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Reframing minority protection in Islamic law: Equal citizenship, human dignity, and international human rights norms

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Abstract

Minority protection in Muslim-majority societies remains a critical issue because it intersects classical Islamic legal thought, constitutional citizenship, and international human rights norms. Existing scholarship has examined the protective function of *ahl al-dhimmah*, the ethical relevance of *karamah insaniyyah* and *maqasid al-shariah*, and the relationship between Islamic law and international human rights. However, these approaches remain fragmented and have not sufficiently integrated critiques of status-based protection with dignity, equal citizenship, and the implementation gap. This article aims to reconstruct minority protection in contemporary Islamic law through the framework of dignity-based equal citizenship. It employs normative-doctrinal legal research using conceptual, philosophical, and *maqasidi* approaches, supported by analysis of Islamic legal concepts, human rights norms, and contemporary scholarship. The study finds that classical protection of non-Muslims contained important ethical and historical resources, but its status-based structure is inadequate for the modern constitutional state. It further shows that *karamah insaniyyah*, *maqasid al-shariah*, adaptive *ijtihad*, and international human rights norms can be integrated into a more substantive model of protection. The article concludes that minority protection should be reframed not as conditional tolerance, but as equal citizenship grounded in dignity, justice, public welfare, and institutional responsibility.

Keywords: minority protection; Islamic law; human dignity; *maqasid al-shariah*; equal citizenship.

Introduction

The protection of non-Muslim minorities in Muslim-majority societies intersects with classical Islamic legal thought, the principles of the modern constitutional state, and international human rights norms (Alqudah & Dwairi, 2026). This issue is both normative and socio-political, as minorities frequently experience vulnerability regarding religious freedom, public participation, identity recognition, and access to legal protection (Shareef, 2024). The relationship between Islamic law and international human rights should not be viewed solely as a dichotomy of compatibility versus conflict,

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since both systems function within complex frameworks of interpretation, authority, and legitimacy (Baderin, 2005). Human rights commitments in Islamic states have evolved through interactions among sharia, international treaties, state structures, and legal-political consensus (McDonough, 2021). Nevertheless, religious discrimination may persist even after political reform and constitutional recognition (Akbaba & Fox, 2019; Karimullah, 2023; Klocek et al., 2023). This situation underscores the need to frame minority protection as a substantive agenda rather than merely a matter of formal recognition.

Research on minority protection in Islamic law has followed several distinct trajectories. Some studies examine classical categories such as *ahl al-dhimmah* as historical mechanisms for safeguarding non-Muslims (Kopel, 2014; Rahman et al., 2022). Other works critique the limitations of classical Islamic legal pluralism, noting that its accommodation of non-Muslims was situated within a framework of status hierarchy and restricted tolerance (Emon, 2012). Recent literature has shifted focus toward concepts such as the citizens (*al-muwathinun*), constitutional citizenship, human dignity (*karamah insaniyyah*), and the reconciliation of Islamic law with international human rights (Asghari, 2023; Harun et al., 2025; Nabeel, 2024; Ridwan et al., 2025). However, there remains a scarcity of studies that synthesise critiques of status-based protection, the foundations of *maqasid al-shariah*, and international human rights norms into a unified model of dignity-based citizenship. This article seeks to address this gap by advancing the concept of dignity-based equal citizenship.

This article seeks to reconstruct the framework of minority protection in Islamic law, moving from a status-based model toward equal citizenship grounded in *karamah insaniyyah*, *maqasid al-shariah*, and international human rights norms. The analysis is structured around three central questions: In what ways can classical categories such as *ahl al-dhimmah* be reinterpreted within the context of modern constitutional citizenship? How might *karamah insaniyyah*, *maqasid al-shariah*, and adaptive *ijtihad* function as ethical foundations for minority protection? How can international human rights norms and the implementation gap in Muslim-majority states inform the development of a more substantive model of minority protection? These questions are situated within contemporary Islamic thought, which has facilitated the reinterpretation of non-Muslim citizenship rights (A. Saeed, 1999), while *maqasid al-shariah* provides a framework for Islamic law to address contemporary social challenges (Mubarrak et al., 2025).

