



Speaking the Unspeakable: The Status of “Non-Muslims” in Indonesia

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Abstract: The citizenship of non-Muslims has long been a matter of debate in Islamic politics (*fiqh al-siyāsah*). The problem arose especially after the new world order in the early 20th century, in which citizenship was no longer based on religion. In the literature of *fiqh al-siyāsah*, the status of non-Muslims is divided into four categories: 1) *kāfir zimmi* (non-Muslims who receive protection); 2) *kāfir ḥarbi* (infidels who are permissible for an assault); 3) *kāfir mu‘āhad* (infidels who are bound by a peace treaty with Muslims); and 4) *kāfir musta‘mān* (infidels who are given asylum in an Islamic country). This paper discusses one of the dictums of Nahdlatul Ulama (NU) -the largest Islamic organization in Indonesia- which did not situate non-Muslims in the category of infidels as known in Islamic political doctrine. Rather, it considered non-Muslims as citizens. This is field study by qualitative approach. Primary data was collected by interviews with NU scholars, direct observation in the process of discussion and relevant data tracing, including debate in the media. This paper argues that NU's decision regarding the status of non-Muslim citizens is a response to changes in the new world order based on tradition. This is the consequence of NU's acceptance toward the nation-state notion that sees the equality of all citizens.

Keywords: citizenship, nahdlatul ulama, non-muslims, islamic state, infidel state

|| Submitted: June 14, 2022 || Accepted: December 09, 2022 || Published: December 31, 2022

Abstrak: Status kewarganeraan non-muslim sejak lama menjadi perdebatan dalam politik Islam (*fiqh al-siyāsah*). Persoalan tersebut muncul terutama setelah terjadi perubahan tata dunia baru pada awal ke-20 dimana sistem kewarganegaraan tidak lagi didasarkan pada agama. Dalam literatur *fiqh al-siyāsah*, status non-muslim dibedakan dalam empat kategori: 1) *kāfir zimmi*, yaitu non-muslim yang mendapat perlindungan; 2) *kāfir ḥarbī*, yaitu orang kafir yang diperangi; 3) *kāfir mu‘āhad*, yaitu orang kafir yang terikat perjanjian damai dengan muslim; dan 4) *kāfir musta‘mān*, yaitu kafir yang diberi suaka dalam negara Islam. Tulisan ini mendiskusikan salah satu putusan Nahdlatul Ulama (NU) -organisasi Islam terbesar di Indonesia- yang meletakkan non-muslim tidak dengan kategori kafir sebagaimana dikenal dalam doktrin politik Islam tapi dilihat sebagai warga negara. Studi ini menggunakan pendekatan kualitatif. Data-data primer dihasilkan melalui wawancara dengan sejumlah ulama NU, pengamatan secara langsung dalam proses pembahasan dan menelusuri data-data terkait, termasuk perdebatan di media. Tulisan ini berargumen, putusan NU tentang status warga negara non-muslim merupakan respon terhadap perubahan tata dunia baru dengan berbasis pada tradisi. Hal ini merupakan konsekuensi penerimaan NU terhadap paham negara-bangsa yang melihat kesetaraan seluruh warga negara.

Kata Kunci: kewarganegaraan, nahdlatul ulama, non-muslim, *dār al-islām*, *dār al-kufr*

Introduction

The issue of citizenship is one of the most important themes in political science, not only in modern Western political thought, but also in Islamic politics. Although Muslim countries in general have accepted the modern conception of citizenship based on human rights standards, the conception of citizenship in Islamic political thought has not displayed significant progress. The position of Muslims and non-Muslims is still considered as a segregator between community groups. This is a medieval political construction that assumes the existence of power based on religion. This conception sorted citizens based on their religion. The above concept underlies the political conception of Islam which distinguishes the state into two groups: *dār al-Islām* (Islamic state) and *dār al-kufr* (infidel state) which is identified as *dār al-ḥarb* (the area of war)¹. *Dār al-Islām* is a political area that is controlled and inhabited by majority of Muslims, in which Islamic law is the basis of its regulation. The community that lives in this area is usually referred to as the ummah. This type of state is assumed to provide protection and safety to non-Muslims as long as they are willing to submit and

¹ Abd al-Qādir 'Awdah, *al-Tasyrī' al-Jinā'i al-Islāmī Muqāranah bi al-Qānūn al-Waḍī* (Bayrūt: Muassasah al-Risālah, 1992), p. 275.

pay *jizya* (taxes) to Muslim rulers. They are called *dhimmi*, which means minor non-Muslim communities who are protected and free to practice their religion². However, the concept of *dār al-Islām* has also developed and perceived differently. A country inhabited by majority of Muslims, even though it does not apply Islamic law or even it is controlled by non-Muslims, is also called *dār al-Islām* as long as Muslims are given the freedom to practice their religion and beliefs.

In the classical Islamic politics, everything outside of *dār al-Islām* is considered as *dār al-kufr*. This includes a state that is not politically controlled by Muslims and is not subject to Islamic law. This type of country, if it shows enmity toward Muslims, it will be given the status of *dār al-ḥarb* (a country that is permissible for an assault). Thus, in areas that are categorized as war areas, the law of war applies. Apart from the two regions, there is another category called *dār al-‘ahd* (the treaty area) or *dār al-sulḥ* (the peaceful area)³. A non-Muslim will be protected if he or she is bound by a certain agreement with a Muslim ruler. Non-Muslims who are bound by an agreement with the Muslim ruler become *musta ‘mīn* (their safety and security are guaranteed).

Islamic political thought is mainly related to the status of citizens within this framework. This idea is built on the assumption that Muslim and non-Muslim relations are always in tension, dominating and subjugating each other. Moreover, people who leave Islam (*apostasy*) are also threatened with the death penalty.⁴ Political Islam has always been assumed to be the victorious force and control over all entities outside of itself. Non-Muslims who are categorized as infidels are subordinate citizens whose rights and obligations are distinguished from Muslims in several respects.

Therefore, when Muslim and non-Muslim relations underwent changes in the early 20th century, the concept of citizenship became problematic. It is even more problematic for some Muslims who live in Western countries where the majority are non-Muslims. Therefore, Thaha Jabir al-Alwani, the Head of Fiqh Council of North America, argues that western countries controlled by non-Muslim cannot be categorized as *dār al-ḥarb*, otherwise, Muslims must leave. In fact, al-Alwani argues that *dār al-Islām* is a country where Muslims are given the freedom to carry out their religious orders. From this point of view, al-Alwani

² F.L Ramaioli, *Islamic State as a Legal Order* (London and New York: Routledge Taylor and Francis Group, 2022), p. 79–83.

