show that Islam in Germany has experienced significant dynamics and challenges along with the outbreak of Islamism and Islamophobia in the world. The biggest challenge for Muslims in Germany is not external, but internal, namely the extent to which Muslims in Germany can integrate with European culture. The more Muslims in Germany can integrate, the better, and can reduce external Muslim problems. Among the integration of Muslims in Germany is the mastery of the German language and other European

<sup>12</sup> Interview with Syahirul A`dhom Al-Fajri, Indonesia Bangkit Non-Degree Scholarship Recipient in the United Kingdom, January 5, 2025. See: Rodney Wilson, "Challenges and Opportunities for Islamic Banking and Finance in the West: The United Kingdom Experience," *Islamic Economic Studies* 7, no. 2 (2000): 35–59.

<sup>13</sup> Ahmad Qiram As-Suvi and Erfaniah Zuhriah, "Ratio Legis of Interfaith Inheritance Reformulation From the Perspective of Fiqh Minority: A Study of the Thoughts of Yusuf Al-Qardhawi and Taha Jabir Al-Alwani," *Jurnal Pembaharuan Hukum* 10, no. 3 (2023): 361–386.

<sup>14</sup> Khusnul Amalia, "Fiqih Minoritas : Pemikiran Nadirsyah Hosen Tentang Penyelenggaraan Sholat Jumat," *IN RIGHT: Jurnal Agama dan Hak Asasi Manusia* 13, no. 2 (2024): 243–267.

<sup>15</sup> Muhammad Wildan, "Perkembangan Islam Di Tengah Fenomena Islamofobia Di Jerman," *TEMALI: Jurnal Pembangunan Sosial* 2, no. 2 (2019): 244–271.

cultures as long as they do not conflict with Islamic norms. This research only discusses Islamophobia which is a challenge for Muslims in Germany and does not examine how fiqh provides solutions.

The three studies above differ from this study in terms of research methods, focus of study, and perspective. This research examines four minority issues in Western countries, namely the problem of interfaith marriage, wishing happy holidays to other religions, interfaith inheritance, and the law of eating meat from non-Muslim slaughter. These four problems will be discussed in depth by combining the thoughts of classical fiqh (law in the book) and contemporary fiqh (law in context) to be applied to the problems of Muslim minorities. Both thoughts will be combined and analyzed which one is more beneficial for Muslim minorities living in non-Muslim majority areas. Thus, the formulation of this research can later become a guideline for Muslim minorities living in Western countries.

## Method

This study includes normative-empirical research, namely legal research that combines normative and empirical legal research. Normative legal research focuses on legal norms, while empirical legal research focuses on the application of law in society.<sup>16</sup> In this study, empirical research is intended to explore real cases that become the main problem of Muslim minorities in Western countries. Meanwhile, normative legal research serves to analyze the suitability of Muslim minority problems with applicable legal norms and rules. As primary data, empirical data in this research is taken from the experiences of informants in Western countries that are the object of research and minority fiqh figures. The secondary data is taken from the contemporary book *Fi Fiqh al-Aqalliyat al-Muslimah Hayat al-Muslimina Wasat al-Mujtama`at al-Ukbra* by Yusuf Al-Qardlawi, *Fiqh al-Nawazil, Lil Aqalliyat al-Muslimah; Ta'shilan wa Tathbiqan* by Muhammad Yusri bin Ibrahim, *Maqashid al-Mu'amalat wa Marashid al-Waqi'at* by Abdulllah bin Bayyah, and other minority fiqh books. In addition, it also takes from reputable books and journals by Western Muslim figures who pursue minority fiqh. For example, Abdulllah Saeed, John L. Esposito, Houssain Kettani, Andrew F. March, and others. To validate the empirical data, the author compares data from informants with some previous studies to avoid subjectivity. The collected data is presented descriptively with comparative analysis, comparing data from normative and empirical legal research by considering the benefits for Muslim minorities. Theoretically, the results of this research can later be used as a reference and recommendation for Muslim minorities living in Western countries.

## Result and Discussion

### ***Growth of Muslims in the Western World in the 20th and 21st Centuries***

Regardless of one's religion, population growth is typically characterized by higher birth rates than death rates. Similarly, the massive growth of Islam from the East to the West has been influenced by the strong mission of Islam itself.<sup>17</sup> In the Western world, which had experienced a dark period following the tragedy of September 11, 2001, there was an unexpected ease in accepting Islam, despite it being accused of radicalism and extremism at the time. Declarations of faith, signifying true conversion to Islam, continued to occur in several American cities such as Los

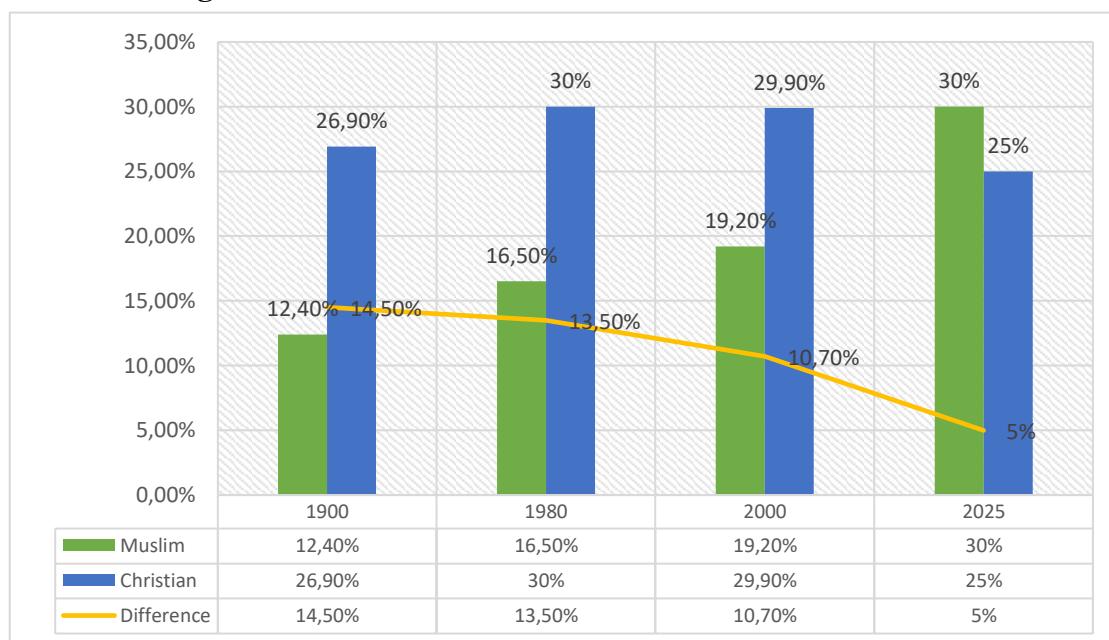
<sup>16</sup> Soerjono Soekanto and Sri Mamuji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2013), 13. Read more: Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Group, 2007).

<sup>17</sup> Munjed M. Murad, "The Western Orientation of Environmentalism in the Islamic World Today," *Religion and Development* 2, no. September (2023): 41–62.