This article argues that minority protection in contemporary Islamic law should not be understood merely as majority tolerance or conditional protection, but rather as

dignity-based equal citizenship. This approach does not dismiss classical Islamic legal perspectives but instead reconstructs their ethical objectives through the principles of *karamah insaniyyah*, justice, public welfare, and legal equality. Within this framework, classical accommodation of non-Muslims is distinct from modern constitutional equality, and the adoption of *al-muwathinun* provides a more suitable terminology for citizenship in the modern state (Emon, 2012; Harun et al., 2025). By integrating *karamah insaniyyah* (Asghari, 2023), the ongoing dialogue between Islam and human rights (Baderin, 2005), and the reconciliation of positive law with *siyasah shar'iyyah* (Ridwan et al., 2025), this article advances a more critical, inclusive, and operational conceptual framework for minority protection in contemporary Muslim societies.

Literature Review

Research on minority protection in Islamic law has evolved along three trajectories. The first trajectory centres on a historical-doctrinal analysis of classical categories such as *ahl al-dhimmah*, *mu'ahad* (non-Muslim from a state that has a formal peace treaty or covenant with Muslim authorities), and *musta'min* (non-Muslim foreigner who enters Muslim territory seeking temporary, individual safe-conduct or protection), as well as mechanisms for safeguarding non-Muslims within the pre-modern Islamic political order. While classical Islamic law included protective instruments, these were constrained by a legal structure that differentiated between the status of Muslims and non-Muslims (Emon, 2012; Kopel, 2014; Rahman et al., 2022; R. A. Saeed et al., 2020). The second trajectory adopts an ethical perspective, emphasising *karamah insaniyyah*, the *maqasid al-shariah* approach, adaptive *ijtihad*, and the flexibility of Islamic jurisprudence in pluralistic societies (Asghari, 2023; Galadari, 2022; Hefni, 2022; Makhlouf, 2020; Mubarrak et al., 2025). The third trajectory links Islamic law with international human rights norms, constitutionalism, legal pluralism, and the implementation gap in Muslim-majority states (Akbaba & Fox, 2019; Baderin, 2005; Ibrahim et al., 2024; Karimullah, 2023; Klocek et al., 2023; McDonough, 2021; Nabeel, 2024). These trajectories indicate that minority protection should be understood not merely as an issue of tolerance, but as a matter of citizenship, human dignity, and institutional justice.

The historical-doctrinal trajectory demonstrates that classical Islamic law incorporated mechanisms to protect non-Muslims. The category of *ahl al-dhimmah* functioned as a politico-legal construct, granting conditional protection to non-Muslim communities within Muslim society (Kopel, 2014). Research on the evolution of *ahl al-dhimmah* further affirms the recognition of religious rights during the early Islamic period (Rahman et al., 2022). The Medina Charter is frequently cited as a historical

precedent, as it articulates principles of coexistence, security, and shared responsibility among religious communities (R. A. Saeed et al., 2020). However, this approach is limited by its emphasis on the protective aspects of the classical tradition, often neglecting critical analysis of status hierarchies. However, classical Islamic legal pluralism accommodated non-Muslims; such accommodation operated within the confines of tolerance and a political structure that was not fully egalitarian (Emon, 2012).

The ethical-*maqasidi* trajectory broadens the discourse by situating human dignity and the objectives of Islamic law at the core of minority protection. *Karamah insaniyyah* serves as both a moral and juridical foundation for evaluating justice, recognition, and the safeguarding of rights (Asghari, 2023). The moderation (*wasatiyyah*) approach further reinforces the centrality of human dignity as a basis for more inclusive interreligious relations (Hefni, 2022). Within the *maqasid al-shariah* framework, minority protection is conceptualised as integral to the preservation of life, religion, dignity, and public welfare (Mubarrak et al., 2025). Scholarship on adaptive and collective *ijtihad* illustrates the capacity of Islamic law to address social change (Galadari, 2022; Makhlouf, 2020). *Fiqh al-aqalliyyat* and *fiqh al-ikhtilaf* supplement this trajectory by highlighting the methodological flexibility of Islamic jurisprudence, though unresolved epistemological and institutional challenges remain (Abu Baedah et al., 2026; Parray, 2012; Yakar & Yakar, 2021).