³ J.D McAuliffe, *Encyclopedia of the Qur’an: Community and Society in the Qur’an*, vol. 1, Leiden: EJ. Brill, (2001), p. 367–85.

⁴ Dedy Sumardi et.all, “Transition of Civil Law to Public Law: Integration of Modern Punishment Theory in Criminal Apostasy”, *Journal Ahkam*, Vol. 22 Number 1 (2022), p. 237-259. <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/26359>

stated that the United States could be considered as *dār al-Islām*. Thus, there is no reason for Muslims to be hostile to their country. Muslims in the US must not hate their own country, let alone consider it as *dār al-ḥarb* that must be attacked (in the name of jihad).⁵ Likewise, Muslim immigrants in Europe cannot fully become Europeans because of the burden of living in a country that does not adopt Islamic law, and feel that they are not fully Muslim because they cannot carry out some aspects of Islamic law aggressively.⁶

The problem of inequality within citizenship issue is not unique to Islam. It also occurred in the history of Western nations. In Europe, the concept of national citizenship almost disappeared during the medieval era due to the rights and obligations system of feudal society. By the end of the Middle Ages, the possession of citizenship in various Italian and German cities turned into the establishment of power for merchants and privileged people. The concept of modern citizenship changed in the 18th century during the American and French Revolutions. The concept of the citizen implied the possession of certain liberties to face the coercive power of absolute monarchs. In England, the concept of citizenship refers to royal membership in a local county or city⁷. The issue of citizenship continues to evolve from time to time. One of the most prominent transformations of citizenship concept was the formulation of civil rights, political rights and social rights which was stipulated in the international convention in 1966.

This paper focuses on the results of the National Colloquium (known as Munas) of NU’s Ulama through the *baḥsul masāil* forum in 2019. During the National colloquium, NU (*Nahdlatul Ulama*) discussed the status of non-Muslims in society and in the state (Indonesia). The critical point of the issue lies upon the fact that although Indonesia is not an Islamic country, and it equally treats its citizens regardless their religious status (Muslims or non-Muslims), some psychological barriers concerning this issue remain unresolved among some Muslim communities. In this regard, this research uses either direct or indirect interview upon several key figures involved in the discussion. The researcher of this study is also involved in the pre-Munas discussion process, the *baḥsul masāil* forum, and the plenary discussion session of the 2019 national colloquium results. Certain involvement in the forums creates unique nuances in seeing the

⁵ Shammai Fishman, *Fiqh Al-Aqalliyat: A Legal Theory for Muslim Minorities* (Washington DC: Hudson Institute, 2006), p. 5.

⁶ Khamami Zada and M. Nurul Irfan, “Negotiating Sharia in The Secular State: A Case Study in France and Germany”, *Samarah Journal*, Volume 5 No. 1 (2021), p. 47-60. <https://jurnal.ar-raniry.ac.id/index.php/samarah/article/view/9753>

⁷ Gianluca P Parolin, *Citizenship in the Arab World: Kin, Religion and Nation State* (Amsterdam: Amsterdam University Press, 2009), p. 21–22.

intellectual and psychological dynamics upon the emergence of NU's decision. Thus, this research does not only rely on the final document produced through the National Colloquium. Moreover, the debate on social media responding the results of the 2019 NU National Colloquium is also used as materials for analysis. This article, conceptually and practically, discusses Islam and the status of citizens in the history of Islam, including the dynamics of citizenship in Indonesia. It is meant to provide a context for NU's discussion on the status of non-Muslims in Indonesia. NU argues that the status of non-Muslims is citizen (*muwāṭīn*). In this regard, the status of “infidel” described in Islamic politics (*fiqh al-siyāsah*) does not apply. This opinion, to some extent, reinforces the practicality of citizenship's politics in Indonesia. However, it receives certain negative response from some Islamic groups.

Islam and Citizenship Status

After the collapse of the Ottoman Empire in 1924, the issue of citizens' status and rights have been widely debated among Islamic political scholars. According to Abdullah Saeed, the relationship model between Islamic state and the rights of citizens has at least four categories, namely traditionalists, neo-revivalists (Islamists), modernists, and secularists⁸. According to traditionalists, represented by conservative scholars, an Islamic state is when Islamic law as developed by Islamic jurists is enforced through the state legal system. Non-Muslims living in Islamic countries are protected as minorities or *zimmī*. Some scholars require *zimmī* to pay *jizyah* (a kind of tax) as a form of protection's compensation.⁹ In this instance, if the non-Muslim minorities do not pay the *jizyah*, the Muslim rulers have no responsibility to protect them. However, some scholars argue that in the modern state model -the nation state- non-Muslims are not “conquered” people or groups. According to this opinion, they should be treated as *mu'āhid* (people who promise to peacefully submit to an Islamic state).

Meanwhile, Neo-revival groups believe that the Qur'an and Sunnah are the foundations of how to organize Muslim society. This can be seen, for example, in the movement of *Ikhwanul Muslimin* and *Jemaat Islamiyah*. They strongly believe that the life of the Islamic community must be based on the concept of sharia. However, they have their own understanding of sharia principles that are different from traditionalist groups. Their conception is dominated by modern

⁸ Abdullah Saeed, “Rethinking Citizenship Rights of Non Muslim in an Islamic State: Rashid al-Ghannushi's Contribution to the Evolving Debate,” *Journal Islam and Christian-Muslim Relation Birmingham UK* 10, no. 3 (1999), p. 208–209.

⁹ Dedy Sumardi, “Legitimasi Pemungutan Jizyah dalam Islam Otoritas Agama dan Penguasa,” *Media Syariah: Wahana Kajian Hukum Islam dan Pranata Sosial* 15, no. 2 (2013): 235–48, <https://doi.org/http://dx.doi.org/10.22373/jms.v15i2.2051>.

forms of *scripturalism*. They are more flexible towards non-Muslims while considering Muslim citizens more dignified. Abu A'la al-Madudi, the founder of *Jemaat Islamiyah*, for example, divides citizens into two categories: Muslims and non-Muslims. In this regard, non-Muslims are divided into three categories. *First*, non-Muslims who accept the hegemony of the Islamic State voluntarily and they are bound by treaties. *Second*, non-Muslims who were defeated in war by the Islamic State and their territories were annexed by Islamic rulers. As proof of submission, they had to pay *jizyah* (tax). *Third*, non-Muslims as ordinary citizens in the Islamic State, in which they are promised for protection upon their rights.¹⁰

As for modernists, the priority of the Islamic State is the implementation of the principles of the Qur'an and Sunnah. They put Islamic law as a reference for change by formulating new methodologies to meet the demands of modern developments. The modernist group, in Abdullah Saeed's view, is a further development of the traditionalist group that proposes new concepts and interpretations, especially to certain concepts related to government and the development of citizens. Regarding the issue of citizens' rights, although they still adopt classical views, they reject discrimination against non-Muslims. Thus, modernists stand between traditionalists and neo-revivals (on the one hand) and secular groups (on the other hand).

