

**ULEMA AND TOLERANCE *FIQH*:
A Critical Examination of the 2024 MUI Fatwa Commission's *Ijtima'* on
the Inter-Religious Relations**

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Abstract: This article examines the construction of tolerance *fiqh* in the 2024 Resolution of the *Ijtima' Nasional VIII* of the Fatwa Commission of the Indonesian Ulema Council (MUI), which includes perspectives on interreligious relations, greetings across faiths, and tolerance in the context of religious festivities. The issuance of these guidelines is closely tied to Indonesia's religious diversity, requiring clear normative guidance and boundaries rooted in Islamic law to promote harmonious interfaith interaction. Therefore, this article looks at the ideas and boundaries of tolerance found in the guidelines by using the principles of *maqāṣid al-sharī'ah* (the higher goals of Islamic law) and *fiqh al-aqalliyāt* (Islamic laws for minorities). It further explores the legal reasoning, normative structure, and socio-religious implications within Indonesia's pluralistic society. This literature-based study uses the 2024 resolution as the primary source, supported by secondary materials, including journals and classical works in *fiqh* and *uṣūl al-fiqh*. This article concludes that the guidelines for tolerance in Islamic law clearly separate beliefs, worship, and social interactions. This distinction allows for mutual respect and interfaith tolerance while upholding boundaries, such as prohibiting interreligious greetings, using



religious symbols from other faiths, and participating in non-Muslim religious celebrations. The resolution thus maintains a firm commitment to *hifz al-dīn* (protection of religion) while providing measured flexibility in social engagement. This article contributes to developing a contextual and balanced Islamic legal methodology for managing religious diversity in Indonesia.

Keywords: Indonesia Ulema Council, Tolerance *Fiqh*, Inter-Religious Relations, 2024 Ulema Ijtima’.

Abstrak: Artikel ini membahas konstruksi fikih toleransi dalam Putusan Ijtima’ Nasional VIII Komisi Fatwa Majelis Ulama Indonesia (MUI) tahun 2024 yang memuat fikih hubungan antar umat beragama, fikih salam lintas agama, dan fikih toleransi dalam perayaan hari raya agama lain. Putusan ini lahir sebagai respons terhadap realitas keberagaman agama di Indonesia, sehingga diperlukan panduan yang jelas dan batasan syariat untuk mendorong terciptanya hubungan antar umat yang harmonis. Untuk itu, artikel ini menganalisis bagaimana konsep dan batasan toleransi dalam Putusan tersebut dalam kerangka *maqāṣid al-sharī‘ah* dan *fiqh al-aqalliyāt* serta mengkaji bagaimana penalaran hukum, struktur normatif, dan implikasi sosial-keagamaan dalam konteks pluralistik Indonesia. Artikel ini merupakan kajian pustaka yang menggunakan Putusan Ijtima’ tersebut sebagai sumber utama yang didukung oleh sumber sekunder lainnya seperti jurnal dan kitab-kitab fikih dan *uṣūl al-fiqh*. Artikel ini menyimpulkan bahwa fikih toleransi dibangun atas pembedaan antara akidah, ibadah, dan muamalah. Dari pembedaan ini lahirlah prinsip toleransi dan saling menghormati, namun tetap menetapkan batas dalam hal salam lintas agama, penggunaan atribut keagamaan, serta partisipasi dalam perayaan agama lain. Dengan demikian, Pedoman ini menyeimbangkan perlindungan agama (*hifz al-dīn*) secara ketat sambil memberi ruang fleksibilitas dalam interaksi sosial. Artikel ini berkontribusi pada pengembangan *fiqh* toleransi yang menyeimbangkan identitas keagamaan dan harmoni sosial, dengan kontribusi teoritis bagi metodologi hukum Islam kontemporer dan implikasi praktis bagi pengelolaan keberagaman di Indonesia.

Kata Kunci: Majelis Ulama Indonesia, Fikih Toleransi, Hubungan Antar Umat Beragama, Ijtima’ Ulama 2024.

Introduction

Indonesia is known as a country with religious diversity that is constitutionally recognized, with six official religions and various belief systems.¹ This diversity necessitates responses from religious leaders about how followers of each religion can interact with one another to ensure interreligious harmony. The Indonesian Ulema Council (MUI) issued Decision No. 02/Ijtima' Ulama/VIII/2024 regarding Guidelines for Inter-Religious Relations during the National Fatwa Commission's Ijtima' VIII in May 2024. The decision establishes normative boundaries for Muslims in interacting with adherents of other religions, including provisions on greeting exchanges, holiday celebrations, and permissible forms of tolerance. This article aims to analyze the construction of tolerance *fiqh* in this contemporary Islamic legal product to understand its normative position and impact on interreligious relations in Indonesia.

