



Religious Moderation and the Development of Multicultural Societies in Indonesia: A Normative-Islamic Legal Study

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Abstract

This study investigates the conceptualization and practical application of religious moderation within Indonesia's multicultural society, specifically through a normative-Islamic legal lens. Drawing upon primary Islamic legal sources (Qur'an, *Hadith*, classical *fiqh*) and contemporary Indonesian Islamic legal thought (*Kompilasi Hukum Islam*, ulama fatwas), alongside national legal frameworks (Pancasila), this research addresses the critical gap in existing literature, which predominantly focuses on sociological or educational perspectives. The analysis demonstrates that Islamic legal principles inherently support religious moderation, rooted in the Qur'anic concept of *Ummatan Wasa'atan* and the Prophetic tradition of coexistence as exemplified by the Medina Charter. While the *Kompilasi Hukum Islam* presents certain textual limitations, judicial interpretations and the contributions of major Islamic organizations like Nahdlatul Ulama (NU), Muhammadiyah, and Majelis Ulama Indonesia (MUI) actively adapt Islamic law to foster social harmony and inclusive citizenship (*fiqh al-muwā'atanah*). Despite challenges such as the politicization of religion and digital intolerance, opportunities exist in education, law enforcement, and interfaith cooperation to institutionalize moderation. This study concludes that religious moderation is not merely a theological ideal but a legally and institutionally grounded imperative that significantly strengthens *fiqh al-muwā'atanah* in Indonesia, aligning Islamic law with democratic multiculturalism.

Keywords: Religious Moderation; Multiculturalism; Indonesia; Islamic Law; *Fiqh*; *Maqāṣid al-Sharī'ah*; *Fiqh al-muwā'atanah*; Pancasila

Abstrak

Penelitian ini mengkaji konseptualisasi dan penerapan praktis moderasi agama dalam masyarakat multikultural Indonesia, khususnya melalui lensa hukum Islam normatif. Mengacu pada sumber-sumber hukum Islam primer (Al-Qur'an, Hadis, *fiqh* klasik) dan pemikiran hukum Islam kontemporer Indonesia (*Kompilasi Hukum Islam*, fatwa ulama), serta kerangka hukum nasional (Pancasila), penelitian ini menanggapi kesenjangan kritis dalam literatur yang ada, yang sebagian besar berfokus pada perspektif sosiologis atau pendidikan. Analisis menunjukkan bahwa prinsip-prinsip hukum Islam secara inheren mendukung moderasi agama, yang berakar pada konsep Qur'an tentang *Ummatan Wasa'atan* dan tradisi Nabi tentang hidup berdampingan, sebagaimana diilustrasikan oleh Piagam Madinah. Meskipun *Kompilasi Hukum Islam* memiliki batasan teks tertentu, tafsir yudisial dan kontribusi organisasi Islam besar seperti Nahdlatul Ulama (NU), Muhammadiyah, dan Majelis Ulama Indonesia (MUI) secara aktif menyesuaikan hukum Islam untuk memajukan harmoni sosial dan

kewarganegaraan inklusif (*fiqh al-muwāṭānah*). Meskipun menghadapi tantangan seperti politisasi agama dan intoleransi digital, peluang tetap ada di bidang pendidikan, penegakan hukum, dan kerja sama antaragama untuk menginstitusionalisasikan moderasi. Studi ini menyimpulkan bahwa moderasi agama bukan sekadar ideal teologis, melainkan keharusan yang didasarkan pada hukum dan institusi yang secara signifikan memperkuat *fiqh al-muwāṭānah* di Indonesia, sejalan dengan Islam.

Kata Kunci: Moderasi Beragama; Multikulturalisme; Indonesia; Hukum Islam; Fikih; Maqāṣid al-Sharī‘ah; Fikih al-Muwāṭānah; Pancasila

Introduction

Indonesia stands as a nation of extraordinary diversity, characterized by its rich tapestry of ethnic groups, religious beliefs, and cultural traditions. This inherent pluralism is widely recognized as a source of national pride and strength, embodying the national motto of "*Bhinneka Tunggal Ika*" (Unity in Diversity). However, this profound diversity also presents unique challenges, with a significant potential for social friction and conflict arising from differences.¹

Over the past two decades, Indonesia has indeed witnessed a concerning rise in incidents of intolerance, radicalism, and socio-political polarization. Manifestations of these issues include accusations of blasphemy, persistent obstacles to the construction of places of worship for minority groups, and targeted attacks against religious minorities.² These challenges underscore the urgent need for a balanced and inclusive approach to religious life to maintain social harmony and national resilience.

In direct response to these escalating concerns, the Indonesian Ministry of Religious Affairs (*Kemenag*) introduced the "*Moderasi Beragama*" (Religious Moderation) program in 2019. This initiative was launched as a national agenda specifically aimed at countering religious extremism and intolerance, thereby fostering and maintaining religious harmony across the archipelago. The program has received substantial governmental prioritization, evidenced by significant budget allocations and its formal inclusion in the National Medium-Term

¹ M Mukhibat et al., "Pendidikan Moderasi Beragama Di Indonesia (Wacana Dan Kebijakan)," *Southeast Asian Journal of Islamic Education Management* 4, no. 1 (2023): 73–88, <https://doi.org/10.21154/sajiem.v4i1.133>.

² Faiz Albar Nasution et al., "The Reality of Spirituality and the Challenge of Religious Freedom in Indonesia: Theological and Social Perspectives," *Pharos Journal of Theology*, no. 105(5) (September 2024), <https://doi.org/10.46222/pharosjot.105.517>.

Development Plan (RPJMN) for 2020-2024, which ensures its continuity and broad implementation across institutions under *Kemenag's* purview.³ *Kemenag* defines religious moderation as adopting a "middle position" and acting justly, avoiding any form of extremism in religious practice. Its practical indicators emphasize a commitment to Indonesian nationalism, tolerance, non-violence, and the acceptance of local traditions.⁴

The emergence of the "*Moderasi Beragama*" program is not merely a proactive policy choice but a direct governmental response to the complex societal dynamics that unfolded following the end of Suharto's authoritarian rule in 1998. The period of reformation (post-1998) facilitated greater freedoms and democratization, but concurrently allowed radical Islamic schools of thought, which were previously suppressed, to gain influence and proliferate. This period saw the rise of significant acts of violence, including the Bali bombings in 2002 and the Marriott bombings in 2003 and 2009, which profoundly disrupted the peace that Indonesians had experienced prior to the reformation.⁵ This historical trajectory indicates that while democratization is vital for a nation's progress, it also necessitates robust state strategies to manage potential societal fragmentation stemming from extremist ideologies. The government's religious moderation agenda, therefore, can be understood as an attempt to re-establish social order and harmony by actively shaping religious discourse, which some observers might interpret as the state's effort to "police faith".⁶ This highlights the inherent tension and delicate balance between upholding democratic freedoms and ensuring national cohesion in a highly diverse nation. The program aims to bridge the gap between religious purity and

³ Syafiq Hasyim, *Jokowi's Moderasi Beragama: Challenge and Opportunity* (ISEAS-Yusof Ishak Institute, 2021).

⁴ Suhadi Cholil, "Freedom of Religion amid Polarization and Religious Moderation Policy," *Interreligious Studies and Intercultural Theology* 6, no. 2 (2023): 196–204, <https://doi.org/10.1558/isit.24603>.

⁵ "Indonesia's Religious Freedom Landscape," *Talk About: Law and Religion*, February 19, 2025, <https://talkabout.iclrs.org/2025/02/19/indonesias-religious-freedom-landscape/>.