The human rights and constitutionalism trajectory frames minority protection within the principles of non-discrimination, freedom of religion, equality before the law, and constitutional citizenship. This body of literature challenges the notion that Islamic law and international human rights are inherently incompatible, emphasising that their relationship is shaped by interpretation, legitimacy, treaties, and legal-political consensus (Baderin, 2005; McDonough, 2021). Tensions between international human rights law and Islamic law are interpreted as issues of normative legitimacy arising within both national and international legal contexts (Nabeel, 2024). Recent studies indicate that normative alignment does not automatically result in effective protection, as implementation is frequently hindered by majoritarian politics, social discrimination, and institutional weaknesses (Akbaba & Fox, 2019; Ibrahim et al., 2024; Karimullah, 2023; Klocek et al., 2023). This trajectory is notable for redirecting the focus from normative compatibility to the practical challenges of minority protection.

A key limitation of previous scholarship is the fragmentation among historical, ethical, citizenship-based, and international human rights approaches. While historical analyses demonstrate that Islam has a tradition of protecting non-Muslims, they often fail

to interrogate the hierarchical structures inherent in classical categories critically. Ethical-*maqasidi* approaches effectively affirm dignity, justice, and public welfare, yet they insufficiently connect these principles to constitutional citizenship and institutional development. International human rights perspectives offer evaluative benchmarks but are sometimes perceived as external frameworks disconnected from Islamic legal ethics. Although recent efforts to reconcile human rights, positive law, and *siyasah shar'iyyah* have initiated a space for synthesis, a comprehensive model of minority protection that explicitly integrates critiques of status-based protection, *maqasid al-shariah*, and human dignity remains underdeveloped.

This study advances the field by proposing dignity-based equal citizenship as an integrative framework for rethinking minority protection in contemporary Islamic law. Rather than rejecting the classical Islamic legal tradition, this framework reconstructs its protective rationale through *karamah insaniyyah*, *maqasid al-shariah*, adaptive *ijtihad*, and international human rights norms. This approach aligns with contemporary developments in Islamic thought that facilitate reinterpretation of non-Muslim citizenship rights (A. Saeed, 1999), and the transition from *ahl al-dhimmah* to *al-muwathinun* (Harun et al., 2025). The study's distinctiveness lies in its integration of normative and practical dimensions within a unified conceptual model. Thus, minority protection is conceptualised not as conditional tolerance extended by the majority, but as a substantive commitment to justice that obligates the state, society, and legal institutions.

Method

This study employs a normative-doctrinal legal research design, drawing on conceptual, philosophical, and *maqasid al-shariah* approaches. This design is appropriate because the study focuses on reconstructing the concept of minority protection in contemporary Islamic law. Normative legal research directs the analysis toward the norms, principles, doctrines, concepts, and legal arguments that inform Islamic law's understanding of the position of non-Muslims in modern political society. The conceptual approach examines the transition from status-based protection to equal citizenship. In contrast, the philosophical approach assesses the ethical foundations of minority protection through the lenses of human dignity and justice. The *maqasidi* approach interprets the objectives of Islamic law substantively, particularly in protecting life, religion, dignity, public welfare, and social coexistence.

The unit of analysis in this study is the concept of non-Muslim minority protection in Islamic law and its relationship with constitutional citizenship and international

human rights norms. This unit was selected because the article's central issue is a paradigm shift from status-based protection to dignity-based citizenship. The analysis focuses on several key concepts, namely *ahl al-dhimmah*, *mu'ahad*, *musta'min*, *al-muwathinun*, *karamah insaniyyah*, *maqasid al-shariah*, adaptive *ijtihad*, *al-muwathanah*, and *siyasah shar'iyyah*. These concepts are not read as isolated categories, but as part of an argumentative structure that explains the transformation of minority protection. Through this unit of analysis, the study evaluates whether classical categories remain adequate for the modern constitutional state or require reconstruction through the framework of equal citizenship.

