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POLITICAL AND JUDICIAL RIGHTS OF NON-MUSLIMS IN MUSLIM STATES: A NORMATIVE AND HISTORICAL STUDY

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ABSTRACT

This study explores the political and judicial rights of non-Muslims in Muslim-majority countries, focusing on their categorization, rights, obligations, and limitations as discussed by Islamic scholars. The findings reveal that non-Muslims, particularly *ahl al-dhimmah*, enjoy significant civil protections, religious freedoms, and the right to maintain their own judicial systems for personal matters. However, certain restrictions exist, such as the obligation to pay *jizyah* and limitations on holding primary leadership positions, which serve to preserve the social, ideological, and legal order of the Islamic state. The study demonstrates that Islam balances minority rights with the moral and political framework of governance, providing a nuanced understanding of coexistence in historical and contemporary Muslim societies.

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A. INTRODUCTION

History provides a clear and undeniable illustration of how Islam upholds the dignity of every human being, regardless of their religious affiliation. The Qur'an repeatedly emphasizes the concept of humanity's shared origin and the equality of all people before Allah. Surah Al-Hujurat (49:13) reminds humanity that diversity in race, ethnicity, and religion is a sign of Allah's creation:

"O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another."

This verse highlights the beauty of human diversity, encouraging people to see each other's differences as opportunities for learning and growth rather than as sources of conflict (Al-Qur'an 49:13).¹¹⁸

From the early emergence of Islam to the present day, non-Muslims residing in Muslim-majority countries have been granted certain rights, which, in many aspects, are similar to those of Muslims. The differences in rights are limited and do not render non-Muslims as second-class citizens in the societies they inhabit. Understanding this perspective is crucial, particularly for Western audiences who often perceive Islam as an intolerant religion. Historical records do not provide evidence of systematic unfair treatment of non-Muslims under Islamic governance.¹¹⁹

For example, in Saudi Arabia, Islam is the predominant religion, with 93% of the population (around 34.37 million people) identifying as Muslim. Christianity ranks as the second-largest religion, accounting for 4.4% (approximately 1.63 million people), primarily expatriates, followed by Hinduism (1.1%), the religiously unaffiliated (0.7%), and smaller groups practicing folk religions, Buddhism, and other faiths.¹²⁰ Similarly, in the United Arab Emirates (UAE), Islam is practiced by 76.9% of the population, but the country is home to a large expatriate community. Alongside Muslims, Christians (9%), Hindus and Buddhists (10 %), and other religions (5%) also thrive.¹²¹ These examples highlight the diversity of minority communities in Gulf States and underscore the importance of understanding the political and judicial rights of non-Muslims in Muslim-majority contexts.

Non-Muslims living in Islamic countries possess rights and obligations that differ slightly from those of Muslims. The Prophet Muhammad and the Caliphs after him have developed a pattern of harmonious relations between Muslims and non-Muslims, by granting non-Muslims a set of rights considered sufficient for ensuring coexistence and harmony.¹²² For instance, they are obliged to pay *jizyah* and may face restrictions in the political domain, such as being ineligible to hold the highest leadership positions. Such differences, however, have frequently triggered unfair accusations against Muslim countries, especially those considered conservative, such as Saudi Arabia and other Gulf states.

Negative perceptions toward countries governed by Islamic law often emerge in Western discourse, where it is assumed that non-Muslims are treated as second-class citizens deprived of their

¹¹⁸ Dede Ishak and Ahmad Gibson Albustomi, "Embracing Diversity: The Role of Islamic Tolerance in Indonesia's Multicultural Society," *Jurnal Iman Dan Spiritualitas* 5, no. 1 (January 2025): 69–82, <https://doi.org/10.15575/jis.v5i1.43361>.

¹¹⁹ Ayi Ishak Sholih Muchtar, "The Rights of Non-Muslims in an Islamic State: A Literature Review," *TAJIDID* 29, no. 1 (August 2022): 105, <https://doi.org/10.36667/tajdid.v29i1.1156>.

¹²⁰ GMI Research Team, *Saudi Arabia (KSA) Population Statistics 2025 [Infographics]* (2025), <https://www.globalmediainsight.com/blog/saudi-arabia-population-statistics/>.

¹²¹ GMI Research Team, *United Arab Emirates (UAE) Population Statistics 2025* GMI (n.d.), accessed September 30, 2025, <https://www.globalmediainsight.com/blog/uae-population-statistics/>.