Apart from the aforementioned groups, another group could be categorized as a secularist group. This group supports a secular State where all citizens of the State are in an equal position regardless of religion. Religion is placed as a private matter between human and their God. Thus, religion has no place in politics. In this instance, the State is not allowed to interfere, let alone intervene in the religious affairs of its citizens. This effort is to eliminate an attempt to confuse religious and political affairs that will plunge people into two equally bad things, namely “religious politicization” where religion is used as a tool to achieve political interests; or “political religiosity” where political choices are equated with religious choices. The latter view is usually associated with the following arguments. *First*, there is no obligation for Muslims to establish an Islamic State. *Second*, Islam does not actually value the form of the State, but the substance of the State. *Third*, God will not bless an oppressive state even though it is claimed to be an Islamic State. God will bless the just State, even though it is not an Islamic State.

How has Islam treated non-Muslim minorities in history? To answer this question, it is important to look at the historical aspects of Islam related to minorities. The treatment of non-Islamic minorities in early Islamic history was

¹⁰ Imtiyaz Ahmed, *The Concept of an Islamic State* (London: Frances Printer Publisher, 1987), p. 101–102.

standardized in the *dhimmah* system.¹¹ The *dhimmah* system does assume that Islam holds political authority, and even becomes the basis of the state. Although in the modern state system this can be problematic, especially on the citizenship status, it is far more civilized in managing other religious minorities than the practice of European countries at the same time.

What is problematic and far more complex is how internal Islamic minorities should be treated, which was defined by Said as those who are out of the mainstream consensus of the ummah. Said points out that in the history of Islamic politics, those who are labelled as splinter or deviant are likely dependent upon the definition of the ruling group or sect. Therefore, deviant groups, splinter groups, and minorities might receive different treatment from one ruling political regime to another. However, certain civilized treatment standard should be applied.

First, the attitude towards the Islamic minority groups is largely determined by the strategic interests of a political sovereignty, not solely based on whether or not their religious beliefs are misguided, but the extent to which the advantages and disadvantages in favouring certain minority groups are considered. Thus, if taking side with minorities does not benefit, or it may even be detrimental, then the minority groups would not get adequate political protection. *Second*, the standard of treatment is also determined by an assessment of the level of their threat to the strategic interests of a political sovereignty. If it simply deviates from mainstream beliefs, the government in power will usually remain neutral and impartial. This last type of minority is usually seen as a form of diverse expression of the ummah's internal beliefs. In the Islamic nomenclature, it is known as *adābiyyāt al-firāq* or ethics in dealing with different groups. They are usually not considered a threat to the integrity of the state, as long as they do not have a political agenda to fight against political authorities. This issue is in the domain of da'wah, not the domain of *dawlah* or the state because it is placed as a public affair. The state usually does not treat them arbitrarily, even tends to tolerate their existence.

Third, if a minority group is considered a threat to the state, different treatment will apply. However, the threat is also divided into two types. If the threat is at the level of identity and state legality, it is usually considered as a latent threat, and therefore it will not be treated repressively. However, if it poses a real threat to social stability and security, different attitude will incur. At this level, political authorities usually take concrete and repressive actions. They are categorized as rebels (*bughah*), dissidents, or separatist groups whose threats (to

¹¹ K.S Habib, *Al-Aqalliyat Wa al-Siyasah Fi al-Khibrah al-Islamiyah*, Kairo: Maktabah Madbuli (2002), p. 39–40.

the state) have shifted from latent to manifest¹². In short, those who only deviate from the mainstream beliefs are not considered a threat to the state. They will be tolerated. Thus, the protection of the state is always linked to the extent to which the community poses a threat to the state. It does not lie on their embraced religious beliefs. The group that threatens the foundations of the state is the serious concern of the state.

Furthermore, Kamal Said Habib sees the importance of making sure that an Islamic state that oversees the life of non-Muslims must be able to guarantee several things. *First*, freedom of religion and belief (*hurriyah al-dīn wa al-‘aqīdah*). This means that there should be no coercion and intimidation against people of different religions and beliefs. *Second*, equal treatment before the law. Non-Muslims should not be treated differently from Muslims, as in the law of *qishah* and *diyāt*. This means that the Islamic State must treat its citizens equally, regardless their religions or beliefs, no one is superior to the other. *Third*, non-Muslims do have obligations, especially paying *jizyah* as a form of submission to the Islamic State. In return, they get full protection¹³. Thus, both *jizyah* and *zakat* were originally “taxes” given to the state as part of being the citizens of the state.

Abdullahi Ahmed an-Naim also studied the lives of minority groups categorized as *ahl zimmah* during the Islamic rule. One of the phases raised was the life of the *ahl zimmah* during the reign of the Fatimid Dynasty (297-567 H / 909-1171 A.D.) and the Mamluks (1250 A.D.-1517 A.D.) in Egypt¹⁴. The Fatimid dynasty, which was Shiite, emphasized the role of leaders in regulating all aspects of life. All affairs of society, state, and religion must be under the control of an infallible imam. In contrast, the Mamluk Dynasty had no ideological claims from the old teachings. They base themselves on their own claims to defend and support the teachings of Islam.

According to an-Naim, despite the basic texts of Islam reflect a tolerant attitude towards non-Muslims (*ahl al-kitab*), historical data show that hostility is more dominant than sympathetic relations. In relation to the Coptic Christian community in Egypt, for example, although the Fatimid regime was more tolerant, the majority of the population who are Sunnis are very anti *zimmī* (Coptic Christians). The position of Christians and Jews (minority groups) in Islamic countries (Fatimid dynasty) is protected even though it is not completely safe. Islamic law protects their lives, property, and freedom to practice their religion. However, Islamic law also requires them to be separated from other societies.¹⁵

¹² Habib, *Al-Aqalliyat Wa al-Siyasah*, p. 52–83.

¹³ Habib, *Al-Aqalliyat Wa al-Siyasah*, p. 82–86.

¹⁴ Abdullahi Ahmed an-Naim, *Islam and the Secular State: Negotiating The Future of Shari’ a* (Cambridge: Harvard University Press, 2008), p. 128–135.