The data sources comprise normative, conceptual, and secondary academic materials. Normative sources encompass Islamic legal principles, the concept of *maqasid al-shariah*, and international human rights norms related to non-discrimination, freedom of religion, equality before the law, and human dignity. Conceptual sources include literature on *ahl al-dhimmah*, *al-muwathinun*, *Fiqh al-aqalliyyat*, *fiqh al-ikhtilaf*, Islamic constitutionalism, and modern citizenship. Secondary academic sources include books, reputable journal articles, and contemporary studies that address the relationship between Islamic law, human rights, legal pluralism, and minority protection in Muslim-majority states. These data sources are selected to facilitate the construction of a normative-conceptual argument that engages the Islamic legal tradition, theories of citizenship, and international human rights standards.

Data collection relied on library research and academic documentation. Relevant literature was identified on minority protection in both classical and contemporary Islamic law, human dignity, *maqasid al-shariah*, adaptive *ijtihad*, international human rights, and the practice of minority protection in Muslim-majority states. Sources were selected based on thematic relevance, conceptual strength, academic quality, and direct relevance to the article's focus. Both classical and contemporary literature were used to avoid ahistorical interpretations of classical concepts and to ensure the argument remains rooted in the normative foundations of Islamic law. The documentation process involved organising sources into analytical themes: status-based protection, equal citizenship, Islamic ethical foundations, international human rights norms, and the implementation gap.

Data analysis involved conceptual analysis, *maqasidi* analysis, and normative-critical synthesis. Conceptual analysis examined the meaning, function, and limitations of classical categories such as *ahl al-dhimmah* within the context of the modern state. *Maqasid*-based analysis assessed the extent to which minority protection aligns with the

objectives of Islamic law, particularly justice, human dignity, freedom of religion, public welfare, and coexistence. Normative-critical analysis compared Islamic legal principles with international human rights norms and identified the gap between normative recognition and institutional practice. The findings were synthesised to develop a model of dignity-based equal citizenship, which serves as a conceptual contribution linking Islamic legal ethics, constitutional citizenship, and international human rights in the protection of minorities.

Results and Discussion

Reconstructing Minority Protection as Equal Citizenship

The protection of non-Muslim minorities in classical Islamic law is grounded in significant normative and historical foundations. This foundation, however, developed within a political structure distinct from the modern constitutional state. The categories of *ahl al-dhimmah*, *mu'ahad*, and *musta'min* were established during a period when religious affiliation determined legal status, political membership, and the nature of protection extended by rulers to non-Muslim communities. Kopel (2014) identifies *ahl al-dhimmah* as a politico-legal category that provides conditional protection to non-Muslims within Muslim society. The Medina Charter serves as a key historical reference, as it articulates principles of coexistence, security, and shared responsibility among religious communities (Saeed et al., 2020). The concept of *ahl al-dhimmah* in early Islam can thus be interpreted as a recognition of religious rights (Rahman et al., 2022). While these classical perspectives demonstrate a protective rationale within Islamic law, such protection was constrained by a legal distinction between Muslims and non-Muslims.

The limitation of *ahl al-dhimmah* in classical legal thought stems from its status-based approach to protection. Minorities received protection as designated communities under specific conditions, such as paying the *jizya* (specific poll tax or per capita tax levied by Muslim rulers on non-Muslim subjects or *dhimmis* living in an Islamic state) and adhering to the law and government. Although they were considered part of the polity, their legal status remained distinct from that of the Muslim majority. Emon (2012) contends that classical Islamic legal pluralism accommodated non-Muslims, but this accommodation operated within a framework of political hierarchy and restricted tolerance. This limitation has been widely criticised, as the modern state is founded on principles of equality before the law, non-discrimination, and shared civic participation. Maintaining *ahl al-dhimmah* as a definitive legal category risks reinforcing unequal and unstable majority-minority dynamics. The contemporary significance of *ahl al-dhimmah*,

therefore, lies in reinterpreting its protective intent to support equal and dignified citizenship.