To date, there has been no comprehensive study of these MUI Guidelines that emphasizes analysis from both *maqāṣid al-sharī'ah* and *fiqh al-aqalilyyāt* perspectives. Syahnan and Ja'far explored religious moderation through the Al Jam'iyatul Washliyah Fatwa Council, showing the dynamics of religious authority in responding to contemporary issues in Indonesia.² Wahyono revealed various issues and challenges of religious tolerance in Southeast Asia influenced by local and transnational socio-political contexts.³ Barzenji demonstrated that the diversity of *fiqh* within the framework of tolerance becomes an important pillar for Indonesia's integrity.⁴ Meanwhile, Sodikin and Umroh conducted a study on culturally-based inter-religious *fiqh* in the Kaloran community in Central Java, Indonesia, showing variants

¹ Simon Butt, "Constitutional Recognition of 'Beliefs' in Indonesia," *Journal of Law and Religion* 35, no. 3 (2020): 450–73; Ismatu Ropi, *Religion and Regulation in Indonesia* (Singapore: Springer, 2017).

² Mhd Syahnan and Ja'far Ja'far, "Examining Religious Moderation of the Al Jam'iyatul Washliyah Fatwa Council," *Journal of Indonesian Islam* 15, no. 1 (2021): 21–46.

³ Zubaidi Wahyono, Alizaman D Gamon, and Maulana Akbar Shah, "Religious Tolerance in Southeast Asia: Issues and Challenges," *Al-Itqan: Journal of Islamic Sciences and Comparative Studies* 9, no. 2 (2024): 24–53.

⁴ Zaid Barzenji et al., "Fiqh of Diversity in the Frame of Tolerance as a Pillar of Indonesian Integrity," *Amorti: Jurnal Studi Islam Interdisipliner*, 2024, 38–50.

of *fiqh* interpretation influenced by the cultural context of society.⁵ Nasution examined the considerations behind the prohibition of cross-religious greetings in MUI fatwas and their implications for inter-religious relations. At the same time, Kaunda et al. analyzed religious moderation in Indonesian Ulema Council (MUI) fatwas, particularly related to the fatwa on inter-religious greetings. However, both studies neglected aspects of *maqāṣid al-sharī'ah* and *fiqh al-'aqqalliyyāt* analysis.⁶ Encep Taufik Rahman et al. examined the impact of MUI fatwa intolerance regarding the prohibition of inter-religious greeting exchanges on Islamic family law and social harmony from the perspective of *maqāṣid al-sharī'ah*. They concluded that the fatwa could potentially create tensions in interfaith families and disrupt social harmony.⁷ However, this research did not sufficiently consider the broader socio-political context behind the issuance of the fatwa, including the dynamics of identity politics in Indonesia, and ignored the construction of *fiqh al-'aqqalliyyāt*.

This article analyzes the construction of tolerance *fiqh* in the 2024 Ulema Ijtima' Decision on Guidelines for Inter-Religious Relations as a contemporary Islamic legal product in Indonesia. This article aims to identify the knowledge and methods used by MUI to create tolerance *fiqh*, while also examining the reasons behind the rules in the decision, especially about greeting people from other religions, celebrating holidays, and acceptable ways to show tolerance. This article also explores the sociological and political implications of this tolerance *fiqh* construction for patterns of interaction between religious communities in Indonesia. This analysis places the 2024 Ulema Ijtima' decision in contemporary Indonesian socio-political

⁵ Ali Sodiqin and Roehana Rofaidatun Umroh, "Towards an Interreligious Fiqh: A Study of the Culture-Based Religious Tolerance in the Kaloran Community, Central Java, Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 61, no. 1 (2023): 159–80.

⁶ Ryan Bianda Kaunda, Muhammad Yosef Niteh, and Maad Ahmad, "Religious Moderation in the Indonesian Ulama Council (MUI) Fatwa: Analysis of Fatwa Fikih on Interfaith Greetings," *Al-Qanatir: International Journal of Islamic Studies* 34, no. 1 (2025): 82–92; Faiz Albar Nasution et al., "Considerations on the Prohibition of Interfaith Greetings in Indonesia: Between Religion and Harmony," *Pharos Journal of Theology* 106, no. 1 (2025): 1–13.

⁷ Encep Taufik Rahman et al., "Intolerance in the Fatwa on the Prohibition of Interfaith Greetings: Its Impact on Islamic Family Law and Social Harmony," *Hikmatuna: Journal for Integrative Islamic Studies* 10, no. 2 (2024): 187–96.

dynamics to understand its relevance and significance for religious tolerance discourse.

This article argues that the construction of tolerance *fiqh* in the 2024 Ulema Ijtima' Decision on Guidelines for Inter-Religious Relations demonstrates a dialectic between the preservation of religious identity and accommodation to the reality of plurality in Indonesia by adopting a *waṣaṭiyyah* approach that combines firmness in matters of faith and worship with flexibility in aspects of inter-religious social interactions. To prove this argument, this article begins with a discussion of the construction of tolerance *fiqh* in the Decitation of the 2024 Ijtima' Ulama. Furthermore, this article analyzes the Guidelines based on the theory of *maqāṣid al-sharī'ah* and *fiqh al-aqalliyāt*. Furthermore, this article reviews the dialectic of identity and social interaction in the Guidelines. Finally, before concluding, this article explains how to apply the Guidelines in the Indonesian context.