Angeles, New York, California, Dallas, Texas, Chicago, and others.<sup>18</sup> According to Kettani (2019), citing data from the Pew Research Center's Forum on Religion & Public Life, there are approximately 1.8 billion Muslim inhabitants scattered across the globe. The data reveals that more than half of the Muslim population resides in the Asia-Pacific region, constituting 20%, with the remainder found in Europe, Australia, and the Americas. It can thus be calculated that two-thirds of the Muslim population resides in the Asia-Pacific region, while only one-fifth is in the Middle East and North Africa.<sup>19</sup>

In the year 2007, observational data compiled by Demented Vision showcased the growth of adherents of Islam and Christianity worldwide. The institution recorded that in 1900, the number of Christian believers stood at 26.9%, while followers of Islam accounted for only 12.4% of the global population. By 1980, the Christian population had increased to 30% (a gain of 3.1%), while adherents of Islam reached 16.5% (a gain of 4%). Twenty years later, in the year 2000, the Muslim community had risen to 19.2%, whereas the Christian community had declined by 0.1% to 29.9%. These figures are predicted to experience a significant shift by the year 2025, with the Muslim group reaching 30% (a rapid increase of 10.8%) and the Christian group at 25% (a decrease of 4.9%), resulting in an average annual growth rate of 2.9% for Islamic adherents.<sup>20</sup>

**Figure 1: Growth of Muslims in the 20th and 21st Centuries**



Source: Research by Marcia C Inhorn and Gamal I Serour in 2011

Another study indicates that the global Muslim population is projected to continue increasing, reaching approximately 30% by the year 2030. The growth rate of the Muslim population is estimated to be twice that of non-Muslims, with an average annual growth rate of around 1.5% for Muslims compared to approximately 0.7% for non-Muslims. These population

<sup>18</sup> Abu Jaafar Zaidi et al., "The September 11, 2001, Terrorist Attacks From A Dermatology Perspective: A Remembrance," *Clinics in Dermatology* 39, no. 6 (2021): 985–989.

<sup>19</sup> Houssain Kettani, *The World Muslim Population; Spatial and Temporal Analyses*, 1st ed. (New York: Jenny Stanford Publishing, 2019), 59.

<sup>20</sup> Marcia C Inhorn and Gamal I Serour, "Islam, Medicine, and Arab-Muslim Refugee Health in America After 9/11," *The Lancet* 378, no. 9794 (2011): 935–943.

growth estimations are based on time series data, where in 1990, the Muslim population stood at 1.1 billion, in 2000 it reached 1.3 billion with a growth rate of 19.9%, in 2010 it reached 1.6 billion with a growth rate of 21.6%, in 2020 it reached 1.9 billion with a growth rate of 23.4%, and it is projected to reach 2.2 billion by 2030 with a growth rate of 24.9%. This means that Muslims will constitute approximately 26.4% of the total global population, projected to reach 8.3 billion by 2030.<sup>21</sup> Currently, Islam still holds the second position in terms of the number of adherents, with 1.91 billion followers, trailing by 0.47 billion from Christianity, which ranks first. However, if the Muslim population continues to grow consistently at 2.9% per year, Christianity may gradually be surpassed and relegated to second place.

**Table 1: The Growth of Muslims from 1990 to 2030**

Year	Predicted Quantity
1990	1,1 Billion Muslims
2000	1,3 Billion Muslims
2010	1,6 Billion Muslims
2020	1,9 Billion Muslims
2030	2,2 Billion Muslims

Source: Research by Alan Cooperman et al in 2011

The data presented above indicates that the growth of the Muslim population has been experiencing rapid and significant increases year by year. This presents a unique challenge for Muslims. The penetration of Islam in Western countries has yielded notable results. Although Muslims still constitute a minority, their role and influence are becoming increasingly evident. The emergence of Islamic symbols, Islamic organizations, and the involvement of Muslim figures in various levels of government, education, and the economy are valuable assets that need to be preserved and nurtured. Maintaining good relations between minority Muslims and the state is a key factor in ensuring the successful preservation of Muslim growth in predominantly non-Muslim countries.<sup>22</sup> Therefore, it is essential to develop a concept of the jurisprudence of minorities (re: Ijtihad Fikih minorities) as a means to build harmony, aiming to realize the noble goals of Islam, which include spreading the teachings of Islam throughout the world.

From the author's perspective, the acceptance of Islam can be attributed to several factors. Firstly, Islam's teachings are characterized by simplicity and ease of comprehension. Islamic preachers employ a gentle and relatable approach to disseminating the faith, making it accessible to individuals from diverse backgrounds.<sup>23</sup> Secondly, Islam promotes equality and rejects caste distinctions, positioning all individuals as equal before God, with distinctions based solely on their deeds and devotion. Lastly, Islam demonstrates its adaptability by incorporating and harmonizing with local cultures. Islamic preachers engage in a process of acculturation, blending Islamic teachings with local customs and traditions.

<sup>21</sup> Alan Cooperman et al., *The Future of the Global Muslim Population; Projections for 2010-2030*, ed. Sandra Stencel et al., Pew Research Center (Washington DC: Pew Research Center's Forum on Religion & Public Life, 2011), 221.

<sup>22</sup> John L. Esposito, *Ensiklopedi Oxford Dunia Islam Modern* (Bandung: Mizan, 2001), Jilid 1, 123.

<sup>23</sup> Hilmi Ridho and Afif Sabil, "Moderate Dai in the Era of Digitalization; Challenges and Ethics of Preaching on Social-Media According to Islam and Local Wisdom," *Syekh Nurjati; Jurnal Studi Sosial Keagamaan* 3, no. 2 (2023): 185–212.

### ***Challenges and Issues Faced by Minority Muslims in Western Countries***

The presence of Muslims in Western countries poses a significant challenge, namely the challenge of distinguishing between the majority of Muslim inhabitants and the minority of revolutionary extremists.<sup>24</sup> The majority of them have moved to the West in search of a better economic and educational future for themselves and their families. They aspire to be loyal and law-abiding citizens, adhering to the rules and policies of the country. However, it is essential to understand that regardless of their intentions, they still face challenges as a minority group, primarily related to assimilation and integration.<sup>25</sup>

Psychologically, minority Muslims do not easily embrace the positive aspects of Western civilization, which are crucial for catching up with progress. For instance, several Islamic countries, including Indonesia, are continuously striving to improve and democratize their nations. In pursuit of this goal, Islamic nations inevitably must emulate Western countries, which have well-established democratic systems.<sup>26</sup> Conversely, Westerners often perceive Muslim communities as conservative and assert themselves as modern societies with advanced civilizations. Naturally, this can impact the psyche of a Muslim, potentially leading to feelings of discrimination and marginalization.<sup>27</sup> Here are some of the issues and challenges of Muslim minorities in Western countries.

#### ***1. Australia***

In the 1980s, John Howard's government declared the idea of a united Australia. This declaration moved further away from the multiculturalism policy that was already in place in Australia. From here the Australian government moved further from the multiculturalism policy of the 1980s towards 'civic integration'. However, this policy has been critically commented on by liberals who claim that multiculturalism in Australia, in reality, is far from preserving cultural differences in a liberal democracy. Instead, Australian multiculturalism has isolated and ostracized ethnic minorities by institutionalizing their difference and separation.<sup>28</sup>

Australia's official declaration of multiculturalism makes equality, freedom of choice, and partnership an important feature in building their social life. However, Muslim immigrants and non-Muslim communities see John Howard's integration declaration in a different light. The Muslim community sees integration as an acceptance by the majority society of their culture, traditions, and religious values. Whereas according to the majority of non-Muslims, integration merely echoes the ideology of the dominant group which implies that any group that rejects cultural assimilation will undermine social balance and harmony in society.<sup>29</sup>

Muslim immigrants experience cultural stuttering when interacting with Australian society, which has a wealth of different cultures and backgrounds. According to M. Amin Nurdin, many of

<sup>24</sup> Nazia Hussein, "Asian Muslim Women's Struggle to Gain Value: The Labour Behind Performative Visibility Everyday Politics in Britain," *Women's Studies International Forum* 100, no. May (2023): 1–8.

<sup>25</sup> Ashley Moore, "American Muslim Minorities: The New Human Rights Struggle," *Human Rights & Human Welfare* 11, no. 1 (2011): 91–99, <https://digitalcommons.du.edu/hrhw/vol11/iss1/21>.