⁶ "The Politics of Religious Moderation: A Critical Review," accessed August 29, 2025, <https://www.icrs.or.id/news/the-politics-of-religious-moderation-a-critical-review>.

social tolerance, navigating the complexities of religious identity in a pluralistic society.⁷

Existing academic literature on religious moderation in Indonesia has largely focused on sociological, educational, or political science perspectives.⁸ While these studies offer valuable insights into the social dynamics, pedagogical approaches, and political implications of moderation, there remains a notable absence of comprehensive research that specifically examines religious moderation through a normative-Islamic legal lens. This gap is significant because Islamic law is deeply embedded within Indonesian society and its legal system, both historically and contemporarily.⁹

This study aims to bridge this critical research gap by providing an in-depth analysis of how religious moderation is conceptualized and supported within the framework of Islamic legal sources and thought. Such an approach is imperative as it provides a robust, internally consistent Islamic legal justification for moderation, countering any narrow, literalist interpretations that might otherwise portray Islamic law as incompatible with diversity. The deliberate focus on a "normative-Islamic legal framework" represents an underlying scholarly argument that Islamic law is not a static or inherently rigid system, but rather possesses inherent principles and a dynamic capacity for interpretation (*ijtihad*) that can actively and authentically support modern concepts such as religious moderation and multiculturalism. This research, therefore, seeks to demonstrate that moderation is not an external imposition on Islamic law but an intrinsic part of its objectives and principles.

Methods

Research Approach: Normative Legal Research (Doctrinal)

This study employs a normative legal research approach, also known as doctrinal research, which focuses on analyzing legal norms,

⁷ Firdaus Yuni Dharta et al., "MUI's Fatwa on Interfaith Greetings and Religious Tolerance: Can Indonesia Find a Middle Ground?," *Frontiers in Communication* 10 (May 2025): 1537568, <https://doi.org/10.3389/fcomm.2025.1537568>.

⁸ Mukhibat et al., "Pendidikan Moderasi Beragama Di Indonesia (Wacana Dan Kebijakan)."

⁹ Shinta Dewi Rismawati et al., "The Legal Politics of Religious Moderation in Indonesia: Responsive or Repressive?," *J. Legal Ethical & Regul. Issues* 24 (2021): 1.

principles, and doctrines.¹⁰ This methodology involves a systematic examination of legal texts and scholarly interpretations to understand the theoretical foundations and practical implications of religious moderation within Islamic law.

The primary focus within Islamic law will be on *fiqh al-ta'ayush* (the jurisprudence of coexistence) and *Maqāṣid al-Sharī'ah* (the higher objectives of Islamic law). These frameworks provide a robust theoretical basis for understanding and promoting religious moderation and multiculturalism [Method in Query]. The explicit selection of this approach, with its particular emphasis on *fiqh al-ta'ayush* and *Maqāṣid al-Sharī'ah*, is a deliberate methodological choice with implicit prescriptive implications. It signals an intention to demonstrate the inherent capacity of Islamic law to foster coexistence and moderation, rather than merely observing its societal manifestations. By utilizing these specific analytical tools, the research positions itself to argue that religious moderation is not an external imposition on Islamic law but an intrinsic part of its objectives and principles. This approach allows the study to provide a robust, internally consistent Islamic legal justification for moderation, rooted in the very essence of Islamic jurisprudence.

Sources of Data: Primary and Secondary

The research will draw extensively from both primary and secondary sources to ensure a comprehensive and nuanced analysis.

- a. **Primary Sources:** The foundational Islamic texts will be thoroughly examined, including the Qur'an, the *Hadith* (Prophetic traditions), and classical *fiqh* texts. These sources provide the bedrock for understanding Islamic legal principles and their historical interpretations [Method in Query]. In the Indonesian context, contemporary Islamic legal compilations, such as the *Kompilasi Hukum Islam* (KHI), and fatwas issued by prominent Indonesian Islamic organizations (e.g., Nahdlatul Ulama, Muhammadiyah, Majelis Ulama Indonesia) will be analyzed to understand the evolution and application of Islamic law in modern Indonesia [Method in Query].

¹⁰ Ais Surasa et al., "Interfaith Marriage in Indonesia: Juridical Challenges and Human Rights Perspectives," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 1 (2025): 117–34, <https://doi.org/10.32505/qadha.v12i1.11071>.

- b. Secondary Sources: Scholarly works, particularly those published in Scopus-indexed academic journals, will provide critical analysis and contextual understanding. Official policy documents, especially those related to *Kemenag*'s "*Moderasi Beragama*" framework, will offer insights into governmental strategies and definitions [Method in Query]. Key *Kemenag* policy documents and official publications, including various ministerial regulations and public information materials, will be thoroughly reviewed.¹¹

The comprehensive inclusion of both classical Islamic legal sources and contemporary Indonesian legal compilations and ulama fatwas enables a dynamic and multi-layered analysis. This approach allows the study to trace how timeless Islamic principles are interpreted, adapted, and applied within the specific socio-legal and political context of modern Indonesia. It highlights the ongoing process of *ijtihad* (independent legal reasoning) within Indonesian Islamic legal thought, demonstrating its capacity to address and provide solutions for contemporary challenges related to religious diversity and social cohesion. This methodological choice allows the research to showcase Islamic law as a living, adaptable system in Indonesia, actively engaged in addressing modern challenges rather than being confined to rigid historical interpretations.

Analytical Tools: *Maqāṣid al-Sharī'ah* and Comparative Analysis

Two primary analytical tools will be employed to dissect the research questions:

- a. *Maqāṣid al-Sharī'ah*: This framework, emphasizing the higher objectives and purposes of Islamic law, will be a central analytical tool. It focuses on the preservation of five essential aspects of human welfare: religion (*hifzh al-din*), soul/life (*hifzh al-nafs*), intellect (*hifzh al-aql*), progeny (*hifzh al-nasl*), and property (*hifzh al-mal*). Crucially, the Universalistic school within *Maqāṣid al-Sharī'ah* asserts that the inviolability (*iṣmah*) of basic, fundamental rights is inherent by virtue of humanity (*ādamiyyah*),

¹¹ Mukhibat et al., "Pendidikan Moderasi Beragama Di Indonesia (Wacana Dan Kebijakan)."

applying to all individuals regardless of their religious affiliation.¹² This perspective underscores justice, tolerance, and the preservation of human dignity (*karāmah*) as core Islamic values.

The explicit application of *Maqāṣid al-Sharī'ah*, particularly through the lens of the Universalistic school, provides a profound theoretical underpinning for the argument that religious moderation and multiculturalism are not merely pragmatic necessities for societal harmony but are inherently mandated by the higher objectives of Islamic law. This elevates the discussion from tolerance as a social strategy to tolerance as a theological and legal imperative. By rooting moderation in the universal preservation of human dignity and fundamental rights, the study offers a compelling Islamic legal justification for inclusive citizenship. If protecting human dignity and fundamental rights is a universal objective of Islamic law, then religious moderation (manifested as tolerance, non-violence, and respect for diversity) becomes a necessary means to achieve these higher objectives for all people. This demonstrates that moderation is not an external concept imposed on Islam, but an intrinsic value derived from its most fundamental legal philosophy, providing a strong normative basis.

- b. Comparative Analysis: The study will also employ comparative analysis to examine the nuances and divergences between classical Islamic jurisprudence and its modern interpretations within the Indonesian context [Method in Query]. This will highlight the dynamic evolution of Islamic legal thought in response to contemporary societal needs and challenges, showcasing how theoretical principles are adapted to specific local realities.