Research Method

This study employs a qualitative approach with content analysis as the primary method, aiming to investigate the construction of tolerance *fiqh* in the 2024 Ulema Ijtima' Decision on Guidelines for Inter-Religious Relations. The analysis is grounded in two theoretical frameworks: *maqāṣid al-sharī'ah* and *fiqh al-aqalliyāt*. The fatwa actively operationalizes these conceptual frameworks to interpret its textual content, legal reasoning, and socio-normative implications.

The *maqāṣid al-sharī'ah* framework is employed to systematically identify the underlying values of public interest (*maṣlaḥah*) prioritized in the formulation of the guidelines. This process involves looking at how the decision helps protect religion (*ḥifẓ al-dīn*) at the essential level while also considering secondary needs (*ḥājīyyāt*) that can be met with some flexibility, like allowing limited social interaction. The use of *maqāṣid* is broken down into three steps: (1) finding clear and hidden reasons based on *maqāṣid* in the decision text; (2) organizing these reasons according to the levels of needs (essentials, important but not critical, and enhancements); and (3) checking how well the methods of preventing harm or applying rules to today's situation are used.

Simultaneously, the *fiqh al-aqalliyāt* framework is utilized to assess the degree of legal adaptability and flexibility within the guidelines in

response to Indonesia's pluralistic religious landscape. This framework is particularly relevant given the minority–majority dynamics and the necessity for Muslims to maintain their religious identity while engaging in social cohesion. The study operationalizes *fiqh al-aqalliyāt* by analyzing legal provisions that allow for pragmatic considerations - such as the concept of *hājah shar‘iyyah* (legitimate need) and the permissibility of limited participation in interfaith social practices - without compromising core Islamic beliefs.

The choice of these two frameworks is justified by their combined capacity to bridge textual rigidity and social reality. While *maqāṣid al-sharī‘ah* addresses the normative and ethical objectives of Islamic law, *fiqh al-aqalliyāt* contributes a context-sensitive jurisprudence particularly suited to minority or plural contexts. Other frameworks such as *fiqh al-ta‘āyush* (jurisprudence of coexistence), *ijtihād maqāṣidī*, or legal pluralism, though relevant, were not adopted as primary analytical tools. *Fiqh al-ta‘āyush*, for example, focuses on coexistence but lacks the normative-legal structure embedded in the *maqāṣid* and *aqalliyāt* discourses. *Ijtihād maqāṣidī* is subsumed within the broader *maqāṣid* framework used here, while legal pluralism, although valuable in sociological analysis, does not provide sufficient normative jurisprudential criteria for Islamic legal analysis.

Data were collected from the primary text of the National Fatwa Commission’s Ijtima’ VIII Decision No. 02/Ijtima’ Ulama/VIII/2024 issued in Bangka on May 31, 2024. The analysis proceeds in four stages: (1) coding of *naqliyyah* (scriptural) and *‘aqliyyah* (rational) evidences cited in the decision, including verses of the Qur’an, hadith, legal maxims (*qawā‘id fiqhiyyah*), and scholarly opinions; (2) mapping of legal reasoning and argumentation structure; (3) socio-historical contextualization of the decision-making process; and (4) evaluation of normative and sociological implications.

Additionally, secondary data were collected from peer-reviewed literature on tolerance *fiqh*, contemporary Islamic legal theory, and inter-religious relations in Indonesia (2014–2024), sourced from international journal databases. An Islamic legal hermeneutic approach guides the interpretation process, encompassing three dimensions: (1) linguistic-textual, focusing on legal language and terminologies used in the fatwa; (2) contextual-historical, examining Indonesia’s socio-political realities influencing the fatwa; and (3) teleological-philosophical, analyzing the legal

objectives (*maqāṣid*) behind the provisions. Analytical validity is reinforced through source triangulation by comparing the 2024 Ijtima' Decision with earlier fatwas - such as those on religious Pluralism, Liberalism, and Secularism (2005)⁸ and the Law on Using Non-Muslim Religious Attributes (2016)⁹ - and relevant classical and contemporary *fiqh* literature.