¹²² Muchtar, "The Rights of Non-Muslims in an Islamic State."

rights. These assumptions have sometimes led to antipathy and criticism toward Muslim-majority countries. Coupled with the existence of hoaxes scattered on various social media that trigger hatred and antipathy without a correct understanding of the issue.¹²³ Therefore to address these misconceptions, this study examines the perspectives of Islamic scholars regarding the rights and obligations of non-Muslims within Muslim societies.

Several previous studies have addressed issues surrounding the rights of non-Muslims in Islam. Agil Fahim Ali (2024),¹²⁴ for example, examine *Hak Politik Non-Muslim dalam al-Qur'an (Studi Penafsiran Term Auliya' Perspektif Tafsir Nusantara)*, which focuses on Qur'anic interpretation of Muslim–non-Muslim political relations. Ayi Ishak Sholih Muchtar (2022),¹²⁵ through *The Rights of Non-Muslims in an Islamic State: A Literature Review*, provides an overview of scholarly perspectives on the position of non-Muslims within Islamic governance.

Similarly, Tasmiah Zaman (2022),¹²⁶ in her *article Freedom of Religion for Non-Muslims in Islam: A Pakistani Affair* published in *Law and Humanities Quarterly Reviews*, explores the dynamics of religious freedom in the Pakistani context. To date, there has been no comprehensive research that systematically examines the political and judicial rights of non-Muslims in Muslim states through both normative and historical perspectives. This study seeks to fill that gap. The objective of this research is threefold: to examine the categories of non-Muslims in Islamic thought, to explore the views of Islamic scholars regarding their rights and obligations, and to analyze the limitations placed on their political and judicial rights, including the rationale behind such limitations.

B. METHOD

This study adopts a qualitative research methodology with a normative-historical approach. The normative aspect is employed to examine Islamic legal sources, such as the Qur'an, Hadith, classical works of fiqh, and contemporary scholarly interpretations, that discuss the position and rights of non-Muslims in Muslim states. At the same time, the historical approach is used to trace how these normative principles were implemented in different periods of Islamic history, beginning with the time

¹²³ Ali Musri Semjan Putra, "Hoax dalam Tinjauan Hadits Nabawi," *Al-Majaalis : Jurnal Dirasat Islamiyah* 6, no. 1 (November 2018): 147–79, <https://doi.org/10.37397/almajaalis.v6i1.107>.

¹²⁴ Agil Fahim Ali, "Hak Politik Non-Muslim dalam Al-Qur'an (Studi Penafsiran Term Auliya' Perspektif Tafsir Nusantara)," *GRADUASI: Jurnal Kajian Islam Interdisipliner* 1, no. 1 (February 2024): 26–32, <https://doi.org/10.33650/graduasi.v1i1.8233>.

¹²⁵ Muchtar, "The Rights of Non-Muslims in an Islamic State."

¹²⁶ Tasmiah Zaman, "Freedom of Religion for Non-Muslims in Islam: A Pakistani Affair," SSRN Scholarly Paper no. 4146605 (Rochester, NY: Social Science Research Network, June 26, 2022), <https://papers.ssrn.com/abstract=4146605>.

of the Prophet Muhammad and the early caliphates and extending to their manifestations in contemporary Muslim-majority countries.

Data for this research are obtained primarily through library research and document analysis. Classical Islamic texts, exegetical works, and juridical treatises are examined alongside modern academic writings that specifically address political and judicial rights. Secondary materials, including scholarly articles, and demographic data are also analyzed to provide contextual understanding. In this way, the research draws on both primary sources, which include scriptural and historical records, and secondary sources, such as modern interpretations and empirical studies.

Data analysis proceeded in several stages of qualitative interpretation. First, relevant information on non-Muslim rights was selected. Next, the material was organized into conceptual categories reflecting key themes, such as the classification of non-Muslims, their rights and obligations, and the scope of political and judicial restrictions. Finally, the analysis interpreted and compared normative principles with historical applications and contemporary realities, identifying both continuity and divergence between Islamic law and its implementation.