¹⁵ Abdullahi Ahmed an-Naim, *Islam and the Secular State*, p. 130.

In general, historians think that the Fatimid dynasty was quite good at treating non-Muslims and non-Shia Ismailis. However, during the reign of al-Hakim bin Amrullah (996-1021 AD) there was a persecution in the name of religion, state sponsored terror and the growth of uncontrolled religious fervour. Apart from differentiating the style of dress and ordering the destruction of churches, al-Hakim also carried out a systematic campaign to persecute and commit acts of violence against non-Muslims. The year 1004-1012 AD was the worst period of his reign. Churches and monasteries in Cairo and all cities of the Fatimid dynasty were destroyed, including the Holy Sepulchre Church in Jerusalem. Non-Muslim buildings were converted into mosques and church treasuries were confiscated. This policy had very bad implications for the life of the *zimmī* minority at that time. Although al-Hakim cancelled several policies prior to his abdication, the damage caused by his policies, especially the loss of *waqf* and the conversion of mosques into churches, can be said to be quite permanent. However, during the next Fatimid reign, Christians and Jews who had immigrated to Byzantium during al-Hakim's time began to return to Egypt and carried out rehabilitation so that inter-religious relations were improved.

Unlike the Fatimid Dynasty, the Mamluk Dynasty did not view itself as a religious leader or attempt to interfere in religious affairs. In fact, they rely on clerics and religious leaders to legitimize their political authority. Surprisingly, the position of the *ahl al-zimmah* during the Mamluk Dynasty actually worsened. Although the Mamluk rulers did not intend to incite enmity with the *ahl al-zimmah*, they tended to acquiesce in the demands of religious leaders who stipulated bad treatment toward the minority of *ahl al-zimmah*.

In almost all regions, the minority of *ahl al-zimmah* were employed by the Mamluks as controllers or guards of State agencies, health consultants to the sultans, accountants, financial staff of high-ranking officials or clerks in the military. This influential position provoked the jealousy of the Muslim community. This sentiment was further aggravated when the majority of Sunnis living in Egypt were facing the challenge of Shia hegemony over the next two centuries and the crusade. In that atmosphere, small events can cause chaos and protests against *ahl al-zimmah*. In this instance, the sultans often took the safe route by pressuring the *zimmī's* to win over the protesters. This attitude prompted the public to demand more stringent measures against *Coptic Christians*, leading to looting and murder. However, when the Mamluks attempted to enforce their authority to restore peace, they tried not to appear supportive toward Coptic Christians. In this regard, the Mamluks imposed extra-judicial sentences and fired Coptic Christians from their jobs. However, this did not apply to high-ranking

Coptic Christians state officials. They were often offered to convert to Islam although no response was addressed.¹⁶

Moslems mass protests against the status increase and the minority of *ahl al-zimmah*'s treatment tended to encourage the State to act harshly resulting to the conversion of some Coptic Christians to Islam. This happened systematically in various Mamluk areas. In 1321, for example, 11 churches were destroyed by mobs in Cairo and 60 churches in other areas were also destroyed. Coptic Christians also retaliated by burning mosques in Cairo. The Mamluk government eventually resorted to violence to defuse the situation.¹⁷

Apart from the above conception, there have been various changes in the political constellation that require Islam to make several adjustments, including the Islamic perspective on citizenship. The changes include:

1. *Changes in the international political order*, especially after the collapse of the Ottoman Empire and the emergence of a new world order. In the past, almost every country or kingdom carried a religious identity. Therefore, people who live in areas under the power of a particular state or kingdom are distinguished by religion. At present, there is a massive repositioning of religion. Although there are still countries based on religion, most of the countries in the world have given up their religious identity and replaced it with a national identity. In the past, there was also no clear border regime between countries, so that relations between countries continued to take place within the framework of military interaction. Even countries that are geographically side by side with each other tend to be caught in a perpetual war on the boundaries of their respective military reach. Currently, with the existence of an international regime, namely the United Nations, the stability of the borders between countries is much more secure as the boundaries of their respective sovereignty. This means that although regional conflicts cannot be completely eliminated, the world has become a more stable governance environment.
2. *Changes in demographics and citizenship principles*. The movement of people from one area to another is one of the important characteristics of the modern world. Migration follows aspirations and economic contacts encourage the movement of people across national borders. In this instance, the demographic portrait in various regions becomes very heterogeneous. The significant growth of Muslim communities in areas that were inhabited by only non-Muslim populations in the past such as Europe, America, and other areas, is a further implication of the migration process. This also has further implications for the principle of citizenship in these changing areas. In the past, as every

¹⁶ Abdullahi Ahmed an-Naim, *Islam and the Secular State*, p. 131.

¹⁷ Abdullahi Ahmed an-Naim, *Islam and the Secular State*, p. 134–135.

country or kingdom used a religious identity, citizenship status was also based on the religious identity of its inhabitants, and the religious supremacy of the ruler was used as the basis of assessment. People who embrace a different religion from the state religion, tend to be persecuted or at least given the status of second-class citizens. At present, with the release of religious identity, the state tolerates the diversity of religious identities of its citizens.

3. *Changes in standards of norms.* The practices of ignoring some of the rights of humanity which were tolerated in the past --such as slavery, colonization, persecution, discrimination against minorities and so on-- are now generally seen as crimes according to the standards of civility norms agreed by international community through the United Nations. The international community has a mechanism to provide mutual correction for countries that carry out practices that violate the agreed basic norms.
4. Globalization driven by economic interactions and technological developments has made physical boundaries -namely geographical boundaries, as well as political boundaries between nations- less relevant for social dynamics. Technological developments have also dramatically bridged physical distances. Any event occurs anywhere has the potential to trigger a series of global consequences. Today's world has become one big village that has merged into a single civilization. No region can be isolated. For example, if an Islamic country discriminates non-Muslims in the name of classical *fiqh* norms, reactions will immediately come from non-Muslim communities around the world. It is conceivable that the chain effect will lead the world to a universal conflict with no future other than the complete collapse of civilization.¹⁸

These developments forced Islam to re-examine its political doctrines, especially those citizenship related matters. The issue of citizenship does not only receive a proportional discussion in Islamic political doctrine because it has been exhaustively oriented to the sultan and the rulers, but also a drastic change that make Islamic political doctrine no longer relevant.