Results and Discussion

Conceptualizing Religious Moderation in Islamic Legal Sources

The Qur'anic Basis: *Ummatan Wasaṭan* (The Middle Nation)

The foundational Qur'anic concept for religious moderation is *Ummatan Wasaṭan*, as articulated in Surah Al-Baqarah (2:143). This term is widely interpreted by both classical and contemporary scholars

¹² Tareq Sharawi, "The Inviolability of the Non-Muslims in Islamic Law: A Comparative Reading of Modern and Classical Debates," *Afkar: Jurnal Akidah Dan Pemikiran Islam*, 2020, 79–112.

as signifying a nation or community that is just, balanced, moderate, and serves as an exemplary role model for all human kind. Scholars such as Sayyid Qutb interpret *Ummatan Wasaṭan* not only as a chosen people but also as Muslims who are just and balanced, destined to be witnesses for all humanity. Similarly, Wahbah Zuhayli defines *Ummatan Wasaṭan* as Muslims chosen to occupy a middle position, fair in their dealings, and thereby becoming the best of people. These interpretations consistently emphasize the attributes of justice and balance inherent in the concept, positioning Muslims as a community that occupies a middle ground, fair in their dealings, and thus becoming the "best people". This Qur'anic injunction inherently advocates for avoiding extremes, whether towards rigid fundamentalism and radicalism or towards excessive liberalism and laxity.¹³

The concept of *Ummatan Wasaṭan* serves as the core theological and normative anchor for religious moderation within Islam. It is not merely a descriptive term reflecting a historical reality, but a prescriptive ideal, urging Muslims to embody balance, justice, and fairness in all aspects of their individual and collective lives, including their interactions with people of other faiths. This Qur'anic injunction provides the divine mandate for moderation, establishing it as an intrinsic and divinely ordained Islamic value. The consistent interpretations of this verse directly align with the principles of religious moderation, demonstrating that the call for moderation is not an external or modern imposition on Islam, but is deeply rooted in its primary scripture, giving it a strong theological and normative foundation.

***Hadith* on Tolerance, Pluralism, and Justice**

Prophetic traditions (*Hadith*) provide practical illustrations and further elaboration on the Qur'anic principles of moderation, translating abstract ideals into actionable guidance. *Hadith* texts frequently employ terms such as *samaha* (compassion, generosity, patience) and *Tasamuh*

¹³ Mukhlis Abdul Rosyid et al., "The Concept of Ummatan Wasatan in The Qur'an (A Comparative Study of Tafsir Fii Zhilaalil Qur'an by Sayyid Qutb and Tafsir Al-Munir By Wahbah Zuhayli)," paper presented at International Conference on Islamic and Muhammadiyah Studies (ICIMS 2022), Surakarta, Indonesia, 2022, <https://doi.org/10.2991/assehr.k.220708.008>.

(feasibility, making things easier), directly highlighting the Prophet's emphasis on tolerance in daily life and interactions.¹⁴

The historical context of Prophet Muhammad's leadership in Medina offers a compelling practical model for building a pluralist society. His actions demonstrated profound tolerance, characterized by forgiveness, positive assumptions about others, recognition of other religions, and active cooperation. The Medina Charter (Sahifah Madinah), issued by the Prophet upon his migration to Medina, stands as a seminal historical and legal document. It stipulated rules that must be obeyed by all residents, irrespective of their ethnicity, race, or religion, ensuring peaceful coexistence and mutual responsibilities among diverse groups, including Muslims and Jewish tribes.¹⁵ This charter explicitly affirmed the concept of a unified community (*ummah*) that included non-Muslims, recognized religious and group differences, and established citizenship and loyalty as the basis for rights and responsibilities, even allowing for the maintenance of local conventions (*'urfs*) not contrary to Islamic principles.¹⁶

The Medina Charter, frequently referenced in discussions of *Hadith* and *fiqh al-muwāṭānah*, transcends its historical significance to serve as a foundational legal precedent in Islamic history for establishing a pluralistic society. It demonstrates that shared citizenship and mutual respect, irrespective of religious differences, were integral to the early Islamic state. This provides a powerful, early Islamic model for multicultural coexistence, illustrating that pluralism and citizenship-based harmony are not novel concepts foreign to Islam but are deeply embedded in its formative period, offering a strong historical and legal justification for contemporary multiculturalism. Islamic teachings generally advocate for universal values, a balanced life, and social harmony, explicitly aiming to prevent conflicts rooted in racial,

¹⁴ Alkadri Alkadri et al., "Contextualization of Hadith about Tolerance for Religious and Cultural Diversity," *AL QUDS : Jurnal Studi Alquran Dan Hadis* 7, no. 1 (2023): 95, <https://doi.org/10.29240/alquds.v7i1.5744>.

¹⁵ Nur Salsabil Juventania Syahputri and R. Tanzil Fawaiq Sayyaf, "The Application of Islamic Law to Improve Cultivating Humanity in Indonesia in Terms of Multicultural Fiqh," *Jurnal Mahkamah : Kajian Ilmu Hukum Dan Hukum Islam* 8, no. 1 (2023): 57–70, <https://doi.org/10.25217/jm.v8i1.3398>.

¹⁶ Maszlee Malik, "Fiqh Al-Muwatanah (Fiqh of Citizenship): A New and Inclusive Islamic Approach for Multi-Religious Societies," *Penang Institute Issues* 17 (2018): 1–19.

religious, or ethnic differences. The Qur'an (Surah al-Maidah: 9) further reinforces this by explicitly commanding believers to act justly, even towards those they dislike, affirming that justice is closer to piety.¹⁷

Classical *Fiqh*: Principles of Coexistence (Ta'ayush Silmi) and Protection of Non-Muslims

The concept of *ta'ayush* (coexistence) is central to classical *fiqh* in addressing interfaith relations. It is defined as living together harmoniously within a diverse community, underpinned by values such as love, mutual understanding, trust, acceptance of diversity, and extreme tolerance, all geared towards achieving mutual benefit.¹⁸ The specific term *al-ta'ayush al-Silmi* explicitly denotes peaceful coexistence, emphasizing the inherent peaceful nature of Islam itself.¹⁹

Within classical *fiqh*, particularly the "Universalistic school," there is a strong affirmation of the inviolability (*'iṣmah*) of all human beings, solely by virtue of their shared humanity (*ādamiyyah*), irrespective of their religious affiliation. Prominent scholars representing this school, including Abū Bakr Muḥammad Ibn Aḥmad al-Sarakhsī (d.1090), Burhān al-Dīn al-Marghīnānī (d. 1197), and Ibn Humam (d. 1457), argued that fundamental human rights—such as the inviolability of life (*al-nafs*), property (*al-māl*), religion (*al-dīn*), intellect (*al-'aql*), and procreation (*al-nasl*) (the *Maqāṣid al-Sharī'ah*)—are axiomatic, natural, and God-given for all humans. Sarakhsī, for instance, maintained that inviolability is the natural, original state for the children of Adam, akin to health or life itself, unless specific circumstances like waging war against Muslims suspend it. Marghīnānī further distinguished between inviolability that incurs sin (*al-'iṣmah al-mu'aththimah*), which applies to all humankind, and

¹⁷ Rifki Rosyad, "Islamic Doctrines on How To Live Tolerance in a Pluralistic Society," *Jurnal Iman Dan Spiritualitas* 2, no. 2 (2022): 187–92, <https://doi.org/10.15575/jis.v2i2.17914>.

¹⁸ Zulkefli Aini and Abdul Ghafar Don, "The Idea of Rahmatan Lil 'Alamin (A Mercy for the Whole World) and How It Connects to the Implementation of Fiqh Al-Ta'ayush in Da'wah Within Plural Society," *International Journal of Research and Innovation in Social Science* IX, no. VI (2025): 4131–49, <https://doi.org/10.47772/IJRISS.2025.906000313>.