C. RESULTS AND DISCUSSION

The Category of Non-Muslims in Islam

The categorization of non-Muslims in Islamic jurisprudence has been a subject of extensive discussion among classical and contemporary scholars. Dr. Abdul Karim Zaidan, a prominent lecturer at the University of Baghdad, defines a non-Muslim as any individual who rejects the Islamic da'wah and does not acknowledge the prophethood of Muhammad ﷺ. In the Qur'an, such individuals are generally referred to as *kuffār* (disbelievers). The term *kāfir* itself originates from the Arabic root ka-fa-ra, which means "to cover," implying the act of concealing or rejecting the truth. Linguistically, it refers to a state in which one's heart and perception are veiled from recognizing the message of Islam. Within this broad designation, Islamic scholars have historically divided non-Muslims into several distinct categories, each carrying particular theological and juridical implications.

a. *Ahl Al-Kitāb* (People of the Book)

One of the most recognized categories is *Ahl al-Kitāb*, referring primarily to Jews and Christians. Followers of Imam Abu Hanifah extend this category beyond these two groups to include any community to whom God sent a prophet accompanied by a revealed scripture, thus widening the scope of recognition. However, the majority of scholars, relying on Qur'anic textual evidence, restrict the designation exclusively to Jews and Christians, as they are explicitly mentioned as recipients of divine scriptures prior to Islam. This classification is particularly significant, as it forms the legal and

theological foundation for granting certain privileges to Jews and Christians, such as the permissibility of intermarriage¹²⁷ and the consumption of their slaughtered animals.¹²⁸

b. *Shabi'ah* (Sabians)

The identity of the Shabi'ah (Sabians) has been a matter of scholarly debate. Imam Abu Hanifah equated them with Ahl al-Kitāb, suggesting that they too possessed a revealed tradition. Imam Ahmad considered them to be a sect within Judaism or Christianity, while Hasan al-Basri identified them as Magians. Other scholars, such as al-Awza'i and Imam Malik, regarded them as an intermediate group between Jews and Christians, with no authentic scripture of their own. The diversity of opinions reflects the historical ambiguity surrounding their origins and religious practices, yet their mention in the Qur'an highlights the recognition of their distinct existence during the early Islamic period.¹²⁹

c. *Majūsi* (Magians or Zoroastrians)

The Magians are another clearly defined category, generally associated with Zoroastrianism. They are often described as fire-worshippers who uphold a dualistic cosmology, acknowledging forces of good and evil as co-eternal.¹³⁰ Unlike Ahl al-Kitāb, they are not linked to a divinely revealed scripture in Islamic tradition.

d. Atheist

Atheists, or those who deny the existence of God altogether, are considered outside any recognized religious framework. They attribute the existence of the universe to natural causes and reject the concept of an afterlife. Islamic scholarship has generally regarded atheism as a complete negation of divinity, placing it among the most severe forms of disbelief due to its rejection of both revelation and metaphysical order.

e. Polytheist

¹²⁷ Khattab Mohammad Ali, "The Position of Islam on Marriage to a Jewish or Christian Woman (Ahlul Kitab)," *Research on Humanities and Social Sciences* 3, no. 2 (2013), https://www.researchgate.net/publication/352358060_The_position_of_Islam_on_marriage_to_a_Jewish_or_Christian_woman_Ahlul_Kitab.

¹²⁸ Nuri Friedlander, "Sharpen Your Blade and Put Your Animal at Ease": Islamic Ethics and Rituals of Killing Non-Human Animals, May 14, 2020, <https://nrs.harvard.edu/URN-3:HUL.INSTREPOS:37365851.>; Zaidan Abdul Karim, *Ahkam Az-Zimmiyyin Wa al-Musta'minin Fi Dar as-Salam*. (Baghdad: Maktabah al-Qudus, 1982).

¹²⁹ Kulinich Alena, "Textual Encounters': The Sabians in Qur'a'nic Exegesis," *Seoul National University the Journal of Humanites* 75, no. 4 (n.d.), accessed September 30, 2025, <https://journal.kci.go.kr/snu-ioh/archive/articleView?artiId=ART002411811>.

¹³⁰ Efendi and Darni Yusna, "Zoroastrian (Mago) Condition Under the Auspices of Islam and Its Spread in India," *Al-Afkar, Journal For Islamic Studies*, August 9, 2022, 86–99, <https://doi.org/10.31943/afkarjournal.v5i3.262>.