<sup>26</sup> Firdaus, "Muslim Minoritas Di Negara Non Muslim," *UNES Journal of Social and Economics Research (UJSER)* 4, no. 1 (2019): 30.

<sup>27</sup> Ted Robert Gurr, *Minorities at Risk; A Global View of Ethnopolitical Conflicts* (Washington DC: United States Institute of Peace Press, 1995).; Barton Meyers, "Minority Group: An Ideological Formulation," *Social Problems* 32, no. 1 (1984): 1–15.

<sup>28</sup> Shahram Akbarzadeh and Fethi Mansouri, *Islam And Political Violence; Muslim Diaspora and Radicalism In The West* (London: Tauris Academic Studies, 2007), 73.

<sup>29</sup> Erich Koug and Malcolm Voyce, *Muslim Integration: Pluralism and Multiculturalism in New Zealand and Australia*. (London: Lexington Books, 2016), 159.

these Muslim immigrants are traumatized when they see themselves as a minority group and are forced to adopt liberal values and various cultures that contrast with Islamic teachings. However, there is another group of Muslims who are conservative towards the values of liberal democracy, gender equality, and religious liberation prevailing in Australia. The presence of this conservative Muslim group has led to the proliferation of stereotypes among Australians towards Muslim communities that exist in various states. It is no exaggeration if this Islamic conservatism becomes one of the factors that lead to social conflict and social discrimination in Australian society.<sup>30</sup>

Since the WTC incident on September 11, 2001, most of the Western world including the Australian government established anti-terror laws and redefined national identity and citizens' rights and responsibilities. All these policies aim to control, monitor, and manage the Muslim community in Australia. At the same time, anti-Muslim sentiments, racist practices, and stereotypes afflict the Muslim community in Australia. Non-Muslim Australians perceived Islam as a threat, an inferior community, and an Other who were not part of Australian society.<sup>31</sup>

On September 13, 2001, the New South Wales Public Relations Commission, established a bilingual (English-Arabic) telephone hotline where Australian Muslims could report experiences of harassment, humiliation, or discrimination. In the aftermath of the WTC and Gulf War, the hotline recorded 320 incidents between September 12 and November 11, 2001, with 43.4% being verbal attacks, 17.5% racial discrimination or harassment, 13.2% physical attacks, and 5% property damage. About 53% of the complainants were women. In 2003-2004, the Human Rights and Equal Opportunity Commission (HREOC) surveyed in Sydney and Melbourne (two cities with the highest Muslim populations) of 142 Muslim respondents and found about 87% had personally experienced racism, harassment, or violence since 9/11 and 75% reported that they experienced more racism, harassment or violence than before 9/11.<sup>32</sup>

In 2020, the Australian Human Rights Commission conducted a national survey of more than 1000 Muslims. The survey showed that 80% percent of Australian Muslims experienced discriminatory and unpleasant treatment. This action is a reaction to the shooting (genocide) of Muslims that occurred at the Al-Noor Mosque, Christchurch, New Zealand in March 2019, which was carried out by an Australian white nationalist. Discrimination against Muslims occurs when dealing with law enforcement and the workplace. Despite this, Australian Muslims generally agree and affirm that Australian society is relatively friendly and tolerant towards Muslims.<sup>33</sup>

## 2. America

The events of 9/11 became a new chapter in the strengthening of Islamophobia in America. In response, President George W. Bush declared a Global War on Terrorism. This statement was not only aimed at wars in the Middle East such as in Iraq and Afghanistan, but also at all diplomatic, financial, and other efforts that lead to acts of terrorism around the world. In addition, the events of 9/11 triggered an increase in discrimination experienced by Arabs/Muslims in America. The FBI, for example, released a report stating that there was a drastic increase in hate crimes against

<sup>30</sup> Anthony H. John and Abdullah Saeed, "Muslim in Australia," in *Muslim Minorities in the West: Visible and Invisible*, ed. Yvonne Yazbeck Haddad and Jane I. Smith (New York: Altamira Press, 2002), 211.

<sup>31</sup> Koug and Voyce, *Muslim Integration: Pluralism and Multiculturalism in New Zealand and Australia*, 163.

<sup>32</sup> Derya Iner and Sean McManus, *Islamophobia in Australia - IV (2014-2021), The Rise of Global Islamophobia in the War on Terror* (Australia, 2022), 1-14.

<sup>33</sup> Mariam Veiszadeh, "Workplaces – a Key Chapter in Improving the Stories of Australian Muslims," *Diversity Council Australia*, last modified 2021, accessed January 5, 2025, <https://www.dca.org.au/news/opinion-pieces/workplaces-key-for-australian-muslims#:~:text=It%20revealed%20that%20ways%20at%20a%20systemic%20level.>

Muslims in America, from 28 cases in 2000 to 481 cases in 2001. In New York City alone, according to local police reports, there were 117 reports of such cases from September 11, 2001, to March 2002.<sup>34</sup> In 2006, a USA Today Gallup Poll released a report stating that 22% of Americans do not want to live next door to Muslims, 31% are afraid and worried about being on the same plane as Muslims, and want the American government to monitor Muslims more than other members of society.<sup>35</sup>

Several sources say that Donald Trump's administration has contributed to the Islamophobic atmosphere in America. Since his presidential election campaign in 2015, Trump has repeatedly made controversial statements against Muslims such as "Islam hates Us" and banning Muslims from entering America. In 2017, Trump issued a policy known as the Travel Ban, banning citizens from seven Muslim countries (Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen) from entering America. However, Trump eventually changed the list of countries after protests from the American public.<sup>36</sup>

### 3. Germany

Although Islam is the religion with the second largest following, after Christianity, Muslims in Germany are still discriminated against in various socio-cultural, media, and political spheres. This proves that Islamophobia still flourishes in a country where freedom of religion is protected by the Constitution and the Charter of Fundamental Rights. The most widespread discrimination as in other EU countries is the issue of the headscarf. The headscarf issue is still a matter of debate in Germany's central government. Half of Germany's 16 states prohibit the wearing of all religious symbols, namely Baden-Württemberg, Bavaria, Berlin, Bremen, Hesse, Lower Saxony, North Rhine-Westphalia, and Saarland. For example, the states of Berlin, Brandenburg, and Hesse implemented "neutral laws" by prohibiting teachers and employees in public schools and courts from wearing religious symbols. This neutral idea of religious symbols in the public sphere and freedom in the private sphere seems unreasonable for Muslim women who consider the headscarf as a necessity in the public sphere.<sup>37</sup> The headscarf problem is also experienced by many Muslim women in Germany and the European Union in general who want to get a job or rent an apartment.<sup>38</sup>

In the field of education, around 700,000 German Muslims study in schools and higher education. However, according to recent research, the children of Muslim immigrants are placed in lower schools because they are unable to keep up with the highest school divisions. The education level of Muslims in Germany itself is high at 5%, medium at 25%, and low at 71%. According to data from the Central Archive of Islam in Germany cited by Euro Muslim, approximately 20% of all children in Islamic schools attend Quran classes. In general, Islamic teachers in Germany do not have a good command of German as the language of instruction in

<sup>34</sup> Ilir Disha, James C. Cavendish, and Ryan D. King, "Historical Events and Spaces of Hate: Hate Crimes against Arabs and Muslims in Post-9/11 America," *Social Problems* 58, no. 1 (2011): 21–46.

<sup>35</sup> Aswar, "The Strategy Of Muslim Communities In Encountering Islamophobia In The United States," 86.

<sup>36</sup> Aswar, "The Strategy Of Muslim Communities In Encountering Islamophobia In The United States," 87.