The Dynamics of Citizenship in Indonesia

Despite being a country with the largest Muslim citizens, historically, Indonesia has never implemented the strict citizenship system as taught and understood in Islamic political jurisprudence. No historical record that explains non-Muslims were treated as *kāfir zimmi* during the era of Islamic kingdom in the

¹⁸ Yahya Cholil Staquf, *PBNU: Perjuangan Besar Nahdlatul Ulama* (Rembang: Mata Air, 2020), p. 14-49.

archipelago. This is partly due to the history of Islamic politics in the archipelago has never been controlled by a strict Islamic government system. Several Islamic kingdoms in the archipelago, such as the Kingdom of Samudera Pasai in Aceh in the 11th century AD, the Kingdom of Aceh which stood at the end of the 14th century AD, and the Islamic Kingdom of Demak which stood at the end of the 15th century,¹⁹ have never applied the concept of strict citizenship strata as in Islamic political jurisprudence. In addition to the limited historical sources of citizenship, the concept of citizenship as understood in modern politics was still unknown. Indeed, during the Islamic kingdom in the archipelago, Islamic law was applied to a limited extent, including Islamic criminal law. However, elements of custom and tradition were more dominant than Islamic law²⁰. Nonetheless, it cannot be denied that the religious narrative of Muslim and non-Muslim relations in the archipelago, written by many scholars from the archipelago, has displayed negative stereotyping toward this issue.²¹

Despite the differential regulation of citizenship in Indonesia’s colonial era, religion has never been explicitly used as a differentiator of citizen’s status. The main factors that differentiated the citizenship status, at that time, were race and descent. During the Dutch occupation, the Indonesian population was divided into three groups, namely (i) the European population; (ii) the East Foreign population, and (iii) the *bumiputera* (native citizens) population.²²

Articles 131 and 163 of the *Indisch Staatsblad* (IS) stated that different laws apply to the aforementioned groups. Europeans were bound by the laws applied in Netherlands. The *Staaatsblad* 1917 No. 129 jo 1924 No. 557 declared that European civil law and commercial law were almost entirely applied to the Chinese Foreign East group. Meanwhile, the *Staatsblad* 1924 No. 556 declared

¹⁹ Dedy Sumardi, at.all, “Legal Pluralism Within The Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021): 434–435, <https://doi.org/DOI: http://dx.doi.org/10.22373/sjhc.v5i1.9303>.

²⁰ Ayang Utriza Yakin, *Sejarah Hukum Islam Nusantara Abad XIV-XIX*, Jakarta: Prenada Media Group (2016); Rusjdi Ali Muhammad, “Reconciliation for the Settlement of Criminal Cases: Reactualization of Local Wisdom in Indonesian Criminal Law [Upaya Perdamaian Untuk Penyelesaian Perkara Pidana: Reaktualisasi Kearifan Lokal dalam Hukum Pidana Indonesia],” *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum* 10, no. 2 (November 19, 2021): 171, <https://doi.org/http://dx.doi.org/10.22373/legitimasi.v10i2.11339>; Rusjdi Ali Muhammad dan Dedy Sumardi, *Kearifan Tradisional Lokal: Penyerapan Syariat Islam dalam Hukum Adat Aceh* (Banda Aceh: Dinas Syariat Islam Aceh, 2011).

²¹ P.G Riddell, "Islam and Christianity in Southeast Asia", in Khairudin Aljunaid (Ed.), *Routledge Handbook of Islam in Southeast Asia*, London: Routledge Taylor and Francis Group (2022).

²² Isharyanto, *Hukum Kewarganegaraan Republik Indonesia: Dinamika Pengaturan Status Hukum Kewarganegaraan Dalam Perspektif Perundang-Undangan* (Yogyakarta: Absolute Media, 2015), p. 53.

that the law applies to Foreign Eastern groups other than Chinese except for the provisions on Family Law and Inheritance Law due to death. Certain parts of law which were not bound by the provisions for European groups, according to the last mentioned Staatsblad, should be based on their own customs. Unless they are voluntarily used the provisions of Staatsblad 1917 No. 12 jo 528 as the basis and abided themselves to the private law of the European class. The Bumiputera group, based on the provisions of Article 131 IS, should abide to its own customary law, as long as it is not regulated by Article 131 paragraph (4), Staatsblad 1917 No. 12 jo 528 which was voluntary submission to all or part of European civil and commercial law.

Furthermore, the Dutch East Indies issued Ordonantie on the 8th of September 1895 No. 198 for Muslim Bumiputera group concerning marriage and divorce between Muslims in Java and Madura except for the residencies of Surakarta and Yogyakarta. This decree was then changed with the ordinance in IS 1898 No. 149, Staatsblad 1904 No. 212, Staatsblad 1909 No. 409, Staatsblad 1910 No. 660, Staatsblad 1917 No. 497, and Staatsblad 1923 No. 586 which was amended by Staatsblad 1931 No. 467. The Ordinance also applied to the Foreign Eastern group who are Muslim. Marriage for Muslims outside Java and Madura was regulated in the Ordonantie of 16 December 1910 IS 1910 No. 659. Those ordinances only regulated marriage registration, divorce, and reconciliation.²³ Similarly, in the post-independence period, based on the Law No. 3 of 1946 on Citizens and Occupation of Indonesia which has undergone many changes until the issuance of Law No. 12 of 2006 on Citizenship of the Republic of Indonesia, non-Muslims were not given the status of *kāfir zimmī*. In fact, the 1945 Constitution Chapter X Articles 26 and 27 explicitly defines what Indonesian citizen is. Article 26 Paragraph (1) states: “Those who become citizens are natives of Indonesia and people of other nations who are legally recognized as citizens”. Similarly, Article 27 Paragraph (1) affirms that: “All citizens have the same position in the law and government and shall uphold the law and government without exception.” The law emphasizes the principle of equality of citizenship and does not regard religion as a differentiator of the state's treatment toward its citizens.

In its development, there are several regulations that provide special treatment for Muslims, such as the Law on Religious Courts, the Zakat Law, the Waqf Law, the Law on Hajj, the Law on Halal Product certification, the Law on Hajj Financial Management, the Law on Sharia Banking and so on. Human rights activists, especially those working on the issue of freedom of religion and belief, criticize and consider the law as state favouritism. Government is considered to

²³ Isharyanto, *Hukum Kewarganegaraan*, p. 54–55.

provide independent privilege for certain religious groups while reducing the rights of other groups. This government favouritism is seen as a problem that reduces the guarantee of religion's and belief's freedom²⁴. In the Indonesian context, however, this perspective is not entirely correct. Although several laws and regulations appear to give special treatment to Muslims, this does not automatically place non-Muslims as second-class citizens or *zimmī* status. Some of the laws should be more accurately seen as the responsibility of the state to provide protection and services to Indonesian Muslims who do require special services for certain fields. In the context of Islamic law politics in Indonesia, this will be an open sphere for debate.²⁵

Based on the above explanation, it can be concluded that Indonesian citizenship politics has never considered non-Muslims as second-class citizens. Non-Muslims are never referred to as “*kāfir*” in all regulations and state documents. They are treated as citizens with the same rights and obligations as Muslims. If so, why does NU feel the need to discuss the issue of non-Muslims' status in social and state life? This question will be discussed in the following section.