Polytheists represent those who acknowledge Allah as the Creator yet associate other beings, such as idols, with Him in worship.¹³¹ This category is frequently addressed in the Qur'an, particularly in reference to the pagan Arabs of Mecca. Theologically, *shirk* (polytheism) is considered the gravest sin in Islam, as it undermines the central doctrine of *tawhīd* (divine unity).

f. Sorcerers and Devil-Worshippers

The final category comprises individuals who engage in sorcery or devil-worship. This group is considered the most deviant, as their practices not only reject Islamic monotheism but also involve allegiance to demonic forces. Their actions are perceived as deliberate opposition to divine authority, seeking worldly gain through occult means.

After identifying the various theological classifications of non-Muslims, it is also essential to examine their division based on citizenship status. The question of citizenship has long been a matter of debate in Islamic political thought, especially following the emergence of the modern world order in the early twentieth century, when citizenship was no longer defined primarily by religion. Within the framework of Islamic politics, the status of non-Muslims is generally divided into four categories.¹³² Ibnul Qayyim al-Jauziyyah, in his seminal work *Zād al-Ma'ād*, provides a detailed categorization of non-Muslims into four groups: *kāfir ḥarbī*, *kāfir mu'āhad*, *kāfir musta'man*, and *kāfir dhimmī*. Each of these categories reflects a particular legal and political status, shaping both the rights and obligations of non-Muslims vis-a-vis the Islamic state. The details of this classification are as follows:

a. Kāfir Ḥarbī

This group consists of non-Muslims who actively oppose Islam and engage in hostilities against Muslims. The Qur'an explicitly addresses this category in Surah Muhammad (47:4), instructing Muslims to fight against aggressors in the context of armed conflict. Historically, this group represents external enemies who threaten the security of the Muslim community. In terms of legal treatment, they were not afforded protection under Islamic law, as their status was defined by open hostility.

b. Kāfir Mu'āhad

This category refers to non-Muslims who have entered into formal peace agreements with Muslim authorities. The Qur'an, in Surah al-Anfal (8:58), acknowledges the legitimacy of such treaties, emphasizing the principle of honoring agreements unless the treaties are explicitly broken. The

¹³¹ Muhammed Coşkun, "Qur'ānic Mushrikūn Between Monotheism and Idolatry," *Kocatepe İslami İlimler Dergisi* 8, no. 1 (June 2025): 84–95, <https://doi.org/10.52637/kiid.1620105>.

¹³² Mursyid Djawas et al., "The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (2023), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/32127>.

mu'āhad thus enjoyed recognized security and freedom within the framework of their agreements, reflecting Islam's pragmatic approach to international relations and peaceful coexistence.

c. Kāfir Musta'man

The musta'man are non-Muslims who temporarily reside in an Islamic territory under a guarantee of safety granted by the Muslim ruler. Even if their homeland is hostile toward Islam, they are entitled to protection during their stay. This provision is grounded in Qur'anic guidance, particularly Surah al-Tawbah (9:6), which instructs Muslims to grant security to those seeking asylum until they have safely reached their place of refuge. The recognition of musta'man highlights the humanitarian dimension of Islamic law, extending protection beyond permanent residents to temporary sojourners.

d. Kāfir Dhimmī

Perhaps the most important category for the present discussion is that of Kāfir Dhimmī (ahl al-dhimmah). These are non-Muslims who reside permanently in an Islamic state under the protection of the Muslim government, in return for paying the jizyah (a tax symbolizing their covenant of protection). Their rights and obligations are explicitly mentioned in Surah al-Tawbah (9:29), which requires Muslims to engage with them under a framework of contractual responsibility.¹³³

Within these categories, the dhimmī represents the most enduring and institutionally regulated status of non-Muslims in Islamic governance. While ḥarbīs, mu'āhads, and musta'mans are defined by external relations and temporal circumstances, the dhimmī status reflects a long-term framework for coexistence within the fabric of the Muslim community. Consequently, this article focuses specifically on the political and judicial rights of non-Muslims under the dhimmah system, as it provides the most relevant lens for understanding their role and position in historical and contemporary Muslim-majority societies.

Within the framework of the modern nation-state, the classical category of dhimmi is no longer applied. This shift stems from the transformation of legal systems under the nation-state model, in which legal identity is determined by citizenship (muwāṭanah) rather than by religion. Consequently, non-Muslims who are born and recognized as citizens of Saudi Arabia, for instance, are treated legally on the same footing as Muslims. They are no longer subject to the payment of jizyah as prescribed in the classical system but instead possess civil rights and obligations as defined by national law. In this regard, they are not ahl al-dhimmah in the classical jurisprudential sense, but full citizens whose status is guaranteed under the framework of modern constitutions.