<sup>37</sup> Esra Ozyurek, *Being German Becoming Muslim: Race, Religion, and Conversion in the New Europe* (New Jersey: Princeton University, 2014), 12.

<sup>38</sup> Muhammad Wildan and Fatimah Husein, "Islamophobia and the Challenges of Muslims in Contemporary European Union Countries: Case Studies from Austria, Belgium, and Germany," *Ajkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 17, no. 1 (2021).

providing Islamic material, despite the establishment of several educational institutions for religious teachers and imams.<sup>39</sup>

Today, several universities have established Islamic teacher training programs, despite criticism. In 2005, the University of Munster began to organize education for Islamic teachers. Similarly, the University of Osnabruck started an Imam education program in 2007, followed by the University of Erlangen-Nürnberg in 2011. Munich and Frankfurt have also offered civic education for Imams or Islamic religious leaders. Further encouragement of professional Imam education has been hindered by funding and organizational issues. Despite these challenges, the Alawiyah (Alevi) Muslim community has successfully run an education program in Germany for their group, followed by the success of the Turkish Muslim community albeit on a smaller scale.<sup>40</sup>

In politics, Muslim participation in the German parliament is high. In the 2009-2013 term, around 20 Muslims were sitting in parliament, most of whom were of Turkish, Arab, and Iranian descent. The political parties that became their vehicles to sit in Parliament include the Social Democratic Party (SDP), Christian Union Party (CPU), and Green Party. However, their presence in parliament does not represent the aspirations of Muslims in Germany. Most of them, despite having Muslim family backgrounds, do not represent Muslims. They are accustomed to consuming alcohol, pork, and the habits of Western society in general.<sup>41</sup>

Another form of discrimination faced by Muslims in Germany is in the workplace, especially for Muslim laborers. In several workplaces, they find it difficult to perform daily prayers such as Friday prayers, and 5 daily prayers, and also in canteens that do not provide halal-labeled food for them. Muslim women are also discriminated against because of the headscarf they wear.<sup>42</sup> The biggest challenge for Muslims in Germany is not external, but internal, namely the extent to which Muslims in Germany can integrate with European culture. The more Muslims in Germany can incorporate, the better and the fewer external Muslim problems. Part of the integration of Muslims in Germany is acquiring the German language and other European cultures to the extent that they do not conflict with Islamic norms. This process will eventually result in a European style of Islam that may differ from that of the Middle East, which will color Europe more broadly.

#### **4. United Kingdom**

After the tragedy of 11 September 2001, Muslims in the UK experienced an increase in discriminatory treatment, objects of violence, and hate speech. Four years later, on 7 July 2005, a series of bombings occurred in London that killed 52 people and injured 700. These acts were carried out by four British Muslims who were suspected of being affiliated with terrorist groups. Not long after, the British government created a policy against radicalism better known as the Prevent Strategy. Both events are considered by some as a sign of the shift from racism based on racial differences to religious issues between Islam and non-Islam, which contributes to the problem of Islamophobia in the UK and Europe in general. Issues surrounding Islam are exploited

<sup>39</sup> Muhammad Wildan, *Muslim Minoritas Kontemporer; Sejarah Islam, Tantangan Ekstremisme, Diskriminasi, Dan Islamofobia*, ed. Agus S., 1st ed., vol. 1 (Yogyakarta: Idea Press Yogyakarta, 2022), 100–101.

<sup>40</sup> Mathias Rohe, “Germany,” in *Yearbook of Muslims in Europe*, ed. Jorgen Nielse (Leiden: Brill, 2010), 224.

<sup>41</sup> Interview with Khoirul Malik, Ph.d Student of Leipzig University, January 6, 2025

<sup>42</sup> Interview with Muhammad Imaduddin, Ph.d Student at University of Bremen, January 6, 2025

mainly by right-wing politicians and the media by portraying Islam as a religion synonymous with terrorism, seen as wanting to Islamise Britain, and the implementation of Islamic sharia.<sup>43</sup>

In February 2015, in New Castle, around two thousand people gathered for a rally against what they called the Islamisation of Europe. In this case, we see how Islam is seen by some Westerners as a single entity that is close to radicalism, terrorism, and violence, and incompatible with Western values. On the other hand, this shows how Islamophobia has spread widely in European countries. Islamophobia is an important issue because it negatively affects Muslims in the UK in various areas of life. In 2018 a report written by the Centre for Media Monitoring (2019) stated that around 70% of Muslims in the UK experienced prejudice based on religion. This also happens in the job market where job applicants with Muslim names find it more difficult to get a job than British names.<sup>44</sup>

In education, a 2017 Ministry of Education study showed that 18% of students saw other children being bullied for being Muslim. The organization Scotland Against Criminalising Communities (SACC) submitted to the Equalities and Human Rights Commission (EHRC) that Islamophobia in Edinburgh's educational institutions is increasing, with 55% of Muslim students in secondary schools facing verbal Islamophobic treatment, and 35% experiencing it directly. In more detail, this includes being called terrorist, bomber, ISIS, Suicide Squad, and Al-Qaeda.<sup>45</sup>

From the above, it can be understood that Muslim minorities living in Western countries face significant challenges in changing the world's perception of Islam due to acts of violence committed in the name of religion. For that, they need to adjust emotionally, religiously, economically, educationally, and politically. In a sense, changing the da'wah of Islam by not only limiting it to oration but also building good religious communication. So from here, it will be seen that the reality of da'wah in Western countries needs the skills of a preacher with a good Islamic scientific capacity, not rebuking, denouncing, and causing violence. In addition to the above method, there are two ways to be able to realize quality Muslims and be able to compete with non-Muslims in the West, including; first, self-reflections, namely Muslims must learn self-introspection to accept and acknowledge all the shortcomings they have, so that they can reorganize a progressive way of thinking. Second, neo-compativism, which is an approach that does not only focus on one religion (Islam) but also studies other religions, both similarities and differences.

These challenges require Muslim minorities to adapt to the non-Muslim civilization in the West. If they are unable to do so, they will automatically be alienated from the larger community in the West. In fact, as citizens, Muslim minorities should integrate themselves into a community. They should not withdraw from society, so as not to cause serious problems that could affect their identity as Muslims. However, it does not rule out the possibility that even though they have integrated into Western society, other problems related to religion are also often questioned.

From the four countries above, several problems often befall Muslim minorities in Western countries, including; first, the issue of worship. Nadirsyah Hosen, Rais Syuriah of Nahdlatul Ulama Australia-New Zealand Branch as well as a professor at the University of Melbourne, said that it is not easy for Muslims to build mosques in Western countries, especially in Australia, and their

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<sup>43</sup> Eric K. Stern et al., "Post Mortem Crisis Analysis: Dissecting the London Bombings of July 2005," *Journal of Organizational Effectiveness: People and Performance* 1, no. 4 (2014): 402–422.

<sup>44</sup> Nicholas De Genova, "In the Land of the Setting Sun; Reflections on 'Islamization' and 'Patriotic Europeanism,'" *movements Journal for Critical Migration and Border Regime Studies* 1, no. 2 (2015): 1–12.