Construction of Tolerance *Fiqh* in the 2024 Ulema Ijtima' Decision

The 2024 Ulema Ijtima' Decision on Guidelines for Inter-Religious Relations contains four main components that form the framework of tolerance *fiqh*: general principles, *fiqh* of cross-religious greetings, *fiqh* of tolerance in holiday celebrations, and recommendations and legal bases. The general principles affirm respect for religious freedom with the principle of tolerance (*al-tasāmuh*) according to Qur'anic guidance, "to you your religion and to me my religion" (QS. al-Kāfirūn: 6) without mixing religious teachings (syncretism), while emphasizing cooperation (*al-ta'āwun*) in the social domain. The *fiqh* of cross-religious greetings formulates normative boundaries by prohibiting the utterance of greetings with the dimension of prayers specific to other religions and using combined greetings from various religions under the pretext of tolerance. The third component, the *fiqh* of tolerance in holiday celebrations, establishes justified forms of tolerance in the form of granting freedom for adherents of other religions to perform their holiday worship according to their beliefs without hindrance, but firmly limiting tolerance to actions of expressing congratulations, using attributes, or imposing

⁸ Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia No. 7/MUNAS VII/MUI/11/2005 Tentang Pluralisme, Liberalisme Dan Sekularisme Agama," n.d., <https://mui.or.id/baca/fatwa/pluralisme-liberalisme-dan-sekularisme-agama>. Regarding the debate and controversy over this fatwa, see Mun'im Sirry, "Fatwas and Their Controversy: The Case of the Council of Indonesian Ulama (MUI)," *Journal of Southeast Asian Studies* 44, no. 1 (January 15, 2013): 100–117; Syafiq Hasyim, "Majelis Ulama Indonesia and Pluralism in Indonesia," *Philosophy & Social Criticism* 41, no. 4–5 (2015): 487–95; Piers Gillespie, "Current Issues in Indonesian Islam: Analysing the 2005 Council of Indonesian Ulama Fatwa No. 7 Opposing Pluralism, Liberalism and Secularism," *Journal of Islamic Studies* 18, no. 2 (January 15, 2007): 202–40.

⁹ Majelis Ulama Indonesia, "Majelis Ulama Indonesia No. 56/2016 Tentang Hukum Menggunakan Atribut Keagamaan Non-Muslim," n.d., <https://mui.or.id/public/storage/fatwa/c44e8717556c6478629c4b3e5f80ceb5-lampiran.pdf>.

celebrations of other religions. The structure of the guidelines concludes with concrete recommendations for Muslims, religious leaders, and adherents of other religions to implement these guidelines in community, national, and state life.¹⁰

The legal basis used in these guidelines includes 18 Qur'anic verses, 13 *hadīths*, companions' *āthār*, jurisprudential principles, and opinions from 10 classical and contemporary scholars that form the authoritative foundation for the construction of tolerance *fiqh*.

Table 01. Legal Basis for Tolerance Fiqh

Source Type	Quantity	Description
Qur'anic Verses	18 verses	Primary textual evidence from the Qur'an that forms the foundation for tolerance concepts in Islamic jurisprudence
<i>Hadīths</i>	13 hadiths	The Traditions and sayings of the Prophet Muhammad that guide tolerance and interfaith relations
Companions' <i>āthār</i>	Various	Sayings, actions, and practices of the Prophet's companions that demonstrate tolerance principles
Jurisprudential Principles	Various	Established legal maxims and principles in Islamic law that support tolerance concepts
Scholar Opinions	10 scholars	Views and interpretations from classical and contemporary Islamic scholars that contribute to tolerance <i>fiqh</i>

The Qur'anic verses used as a foundation cover various themes such as the principle of no compulsion in religion (QS. al-Baqarah: 256), the prohibition of mixing truth with falsehood (QS. al-Baqarah: 42), and the principle that each person follows religion according to their belief (QS. al-Kāfirūn: 6). The hadiths quoted include directives on how to respond to greetings from non-Muslims, commands not to resemble other groups and ethics of interaction with non-Muslims in socio-economic aspects. The jurisprudential principle used includes *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ* (preventing harm must take precedence over obtaining benefit), which becomes the main consideration in establishing tolerance boundaries.¹¹

¹⁰ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 28-28.

¹¹ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 30-38.

This diversity of sources and arguments shows a comprehensive effort to build a solid construction of tolerance *fiqh* by summarizing various normative dimensions related to inter-religious relations in the Islamic legal tradition.

Based on these foundations, the distinction between the domains of faith-worship and social transactions becomes the main conceptual framework underlying the construction of tolerance *fiqh* in the 2024 Ulema Ijtima' Decision. In the domain of faith-worship, these guidelines establish firm boundaries that do not allow for mixing or compromise, as seen in the provision that the utterance of the greeting - *al-salām 'alaykum wa rahmatu Allāhi wa barakātuh* - constitutes a prayer of a devotional nature that must follow sharia provisions and cannot be mixed with greetings from other religions. This boundary is built based on the concept of *al-barā'* (differentiation) in faith, which is affirmed using QS. al-Kāfirūn is the main evidence in the verse "To you your religion and to me my religion," which draws a line of demarcation regarding belief and worship rituals. This domain distinction is also strengthened by hadith on the prohibition of *tashabbuh* (resembling) of non-Muslims in ritual-religious aspects, such as the hadith narrated by Abū Dāwud from Ibn 'Umar: "Whoever resembles a people is part of them"¹² which is explicitly used as a normative foundation.¹³