NU and the Status of Non-Muslims

As described in the previous section, non-Muslims in Indonesia have the same legal status as citizens of other countries. This can be said as a normal state practice in the modern world order. Thus, the current mainstream of the new world order puts citizens in an equal position and is not differentiated based on religion and belief.

However, there are at least two reasons for NU to issue a religious opinion regarding the status of non-Muslims in the National Colloquium of Ulama and the NU Grand Conference in Banjar West Java in 2019. First, it is related to strengthening the politics of identity in the contestation of Indonesia's electoral politics. The culmination of the contestation occurred in the 2017 DKI Jakarta's Governor Election (*Pilkada DKI Jakarta*), in which one of the candidates for the Governor of DKI Jakarta was Basuki Tjahaya Purnama or commonly called Ahok. Ahok, who is of Chinese descent and is a Christian, has become the target of hate and was called as an “infidel”. The epithet was repeatedly voiced in mass actions that culminated in the “212 Movement” in 2016. The epithet of infidel

²⁴ Brian J Grim and Roger Finke, “International Religion Indexes: Government Regulation, Government Favoritism, and Social Regulation of Religion,” *Interdisciplinary Journal of Research on Religion Texas* 2 (2006).

²⁵ Rumadi, “Religion, State and Human Rights: Negotiating Accommodation Limits in the Constitutional Court,” *Jurnal Madania Bengkulu* 24, no. 2 (2020).

also occurred in the courtroom when Ahok was accused of blasphemy.²⁶ To some extent, this event is a very critical moment for Indonesia’s democracy. The 2017 DKI Jakarta’s governor election (*Pilkada DKI Jakarta*) not only revealed the capability range and influence of intolerant and sectarian groups, but also exacerbated societal polarization.²⁷ At a lesser extent, this polarization of politics of identity re-occurred in the 2019 Presidential Election.

Second, despite the absence of term “*kafir*” in the nomenclature of Indonesian legal system, some Muslims could not escape from a religious conception that was built in the Middle Ages. From the birth of Islam to the collapse of the Ottoman Empire in 1924, Muslims remained in a mindset that integrate politics with religion. Thus, the state functioned as a religious state with Islam as its political identity. In such situation, citizenship is determined based on religious identity. Muslims are first class citizens, and their citizenship are fully recognized by the state. There are also second-class citizens, namely *zimmi*’s . The rest is the world that must be assaulted, namely *kafir harbi*. After the collapse of the Ottoman Empire, Islamic world was divided into many countries, most of which were no longer religious states; but nation states. Although some countries declare Islam as the official religion of the state, these countries do not regard non-Muslims as *zimmi*’s.²⁸

To strengthen nationalism, NU feels the need to re-discuss the status of non-Muslims in social and state life in Indonesia. Therefore, at the National Colloquium of Ulama and the 2019 Grand Conference, this issue was specifically discussed in *Bahsūl Masāil Mawḍū‘iyyah* (thematic discussion) forum. Interestingly, almost all of NU’s senior *kiai* (senior and prominent clerics/religious figures) were participating in the discussion forum. Some of the important figures participating were KH. Miftahul Akhyar (Rais 'Am), KH Said Agil Siraj (General Chairman), KH Afifudin Muhajir (Salafiyah Syafiiyah Islamic Boarding School Sitobondo), KH Yahya Cholil Tsaquf (Katib ' Am/General Secretary), KH Abdul Ghofur Maemun Zubair (leader of the Sarang Rembang Islamic Boarding School), KH, Machasin (Yogyakarta), *Kiai* Abd Moqsih Ghazali (Jakarta) and some other *kiai* (clerics) from various regions. The involvement of these senior *kiai* (clerics) shows the urgency of the issues discussed. It is also to reach a legal conclusion that is closest to the truth.

The answer of the above question (non-Muslim status) is not a stand-alone matter. It is related to another debating issue which was NU’s view on the form of

²⁶ <https://mediaindonesia.com/megapolitan/89038/ahok-marah-disebut-kafir>

²⁷ Thomas Power and Eve Warburton (ed), *Democracy in Indonesia, From Stagnation To Regretion*, Singapore: ISEAS (2020) p. 11-12.

²⁸ PBNU, *Hasil-Hasil Musyawarah Nasional Alim Ulama Dan Konferensi Besar NU*, Jakarta: LTN PBNU (2019), p. 52.

the nation-state. Related to this, NU sought it as a matter of political jurisprudence that fell into the category of *fiqh mu‘āmalah* (human relational/transactional jurisprudence). In this notion, the rule of *al-aṣl fī al-mu‘āmalah al-ibāḥah* (the basic law of *mu‘āmalah* is permissible) applies. Thus, as long as no forbidding proposition, it is considered valid. It is mainly because the absence of proposition (that forbids something) is the permissible proposition to do something (*al-‘ilm bi ‘adam al-dalīl dalīlun*).²⁹

In the governance of citizenship in Indonesia, NU argues that non-Muslims’ status cannot be categorized as infidels but are citizens who are equal to other citizens.

“Non-Muslims’ status in the nation state are citizens (*muwāṭīn/non-Muslim silmi*) who have equal rights and obligations as other citizens. They do not fall into the categories of infidels that exist in classical jurisprudence, namely *mu‘āhad*, *musta‘mān*, *zimmī*, and *ḥarbī* because the four terms only apply in the context of a state that is based on religion.”³⁰

The above opinion is based on the book of *Aṣar al-ḥarb fī al-Fiqh al-Islāmī* by Wahbah az-Zuhaili (d. 2015), a modern Syrian-born scholar. The opinion of Wahbah az-Zuhaili stated that Islam has laid the basis of Muslims’ relation with others on the principles of peace and security, not war and violence.³¹

Another quoted opinion of Wahbah az-Zuhaili is based on the opinion of Ibn Sholah, a hadith scholar of Shafi’i jurisprudence who was born in Iraq and died in Damascus Syria in 643 H/1245 A.D. Related to the existence of non-Muslims, Ibn Sholah stated:

“...The original law was to establish the infidels and acknowledge their existence. God does not want to destroy creatures and does not create them to be killed. However, it is permissible to kill them on the pretext of harm arising from themselves, not in retaliation for their disbelief. The world is not the home of revenge. Revenge will be in the hereafter....”³²

NU’s mindset is dominated by *fiqh*. *Fiqh* is used as a perspective to see and answer various problems, including matters related to state politics which are part of *fiqh mu‘āmalah* (*fiqh* that regulates human relations).³³ NU adopted certain

²⁹ PBNU, *Hasil-Hasil Musyawarah*, p. 53.