<sup>45</sup> The Muslim Council of Britain (MCB), *Defining Islamophobia: A Contemporary Understanding of How Expressions of Muslimness Are Targeted* (London: The Muslim Council of Britain, 2021).

struggles often end up in local courts.<sup>46</sup> Second, is the issue of marriage. Research by Suheil Laher (2024) reveals that interfaith marriages in the United States have continued to increase, reaching 42% in the last 25 years.<sup>47</sup> Thirdly, the issue of interactions between Muslims and non-Muslims is another challenge. The majority of Islamic jurists prohibit Muslims from forming close friendships with non-Muslims. Applying this viewpoint in Western countries can potentially lead to problems, as Muslims may face oppression and discrimination from the larger Western community. In such circumstances, although many scholars and religious texts discourage Muslims from socializing with non-Muslims, minority Muslims in the West tend to disregard these restrictions. Fourthly, the issue of food poses a significant problem for minority Muslims, as it is challenging to find suitable food in areas predominantly inhabited by non-Muslims. As a minority group, Muslims should be attentive to the food available in Western countries, as non-halal ingredients are often mixed into various dishes. Therefore, it is necessary to avoid consuming food with unclear halal status and instead opt for vegetables, fruits, rice, and other foods that do not pose potential religious concerns.<sup>48</sup>

### ***The obligations of minority Muslims toward the state according to Islamic law***

Before delving into the discussion of the obligations of Muslim minorities when interacting with their host country, it is important to first address the concept of residing in a non-Muslim country. Classical and contemporary Islamic scholars have examined this issue by starting with the definition of what constitutes an Islamic state (*dar al-Islam*) and a non-Muslim state (*dar al-kufr*). In the context of contemporary Western non-Muslim countries, the term that is most appropriate to use is *dar al-kufr*. According to Abu Ya`la Al-Hanbali, a non-Muslim state (*dar al-kufr*) is defined as any country where the rules and laws of disbelief (*kufr*) dominate over Islamic laws. Conversely, an Islamic state (*dar al-Islam*) is any country where the majority of the population is Muslim, and Islamic laws govern the state. This perspective is supported by Abdul Karim Zaidan, who states that the primary condition for a country to be considered an Islamic state is that it is controlled by Muslims and operates under their sovereignty and authority, allowing Islamic laws to be implemented.<sup>49</sup>

From the various opinions presented above, it can be summarized that a non-Muslim state (*dar al-kufr*) is characterized by being governed by non-believers and not implementing Islamic teachings and laws, even though there may be Muslims residing within it. Prof. Dr. Mulfi bin Hasan As-Syahri further divides non-Muslim states (*dar al-kufr*) into three categories: *dar al-harbi* (a state at war with Islam), *dar al-mu`ahad* (a state with which there is a treaty), and *dar al-hiyad* (a state not engaged in warfare on either side and choosing to maintain peace).<sup>50</sup> He elaborates extensively on the opinions of two groups, one permitting with conditions and the other forbidding absolutely in

<sup>46</sup> Ali Yusuf and Agung Sasongko, “Gus Nadir Ungkap Sulitnya Bangun Masjid Di Barat,” *Republika Online*, last modified 2021, accessed January 8, 2025, <https://ihram.republika.co.id/berita/r01e1g313/gus-nadir-ungkap-sulitnya-bangun-masjid-di-barat>.

<sup>47</sup> Suheil Laher, “Interfaith Marriages,” in *The Assembly of Muslim Jurists of America 20th Annual Imams’ Conference* (Houston - United States: The Assembly of Muslim Jurists of America (AMJA), 2024), 4.

<sup>48</sup> Shadia Hussein de Araújo, Sônia Cristina Hamid, and André Gondim do Rego, “Urban Food Environments and Cultural Adequacy: The (Dis)Assemblage of Urban Halal Food Environments in Muslim Minority Contexts,” *Food, Culture and Society* 25, no. 5 (2022): 899–916.

<sup>49</sup> Ali Muhammad Wanis, *Hukmu Iqamah Fi Bilad Al-Kuffar* (Saudi Arabia: Markaz Tsabit Lil Buhuts Wa Dirasat, 2016), 34–35.

<sup>50</sup> Mulfi Bin Hasan As-Syahri, *Haqiqatu Darain; Darul Islam Wa Darul Kufr* (Saudi Arabia: Dar al-Murabihtin, 2010), 115.

his book titled "*Haqiqatu Darain: Darul Islam wa Darul Kufr*." He opts for the view that permits a Muslim to reside in a non-Muslim country, subject to certain conditions, such as the preservation of religion, honor, property, and the ability to uphold Islamic law.<sup>51</sup>

So, what are the obligations of a Muslim who has settled in a non-Muslim territory when interacting with their host country? The author concludes, based on various contemporary scholars' opinions, that minority Muslims residing in non-Muslim areas have six obligations. Firstly, it is obligatory for a Muslim to engage in da'wah, which involves disseminating the teachings of Islam to the local community and the nation. This aligns with the viewpoint of Ali Muhammad Wanis, who emphasizes that a Muslim is obliged to set a good example in life and conduct da'wah based on the gentle and compassionate principles of Islam.<sup>52</sup> This approach mirrors the actions of the Sahabah (the companions of the Prophet) when they migrated to the land of Abyssinia, where King Najasyi became interested in the teachings of Islam after witnessing a dialogue between the Muslim delegation, represented by Sahabah such as Jafar bin Abi Thalib, Amr bin Ash, and Abdullah bin Abi Rabi`ah, and the Christian clergy. These obligations enable Muslims living in non-Muslim regions to maintain a balanced and beneficial life while preserving their religious identity. It is noteworthy that interpretations and understandings of these obligations may vary among individuals and scholars, contingent on the local context and conditions.<sup>53</sup>

Secondly, maintaining the implementation of the fundamental religious principles is crucial. A Muslim must adhere to the commandments of their faith and abstain from what is prohibited by Islam when interacting with non-Muslim society. To strengthen their religious convictions, Muslims should establish a network or organization among fellow Muslims to remind and support one another.<sup>54</sup> Although the majority of non-Muslim countries grant permission for Muslims to reside within their borders, the lifestyle and social environment can have a significant influence. For instance, issues such as freedom of dress, social interactions, dietary choices, and beverages can visibly erode their faith if they lack the strength to uphold their religious teachings.

Thirdly, upholding the Islamic Sharia laws regarding what is permissible (*halal*) and what is forbidden (*haram*) is essential. Paying attention to matters of halal and haram is an obligation for individual Muslims. Those who live in predominantly non-Muslim areas must still adhere to the teachings of Islamic Sharia as a sign of their piety to their Lord. This applies to anyone, anywhere, whether they are leaders of a country, leaders of organizations, or leaders of families. In other words, if there are laws and policies in a country that contradict Islamic teachings, Muslims should, to the best of their ability, avoid them. This is because, in Islamic teachings, one should not obey or adhere to acts of disobedience and wrongdoing. This explanation aligns with the saying of Ali ibn Abi Thalib; *The obedience to creatures in disobedience to Allah is indeed not in goodness; verily, obedience is in righteousness.* (HR. Bukhari)<sup>55</sup>

Fourthly, participating in the process of nation-building and problem-solving is essential. While not all non-Muslim majority countries have tolerance and laws protecting minority rights,

<sup>51</sup> As-Syahri, *Haqiqatu Darain; Darul Islam Wa Darul Kufr*, 181.

<sup>52</sup> Wanis, *Hukmu Iqamah Fi Bilad Al-Kuffar*, 152.

<sup>53</sup> Muhammad Bin Muhammad As-Sywailim, *As-Sirah An-Nabawiyah Fi Dhau'i Al-Qur'an Wa As-Sunnah* (Damaskus: al-Qalam, 2006), Jilid 1, 375. Abi Al-Fida' Ibn Katsir, *As-Sirah An-Nabawiyah Min Al-Bidayah Wa An-Nihayah* (Beirut: Dar al-Ma'rifah, 1976), Jilid 2, 5.

<sup>54</sup> Surahman Hidayat, *At-Ta'ayis Baina Al-Muslimin Wa Ghairihim Dakhila Daulatin Wahidah* (Mesir: Dar as-Salam, 2001), 429.