¹³³ Jauziyyah Ibnu Qayyim, *Zaadul Ma'ad*, Beirut (1994: Maktabah Al Manar Al Islamiyah, n.d.).

By contrast, non-Muslim expatriates such as the large number of foreign workers in the Gulf, occupy a position that more closely resembles the classical category of *musta'man*, namely non-Muslims residing temporarily in Muslim territories under a security guarantee granted by the authorities. In classical terms, this guarantee took the form of an *'ahd amān* (protection contract), whereas in the modern context it is manifested through work visas or residence permits of limited duration. Such individuals enjoy legal protection during their stay, but their status is contractual rather than that of permanent citizenship. In other words, the concept of *musta'man* finds its contemporary expression in immigration regimes, while the framework of *dhimma* has effectively been superseded by national models of citizenship.

The View of Islamic Scholars on the Rights and Obligations of Non-Muslims in Muslim Countries

Islam is a religion that upholds tolerance and peace, and the verses of Holy Qur'an also uphold the right of every individual to believe and choose a religion.¹³⁴ Islamic law accords respect and dignity to all of humanity, including non-Muslims.¹³⁵ In principle, the rights of *ahl al-dhimma* are largely parallel to those of Muslims, although certain distinctions exist due to differing legal and social conditions. One of the most significant differences lies in the imposition of *jizyah*, a tax levied upon non-Muslims who wish to reside in an Islamic state.¹³⁶

Jizyah refers to a tribute imposed on *Dhimmi* in order to receive protection from Muslims, because *Dhimmi* living in a Muslim country are a vulnerable minority group. This also indicates the meaning of belittlement and diminishment, where at that time, non-Muslims living in Muslim lands were usually the ones who lost in war. *Jizyah* has certain limitations and is not imposed on all non-Muslims. Only men who are of sound mind and of age are obligated to pay *jizyah*. As for women, children, the mentally ill, and the like, they are not subject to the obligation of paying *jizyah*. The responsibility for collecting *jizyah* rested solely with the legitimate Muslim government, thereby ensuring it could not be arbitrarily enforced by individuals.¹³⁷

With respect to rights, Islamic scholars emphasize that *ahl al-dhimma* enjoy most of the same civil protections as Muslims. They are considered part of the population of the Islamic state, enjoying

¹³⁴ Hulaimi Al Amin, "Pandangan Fethullah Gulen Tentang Toleransi Beragama," *Al-Majaalis : Jurnal Dirasat Islamiyah*, 4, no. 1 (2016), <https://ejournal.stdiis.ac.id/index.php/Al-Majalis/article/view/59>.

¹³⁵ Mursyid Djawas et al., "The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia."

¹³⁶ Jauziyyah Ibnu Qayyim, *Ahkam Ahl Dzimmah*, Dammam (1997: Ramady Linnasyr, n.d.).

¹³⁷ Ibnu Qayyim, *Ahkam Ahl Dzimmah*.

what in contemporary terms may be described as political citizenship.¹³⁸ Their safety must be safeguarded by both the government and the broader Muslim community against any form of violence, injustice, or threat, whether internal or external. This protection extends to their lives, property, honor, and places of worship, with explicit guarantees for religious freedom and the right to observe their own holidays.¹³⁹

Nonetheless, Islamic law sets certain boundaries to ensure that public morality and social order remain aligned with Islamic principles. Non-Muslims are permitted to maintain their distinct religious and cultural practices within their private spheres and communities; however, acts deemed unlawful in Islam, such as public consumption of alcohol, public eating of pork, or unrestricted intermingling between men and women, are restricted from being openly displayed in broader society. This distinction highlights the balance sought within the Islamic legal tradition: to allow religious pluralism while maintaining a cohesive moral framework for the larger community.

Critics, particularly from liberal perspectives, often view these restrictions as encroachments on personal freedom and, by extension, as violations of modern human rights standards. Yet within the Islamic worldview, freedom is not defined as the absolute pursuit of individual desire, but as the pursuit of virtue within the limits of divine law (*shari'ah*). In this framework, the rights and obligations of *ahl al-dhimma* are understood not as a form of subjugation but as part of a broader moral and social contract, one that aims to ensure justice, security, and harmony for all inhabitants of the state, regardless of faith.