¹⁹ Asilatul Hanaa Abdullah and Fauziah Fathil, "The Concept of Al-Ta'ayush in Islamic Cosmopolitanism: From Medina to Istanbul and Malacca," *Islamiyyat* 43, no. 1 (2020): 163–71, <https://doi.org/10.17576/islamiyyat-2021-4301-14>.

inviolability that calls for legal penalty (*al-'iṣmah al-muqawwimah*), applicable within Islamic jurisdiction.²⁰

Historically, Muslim authorities demonstrated a pragmatic and inclusive approach to the protection of non-Muslims. Examples include the Caliph Umar and Uthman ibn Affan extending *jizya* status and protection to Zoroastrians and native Berbers, and later Umayyad Caliphs treating Hindus similarly, thus expanding the scope of protected communities beyond just Jews and Christians. Furthermore, classical jurists generally agreed on the protection of "noncombatants," including women, children, the aged, the blind, the sick, and clergy, from intentional harm during conflicts, basing this on their inability to pose a direct threat.²¹

The theological rationale for this universal inviolability stems from the inherent dignity (*karāmah*) bestowed upon all human beings by their Creator, as stated in the Qur'an, and humanity's designated role as God's *khalifah* (vicegerent) on Earth. From a legal and missionary perspective (*da'wah*), the obligation to convey the message of Islam necessitates that the natural state of human life is inviolable, emphasizing the principle of free will and prohibiting coercion in matters of faith.

The discernible shift from a potentially narrower interpretation of *dhimmi* status in classical *fiqh* to the broader "Universalistic school," which bases the inviolability of rights on *ādamiyyah* (humanity), reveals an inherent flexibility and universalist potential within Islamic legal thought. This nuanced understanding directly challenges simplistic narratives that might portray classical Islamic law as inherently exclusive. Instead, it demonstrates its profound capacity for encompassing the rights and dignity of non-Abrahamic faiths and even non-religious individuals under its protective umbrella, thereby providing a robust normative foundation for multiculturalism. This approach guarantees inviolability to non-Muslim communities solely by virtue of their humanity as a natural state, suspending it only in cases of hostility or militaristic action against Muslims.²²

²⁰ Sharawi, "The Inviolability of the Non-Muslims in Islamic Law: A Comparative Reading of Modern and Classical Debates."

²¹ Zezen Zaenal Mutaqin, "Restraint in the Classical Islamic Law," *Sw. J. Int'l L.* 29 (2023): 1.

²² Sharawi, "The Inviolability of the Non-Muslims in Islamic Law: A Comparative Reading of Modern and Classical Debates."

Religious Moderation in Indonesian Islamic Legal Thought The Role of *Kompilasi Hukum Islam* (KHI) in Family Law and Interfaith Relations

The *Kompilasi Hukum Islam* (KHI), promulgated in 1991 by President Soeharto, represents a significant legal development in Indonesia, codifying aspects of Islamic family law. It emerged from a collaborative initiative between the Supreme Court and the Ministry of Religious Affairs. The KHI specifically applies to Muslims in Indonesia and serves as an interpretive and explanatory framework for the broader Marriage Law of 1974, which applies to all Indonesian citizens.²³

In matters of interfaith relations, the KHI generally adopts a restrictive stance, particularly concerning interfaith marriages. Article 40 and Article 44 of the KHI explicitly prohibit such unions, especially between a Muslim woman and a non-Muslim man, deeming them invalid under Islamic law.²⁴ This prohibition aligns with fatwas issued by the Indonesian Ulema Council (MUI).²⁵

Regarding interfaith inheritance, the KHI's Article 171 letter c stipulates that an heir must be Muslim, thus formally barring non-Muslims from inheriting from Muslim relatives. However, despite this textual limitation, Indonesian judges have demonstrated a pragmatic adaptation of Islamic law. They frequently exercise *rechtvinding* (finding law) or *ijtihad* (independent legal reasoning) to provide for mandatory bequests (*wājibah* wills) to heirs of different religions, particularly adopted children, based on considerations of humanity and justice.²⁶ While adopted children typically do not possess direct inheritance rights in Islam, they can receive up to one-third of the estate through a will or grant.²⁷ This judicial practice reflects a dynamic

²³ Dr Widyawati, *Interreligious Marriage In The Kompilasi Hukum Islam: A Human Right Perspective*, 2012.

²⁴ Surasa et al., "Interfaith Marriage in Indonesia."

²⁵ Nur Fika Palilati, "Review of Compilation of Islamic Law Against Interfaith Marriage Prohibition Results in the Registration of Marriages," *Estudiante Law Journal* 4, no. 2 (2022): 600–611, <https://doi.org/10.33756/eslaj.v4i2.19012>.

²⁶ Laurensia Sherlyn Tania Ika Prabowo et al., "Mandatory Testament for Heirs of Different Religions," *LEGAL BRIEF* 13, no. 1 (2024): 13–22.

²⁷ Laila Alfida and Aidul Fitriadi Azhari, "Analogy And Harmony: An Analysis Of The Rights And Obligations Of Adopted Children In The Distribution Of Inheritance From The Perspective Of Islam And Christianity," *Istinbath* 23, no. 2 (2024): 275–91, <https://doi.org/10.20414/ijhi.v23i2.771>.

interplay between formal legal texts and the societal demands for fairness and inclusivity.

The KHI, while representing a formal codification of Islamic law in Indonesia, exhibits an inherent tension between its textual prohibitions (e.g., interfaith marriage, inheritance) and the societal realities of a multicultural nation. The judicial practice of granting *wājibah* wills to non-Muslim heirs, despite formal KHI stipulations, is a prime example of this tension. It demonstrates a pragmatic adaptation of Islamic law, where judges utilize *ijtihad* and universal principles of humanity and justice to bridge the gap between strict textual interpretations and the demands of a diverse society. This dynamic interplay between formal legal texts and judicial discretion showcases a crucial mechanism for religious moderation within the Indonesian legal system, reflecting a "soft legal pluralism" where formal Islamic law is interpreted and adapted to accommodate societal realities and broader principles of justice.

Contributions of Indonesian Ulama: NU, Muhammadiyah, and MUI

Indonesian Islamic organizations, particularly Nahdlatul Ulama (NU), Muhammadiyah, and Majelis Ulama Indonesia (MUI), play pivotal roles in shaping religious discourse and promoting moderation within the country.

- a. Nahdlatul Ulama (NU): As the largest Islamic organization globally, NU is a guardian of traditional Islam in Indonesia and is renowned for its steadfast defense of pluralism, democratic civility, and inter-group conciliation. NU has consistently embraced Pancasila as the national ideology and actively challenged aspirations for an Islamic state, viewing such an endeavor as incompatible with Indonesia's diverse reality. Historically, NU has advocated for good governance and demonstrated a strong commitment to protecting religious minorities, notably by dispatching its youth wing, Banser, to safeguard Christian places of worship during religious holidays.²⁸ NU's *dakwah* (preaching) is

²⁸ Sumanto Al Qurtuby, "Nahdlatul Ulama: Good Governance and Religious Tolerance in Indonesia," *Contending Modernities*, January 15, 2013, <https://contendingmodernities.nd.edu/global-currents/nahdlatul-ulama-good-governance-and-religious-tolerance-in-indonesia/>.

rooted in the understanding that religious diversity is an intrinsic and uneradicated aspect of creation. Its approach to moderation encompasses moderate religious thought, social movements, and traditional practices.²⁹ Key principles guiding NU's stance include *Tawassut* (moderation, taking the middle position), *tawazun* and *ta'adul* (balance and fairness), *Tasamuh* (tolerance, accepting diversity), and *amar makruf nahi mungkar* (enjoining good and forbidding evil).³⁰ NU's concept of *fiqh al-muwatanah* (jurisprudence of citizenship) asserts the equal status of all Indonesian citizens, Muslim and non-Muslim alike, effectively eliminating the classical distinction of "infidels" for non-Muslims.³¹ NU's *Konferensi Besar* (Great Conference) serves as a significant platform for issuing fatwas and recommendations on contemporary religious and inter-group issues.³²

- b. Muhammadiyah: As a prominent modernist Islamic organization, Muhammadiyah is a leading propagator of moderate Islam in Indonesia. Its extensive activities, spanning education, social services, and healthcare, are conducted without religious discrimination, serving all citizens regardless of their religious background, ethnicity, gender, or social class.³³ Muhammadiyah emphasizes *Islam rahmatan lil 'alamin* (Islam as a mercy for all worlds) as the foundational principle for its *wasathiyah* (moderate) approach to Islam.³⁴ It promotes a non-excessive, non-radical, and

²⁹ Umi Musyarrafah and Zulhannan Zulhannan, "Religious Moderation in the Discourse of Nahdlatul Ulama's Dakwah in the Era of Industry 4.0," *Millah: Journal of Religious Studies*, August 28, 2023, 409–34, <https://doi.org/10.20885/millah.vol22.iss2.art5>.