Meanwhile, in social transactions, the construction of tolerance *fiqh* provides a broader space for social interaction between religious communities with the principle of *al-ta'āwun* (cooperation) in these guidelines. In this domain, the guidelines affirm that "religious differences do not become an obstacle to continue establishing cooperation in community, national and state life in a harmonious, peaceful, and amicable manner," reflecting the *tawassuṭ* (moderation) approach in social interaction. Emphasis on this *mu'āmalah* (social) dimension is evidenced through the citation of hadiths about the Prophet's economic interactions with non-Muslims, such as the hadith narrated by Imam al-Bukhārī from 'Abd al-Raḥmān Ibn Abī Bakr about the Prophet buying a goat from a polytheist and the hadith narrated by 'Ā'ishah about the Prophet and Abū Bakr who hired the services of a guide from Banī al-Dayl who was still of the Quraysh religion. This balance between firmness in faith-worship and flexibility in

¹² Abū Dāwud, *Sunan Abī Dāwud*, ed. Shu'ayb Al-Arnā'ūṭ (Beirut: Dār al-Risālah al-'Ālamiyyah, 2009), vol. VI: 144.

¹³ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 28.

social transactions reflects the *wasatiyyah* (moderation) approach that characterizes Indonesian Islamic law that seeks to accommodate the reality of pluralism without sacrificing fundamental religious principles.¹⁴

With the foundation of this domain distinction, the construction of tolerance boundaries in the 2024 Ulema Ijtima' Decision is clearly visible in specific provisions regarding greetings and participation in celebrations of other religions' holidays. Regarding greetings, the guidelines establish strict prohibitions against three forms of behaviour: uttering greetings that have the dimension of prayers specific to other religions, including greetings of various religions, and mixing Islamic greetings with greetings from other religions. For holiday celebrations, the boundaries include three actions considered "not part of justified religious tolerance," namely congratulating on holidays of other religions, using attributes of other religions' holidays, and imposing the expression or performance of celebrations of other religions. This limitation is built through the argument of *sadd al-dharā'i'* (blocking harmful means) by stating that such actions "constitute acts of mixing religious teachings that potentially degrade and insult religion", which shows a cautious (*iḥtiyāt*) approach in maintaining the boundaries of religious identity. The emphasis on tolerance boundaries places the protection of faith as a top priority in the construction of tolerance *fiqh* by referring to the opinion of Imām al-Māwardī in *al-Ḥāwī al-Kabīr*, which affirms the different ways of treating fellow Muslims and non-Muslims in the context of greeting exchanges.¹⁵

Nevertheless, despite establishing firm boundaries, the construction of tolerance *fiqh* in the decision still provides space for flexibility through several key concepts. First, there is recognition of the concept of *ḥājah shariah* (need to be justified by *shariah*) in the recommendation stating that "Islamic leaders should set examples of greeting utterances by following these guidelines, except when there is *ḥājah shariah* with consideration of greater benefit" which opens discretionary space in special situations. Second, flexibility is also present in the form of permitted alternative communications, such as the provision that "in forums consisting of Muslims and adherents of other religions, Muslims are allowed to utter greetings with

¹⁴ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 28-29.

¹⁵ Al-Māwardī, *Al-Ḥāwī Al-Kabīr* (Beirut: Dār al-Kutūb al-'Ilmiyyah, 1999), XIV: 147; Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 28-29.

Assalamu'alaikum and/or national greetings or other greetings that do not mix with greeting prayers of other religions, such as 'good morning' which provides pragmatic options in diverse social contexts.¹⁶ The concept of *fath al-dharā'i'* (opening beneficial paths) is implicitly applied through an emphasis on cooperation in social transactions, which states that "in terms of *muamalah* (social dimension), cooperating (*al-ta'āwun*) in community, national, and state life in a harmonious, peaceful, and amicable manner" is an encouraged form of tolerance.¹⁷

In addition to flexibility, the textual argumentation used in the 2024 Ulema Ijtima' Decision displays selectivity in using Qur'anic verses and hadiths that emphasize the differentiation of religious identity. The Qur'anic verses used as a foundation are dominated by themes of differentiation and firmness of identity, such as QS. al-Kāfirūn about the distinction of worship, QS. al-Baqarah verse 104 about the prohibition of resembling disbelievers and QS. al-Baqarah verse 120 about warnings not to follow the desires of the Jews and Christians. The selection of hadiths also shows a similar tendency with the dominance of narrations about the prohibition of *tashabbuh* (resembling non-Muslims), such as the hadith narrated by Ibn 'Umar "Whoever resembles a people is part of them" and the hadith narrated by 'Amr Ibn Shu'ayb about the prohibition of resembling Jews and Christians in the way of giving greetings. The emphasis on aspects of identity differentiation is strengthened by the selection of hadiths about the procedures for answering greetings from non-Muslims that emphasize boundaries, such as the hadith narrated by Anas: "When the People of the Book greet you, then say, *'Wa 'alaykum* (And upon you)." This textual selection leads to a *muḥāfaẓah* (conservative) approach to maintaining the boundaries of religious identity.¹⁸