³⁰ PBNU, *Hasil-Hasil Musyawarah*, p. 54.

³¹ PBNU, *Hasil-Hasil Musyawarah*, p. 55.

³² PBNU, *Hasil-Hasil Musyawarah*, p. 55.

³³ PBNU, *Hasil-Hasil Musyawarah*, p. 53.

methodology in the law-making process. This method is entirely based on the *ummahatul kutub* (the primary books), or commonly referred to as *kutūb al-mu'tabarrah* (authoritative *fiqh* books).³⁴ This is a consequence of the attitude of embracing a *maẓhab* (Islamic school of thought) outlined by NU. All legal opinions should have *marāji'* (reference) or supporting argument from authoritative books. It is rare -instead of saying never- for NU to base its decisions directly upon the Qur'an and hadith. In case some Qur'anic verses were mentioned, it is usually referred by a scholar whose opinion is quoted by the NU's ulama.

However, in the discussion of non-Muslims' status at the 2019 NU Ulama National Colloquium, they did not take the reference from the *kutub al-mu'tabarrah* as NU usually does. Instead, it was taken from a book written by contemporary scholars. This is understandable because the books of political *fiqh* written in the Middle Ages do not provide an opinion that accommodates the notion of nation state, in which non-Muslims are considered as citizens. For those who are not familiar with NU's mindset or have never seen *Baḥsul Masāil* forums, the above answer may be too simple. The debate and its dynamics cannot be solely seen through the document or discussion's result. Therefore, to understand NU's mindset, looking at the textual documents would not be enough. It is very important to look at its intellectual dynamics.

If you read the text of the *baḥsul masāil*'s answers and look at the intellectual dynamics happening in the *baḥsul masāil* forum, the oblique accusations against NU can be avoided. The result of this *baḥsul masāil*, for example, has caused a bias accusation toward NU. NU is accused of revising the Islamic faith, erasing the word infidel when it is clearly mentioned in the Qur'an, and so on. Inconsequential accusations and slander have always been addressed to NU. However, NU did not move one bit from its position. Allegations like this usually come from people who don't understand NU, or they understand it incorrectly. In this instance, explanation is useless, as they don't want to understand.

One of the influential actors who pushed the discussion on the status of non-Muslims in Indonesia's state affair was KH. Yahya Cholil Tsauq (Gus Yahya). He is now the General Chairman of PBNU (the executive board of NU). In 2019, during the preparation of the National Colloquium of Alim Ulama's material, Gus Yahya supervised the substance of the pre-*Munas'* (national congress) discussions. He wanted to make sure that NU contribute positively to solve psychologically impedimental issues for Muslims. Gus Yahya can be regarded as the most concerned person in encouraging the discussion upon this

³⁴ Rumadi, *Fatwa Hubungan Antaragama di Indonesia* (Jakarta: Gramedia Pustaka Utama, 2016), p. 90–102.

issue. Through this effort, NU could provide a full support for the Unitary State of the Republic of Indonesia.

Discussion

After *Bahsul Masail*'s results were publicly circulated through several media, pro and contra responses occurred. Repeated attacks were addressed toward NU, especially from groups that had been at odds with NU. The negative response was firstly triggered by the social media posting of a political figure from the Prosperous Justice Party (PKS), before establishing a new party, Fahri Hamzah. Shortly after the results of the NU National Colloquium were reported by several media, Fahri Hamzah, through his twitter account @Fahrihamzah, accused NU clerics -who made decisions regarding the status of non-Muslims- as a collection of mentally ill people who wanted to revise the faith and denied the Qur'an which literally contains the word infidel.³⁵ Abu Zahro, a lecturer at Sunan Ampel State Islamic University Surabaya (UIN Sunan Ampel Surabaya) who wrote a dissertation on *Bahsul Masail* of NU, also criticized *Bahsul Masail*'s decision at the 2019 NU's National Colloquium.³⁶ Likewise, a number of people from “NU Garis Lurus (orthodox-literalist NU)” community such as Idrus Romli and Luthfi Bashori, who have always been in opposition to PBNU (the executive board of NU), and some other figures also strongly criticized the decision.

KH. Najih Maemun (Gus Najih) -one of the sons of KH. Maemun Zubair- also gave a strong response toward the issue, even though one of his younger siblings, KH. Abdul Ghofur Maemun, was one of the formulators in the *Bahsul Masail* forum. As stated by other critics, Gus Najih emphasized that non-Muslims are infidels as clearly stated in the Qur'anic text, Hadith, and books of classic scholars. He further commented that the unbeliever's nature is inherently attached to them, although the *fiqh* uses different terms such as *ḥarbī*, *zimmī*, *musta'mīn* and *mu'āhid*. The infidel status cannot be removed from their identities. The *bahsul masail* decision, according to Gus Najih, has reinforced the position of NU that tends to be allergic to certain terms resulting in erasing *lafz* (text), meaning and law, as well as the substance of the terms. This, according to him, is a massively organized liberalization of Islam.³⁷

³⁵ @Fahrihamzah, “Jangan sekali-kali ada majelis duduk untuk saling merevisi iman. Itu sakit jiwa namanya. Santai aja, mari kita berlomba menemukan cara untuk saling menikmati perbedaan. Masa menerima #KataKafir aja gak sanggup? Ya ampun. Dewasalah bangsaku.,” February 28, 2019, <https://mobile.twitter.com/Fahrihamzah/status/1101255330430775296>.

³⁶ <https://www.youtube.com/watch?v=t1WeFQR50K8>

³⁷ <https://www.portal-islam.id/2019/03/sikap-tegas-kh-m-najih-maimoen-terkait.html>. Accessed June 14, 2022.

The negative response and criticism toward NU’s decision, either from those who are within the NU family or outsiders, display similar tone, which is the fact that NU has denied several verses of the Qur’an where the word “kafir” is clearly stated. NU clerics were accused of wanting to revise their faith and shallow their creed. Unfortunately, they refused to listen to the explanations of several NU clerics (*kiai*) regarding the argument behind the decision. The critics only developed their own narrative that NU denied the existence of infidels.