³⁰ Mahbub Junaidy, "Multicultural Da'wah In The Charter Of Medina Concept And Implementation In Indonesia," *Jurnal Syntax Transformation* 4, no. 10 (2023), <https://doi.org/10.46799/jst.v4i10.789>.

³¹ Eneng Ervi Siti Zahroh Zidni et al., "Nahdlatul Ulama (NU) as a Non-State Actor Mediator: A New Approach to Israeli-Palestinian Peace," *Journal of International Crisis and Risk Communication Research* 7, no. S7 (2024): 848.

³² Qurtuby, "Nahdlatul Ulama."

³³ Tri Putri Siti Fatimah and Hafiz Hafiz, "Mohammadiyah's Moderation Concept In The Implemetation of Multicultural Nivels," *Iseedu: Journal of Islamic Educational Thoughts and Practices* 8, no. 2 (2024): 215–19, <https://doi.org/10.23917/iseedu.v8i2.9002>.

³⁴ Abd. Basit Misbachul Fitri et al., "The Politics and Practice of Religious Moderation in Indonesia: A Study of the Ministry of Religious Affairs, Nahdlatul Ulama, and

non-extreme viewpoint, actively integrating Islamic moderation through its vast educational institutions and political engagement. Muhammadiyah is actively involved in interfaith dialogue and peace-building initiatives, demonstrating a shared mission for interfaith harmony, justice, and inclusion. A notable indicator of its inclusive approach is that many of its universities have a majority of non-Muslim students, reflecting its commitment to inclusive education.³⁵

- c. Majelis Ulama Indonesia (MUI): As Indonesia's top Islamic scholars' body, MUI comprises various Sunni Muslim groups, including representatives from NU and Muhammadiyah.³⁶ MUI plays a significant role in shaping public perceptions and Islamic practices through its fatwas, which, while not legally binding, carry considerable influence over public opinion and religious practices in Indonesia. A notable example is MUI's controversial fatwa on interfaith greetings (e.g., prohibiting *Assalamu 'alaikum*, *Shalom*, *Om Swastiastu*, *Namo Buddhaya*, and *Salam Kebajikan*), which is based on principles of religious purity and the separation of worship. This stance is rooted in theological arguments from *Hadith* (HR. Abu Dawud) and Qur'an (Q.S. Al-Kafirun: 6) and the principle of *sadd al-dzari'ah* (preventing potential deviations in faith). The MUI's position, however, is not entirely monolithic, as some scholars within MUI acknowledge the importance of fostering social harmony in *muamalah* (social interactions).³⁷

While both Nahdlatul Ulama and Muhammadiyah are staunch proponents of religious moderation, they employ distinct yet complementary approaches. NU often emphasizes traditional values, local wisdom, and direct interfaith solidarity, such as protecting

Muhammadiyah,” *Islamica: Jurnal Studi Keislaman* 19, no. 2 (2025): 321–47, <https://doi.org/10.15642/islamica.2025.19.2.321-347>.

³⁵ Biyanto Biyanto, “Promoting and Practicing Religious Pluralism: Muhammadiyah Experience,” *Journal of Social Studies (JSS)* 16, no. 2 (2020): 197–210, <https://doi.org/10.21831/jss.v16i2.34711>.

³⁶ “2022 Report on International Religious Freedom: Indonesia,” *United States Department of State*, n.d., accessed August 29, 2025, <https://www.state.gov/reports/2022-report-on-international-religious-freedom/indonesia/>.

³⁷ Dharta et al., “MUI’s Fatwa on Interfaith Greetings and Religious Tolerance.”

churches during Christmas celebrations.³⁸ This approach is deeply rooted in its commitment to preserving traditional Islamic practices that have historically accommodated local Indonesian culture. Muhammadiyah, on the other hand, focuses on institutionalized education, social services, and a broader *rahmatan lil 'alamin* outreach, leveraging its extensive network of schools, universities, and hospitals to promote inclusive values.³⁹ This internal pluralism within Indonesian Islamic organizations is a significant strength, as it allows religious moderation to be promoted through diverse pathways, making the overall agenda more resilient and adaptable in fostering social harmony. This means religious moderation is not a monolithic, top-down concept but a deeply embedded, multi-faceted movement within Indonesian Islam, capable of reaching different segments of society.

The contrasting stances between MUI and *Kemenag* (and even internal nuances within MUI regarding *muamalah* versus *ibadah* aspects of greetings) reveal a significant internal tension within Indonesian religious authority concerning the practical application of religious moderation. MUI's emphasis on "purity of faith" can lead to prohibitive fatwas, while *Kemenag* promotes a more inclusive approach for social harmony, viewing interfaith greetings as a means to foster tolerance. This divergence is a key challenge for policy implementation, as it can lead to public confusion, polarization, and practical difficulties in fostering genuine interfaith relations.⁴⁰ The debate extends beyond mere greetings to broader issues of religious identity and social cohesion, highlighting that "religious moderation" is a contested concept even among key religious stakeholders in Indonesia. Such internal disagreements can undermine policy effectiveness, create public confusion, and exacerbate societal polarization, demonstrating the complexity of implementing moderation in a pluralistic society.

Table 1: Key Stances of Indonesian Ulama Organizations on Religious Moderation

³⁸ Qurtuby, "Nahdlatul Ulama."

³⁹ Zuly Qodir et al., "Muhammadiyah Making Indonesia's Islamic Moderation Based on Maqāṣid Shari'ah," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023): 77–92, <https://doi.org/10.18326/ijtihad.v23i1.77-92>.

⁴⁰ Dharta et al., "MUI's Fatwa on Interfaith Greetings and Religious Tolerance."

Organization	Core Approach to Moderation	Key Principles/Concepts	Specific Contributions/Examples	Stance on Pluralism/Interfaith Relations
Nahdlatul Ulama (NU)	Traditionalist/Culturalist	<i>Tawassut, Tasamuh, Tawazun, Fiqh al-Muwatanah</i>	Protecting churches, interfaith dialogue, upholding Pancasila, developing <i>fiqh al-muwatanah</i>	Strong defender of pluralism, advocates for equal citizenship, embraces diversity
Muhammadiyah	Modernist/Reformist	<i>Rahmatan lil 'Alamin, Wasathiyah Islam, Tajdid</i>	Inclusive education, humanitarian work, interfaith dialogue, promoting <i>rahmatan lil 'alamin</i>	Embraces diversity as God's design, active interfaith engagement
Majelis Ulama Indonesia (MUI)	Advisory/Normative	<i>Hifz al-Din, Sadd al-Dzari'ah</i>	Issuing fatwas (e.g., interfaith greetings, pluralism), <i>halal</i> certification	Emphasizes purity of faith, sometimes restrictive on interfaith interactions

Integration with National Law and Pancasila as Shared Values

Islamic law has a long and intricate history of integration into the Indonesian legal system, demonstrating a unique form of legal pluralism. It has blended with local customs (*adat* law) and significantly influenced the development of national laws.⁴¹ This historical fusion reflects a dynamic process of adaptation and assimilation.

⁴¹ Ratna Riyanti, "The Role of Islamic Law in the Development of the National Law System in Indonesia," *LEGAL BRIEF* 10, no. 2 (2021): 124–30.