The Limitations on the Political and Judicial Rights of Non-Muslims and the Reason Behind These Limitations

The question of political and judicial rights for non-Muslims in Islamic societies has long been a subject of jurisprudential debate. One of the central issues concerns the permissibility of non-Muslims assuming leadership positions (*imāmat al-kāfir*). In classical Islamic jurisprudence, the prevailing consensus is that such appointments are impermissible, a stance rooted in both normative and historical reasoning. Normatively, scholars refer to several Qur'anic verses that caution Muslims against appointing non-believers as guardians (*awliyā'*), interpreting these as prohibitions against entrusting

¹³⁸ Ahmad Hifdzil Haq et al., "Nilai-Nilai Pendidikan Toleransi Rasulullah Dengan Non Muslim.," *HIKMAH: Jurnal Pendidikan Islam* 11, no. 2 (n.d.), accessed September 30, 2025, <https://ojs.staituankutambusai.ac.id/index.php/hikmah/article/view/365>.

¹³⁹ Malik Maszlee, *Fiqh Al-Muwatanah (Fiqh of Citizenship): A New and Inclusive Islamic Approach for Multi-Religious Societies* – Penang Institute (n.d.), accessed September 30, 2025, <https://penanginstitute.org/publications/issues/1047-fiqh-al-muwatanah-fiqh-of-citizenship-a-new-and-inclusive-islamic-approach-for-multi-religious-societies/>.

them with ultimate political authority. Historically, this view is reinforced by the precedent of the Prophet Muhammad ﷺ, who, despite living in a multi-religious society in Medina, never appointed non-Muslims as governors or military commanders. This practice was likewise continued by the Rightly Guided Caliphs, from Abu Bakr to the Uthmanic caliphate, none of whom entrusted political or military leadership to non-Muslims.¹⁴⁰

Within the sphere of judicial autonomy, however, a more nuanced picture emerges. Yusuf al-Qaradawi, as cited by Haq (2022), emphasizes that ahl al-dhimmah possess the right to manage their internal affairs through their own judicial systems. Matters such as marriage, family relations, and other personal law issues could be adjudicated within their communities according to their own traditions and religious codes.¹⁴¹ This autonomy reflects an early recognition of pluralism within Islamic governance, granting minorities a measure of self-determination while maintaining the overarching authority of the Islamic state. Such arrangements sought to balance communal harmony with respect for religious diversity, avoiding unnecessary imposition of Islamic legal norms upon those outside the faith.

Rodin (2017) provides a comprehensive summary of scholarly views on the eligibility of non-Muslims for leadership roles, highlighting two distinct perspectives. The first, and by far the dominant view among classical scholars, is that non-Muslims cannot occupy positions of primary leadership. This position was upheld by leading exegetes and jurists such as al-Jassas, al-Alusi, Ibn ‘Arabi, al-Tabari, Ibn Kathir, al-Sabuni, al-Zamakhshari, ‘Ali al-Sayis, al-Tabataba’i, al-Qurtubi, Wahbah al-Zuhayli, al-Shawkani, Sayyid Qutb, al-Mawardi, al-Juwayni, Hasan al-Banna, Hasan Isma‘il Hudaybi, al-Mawdudi, and Taqi al-Din al-Nabhani. Their reasoning rests not only on scriptural prohibitions but also on the concern that political leadership, in Islam, is intrinsically tied to the safeguarding of religious identity and implementation of divine law, responsibilities that they argued could not be entrusted to non-Muslims.

On the other hand, a minority perspective, largely emerging in the modern era, advocates for the possibility of non-Muslims assuming leadership roles in Muslim-majority societies. Thinkers such as Mahmud Muhammad Taha, ‘Abd Allah Ahmad al-Na‘im, Tariq al-Bishry, Muhammad Sa‘id al-‘Ashmawy, Muhammad ‘Abduh, Yusuf al-Qaradawi, and Tariq Ramadan have argued that, under contemporary conditions, there may be grounds to permit non-Muslims to hold political office. Their reasoning often draws upon principles of justice, equality, and the evolving notion of citizenship within

¹⁴⁰ Dede Rodin, “Reinterpretasi Kontroversi Kepemimpinan Non-Muslim dalam Al-Quran,” *MUTAWATIR* 7, no. 1 (June 2017): 24–49, <https://doi.org/10.15642/mutawatir.2017.7.1.24-49>.