<sup>55</sup> Abdurrahman Bin Nashir Bin Abdullah As-Sa'di, *Taisir Karim Ar-Rahman Fi Tafsir Kalam Al-Mannan* (Riyadh: Muasasah ar-Risâlah, 2000), 202.

the democratic systems generally adopted are advantageous for minority groups. Therefore, minority groups must demonstrate loyalty to their country by actively engaging in development efforts as long as they promote the common good. This can include supporting education and healthcare facilities, alleviating poverty, and other similar endeavors. Minority groups should not make excessive demands on the state or impose their own will. In the discourse of multiculturalism, as Will Kymlicka suggests, minority groups that push their demands too aggressively tend to be perceived as a threat to the state.<sup>56</sup>

Fifthly, maintaining good relations among people of different religions and within the population of the country is vital.<sup>57</sup> Muslim-Muslim relations with other religions in Western countries have experienced ups and downs. Western perceptions of Islam often carry negative connotations, associating it with extremism and terrorism, without recognizing the true essence of Islam.<sup>58</sup> However, they share the commonality of having their respective beliefs, and all religions are akin to one another. No religious doctrine advocates insulting or marginalizing the followers of other religions. In Surah Al-Anbiya, verse 107, it is stated, "And We have not sent you, [O Muhammad], except as a mercy to the worlds." This verse explicitly and clearly states that Islam is a religion that brings mercy and compassion to all creation, including animals and plants. Therefore, minority groups should exhibit good moral conduct when interacting socially with the broader community.<sup>59</sup>

Sixthly, refraining from rebellion against the state except in a position and under circumstances of dire necessity after assessing the significant benefits that may result. In Islam, the people's attitude towards rulers can be categorized into three forms: [1] Being obedient and submissive to Muslim rulers who govern the state with fairness and follow the teachings of Islamic law. [2] Openly defecting from non-Muslim rulers who enact laws of disbelief. [3] Opposing Muslim rulers who engage in wrongdoing and violate the laws of Islamic jurisprudence within an Islamic state.<sup>60</sup> The act of opposing, defecting, or even attempting to overthrow a ruler should be considered a last resort that minority groups may resort to when the state's actions are detrimental and oppressive to the minority population. However, any such coup attempt should be executed carefully and judiciously, taking into account the magnitude of the benefits it may bring.<sup>61</sup>

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<sup>56</sup> Rebeca Rajman, "Citizenship Status, Ethno-National Origin and Entitlement To Rights: Majority Attitudes Towards Minorities and Immigrants in Israel," *Journal of Ethnic and Migration Studies* 36, no. 1 (2010): 87–106. Read more: Hilmi Ridho, "Membumikan Nilai-Nilai Keadilan Dalam Al-Qur'an Terhadap Sila Keadilan Sosial," *Humanistika* 7, no. 2 (2021): 151–189.

<sup>57</sup> Andrew F. March, "Sources of Moral Obligation to Non-Muslims in the 'Jurisprudence of Muslim Minorities' (Fiqh Al-Aqalliyat) Discourse," *Islamic Law and Society* 16, no. 1 (2009): 34–94. Read more: Hilmi Ridho and Mirwan, "Reconciliation of Ulama and Umara in Socio-Political Conflict through Sufistic Approach," *Tribakti; Jurnal Pemikiran Keislaman* 33, no. 2 (2022): 345–358.

<sup>58</sup> Ruta Kaskleviciute, Helena Knupfer, and Jörg Matthes, "Who Says 'Muslims Are Not Terrorists'? News Differentiation, Muslim versus Non-Muslim Sources, and Attitudes Toward Muslims," *Mass Communication and Society* 27, no. 1 (2024): 101–124.

<sup>59</sup> Iman Kanani et al., "The Relationship of Muslims with Non-Muslims Based on the Concept of Muwâlât (Loyalty) in the Qur'ân: A Contextual Analytical Study," *Humanomics* 33, no. 3 (2017): 258–273.

<sup>60</sup> Matthias Basedau et al., "Does Discrimination Breed Grievances—and Do Grievances Breed Violence? New Evidence From an Analysis of Religious Minorities in Developing Countries," *Conflict Management and Peace Science* 34, no. 3 (2017): 217–239.

<sup>61</sup> Ilyse R Morgenstern Fuerst, "Indian Muslim Minorities and the 1857 Rebellion," *The American Journal of Islamic Social Sciences* 35, no. 2 (2018): 81–84.

### ***Fiqh Responses to the Issues Faced by Minority Muslims***

Many problems are faced by minority Muslims when they become citizens of non-Muslim countries, ranging from issues related to religious practices, transactions, and even marriage. All the problems and challenges faced by minority Muslims, as previously explained, require legal answers from credible scholars to address these issues. The reason is that the issues faced by minority Muslims are not the same as those faced by the majority, making it necessary to formulate a specialized jurisprudence (*fiqh*) for Muslims who live alongside non-Muslims, known as "*fiqh al-aqalliyat*" or jurisprudence for minority Muslims. The urgency of minority jurisprudence as a product of contemporary Islamic jurisprudence becomes evident when a Muslim lives amid a non-Muslim majority.<sup>62</sup> This is why it is not relevant to apply classical Islamic jurisprudence in Western countries, as it could potentially lead to problems.

#### ***1. Muslim Women Marrying Non-Muslim Husbands***

Interfaith marriage cases are common in Western countries, especially in the United States. Many people choose to enter into an interfaith marriage contract in America, because of the application of the American state principle which adheres to the 'separation between church and state' or the separation between matters of state legality and matters of belief. So administrative affairs are very easy compared to those in the state of Indonesia. This happened to one of the Indonesian diaspora Karina Vollmer who is Muslim and married to her husband Derek who is Catholic. They told me that the registration process was simple, just show your identity in the form of a driving licence or passport and pay the administration fee. They then filled out a form with information about their identity, and address and made sure they were of legal age and unrelated. There were no questions about religious beliefs at all. To date, their relationship is still ongoing and they have a child.<sup>63</sup>

The above case raises a big question of whether they will maintain their relationship or sue their husband for divorce. Considering that Islam strictly prohibits interfaith marriages as stipulated in the Qur'an. There are three main opinions among scholars regarding this matter: first, the marriage contract becomes invalid if one of the spouses converts to Islam; second, the marriage becomes invalid if the husband converts to Islam, even if the wife declines to convert despite being given the option; and third, the marriage contract is not invalidated outright but may require a court decree for dissolution. These differing opinions reflect various interpretations of Islamic jurisprudence, and the specific course of action may depend on the circumstances and the legal systems in place.<sup>64</sup>

Ibnu Taimiyah and his student, Ibn Qayyim, held the opinion that if a wife converts to Islam while her husband remains non-Muslim, they can continue to live together for years in the hope of the husband eventually embracing Islam, with the condition that they refrain from sexual relations. This view has been criticized by Yusuf Al-Qaradawi as being less practical, as it goes against human nature and psychological inclinations to maintain a husband-wife relationship while

<sup>62</sup> Hilmi Ridho, Hamim Maftuh Elmi, and Muhammad Sibawaihi, "Fiqh Al-Aqalliyat; Jurisprudence For Muslim Minorities As A Guide To Living In Non-Muslim Countries," *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 1 (2023): 93–106.

<sup>63</sup> Ariono Arifin, "Menikah Di Amerika: Perbedaan Agama Tidak Menjadi Masalah," *VOA Indonesia*, last modified 2023, accessed January 9, 2025, <https://www.voaindonesia.com/a/menikah-di-amerika-perbedaan-agama-tidak-menjadi-masalah-/7041889.html>.