The transition from *ahl al-dhimmah* to *al-muwathinun* signifies a conceptual shift toward recognising non-Muslim minorities as equal legal subjects within the constitutional state. In a pluralistic nation-state committed to coexistence and inclusive citizenship, the legal status of non-Muslims in Islamic law should be reconstructed within the framework of *al-muwathinun*, transforming protected communities to citizens with constitutional rights and responsibilities (Harun et al., 2025). Saeed (1999) maintains that contemporary Islamic thought has created opportunities for reinterpreting the citizenship rights of non-Muslims. In this context, *al-muwathanah* is not a secular imposition on Islamic law, but rather a modern juridical concept through which justice, covenantal responsibility, and public welfare are realised. The principle of equal citizenship allows Islamic law to progress from communal protection to the safeguarding of rights inherent to all members of the political community.

Reconstructing minority protection as equal citizenship requires an ethical analysis of both Islamic sources and modern constitutional principles. The Medina Charter is significant not because it can be directly adopted as a modern constitution, but because it embodies principles of coexistence, shared political responsibility, and recognition of communal diversity. Mohammed Hasan et al. (2025) interpret the Medina Charter as a basis for civic coexistence, while Fadzli et al. (2026) regard it as an early foundation for the concept of citizenship in Islam. Nggilu et al. (2024) demonstrate that Islamic constitutionalism can engage in dialogue with modern constitutional identity, particularly in the Indonesian context. Thus, minority protection should be conceptualised as a reconstruction rooted in *maqasid al-shariah* and oriented toward equal citizenship, grounded in Islamic legal ethics.

Human Dignity, *Maqasid al-shariah*, and Adaptive Ijtihad as the Ethical Foundation of Minority Protection

The ethical foundation for minority protection in Islamic law is rooted in the principle of *karamah insaniyyah*. This principle asserts that all human beings possess inherent dignity, irrespective of religion, political status, or social position. Asghari (2023) demonstrates that, in contemporary Islamic discourse, *karamah insaniyyah* is regarded not only as moral honour but also as a normative basis for evaluating justice, recognition, and the protection of rights. Hefni (2022) further supports this perspective by arguing that the principle of *wasatiyyah* in Islamic law can reconstruct *karamah insaniyyah* as a foundation for more inclusive interreligious relations. Consequently, minority protection

should not be viewed solely as social tolerance or as a matter of political agreement. Rather, it constitutes an ethical obligation derived from the recognition of the intrinsic worth of every individual.

The principle of *karamah insaniyyah* is given juridical expression through *maqasid al-shariah*. The *maqasid* approach introduces a teleological perspective to Islamic law by emphasising its moral objectives, particularly the protection of life, religion, intellect, lineage, property, and public welfare. Regarding minority issues, *maqasid al-shariah* redirects attention from the legal status of non-Muslim communities to more substantive legal aims, such as security, religious freedom, social participation, and protection from discrimination. Mubarrak et al. (2025) argue that the flexibility of *maslahah* is crucial in determining the priorities of *maqasid al-shariah* when Islamic law addresses contemporary social challenges. Within this framework, minority protection is no longer contingent on historically specific protective categories. Instead, it is conceptualised as a public welfare agenda that prioritises substantive legal objectives of justice, coexistence, and *karamah insaniyyah*.

Maqasid al-shariah can be applied in contemporary contexts through adaptive *ijtihad*, thereby informing legal responses suitable for pluralistic societies (Zaini et al., 2025). Adaptive *ijtihad* does not separate Islamic law from its normative authority; instead, it renews the interpretive relationship among text, context, and social reality. Galadari (2022) asserts that *ijtihad* plays a significant role in the evolution of Islamic law by enabling Muslim communities to adapt to change. Makhlouf (2020) further notes that collective *ijtihad* has emerged as a modern mechanism for resolving complex legal issues by incorporating broader scientific and social considerations. In relation to minority protection, adaptive *ijtihad* facilitates a shift from status-based interpretations to purpose-driven legal protections. This approach ensures that justice, dignity, and public welfare are not merely abstract principles but serve as the operational foundation for legal reform.