Complementing the aspect of textual argumentation, these guidelines also use the *maṣlaḥah-maḥsadah* (benefit-harm) approach and consideration of *maqāṣid al-sharī'ah* (objectives of *shariah*) to provide logical justification for the established provisions. The most prominent jurisprudential principle used is *dar' al-maḥāsīd muqaddam 'alā jalb al-maṣāliḥ* (preventing harm must take precedence over obtaining benefit), which becomes the reasoning framework for limiting tolerance. This approach is strengthened by the principle of *al-*

¹⁶ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 29-30.

¹⁷ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 29-30.

¹⁸ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 30-36.

darar yudfa' u bi-qadri al-imbkân (harm must be prevented as much as possible), which emphasizes the preventive aspect of maintaining faith and purity. Rational argumentation is also built through the application of the *ta'lîl al-aḥkām* aspect (searching for legal reasons), such as in the provision prohibiting congratulating on holidays of other religions with the reason that it “potentially degrades and insults religion”, which reflects consideration of the socio-theological impact of such actions. The balance between firm textual argumentation and contextual rationality makes the construction of tolerance *fiqh* in this decision have a solid epistemological foundation in the tradition of Islamic legal thought, albeit with a tendency to prioritize a cautious approach to maintaining religious identity.¹⁹

Analysis of the Guidelines from the Perspective of *Maqāṣid al-Sharī'ah*

Maqāṣid al-sharī'ah refers to the objectives and secrets of *shariah* established by God (*al-Shāri'*) in each of His laws, all of which led to the benefit of human life in this world and the hereafter.²⁰ Within this framework, the intended benefit is manifested in five fundamental principles known as *al-darūriyyāt al-khams*, namely the protection of religion (*dīn*), life (*nafs*), lineage (*nasl*), property (*māl*), and intellect (*'aql*)—as also affirmed in *al-Muwāfaqāt*.²¹ This

¹⁹ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 28-49.

²⁰ Muḥammad al-Tāhir ibn 'Āshūr, *Maqāṣid Al-Sharī'ah Al-Islāmiyyah*, ed. Muḥammad al-Ḥabīb Ibn Al-Khūjah (Doha: Wizārah al-Awqāf wa al-Shu'ūn al-Islāmiyyah, 2004), 165; 'Allāl al-Fāsī, *Maqāṣid Al-Sharī'ah Al-Islāmiyyah Wa Makārimuhā* (Beirut: Dār al-Gharb al-Islāmī, 1993), 7; Wahbah al-Zuhaylī, *Uṣūl Al-Fiqh Al-Islāmī* (Damascus: Dār al Fikr, 2011), II: 308.

²¹ Al-Shāṭibī, *Al-Muwāfaqāt Fī Uṣūl Al-Sharī'ah*, ed. 'Abd Allāh al-Darrāz (Beirut: Dār al-Kutub al-'Ilmiyyah, 2005), II: 8. For more application of al-Shāṭibī's *maqāṣid*, see Rahmi Hidayati Al Idrusiah et al., “Faskh Law Reformulation in Malaysia: A Critical Examination of Terengganu Sharia Court Case,” *Journal of Islamic Thought and Civilization* 14, no. 2 (2024): 303–20; Ardian Kurniawan, Syarif Bin Muhammadromli Samae and Hamida Arbi, “From Judicial Discretion to Maqasid Al-Shari'ah Reasoning: The Case of Marriage Dispensation at the Muara Bulian Religious Court, Indonesia,” *Islamic Law and Social Issues in Society* 1, no. 2 (2025): 63–83; Alhusni, Siti Adibah Binti Mohmad Jeofrey & M. Zaki, “Law and Customary Law in the Prohibition of Sogit Marriage in Sabah, Malaysia,” *Islamic Law and Social Issues in Society* 1, no. 1 (2025): 85–96; Tasnim Rahman Fitra, Noratinah Binti Yusof and M. Radiamoda Anwar, “Sanctions and Legal Compliance in Marriage Registration: A

approach offers a comprehensive analytical framework for understanding the construction of tolerance *fiqh* in the 2024 Ulema Ijtima' Decision. From this perspective, the guidelines for inter-religious relations demonstrate the prioritization of protecting religion (*hifẓ al-dīn*) as a fundamental objective that underlies various normative provisions.