<sup>64</sup> Muhammad Yusri bin Ibrahim, *Fiqh Al-Navazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan* (Qatar: Wizarah Awqaf Wa Su'un Al Islamiyyah, 2013).

abstaining from intimacy. Al-Qaradawi, on the other hand, adopts the opinion that they can continue as husband and wife as long as they are not separated by a judge or ruler.<sup>65</sup>

As a proponent of his viewpoint, Yusuf Al-Qaradawi presents several reasons regarding the marriage of a Muslim woman to a non-Muslim husband, including: [1] There is no clear and decisive text (*nas qath'iy*) or consensus (*ijma'*) addressing this issue. [2] The marriage contract that occurred before the woman embraced Islam is considered valid after her conversion because the annulment of marriage can only happen due to compelling reasons, and differences in religion are not considered compelling, as there is no explicit text confirming this and there are still varying opinions among scholars. [3] There is no explanation in the sayings of the Prophet Muhammad (peace be upon him) that separates a woman from her husband when one of them converts to Islam, nor is there any command from the Prophet (peace be upon him) to do so.

## 2. Accepting Inheritance from Non-Muslims

Looking at the case of Karina Vollmer and Derek's interfaith marriage, how is it legal for the child to receive inheritance from his parents? Given that his father (Derek) is a Catholic (non-Muslim). According to the majority of fiqh scholars, if there is a Muslim who receives inheritance from his non-Muslim parents then the law is haram because religious differences become a barrier for someone to receive inheritance from his family members.<sup>66</sup> Meanwhile, Yusuf Al-Qardlawi's fatwa explains an alternative viewpoint narrated by several Companions such as Umar, Mu'adz, and Mu'awiyah who allowed a Muslim to receive inheritance from his non-Muslim family members.<sup>67</sup> Al-Qardlawi takes this position even though it is not in line with the majority of scholars, with the consideration that religious differences are not a barrier to the good or benefits obtained by a Muslim.

Al-Qardlawi's consideration in this fatwa is based on the fiqh rule *al-umur bi maqāsidihā* (the legal status of every matter depends on its intention and purpose). Intention and purpose play an important role in all aspects of fiqh because they are the basis of a person's actions and work. Therefore, it is not surprising that there is another rule that is an offshoot of this rule, namely *lā thawab wa lā 'iqāb illa bi al-niyāt* (no reward is given and no punishment is imposed except based on one's intention and purpose). Based on this rule, al-Qaradawi argues that it is not appropriate to prohibit a Muslim from receiving inheritance from his non-Muslim family.

Another consideration that makes Al-Qardlawi prefer this opinion to the opinion of the majority of scholars who prohibit inheritance from non-Muslims is based on the rule fiqh *al-aslu fi al-`ādiyāt wa al-mu`āmalat al-naṣar ila al-`ilāli wa al-ma ḥāli*. This rule states that the original ruling of general matters in muamalah (including inheritance) is based on the *illat* (reason) and the benefit obtained. Al-Qaradawi argues that the *illat* of the inheritance issue is the spirit of mutual assistance, not religious equality. This opinion is based on the fact that Islam teaches and encourages Muslims to help and protect non-Muslims (*ahl-dzimmah*) so that Muslims can receive inheritance from them.

In ushul fiqh, there is a rule similar to the rule above, namely the rule *al-hukmu yaduru ma`a illatihī wiyjudan wa `adaman* which means that the law of a case depends on the presence or absence of the *illat* that underlies it. Thus, *illat* has an important role in determining the law of a problem.

<sup>65</sup> Yusuf Al-Qardlawi, *Fi Fiqh Al-Aqalliyat Al-Muslimah Hayat Al-Muslimina Wasat Al-Mujama`at Al-Ukbra* (Beirut: Dar al-Syuruq, 2001), 90.

<sup>66</sup> Wahbah Al-Zuhaily, *Al-Fiqhu Al-Islamiy Wa Adillatuhu* (Suriah: Dār al-Fikr, 2004), Juz X, 360.

<sup>67</sup> Al-Qardlawi, *Fi Fiqh Al-Aqalliyat Al-Muslimah Hayat Al-Muslimina Wasat Al-Mujama`at Al-Ukbra*, 74.

From the above description, it can be understood that the benefit of receiving inheritance from non-Muslims will be greater than allowing the inheritance to be controlled by disbelievers who are likely to be used for immoral purposes. In order not to appear to oppose the hadith about the prohibition of receiving inheritance from non-Muslims, Al-Qaradlawi has interpreted the hadith as kafir harbi. The author prefers the opinion of Yusuf Al-Qardlawi who says that a Muslim may receive inheritance from a non-Muslim to maintain the principles and objectives of the Shari'ah in the form of safeguarding property.

### **3. Consuming Non-Muslim Slaughtered Meat**

In addition to the case of interfaith marriage, the difficulty of finding halal food is also a problem for Muslim minorities living in Western countries. This experience was shared by Heri Yudianto, a well-known writer in several online media. He advised us to be careful with food in Germany, both sold in restaurants and supermarkets. This is because processed food in Germany usually contains pork (schwein in German). There are several reasons why pork is commonly found in Germany. Firstly, pigs are easy to breed and raise. It's no wonder that a single pig farm in Germany can have hundreds or even thousands of pigs. Secondly, pigs can eat anything. Even stale leftovers are favored by pigs. Thirdly, farming experts in Germany have developed disease-resistant pig variants. This makes them more economical to breed. Heri also said that certain supermarkets sell halal products for Muslims, but there are not many of them. In addition, he also advised that meat from halal animals also needs to be watched out for. Worried that the slaughter is not by Sharia.<sup>68</sup>

Scholars unanimously agree that it is forbidden to consume the meat of an animal that has been slaughtered without mentioning the name of Allah (SWT) or if the slaughter method is not in accordance with Islamic teachings, such as striking, choking, and so on.<sup>69</sup> However, there are scholars who hold a different opinion regarding the permissibility of consuming the slaughter of the People of the Book (Jews and Christians). Some scholars who permit it argue that as long as the animal itself is halal, it is permissible to consume the slaughter of the People of the Book. They base their argument on the Quranic verse: *"Today, all good foods have been made lawful for you, and the food of the People of the Book is lawful for you, and your food is lawful for them."* [Q.S. al-Maidah; 5]

According to Ibn Kathir, as well as the narrations of Ibn Abbas, Said bin Jubair, Mujahid, Atha', and others, the interpretation is that the term "food of the People of the Book" in the mentioned verse refers to the slaughter of the People of the Book (Jews and Christians). Meanwhile, the term "*Ahl al-Kitab*" in the Quran generally refers to Jews and Christians who have not embraced Islam, as "*al-Kitab*" specifically refers to the Torah and the Gospel when preceded by the word "*ablu*" (people of).<sup>70</sup>

Some scholars who prohibit it argue that the People of the Book, since the time of the Prophet Muhammad (peace be upon him), have adhered to polytheistic beliefs and do not recognize Allah SWT as the One and Only God.<sup>71</sup> This argument is based on the Quranic verse in Surah Al-Ma'idah, verse 73, which states: *"Those who say, "Allah is the third of three," have certainly*

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<sup>68</sup> Interview with Heri Yudianto, People who have been to Germany, January 8, 2025

<sup>69</sup> Zakariyyā Al-Anshārī, *Ghayat Al-Wuṣhāl Syarh Lubb Al-Uṣhāl* (Semarang: Maktabah Hidayah, 2000), 70.

<sup>70</sup> Ibnu Kaṣīr, *Tafsīr Ibnu Kaṣīr* (Mesir: Dār al-Hadīṣ, 1999), 40.

<sup>71</sup> Khairuddin Shaary and Mohammad Amir Wan Harun, "Amalan Rukhsah Sembelihan Ahli Kitab Menurut Yusuf Al-Qaradawi Dalam Kitab Al-Halal Wa Al-Haram Fi Al-Islam," *BITĀRAF: International Journal of Civilizational Studies and Human Sciences* Volume 3, no. 1 (2020): 26–27.