Pancasila, as Indonesia's foundational philosophy and state ideology, plays a pivotal role in this integration. It embodies principles that not only forge national identity but also guide the legal framework towards promoting unity, justice, and human dignity.⁴² Pancasila functions as the ultimate point of reference for legal interpretation and decision-making, reflecting Indonesia's commitment to "unity in diversity" (*Bhinneka Tunggal Ika*).⁴³ Philosophically and theologically, Pancasila harmonizes the spiritual dimension (*hablun min Allah*, relationship with God) with the social dimension (*hablun min al-Nas*, relationship with humans), providing a balanced framework for national life.

Pancasila effectively accommodates both cultural and religious values, providing a space for diverse expressions while setting boundaries informed by religious values. Its first principle, "Belief in One God," is a cultural product inspired by Muslim figures and was formulated to accommodate objections from non-Muslims, embodying a crucial historical compromise during the nation's founding. The very process of drafting Pancasila involved extensive negotiations between nationalist, secularist, and religious groups, thereby embedding tolerance and multicultural awareness from the nation's inception.⁴⁴ This historical compromise established Pancasila as a "common sentence" that could be accepted by all, ensuring that while it is based on divinity, it does not lead to a religious state but rather an inclusive, tolerant one.⁴⁵

Islamic law contributes to national legal development by filling legal voids and providing moral and ethical guidance within the broader

⁴² Alexander Kennedy and Franciscus Xaverius Wartoyo, "Harmonizing Diversity: Pancasila's Role as The Cornerstone of Multi-Cultural Harmony As Legal Discours," *Global International Journal of Innovative Research* 2, no. 4 (2024): 747–59, <https://doi.org/10.59613/global.v2i4.137>.

⁴³ Nur Salsabil Juventania Syahputri and Sayyaf, "The Application of Islamic Law to Improve Cultivating Humanity in Indonesia in Terms of Multicultural Fiqh."

⁴⁴ Badrun Badrun et al., "Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 61, no. 1 (2023): 137–56.

⁴⁵ Prof. Mas'ud, PhD, "Pancasila and Religious Harmony," paper presented at Proceedings of the First International Conference on Islamic History and Civilization, ICON-ISHIC 2020, 14 October, Semarang, Indonesia, Semarang, Indonesia, *Proceedings of the First International Conference on Islamic History and Civilization, ICON-ISHIC 2020, 14 October, Semarang, Indonesia*, EAI, 2021, <https://doi.org/10.4108/eai.14-10-2020.2303830>.

legal system.⁴⁶ Specific Islamic legal provisions have been legislated into national law, such as the material adopted from *fiqh munakahat* (Islamic family law) in the Marriage Law No. 1 of 1974, and the subsequent *Kompilasi Hukum Islam* (KHI).⁴⁷ The integration of Pancasila values with Islamic principles is considered crucial for the ongoing development of the Indonesian nation, ensuring that legal reforms align with both national ideology and religious values.

The relationship between Islamic law and Pancasila in Indonesia is not one of mere coexistence but a dynamic, symbiotic integration that underpins the nation's multicultural framework. Pancasila acts as the overarching philosophical and legal umbrella that allows for the incorporation and adaptation of Islamic legal principles while simultaneously ensuring religious pluralism and preventing religious extremism from dominating the state.⁴⁸ This represents a unique model of legal pluralism where religious values inform national law without necessarily establishing a religious state, thereby fostering unity amidst profound diversity. This dynamic demonstrates a sophisticated form of legal pluralism where Islamic law is not a separate, competing system but an integral, yet adapted, component within the broader Pancasila framework. This allows for the maintenance of religious identity while upholding a unified, diverse national identity, directly supporting multiculturalism.

Religious Moderation and Multicultural Society Building Legal Recognition of Pluralism: Ensuring Minority Rights under Islamic and National Frameworks

Indonesia's constitution unequivocally guarantees freedom of religion and the right to worship according to one's own beliefs for all citizens, as enshrined in Article 29 paragraph (2) of the 1945 Constitution. This constitutional freedom, however, is explicitly subject to restrictions established by law to protect the rights of others and to

⁴⁶ Riyanti, "The Role of Islamic Law in the Development of the National Law System in Indonesia."

⁴⁷ Rismawati et al., "The Legal Politics of Religious Moderation in Indonesia: Responsive or Repressive?"

⁴⁸ Badrun et al., "Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia."

satisfy "just demands based upon considerations of morality, religious values, security, and public order in a democratic society".⁴⁹

The state officially recognizes and provides support to six major faiths: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism.⁵⁰ Religious groups outside these six, including indigenous belief systems (e.g., animism, dynamism, totemism), often face significant challenges in gaining full legal recognition and protection, leading to discrimination.⁵¹ The process of obtaining permits for the construction of houses of worship, for instance, can be particularly arduous, often requiring signatures from a large number of local community members, including those of other religious groups, leading to delays or denials, especially in Muslim-majority areas.⁵²

From an Islamic legal perspective, principles derived from the Universalistic school of *Maqāṣid al-Sharī'ah* strongly support the inviolability (*iṣmah*) of basic human rights for all individuals, regardless of their religious affiliation. This comprehensive protection extends to the preservation of religion (*hifzh al-din*), life (*hifzh al-nafs*), intellect (*hifzh al-aql*), progeny (*hifzh al-nasl*), and property (*hifzh al-mal*) for all humanity.⁵³ Historical Islamic practice, notably exemplified by the Medina Charter, provides a powerful precedent for affirming citizenship and rights for non-Muslims within an Islamic-governed polity, based on shared loyalty to the state rather than religious uniformity.⁵⁴

Despite robust constitutional guarantees for religious freedom and strong Islamic legal principles (e.g., *Maqāṣid al-Sharī'ah's* universalistic school, the Medina Charter) that normatively support pluralism and minority rights, the practical implementation in Indonesia often reveals a significant gap. The state's formal recognition of only six

⁴⁹ "2020 Report on International Religious Freedom: Indonesia," *United States Department of State*, n.d., accessed September 2, 2025, <https://www.state.gov/reports/2020-report-on-international-religious-freedom/indonesia/>.

⁵⁰ "2022 Report on International Religious Freedom: Indonesia."

⁵¹ Nasution et al., "The Reality of Spirituality and the Challenge of Religious Freedom in Indonesia."

⁵² "Indonesia's Religious Freedom Landscape."

⁵³ Sharawi, "The Inviolability of the Non-Muslims in Islamic Law: A Comparative Reading of Modern and Classical Debates."

⁵⁴ Malik, "Fiqh Al-Muwatanah (Fiqh of Citizenship): A New and Inclusive Islamic Approach for Multi-Religious Societies."

religions, coupled with persistent challenges such as difficulties in obtaining permits for the construction of places of worship for minorities⁵⁵, indicates that while the legal framework and normative Islamic principles exist to support multiculturalism, societal pressures, political interpretations, and administrative hurdles can severely hinder their full realization. This highlights a critical area where policy and practice diverge from stated ideals. This divergence suggests that simply having the right laws or religious principles is insufficient; effective implementation requires overcoming societal biases, political pressures, and bureaucratic obstacles, pointing to the need for stronger enforcement and public education to bridge this gap.

Preventing Exclusivism and Radical Interpretation of Islamic Law

A primary objective of religious moderation in Indonesia is to actively counter and reduce intolerance, religious fanaticism, and extremism within society.⁵⁶ This directly addresses radicalism, which is characterized by an extreme and rigid understanding of Islamic laws and attempts to impose these interpretations, often through violence. Such radical movements often spread their ideologies through various channels, including religious study groups, *majelis taklim*, campuses, and schools, and are increasingly prevalent on social media platforms.⁵⁷

Indonesia has faced the challenge of active radical groups, such as the Islamic Defenders Front (FPI), Indonesian *Mujahidin* Council (MMI), *Hizbut Tahrir* Indonesia (HTI), and the Islamic State of Indonesia (NII).⁵⁸ The government has taken decisive measures, including the dissolution of organizations like HTI, to curb their influence and prevent them from undermining national unity.⁵⁹ The Ministry of Religious Affairs' "*Moderasi Beragama*" program is a direct and strategic governmental effort specifically designed to prevent the

⁵⁵ Nasution et al., "The Reality of Spirituality and the Challenge of Religious Freedom in Indonesia."