The adaptive nature of Islamic law is further demonstrated in minority jurisprudence (*fiqh al-aqalliyyat*) and the jurisprudence of difference (*fiqh al-ikhtilaf*). *Fiqh al-aqalliyyat* was originally formulated to address the needs of Muslim minorities in non-Muslim societies, yet its methodological framework applies to broader minority protection. Parray (2012), Yakar and Yakar (2021) argue that *fiqh al-aqalliyyat* offers legal flexibility, though it remains subject to methodological critique. Shavit (2022) highlights the institutionalisation of this approach within the European Council for Fatwa and Research. Additionally, Abu Baedah et al. (2026) argue that *fiqh al-ikhtilaf* conceptualises

legal disagreement as structured pluralism rather than fragmentation. Human dignity, *maqasid al-shariah*, and adaptive *ijtihad* establish an ethical foundation that transforms minority protection from a hierarchical model to one that is inclusive, context-sensitive, and oriented toward substantive justice.

International Human Rights Norms and the Implementation Gap in Muslim-Majority States

International human rights norms serve as a critical evaluative framework for assessing the protection of minorities in Muslim-majority states (Baderin, 2013; Shareef, 2024). The principles of non-discrimination, freedom of religion, equality before the law, and the protection of group identity establish minorities as rights-bearing subjects rather than merely tolerated communities. Baderin (2005) demonstrates that the relationship between Islamic law and international human rights cannot be reduced to a simple dichotomy of compatibility or conflict. McDonough (2021) similarly contends that the human rights commitments of Islamic states must be interpreted through the interplay of shariah, state structures, international treaties, and legal-political consensus. Nabeel (2024) further argues that tensions between international human rights law (IHRL) and Islamic law stem from the competing legitimacy claims advanced by each normative system. Consequently, international human rights norms function as benchmarks for determining whether minority protection has progressed beyond formal recognition to achieve substantive equality.

Tensions between Islamic law and international human rights arise when universal principles intersect with domestic legal traditions, treaty reservations, and identity politics. These tensions are not solely rooted in the normative texts of Islam, but also in the ways states, legal institutions, and political actors operationalise religious norms within positive legal systems. Ibrahim et al. (2024) demonstrate that the relationship between Islamic law and human rights encompasses both convergence and conflict, primarily due to differences in legal interpretation and implementation. Nabeel (2024) further observes that several Muslim-majority states submit reservations to international human rights instruments when specific norms are perceived as incompatible with sharia. This situation reveals that the implementation gap is not only administrative but also epistemic and political, shaped by state interpretations of sharia, human rights, and minority citizenship.

Constitutional recognition of minority rights does not necessarily ensure effective protection. The implementation gap becomes evident when the principle of legal equality confronts majoritarian politics, social discrimination, weak institutional coordination,

and the instrumentalisation of law to control vulnerable groups. Karimullah (2023) demonstrates that the tension between Islamic normative principles and discriminatory socio-political practices frequently constrains the rights of religious minorities in Muslim-majority states. Akbaba and Fox (2019) find that political changes following the Arab Uprisings did not automatically reduce religious discrimination, as social discrimination may evolve more rapidly than state policy. Klocek et al. (2023) further support this conclusion by showing that complex patterns of discrimination can accompany regime change. Therefore, minority protection requires not only constitutional norms but also responsive institutions and an inclusive legal culture.

Table 1.