*disbelieved. There is only one God. If they do not desist from saying this, the disbelievers among them will certainly receive a painful punishment.”* [Q.S. al-Maidah; 73]

The Majelis Tarjih and Tajdid Muhammadiyah follow the second opinion, which is to prohibit the consumption of the slaughter of the People of the Book, considering the principle of "Syad adz-zari'ah" (closing the door to potential haram). This is in line with the principles of Islamic jurisprudence (*fiqh*) and jurisprudential methodology (*ushul al-fiqh*), which emphasize precaution and avoiding the potential of haram, namely preventing harm is given priority over bringing benefit.<sup>72</sup>

After various discussions and considering the importance of preserving Islamic law, the Fatwa Council of European Scholars instructs the Muslim community in Europe to refrain from consuming meat products from non-Muslim slaughter and to avoid consuming food products that have not been slaughtered by Islamic Sharia rules.<sup>73</sup>

From the various opinions above, it can be understood that food slaughtered by People of the Book can be considered halal for consumption under the following conditions: a) the slaughter process is carried out by the provisions of sharia, namely by cutting the throat, esophagus, and neck veins, not by strangling, shooting, beating, or centering; b) slaughter is not carried out as part of religious rituals or by calling names other than Allah SWT.

#### **4. Saying "Happy Holiday" (re: Selamat hari raya) to non-Muslims**

Diversity of religions in Western countries is common and inevitable. As a result, whether Muslims like it or not, Muslim minorities will always interact with people of different faiths. To show respect for neighbors and colleagues, Muslims are encouraged to acknowledge and greet others during their religious holidays, such as by saying "Merry Christmas" and so on. However, the majority of scholars from Islamic fatwa institutions in Muslim-majority countries forbid Muslims from saying "Merry Christmas" or greeting others during their religious holidays. This includes scholars like Ibn Taymiyyah, Ibn Qayyim, and their followers such as Sheikh Ibn Baz and Sheikh Ibn Uthaymeen. Their argument is that such greetings are part of the religious symbols of other faiths, and Allah does not accept any association with acts of disbelief among His servants. Their reasoning is based on the concept of "*tashabbuh*" (resembling) when participating in or celebrating the major holidays of other religions.<sup>74</sup>

In addition to the above arguments, the main reason why it is forbidden to wish non-Muslims happy holidays is because it is an innovation in religion. Muhammad bin Salih Al-Uthaymeen explicitly said that if the person who wishes non-Muslims happy holidays is not considered a kufr, then at least he is classified as someone who commits a major sin because he agrees and acknowledges the existence of religions other than Islam. The opinion that it is *bid'ah* to wish non-Muslims a Merry Christmas was also expressed by Husein Shahab. However, he reversed his opinion and decided that the ruling on celebrating Christmas is twofold. Firstly, there is no opinion or guidance to do so for a Muslim. Secondly, if there are benefits in doing so, for example, to build mutual respect between Islam and Christianity, then the law is permissible.

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<sup>72</sup> Ibrāhīm Muḥammad Maḥmūd Al-Harīrī, *Al-Madkhal Ila Al-Qawā'id Al-Fiqhiyyah Al-Kulliyah* (Oman: Dār al-'Ammār, 1997), 124.

<sup>73</sup> Karen-Lise Johansen Karman, "Interpreting Islamic Law for European Muslims: The Role and the Work of the European Council for Fatwa and Research," in *Yearbook of Muslims in Europe*, 3rd ed. (Leiden: Brill, 2011), 655–693.

<sup>74</sup> Walid Jumblatt Abdullah, "Conflating Muslim 'Conservatism' with 'Extremism': Examining the 'Merry Christmas' Saga in Singapore," *Journal of Muslim Minority Affairs* 37, no. 3 (2017): 344–356.

Unlike Yusuf al-Qaradawi, who permits extending greetings for other religions' holidays, he uses Allah's words in Surah al-Mumtahanah, verses 8 and 9, as supporting evidence for his opinion. Al-Qaradawi's interpretation of this verse emphasizes the importance of two modes of interaction with non-Muslims: being just and doing good to them, as long as they are not hostile to the Muslim community. Being just means not depriving them of their rights, while doing good involves extending some of our rights to them. Offering greetings and good wishes, such as saying "Happy Holidays," is considered part of doing good and is thus permissible.<sup>75</sup> This perspective highlights the potential positive impact such greetings can have on promoting harmony among people of different faiths. However, it's important to note that this interpretation does not endorse participating in non-Muslim religious rituals, which aligns with the viewpoint of Bin Bayyah, who allows offering greetings for various occasions, expressing condolences, and visiting non-Muslims when they are unwell.<sup>76</sup>

Quraish Shihab also tends to give legal leeway regarding the permissibility of congratulating Christmas because it is still in line with the spirit of the Qur'an. According to him, this prohibition arises to maintain belief, because he is worried that there will be confusion in understanding the creed. However, if a person's creed is still Islam, then there is no problem with that. Under certain conditions, wishing non-Muslims a happy holiday is necessary to maintain social relations between the Muslim minority and the non-Muslim majority. This opinion is similar to the fatwa of Ali Jumah who said that congratulating non-Muslims about their social and religious celebrations, such as the Christmas of the Prophet Jesus and the Gregorian New Year, is permissible. This is because it falls under the category of kindness that softens the hearts of non-Muslims. These two opinions are also reinforced by Wahbah Al-Zuhaili's opinion that there is no prohibition on politeness (mujamalah) with the Christians according to the opinion of some fiqh scholars about their festivals as long as there is no intention of recognizing the truth of their ideology.

## Conclusion

Muslims living in Western countries have the challenge of changing people's perception of Islam as extreme and intolerant. For this reason, it is necessary to adapt and integrate with non-Muslim communities to build good and harmonious relationships. Therefore, under certain conditions, Muslim minorities may do the following; first, respecting other religious celebrations by wishing non-Muslims 'happy holidays' to maintain social relations. Secondly, Muslim women who marry non-Muslim husbands do not need to divorce for reasons not justified by Islam. They can follow the opinions of scholars who allow interfaith marriages as long as they are not forcibly separated by a judge for the benefit of the family, such as the opinions of Yusuf Al-Qardawi, Ibn Taymiyyah, and Ibn Qayyim. Thirdly, it is permissible for a Muslim to receive inheritance from his non-Muslim parents to protect the property from the control of the disbelievers. Fourth, it is recommended not to consume meat from non-Muslim slaughterhouses that are not slaughtered by the provisions of Islamic law. However, consuming meat slaughtered by Ahl al-Kitab is still considered halal provided that the slaughter is by sharia and is not carried out as part of their religious rituals.

<sup>75</sup> Al-Qardawi, *Fi Fiqh Al-Aqalliyat Al-Muslimah Hayat Al-Muslimina Wasat Al-Mujtama`at Al-Ukbra*, 102.

<sup>76</sup> Abdullah bin Syekh Mahfudz bin Bayyah, *Maqashid Al-Mu'amalat Wa Marashid Al-Waqi'at* (Kairo: Al-Madani, 2009), 48.

In addition to legal convenience, in the context of citizenship, Muslim minorities have six obligations to the state, namely; (1) Preaching to spread the teachings of Islam to the community and the state. (2) Maintaining the implementation of the basic religious law. (3) Maintaining the Islamic *Shari'ah* law on what is halal and what is haram. (4) Getting involved in the process of building and solving state problems. (5) Maintaining good relations between fellow religions and citizens of the country. (6) Not rebelling against the state except in a position and condition of urgency after seeing the magnitude of the *Maslahat*.

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