⁵⁶ Mukhibat et al., "Pendidikan Moderasi Beragama Di Indonesia (Wacana Dan Kebijakan)."

⁵⁷ Rismawati et al., "The Legal Politics of Religious Moderation in Indonesia: Responsive or Repressive?"

⁵⁸ Rismawati et al., "The Legal Politics of Religious Moderation in Indonesia: Responsive or Repressive?"

⁵⁹ Badrun et al., "Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia."

spread of radicalism and violence by promoting a balanced religious outlook.⁶⁰

From an Islamic legal perspective, the *Maqāṣid al-Sharī‘ah* framework provides a powerful tool for countering extremist interpretations. By emphasizing the overarching goals of Islamic law—to achieve benefit (*maslahah*) and reject harm (*mafsadah*)—this approach inherently challenges and discredits interpretations that lead to violence, discord, or injustice.⁶¹ The concerted efforts to prevent exclusivism and radicalism in Indonesia extend beyond mere law enforcement; they represent an ongoing and multifaceted ideological battle within Indonesian Islam itself. The government, in collaboration with moderate ulama and organizations, is actively engaged in re-interpreting and promoting Islamic teachings (e.g., *wasatiyyah*, *maqāṣid*) to counter literalist, exclusivist, and extremist narratives. This demonstrates that religious moderation is a deeply contested concept that requires continuous intellectual, social, and political engagement to shape the dominant understanding of Islam in the public sphere. This signifies that the struggle against extremism is fundamentally an ideological one, requiring a robust counter-narrative rooted in Islamic principles. Religious moderation, therefore, is not simply a state program but a broad, multi-stakeholder effort to shape the very understanding of Islam in Indonesia, steering it away from rigid and exclusivist interpretations.

Islamic Legal Principles as Foundations for Social Harmony and Inclusive Citizenship (*Fiqh al-muwāṭānah*)

Fiqh al-muwāṭānah (jurisprudence of citizenship) is a contemporary and evolving term within Islamic jurisprudence that directly addresses the imperatives of multicultural societies. It specifically examines Islamic law in the context of social interaction and communication among individuals of diverse genders, races, and religions, with the overarching aim of fostering harmonious

⁶⁰ Faisal Haitomi et al., “Moderasi Beragama Dalam Perspektif Kementerian Agama Republik Indonesia: Konsep Dan Implementasi,” *Al-Wasatiyah: Journal of Religious Moderation* 1, no. 1 (2022): 66–83, <https://doi.org/10.30631/jrm.v1i1.2>.

⁶¹ Syaiful Bahri, “The Construction of Indonesian Political Fiqh: Maqasid Al-Shariah Perspective and Ahmad Ar-Raisuni’s Thoughts,” *Justicia Islamica* 17, no. 1 (2020): 35, <https://doi.org/10.21154/justicia.v17i1.1671>.

coexistence.⁶² This framework explicitly emphasizes principles of equality, justice, and tolerance for all citizens, recognizing the inherent dignity of every human being.⁶³

A core tenet of *fiqh al-muwāṭānah* is the assertion of equal status for all citizens, regardless of their religious affiliation, effectively moving beyond traditional distinctions like "infidels" for non-Muslims. This concept is notably a product of the *ijtihad* (independent legal reasoning) of Nahdlatul Ulama (NU) ulama, developed as a direct response to the strengthening of *takfiri* (excommunication) ideologies in Indonesia.⁶⁴ NU's approach to *fiqh al-muwāṭānah* is rooted in the principle of *ukhuwah* (brotherhood), encompassing Islamic brotherhood, national brotherhood, and human brotherhood, thereby fostering unity among different religious communities.⁶⁵

The historical precedent of the Medina Charter serves as a powerful validation for *fiqh al-muwāṭānah*. The Charter established a polity where citizenship and loyalty to the state formed the basis of rights and responsibilities for all inhabitants, including non-Muslims, demonstrating that peaceful coexistence and mutual respect are foundational to an Islamic-governed society.⁶⁶ The principles of the Medina Charter—such as the affirmation of the concept of *ummah* inclusive of non-Muslims, the recognition of pluralistic reality, and the acceptance of local customs not contrary to Islamic principles—provide a historical blueprint for inclusive citizenship in a multicultural state.⁶⁷

Fiqh al-muwāṭānah thus provides a modern legal framework, drawing from classical Islamic sources, to promote social harmony and inclusive citizenship in contemporary Indonesia.

⁶² Aini and Don, "The Idea of Rahmatan Lil 'Alamin (A Mercy for the Whole World) and How It Connects to the Implementation of Fiqh Al-Ta' Ayush in Da'wah Within Plural Society."

⁶³ Muhammad Fikri, "Indonesian Journal of Interdisciplinary Islamic Studies (IJIIS)," *Indonesian Journal of Interdisciplinary Islamic Studies (IJIIS)* 5, no. 2 (2022).

⁶⁴ Muh. Sholihuddin, "Fiqh Al-Muwatanah: Nahdlatul Ulama's Interpretation About Citizenship," *Millah* 21, no. 1 (2021): 149–82, <https://doi.org/10.20885/millah.vol21.iss1.art6>.

⁶⁵ Musyarrofah and Zulhannan, "Religious Moderation in the Discourse of Nahdlatul Ulama's Dakwah in the Era of Industry 4.0."

⁶⁶ Nur Salsabil Juventania Syahputri and Sayyaf, "The Application of Islamic Law to Improve Cultivating Humanity in Indonesia in Terms of Multicultural Fiqh."

⁶⁷ Malik, "Fiqh Al-Muwatanah (Fiqh of Citizenship): A New and Inclusive Islamic Approach for Multi-Religious Societies."

Challenges and Opportunities

Challenges

The implementation of religious moderation and the development of multicultural societies in Indonesia face several significant challenges:

1. **Politicization of Religion:** The entanglement of religious issues with political agendas poses a substantial threat to social harmony. Religious sentiments are often exploited for political gain, leading to increased polarization and conflict.⁶⁸ This phenomenon has been particularly evident in electoral politics, where religious interpretations can be weaponized to create disunity.⁶⁹ The government's religious moderation program itself has faced criticism for being perceived as a "soft power" tool to control religious discourse, leading to resistance from anti-government religious groups and further problematizing the moderation discourse.⁷⁰
2. **Digital-Era Intolerance:** The proliferation of digital media and social platforms has created new avenues for the spread of intolerance, radicalism, and sectarian views.⁷¹ The rise of "instant preachers" (*ustadz*) who lack profound religious comprehension or moderate scholarly lineage contributes to the dissemination of religious arrogance, *takfir* (excommunication), and advocacy for discrimination, sometimes even violence. Social media platforms have become contested arenas where traditional religious authorities compete with emerging voices and alternative, often extremist, ideologies, making it challenging to control the narrative and promote moderation effectively.⁷²

⁶⁸ Rismawati et al., "The Legal Politics of Religious Moderation in Indonesia: Responsive or Repressive?"

⁶⁹ Cholil, "Freedom of Religion amid Polarization and Religious Moderation Policy."

⁷⁰ "The Politics of Religious Moderation."

⁷¹ Nasution et al., "The Reality of Spirituality and the Challenge of Religious Freedom in Indonesia."

⁷² Akhmad Ainur Roziqin et al., "The Challenge of Religious Moderation amidst the Rise of Religious Extremism among Instant Ustadz in Indonesia," *Al-Wasatiyah: Journal of Religious Moderation* 4, no. 1 (2025): 1–30, <https://doi.org/10.30631/jrm.v4i1.110>.