¹⁴¹ Ahmad Hifdzil Haq et al., “Nilai-Nilai Pendidikan Toleransi Rasulullah Dengan Non Muslim.”

nation-states, suggesting that leadership should be based on competence and public trust rather than strictly religious affiliation.¹⁴²

Meanwhile, scholars who align with the first group, those who maintain that ahl al-dhimmah cannot assume primary leadership in an Islamic state, consider their stance to be both reasonable and firmly grounded. Their arguments rest on a combination of sociological, ideological, legal, and historical considerations. From a sociological perspective, it is almost universally observed that majorities are reluctant to be governed by minorities. This is not merely a matter of religion but a broader social dynamic that manifests across different nations and cultures. Just as non-Muslims are unlikely to accept Muslim presidents in countries where Muslims constitute a minority, so too would Muslim majorities resist being governed by non-Muslims in an Islamic polity.

A second justification lies in the need to preserve the ideological foundation of the state. Since Islam constitutes both the spiritual and political framework of an Islamic polity, entrusting its leadership to individuals who do not share its foundational commitments would be deemed inconsistent and potentially destabilizing. Leadership, in this sense, is not merely administrative but also custodial, safeguarding the religious ethos that underpins the state. Islam also has many regulations that are not found in other religions, such as rules governing marriage, more complex commercial laws, and inheritance laws that require its followers to distribute wealth in accordance with the provisions set forth by Allah in the Qur'an and the Sunnah.¹⁴³

Legal reasoning further strengthens this view, as the Qur'an explicitly cautions against entrusting non-Muslims with the role of guardians or leaders. Several verses, among them Al-'Imran (3:28), An-Nisa' (4:89, 144), Al-Ma'idah (5:51, 57), At-Tawbah (9:23), and Al-Mumtahanah (60:1), have been interpreted by classical exegetes as prohibitions against elevating non-Muslims to positions of ultimate authority. These texts are often cited to demonstrate the normative basis for exclusion. In addition, historical experiences reinforce these restrictions. Across various regions and eras, Muslims under non-Muslim leadership have at times faced oppression, betrayal, and even massacres. Such experiences created a collective memory that fortified the reluctance of Muslims to entrust political leadership to those outside their faith.

Taken together, these considerations illustrate that the prohibition on non-Muslims assuming primary leadership is not only religiously grounded but also sociopolitically rational. Crucially,

¹⁴² Rodin, "Reinterpretasi Kontroversi Kepemimpinan Non-Muslim Dalam Alquran." *Mutawatir: Jurnal Keilmuan Tafsir Hadith*, 7(1), 24–49. <https://doi.org/10.15642/mutawatir.2017.7.1.24-49>

¹⁴³ Abdullah Zaen, Gufron Nulailan Thawila, and Winning Son Ashari, "Keautentikan Akidah Ahlus Sunnah: Pembuktian Keotentikan Melalui Sejarah Pembukuan Akidah Ahlus Sunnah," *Al-Majaalis* 11, no. 1 (November 2023): 83–108, <https://doi.org/10.37397/amj.v11i1.398>.

however, this restriction does not exclude non-Muslims from participating in governance altogether. Historical precedent reveals that non-Muslims frequently held significant positions within Islamic governments, particularly in administrative and ministerial roles. Al-Mawardi himself acknowledged the permissibility of appointing dhimmis to executive positions. During the Abbasid Caliphate, for instance, several Christians served at high levels of government, including Nasr ibn Harun (369 AH) and Isa bin Nasturus (380 AH).¹⁴⁴ These examples highlight a nuanced balance: while primary leadership was reserved for Muslims, non-Muslims could and did contribute meaningfully to the functioning of the state.

D. CONCLUSION

This study shows that Islam categorizes non-Muslims both theologically—such as Ahl al-Kitāb, Shabi'ah, Majusi, atheists, polytheists, and those practicing sorcery or devil worship—and by citizenship, including Kāfir Ḥarbī, Kāfir Mu'āhad, Kāfir Musta'man, and Kāfir Dhimmī, providing a framework for their rights and obligations within Muslim-majority societies. The rights of ahl al-dhimmah largely parallel those of Muslims, covering protection of life, property, honor, and places of worship, with freedom to practice religion, while jizyah serves as a legal obligation tied to state protection. Restrictions on practices deemed unlawful reflect a balance between individual freedoms and social order. Although classical scholars limit non-Muslims from primary leadership, they may hold administrative and judicial roles, demonstrating pluralism. These distinctions aim to ensure justice, harmony, and protection for all, illustrating that Islamic governance historically balances fairness, security, and the common good.

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