Islamic Legal-Ethical Principles, International Human Rights Norms, and Implementation Gaps

Islamic Legal-Ethical Principle	International Human Rights Norm	Relevance to Minority Protection	Implementation Gap
Al-'Adl	Equality before the law	Ensures that minorities are not treated as second-class citizens	Majoritarian politics and social discrimination often weaken legal equality
Karamah insaniyyah	Human dignity	Affirms that human dignity is not contingent upon religion or political status	Human dignity is often recognised normatively but not consistently protected in practice.
Hifdz al-din	Freedom of religion or belief	Safeguards religious freedom and the right to worship	Exclusivist interpretations and administrative policies may restrict minority freedoms
Al-Muwathanah	Equal citizenship	Positions minorities as equal citizens	Formal citizenship does not always ensure equal public participation
Al-Maslahah	Public welfare and non-discrimination	Links minority protection to the welfare of plural societies	Public welfare is often interpreted through the interests of the majority
Al-Wafa' bi al-'ahd	Treaty and constitutional commitment	Binds the state to constitutional pledges and human rights treaties	Treaty reservations and weak law enforcement undermine normative commitments

Note. This table presents the authors' conceptual synthesis of Islamic legal-ethical principles and international human rights norms relevant to minority protection.

International human rights norms should be conceptualised as a dialogical framework for enhancing minority protection, rather than as an external standard that negates Islamic law. The principle of non-discrimination can be interpreted alongside justice (*al-'adl*), legal equality, *al-muwathanah*, freedom of religion, the protection of belief, and *karamah insaniyyah*. Ridwan et al. (2025) demonstrate that reconciling human

rights, positive law, and *siyasah shar'iyyah* can produce a legal model that is more contextual, just, and responsive. Ibrahim et al. (2024) similarly emphasise that convergence between Islamic law and human rights requires an ethical approach that extends beyond formal legalism. Addressing the implementation gap, therefore, necessitates simultaneous progress in legal reform, institutional strengthening, and citizenship education. This approach frames minority protection as a pursuit of substantive justice within Muslim-majority states.

Reframing Minority Protection: From Normative Convergence to Dignity-Based Citizenship

Minority protection in contemporary Islamic law should be reframed from a tolerance-based approach to one grounded in citizenship and *karamah insaniyyah*. While classical juristic concepts such as *ahl al-dhimmah* have historical significance for providing mechanisms to protect non-Muslims, they are limited by their foundation in differentiated legal status. Emon (2012) demonstrates that classical Islamic legal pluralism accommodated non-Muslims, but this accommodation did not equate to modern constitutional equality. Therefore, a transition from *ahl al-dhimmah* to *al-muwathinun* is necessary as a more suitable adaptive transformation for the modern state, while remaining consistent with the objectives of the sharia (Harun et al., 2025). This transition aims to translate the ethical objectives of Islamic law into the principle of equal citizenship. Consequently, minority protection becomes not merely a normative acknowledgement of coexistence, but a legal reconstruction toward equal and dignified citizenship.

This reframing is essential because formal equality alone often fails to protect minorities from social and institutional vulnerabilities. Although a state may recognise minority rights in its constitution, administrative practices, majoritarian politics, and exclusionary social cultures can still restrict religious freedom, public participation, and access to legal protection. In many instances, the rights of religious minorities in Muslim-majority states remain constrained between the normative principles of Islamic law and discriminatory socio-political realities (Karimullah, 2023). Political change does not necessarily diminish religious discrimination, as such discrimination may persist within entrenched social structures (Akbaba & Fox, 2019). In this context, Klocek et al. (2023) contend that, particularly in the Middle East, regime change following the Arab Uprisings did not automatically result in stronger minority protection. Therefore, minority protection must shift from the logic of majority tolerance to a model of citizenship justice that obligates the state, society, and legal institutions.

Dignity-based citizenship, theoretically, anchors minority protection in *karamah insaniyyah*. Minorities are regarded not as groups merely permitted to exist by the majority, but as citizens who possess equal human worth, rights, and responsibilities (Jovanovic, 2005). Asghari (2023) asserts that *karamah insaniyyah* in Islam encompasses both moral and juridical dimensions relevant to rights, honour, and recognition. This framework broadens the interpretation of Islamic law from communal protection to an ethics of citizenship. Thus, dignity-based citizenship serves as a conceptual framework that integrates *karamah insaniyyah*, *al-'adl*, *maslahah*, and legal equality within a more inclusive model of minority protection.