3. **Sectarian Interpretations:** Deep-seated sectarian interpretations within religious communities can lead to exclusivism and conflict. Radical groups often promote extreme and strict understandings of Islamic laws, attempting to impose their views on society, which can result in hostility and even violence.⁷³ This includes issues such as the prohibition of interfaith greetings by some religious authorities, which, while intended to preserve religious purity, can inadvertently create exclusivity and social fragmentation within a multicultural society.⁷⁴ The challenge lies in reconciling theological principles that emphasize religious identity with the practical realities of coexistence and social harmony.

Opportunities

Despite the aforementioned challenges, significant opportunities exist for strengthening religious moderation and fostering multiculturalism in Indonesia:

1. **Embedding Moderation Values in Education:** Education plays a crucial role in shaping attitudes and promoting tolerance from an early age. Integrating religious moderation values into the curriculum of Islamic religious education (IRE) and other educational institutions is vital.⁷⁵ This involves enhancing teacher capabilities, developing learning materials that accommodate moderation values, and fostering interreligious dialogue within educational environments.⁷⁶ Muhammadiyah's success in having a majority of non-Muslim students in some of its universities demonstrates the potential of inclusive education to promote interfaith understanding and peaceful coexistence.⁷⁷ The Ministry of Religious Affairs has also published guidebooks for teachers to

⁷³ Rismawati et al., "The Legal Politics of Religious Moderation in Indonesia: Responsive or Repressive?"

⁷⁴ Dharta et al., "MUI's Fatwa on Interfaith Greetings and Religious Tolerance."

⁷⁵ Mukhibat et al., "Pendidikan Moderasi Beragama Di Indonesia (Wacana Dan Kebijakan)."

⁷⁶ St Aflahah et al., "The Role of Education in Strengthening Religious Moderation in Indonesia," *Jurnal SMART (Studi Masyarakat, Religi, Dan Tradisi)* 9, no. 2 (2023): 193–211, <https://doi.org/10.18784/smart.v9i2.2079>.

⁷⁷ Biyanto, "Promoting and Practicing Religious Pluralism."

- internalize religious moderation, emphasizing a balanced approach to religious perspectives among students.⁷⁸
2. **Law Enforcement and Legal Reform:** A robust legal framework and effective law enforcement are essential for protecting religious freedom and addressing acts of intolerance. The constitution guarantees religious freedom, but its implementation needs consistent enforcement to ensure that all citizens, including minorities, can worship freely without interference.⁷⁹ Legal reforms can address ambiguities or inconsistencies in existing laws that may inadvertently contribute to discrimination or restrict religious freedom, such as the complexities surrounding permits for houses of worship.⁸⁰ Strengthening civil and political rights while maintaining a balanced approach to religious morality can be achieved through inclusive policy-making that respects diverse beliefs and prioritizes universal human rights.⁸¹
 3. **Interfaith Cooperation:** Promoting active interfaith dialogue and cooperation among religious leaders and communities is a powerful mechanism for building mutual understanding and social cohesion.⁸² Organizations like NU and Muhammadiyah are actively involved in such initiatives, demonstrating a shared commitment to interfaith harmony and justice.⁸³ These efforts can help reduce religious tensions, counter misinformation, and foster a sense of shared citizenship. The involvement of religious organizations in promoting the Ministry of Religious Affairs' moderation program, even if on a voluntary basis, indicates a willingness to support national resilience through interfaith collaboration.⁸⁴

⁷⁸ Yusuf Hanafi et al., "What Content Offers and How Teachers Teach: Religious Moderation-Integrated Teaching in Indonesia," *HTS Theological Studies* 79, no. 2 (2023): 1–8.

⁷⁹ "2023 Report on International Religious Freedom: Indonesia," *United States Department of State*, n.d., accessed September 1, 2025, <https://www.state.gov/reports/2023-report-on-international-religious-freedom/indonesia/>.

⁸⁰ "Indonesia's Religious Freedom Landscape."

⁸¹ Nasution et al., "The Reality of Spirituality and the Challenge of Religious Freedom in Indonesia."

⁸² "Indonesia's Religious Freedom Landscape."

⁸³ Biyanto, "Promoting and Practicing Religious Pluralism."

⁸⁴ Kumari Nihal Kaur and Maria Puspitasari, "Religious Moderation in Indonesia: Implementation by National Christian Institution to Strengthen National Resilience,"

Conclusion

This normative-Islamic legal study demonstrates that religious moderation is deeply rooted in Islamic legal principles and is a crucial imperative for the development of multicultural societies in Indonesia. The Qur'anic concept of *Ummatan Wasatan* provides the foundational divine mandate for balance and justice, while Prophetic traditions and the historical precedent of the Medina Charter offer a compelling model for pluralistic coexistence and inclusive citizenship. Classical *fiqh*, particularly through the Universalistic school of *Maqāṣid al-Sharī'ah*, further reinforces the inherent inviolability of human dignity and fundamental rights for all individuals, regardless of their religious affiliation, thereby providing a robust normative justification for multiculturalism.

The analysis of Indonesian Islamic legal thought reveals a dynamic landscape where traditional Islamic principles are adapted to contemporary realities. While the *Kompilasi Hukum Islam* presents certain textual limitations regarding interfaith relations, judicial practices, such as the granting of *wājibah* wills, demonstrate a pragmatic adaptation of Islamic law to uphold principles of humanity and justice in a multicultural context. Furthermore, influential Islamic organizations like Nahdlatul Ulama and Muhammadiyah actively contribute to religious moderation through their distinct yet complementary approaches, advocating for pluralism, inclusive education, and interfaith harmony. Although the Majelis Ulama Indonesia's stance on certain interfaith interactions reveals internal tensions within Indonesian religious authority, the broader commitment to religious moderation as a national agenda remains strong.

This study underscores that religious moderation in Indonesia is not only a theological ideal but also a legally and institutionally grounded endeavor. It significantly contributes to strengthening *fiqh al-muwāṭānah* (jurisprudence of citizenship) by providing a comprehensive Islamic legal framework that affirms the equal status and rights of all citizens in a diverse society, aligning Islamic law with democratic multiculturalism.

Recommendation

To further strengthen religious moderation and foster multicultural societies in Indonesia, the following recommendations are proposed:

1. **Institutionalizing Religious Moderation in Legal Reform:** Continue to review and reform existing legal frameworks to ensure full alignment with the principles of religious moderation and universal human rights, particularly concerning minority rights and interfaith relations. This includes addressing ambiguities in laws and regulations that may hinder religious freedom or lead to discrimination, and formalizing judicial adaptations that promote justice and inclusivity.
2. **Integrating Moderation into Islamic Education:** Systematically embed the values and principles of religious moderation, including *Ummatan Wasaṭan*, *Maqāṣid al-Sharī'ah*, and *fiqh al-muwāṭanah*, across all levels of Islamic education. This requires comprehensive curriculum development, teacher training programs focused on inclusive pedagogy, and the promotion of critical thinking to counter exclusivist interpretations.
3. **Strengthening Public Policies for Social Cohesion:** Develop and implement public policies that actively promote interfaith dialogue, cooperation, and mutual understanding at the grassroots level. This includes supporting community-led initiatives, leveraging digital platforms for positive messaging, and fostering collaboration between government bodies, religious organizations, and civil society to address challenges like politicization of religion and digital intolerance.
4. **Promoting Contextual *Ijtihad*:** Encourage and support scholarly endeavors that engage in contextual *ijtihad* to address contemporary issues related to religious diversity, ensuring that Islamic legal thought remains dynamic, relevant, and responsive to the needs of a modern multicultural society. This involves fostering intellectual spaces for critical discussion and diverse interpretations within the framework of higher objectives of Islamic law.

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