The aspect of *hifẓ al-dīn* becomes the primary consideration in the construction of tolerance *fiqh*, as seen in the firmness of distinguishing between the domains of faith-worship and social transactions that place the purity of faith as a boundary that must not be crossed. This protection of religious identity is manifested through prohibitions against actions that potentially mix religious teachings, such as uttering greetings that have the dimension of prayers specific to other religions or participating in celebrations of other religions' holidays. This approach aligns with the interpretation of *hifẓ al-dīn* that emphasizes maintaining the purity of faith as a form of existential protection of religion at the individual level. The principle of "to you your religion and to me my religion" quoted in the guidelines becomes a theological basis that affirms the differentiation of religious identity as a prerequisite for healthy interaction in the context of religious plurality.²²

Beyond the defensive aspect, these guidelines' interpretation of *hifẓ al-dīn* also includes a constructive side that allows for positive interaction amid existing differences. The affirmation clearly shows that tolerance (*al-tasāmuh*) is a recognized value and cooperation (*al-ta'āwun*) in social transactions is highly encouraged. These guidelines take a realistic approach to religious diversity by acknowledging that differences in belief are inevitable while establishing clear boundaries to balance openness and identity protection. In this context, *hifẓ al-dīn* is not positioned as a concept that ignores the reality of pluralism, but as a regulatory framework that allows coexistence between religious communities while maintaining fundamental theological principles. Reference to the Prophet's hadith about Islam as "*al-ḥanīfiyyah al-samḥah*" (the straight and tolerant religion) in these

Comparative Implementation of Islamic Family Law in Indonesia and Malaysia," *Islamic Law and Social Issues in Society* 1, no. 1 (2025): 47–61; Edi Kurniawan et al., "Recent Studies on the Maqāṣid Al-Sharī'ah of Abū Ishāq Al-Shāṭibī: A Systematic Literature Review," *AJIS* 10, no. 1 (2025): 1–26.

²² Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 28.

guidelines strengthens the idea that firmness in maintaining faith does not contradict a tolerant attitude in social-community contexts.²³

Turning to the dimension of *maqāṣid* priorities, the construction of tolerance *fiqh* in the 2024 Ulema Ijtima' Decision shows a balance between the levels of *darūriyyāt* (primary needs), *ḥājiyyāt* (secondary needs), and *taḥsīniyyāt* (tertiary needs).²⁴ At the *darūriyyāt* level, the protection of faith becomes the top priority that cannot be compromised, as reflected in the firmness of prohibitions against actions that potentially mix religious teachings. The preventive approach (*sadd al-dharā'i'*) applied in the prohibition against congratulating on holidays of other religions or using religious attributes of others shows the prioritization of *darūriyyāt* by placing the preservation of faith purity above considerations of social interaction. The use of the principle of *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ* becomes a methodological foundation that confirms the position of *darūriyyāt* as the dominant consideration in forming tolerance boundaries. This approach indicates that, in the view of this fatwa, threats to the purity of faith are viewed as *mafsadah* (harm) that must be prevented even at the expense of some *maṣlaḥah* (benefit) in the form of ease of social interaction.²⁵

Nevertheless, the construction of tolerance *fiqh* in these guidelines is not rigid because it still accommodates the *ḥājiyyāt* dimension through the concept of *ḥājah shar'īyyah*, which provides flexibility in applying normative rules in special situations. Recognition of the possibility of exceptions for Islamic leaders in greeting utterances "with consideration of greater benefit" reflects sensitivity to practical needs in certain contexts. This accommodation of *ḥājiyyāt* does not mean ignoring principles of faith but rather is a proportional response to the demands of complex social realities. This approach affirms that the construction of tolerance *fiqh* is not rigid and dogmatic, but considers social-community dynamics while maintaining fundamental principles. Flexibility in the domain of social transactions that allows various forms of cooperation with adherents of other religions shows

²³ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 30.

²⁴ Edi Kurniawan et al, "Early Marriage, Human Rights, and the Living Fiqh: A Maqasid Al-Shari'a Review," *Al-Risalah* 20, no. 1 (2020): 1–15; Edi Kurniawan, "Distorsi Terhadap Maqasid Al-Syari'ah Al-Syatibi Di Indonesia," *Al-Risalah* 18, no. 2 (2018): 189–90.

²⁵ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 36.

that these guidelines do not take an isolation approach but accommodate the need for social interaction as part of the *ḥājiyyāt* dimension.²⁶

Meanwhile, the *taḥsīniyyāt* aspect in the construction of tolerance *fiqh* can be seen in provisions that allow the use of alternative greetings in mixed forum contexts, such as national greetings or expressions like “good morning.” This choice reflects consideration of politeness and smooth communication between religious communities that fall into the *taḥsīniyyāt* category. Although not explicitly explained in the guidelines, this *taḥsīniyyāt* dimension becomes a complement that enables harmonious social interaction without sacrificing principles of faith. The alignment between these three levels of *maqāṣid* demonstrates a comprehensive approach to the construction of tolerance *fiqh* that seeks to accommodate various dimensions of Muslim needs in religious diversity.²⁷