This model also addresses three significant weaknesses in the study of minority protection. The historical approach often limits itself to demonstrating that Islam has a tradition of protecting non-Muslims. The apologetic approach seeks to establish compatibility between Islam and human rights, but it often neglects to examine the hierarchy inherent in classical status categories critically. In contrast, the dichotomous approach frames Islamic law and international human rights as mutually exclusive normative systems. However, Baderin (2005) contends that the relationship between Islam and human rights should be understood as a potential site for normative dialogue. McDonough (2021) further demonstrates that Sharia, treaties, and legal-political consensus shape human rights commitments in Islamic states. Ridwan et al. (2025) propose a reconciliation among human rights, positive law, and *siyasah shar'iyyah*. This study advances that trajectory by positioning dignity-based equal citizenship as a convergence point for Islamic legal ethics, constitutional citizenship, and international human rights norms.

Normative convergence between Islamic law and international human rights should be oriented toward practical reform. At the normative level, *maqasid al-shariah*, *ijtihad*, and *karamah insaniyyah* should be employed to prevent the perpetuation of status-based categories that are incompatible with modern citizenship. Institutionally, the state must ensure that non-discrimination, freedom of religion, legal equality, and protection from identity-based violence are implemented through effective policies. Nggilu et al. (2024) maintain that Islamic constitutionalism can engage in dialogue with modern constitutional identity, while Mohammed Hasan et al. (2025) identify the Medina Charter as a foundation for civic coexistence. Socially, citizenship education and interreligious dialogue are essential for fostering an inclusive legal culture. Ultimately, minority protection should be conceptualised as an agenda of substantive justice, rather than as conditional tolerance extended by the majority community.

Conclusion

Effective minority protection in contemporary Islamic law requires a conceptual transition from status-based frameworks to a model of dignity-based equal citizenship. Classical categories such as *ahl al-dhimmah*, *mu'ahad*, and *musta'min* provide important historical and ethical perspectives, demonstrating that Islamic law historically recognised mechanisms for safeguarding non-Muslim communities. However, these categories emerged in a pre-modern political context in which religious affiliation determined legal status and political membership. Their relevance today lies not in reproducing their hierarchical structures, but in reconstructing their protective intent through concepts such as *al-muwathinun*, *karamah insaniyyah*, *maqasid al-shariah*, adaptive *ijtihad*, and international human rights norms. The principal finding is that minority protection should be understood not as conditional tolerance extended by the majority, but as a substantive framework of equal citizenship grounded in dignity, justice, public welfare, legal equality, and institutional responsibility.

The theoretical contribution of this article is the formulation of dignity-based equal citizenship as an integrative model that connects Islamic legal ethics, constitutional citizenship, and international human rights norms. This model addresses the fragmentation in previous scholarship by synthesising four analytical dimensions: critique of classical status-based protection; ethical reconstruction through *karamah insaniyyah* and *maqasid al-shariah*; normative engagement between Islamic law and human rights; and analysis of the implementation gap in Muslim-majority states. Methodologically, the article demonstrates the value of normative-doctrinal legal research when combined with conceptual, philosophical, and *maqasidi* analysis. This approach enables Islamic legal concepts to be examined not merely as inherited doctrinal categories, but as dynamic normative resources adaptable to the demands of plural citizenship, non-discrimination, religious freedom, and substantive justice.

This study is limited by its normative-conceptual orientation. It does not provide an empirical comparison of how Muslim-majority states implement minority protection within specific constitutional, judicial, or administrative frameworks. The analysis focuses on Islamic legal ethics, citizenship, and international human rights norms, rather than the lived experiences of minority communities. Future research should examine how dignity-based equal citizenship can be operationalised within concrete legal systems, public policies, judicial decisions, and interreligious governance practices. Comparative studies across Muslim-majority states would be particularly valuable for assessing how constitutional design, treaty obligations, religious authority, and political culture affect

the protection of minorities. Additional empirical research involving minority communities, legal practitioners, policymakers, and religious institutions would further enhance the practical relevance of this framework. Such studies could determine whether dignity-based equal citizenship can move from conceptual reconstruction to institutional transformation.

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