KH. Afifuddin Muhajir, one of the discussants and formulators of the 2019 NU National Colloquium results, has broadcasted the context of the decision and explained reasonable arguments through several media.³⁸ It was explained that NU’s decision upon non-Muslims’ status could not be separated from NU’s attitude toward the status of the Unitary State of the Republic of Indonesia as a legally valid state according to *syari’ah*, even though Indonesia is not an Islamic state. Indonesia, as a state, was built together by different components of the nations, some of them came from different religions. Consequently, all components of the nation are equal in their status. In this regard, NU does not discuss the status of non-Muslim’ faiths. Rather, it correlates with their status as the citizens of the state. NU does not argue about its theological beliefs which are clearly different from Islamic theological beliefs. Kiai Afif explained that not all aspects of the Muslims’ belief, including the belief of considering non-Muslims’ as “infidels”, must be expressed publicly because it may harm non-Muslims, especially when the expression is uttered as hate speech.³⁹

Abdul Moqsih Ghazali⁴⁰ who is also one of the discussants and formulators of *Baḥsul Masāil* at the 2019 *Munas* added that the discussion on the status of non-Muslims carried out by NU was an effort for *tahqīq al-manāṭ* (an effort to verify the relevance of an Islamic law provision, in this case, whether types of infidels is applicable). Therefore, what NU does is in the context of “*ijtihād taṭbīqī* (a deduction method to assess the suitability of implementing matters)”, where the concept of infidel as described in *fiqh siyasah* cannot be applied to categorize non-Muslims in Indonesia. In this regard, NU does not perform *takhrīj al-manāṭ*⁴¹ or “*ijtihād istinbāṭī*” to examine the faith of non-Muslims in Indonesia. Therefore, considering this decision as an effort to abolish the word “kafir” is a fabricated accusation.

³⁸ <https://www.youtube.com/watch?v=GWfPBgSoAGQ> accessed June 14, 2022.

³⁹ Interview with KH. Afifuddin Muhajir, March 1, 2019.

⁴⁰ <https://www.youtube.com/watch?v=ZmclZ6QTKwU>

⁴¹ Interview with Abdul Moqsih Ghazali, March 5, 2019. The term *takhrīj al-manāṭ* and *tahqīq al-manāṭ* are taken from Jalāl al-dīn al-Maḥallī, *al-Bar al-Thali’u fī Hall Jam’i al-Jawāmi’*, ed. 2 (Bayrūt: Muassasah al-Risālah, 2005), p. 273–293.

NU's decision regarding the status of non-Muslims in Indonesia is a mere affirmation of the citizenship practice of Indonesia's legal system.⁴² From this point of view, NU does not present anything new. However, at the level of people's social life, especially in the 2017 DKI's governor election (Pilkada DKI), a sharp polarization upon the politics of identity occurred. In this regard, NU rejects the politics of identity-based polarization to maintain social harmony.

Even though it has become a common practice in state political life, there has been no open discussion like what NU has done. Talking about the status of non-Muslims in society and the state publicly is still considered as a taboo. In this sense, NU is actually talking about undiscussed but politically practiced matters, especially from an Islamic point of view. “Speaking the unspeakable” that was carried out by NU, on the one hand, has opened the way to strengthen nationality. However, the emerged negative responses showed that some Muslim groups in Indonesia did not only deliberately misunderstood NU's decision, but also opened psychological barriers that secretly resided in the minds of some Indonesian Muslims. This is due to their strong attachment to Islamic political doctrine regarding the status of non-Muslims in the past. Moreover, the groups that address negative responses toward NU's decision are also the groups that have always been in opposition toward NU in various issues, such as the question of Islam in the archipelago, attitudes towards radical groups, and so on.

In the context of intellectualism development, NU's political perspective through the 2019 National Colloquium decision is a confirmation of Islamic post-traditionalism⁴³ which has been one of the important characteristics of NU. Using its traditional scientific treasures, NU develops critical thoughts. This is one of the important developments of postcolonial religious discourse and postmodernism.⁴⁴

The status of non-Muslims in Indonesia as discussed at the beginning of this article can be seen as a form of NU's response to changes in the world order that require new insights in seeing people of different religions. The non-Muslim status constructed by Islamic jurists in the past was totally different from the current situation. Yahya Cholil Staquf⁴⁵ said NU's courage in expressing its opinion on non-Muslim status was similar to the breakthrough made by the

⁴² Interview with KH. Said Agil Siradj, March 15, 2019.

⁴³ Rumadi, *Islamic Post Traditionalism in Indonesia* (Singapore: ISEAS (2015).

⁴⁴ Carool Kersten, “Islamic Post-Traditionalism: Postcolonial and Postmodern Religious Discourse in Indonesia,” *Sophia International Journal of Philosophy and Traditions London* (2014), p. 473–489.

⁴⁵ Interview with Yahya Cholil Staquf, Marc 10, 2019. After becoming the General Chairman of PBNU at the 34th NU Congress in Lampung at the end of 2021, Yahya Cholil Staquf has increasingly conveyed this in various speeches.

Catholic Church in 1962 through the Second Vatican Council which acknowledged the existence of a way of salvation outside the Catholic Church.

Conclusion

The world order underwent changes that have implicated the Islamic world after the collapse of the Ottoman Empire in the early 20th century. Changes in the world order with several norms agreed upon by the international community have influenced the relationship between religion and politics. It is not only lived and practiced throughout Islamic history but is also formulated in the teachings and doctrines of Islamic politics. One of the implications of these changes is the status of non-Muslim citizens, especially non-Muslims living in Muslim-majority countries. Regarding Muslims who live in countries that are majority or controlled by non-Muslims, Islamic politics has not provided enough reference because Islamic political doctrine is structured within an assumption that Islam is the political ruler.

Indonesia, as a Muslim-majority country, politically has never used Islamic political doctrines that tend to make non-Muslims second-class citizens. However, this issue has never been discussed openly from the point of view of Islamic law. NU as the largest Muslim organization in Indonesia dares to talk publicly. NU's decision in the 2019 National Alim Ulama National Colloquium, which stated that non-Muslims in Indonesia cannot be categorized as infidels as it is known in Islamic political doctrines, is the consequence of NU's acceptance toward the understanding of Pancasila based nation-state. The negative response of several circles toward NU's political stance, regarding non-Muslim status, is not only a misunderstanding and suspicion that NU has deliberately ignored the word “*kāfir*” that has been mentioned in several verses of the Qur'an, but also shows that many people can not get out of the classic Islamic politics doctrine.

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