Furthermore, the *sadd al-dharā’i’* approach (blocking harmful means) becomes the main methodology used in limiting tolerance, especially regarding greetings and celebrations of other religions' holidays. This preventive approach is based on the assessment that certain actions, although not directly contrary to faith, potentially lead to mixing teachings considered *mafsadah* (harm). This risk identification underlies the prohibition against congratulating holidays of other religions, which is assessed as “an act of mixing religious teachings that potentially degrades and insults religion.” From a *maqāṣid* perspective, this preventive approach shows an effort to maintain *ḥifẓ al-dīn* at the *darūriyyāt* level through early prevention of actions that potentially endanger the purity of faith. Although effective for protecting religious identity, the application of *sadd al-dharā’i’* which tends to be strict raises questions about its balance with social benefit, especially in the pluralistic Indonesian context where interaction between religious communities is a daily inevitability.²⁸

Analysis of the Guidelines from the Perspective of *Fiqh Al-Aqalliyāt*

Besides *maqāṣid al-sharī’ah*, the 2024 Ulema Ijtima’ Decision on Guidelines for Inter-Religious Relations can be examined through the lens of *fiqh al-aqalliyāt*

²⁶ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 29.

²⁷ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 29.

²⁸ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 29.

(minority *fiqh*) to see how *fiqh* principles are adapted in the context of a pluralistic society.²⁹ Although the concept of *fiqh al-aqalliyyāt* was initially developed for minority Muslim communities in Western countries,³⁰ its analytical framework is relevant to the Indonesian context where Muslims are a majority living alongside various other religious communities.³¹

In these guidelines, there is a visible effort to adapt classical *fiqh* principles into the modern context by maintaining fundamental principles while providing space for plural social-community realities. This is reflected in the clear distinction between faith-worship domains that cannot be compromised and the more flexible domain of social transactions. This distinction results from dialogue between authoritative texts and contemporary social contexts, as shown using classical evidence such as QS. al-Kāfirūn and hadiths about the Prophet's social interactions with non-Muslims to construct guidelines relevant to current conditions.³²

This adaptation also balances the universality of *Shariah* principles and the particularity of the Indonesian context. On one hand, the guidelines affirm universal values such as preserving the purity of faith and prohibiting *tashabbuh* (resembling) in religious rituals. On the other hand, the guidelines

²⁹ Muhammad Abdul Aziz, "The Art of Moderation in Islamic Semantic Legal Theory: The Case of Yūsuf Al-Qaraḍāwī's *Fiqh Al-Aqalliyyāt*," *International Journal Ihya'Ulum Al-Din* 26, no. 1 (2024): 156–72; Haidar Masyhur Fadhil, "Reshaping Minority Fiqh: The Ideas of 'Abd Allah Ibn Bayyah," *Australian Journal of Islamic Studies* 9, no. 2 (2024): 37–65.

³⁰ Said Fares Hassan, "Fiqh Al-Aqalliyyāt and Muslim Minorities in the West," in *Routledge Handbook of Islamic Law* (New York: Routledge, 2019), 313–23; Matthew Reifsnider, "Muslim Minorities and Minority Fiqh," in *Handbook of Contemporary Islam and Muslim Lives* (Netherlands: Springer, 2021), 125–46; Sümeyra Yakar and Emine Enise Yakar, "The Approach of the Fiqh Council of North America towards Identity Problems of Contemporary Muslim Minorities," *Method & Theory in the Study of Religion* 34, no. 1–2 (2021): 44–63; Dina Taha, "Muslim Minorities in the West: Between Fiqh of Minorities and Integration," *Electronic Journal of Islamic & Middle Eastern Law* 1 (2013): 1–36.

³¹ Moh Wahib, "Implementation of the Minority Fiqh Concept for the Papuan Muslim Community," *De Jure: Jurnal Hukum Dan Syaria'h* 13, no. 1 (2021): 97–112; Edi Gunawan et al., "Interfaith Marriage of North Sulawesi Multicultural Community in Minority Fiqh Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (2024): 384–412.

³² Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 28–29.

accommodate the particularity of the Indonesian context by recognizing the reality of religious pluralism and the need to live harmoniously side by side. The use of the principle of *dar' al-mafāsīd muqaddam 'alā jab al-maṣāliḥ* that is applied contextually shows a methodological adaptation of classical *fiqh* to answer contemporary challenges. This balance reflects an approach that does not merely transplant classical *fiqh* intact but performs contextualization by considering social-political realities and religious dynamics in Indonesia. Nevertheless, this adaptation still tends to be conservative by giving greater weight to protecting religious identity than accommodating pluralism.³³

In line with the *fiqh al-aqalliyyāt* approach, these guidelines provide limited flexibility space in social-community interactions between religious communities. This flexibility is particularly visible in provisions that allow cooperation (*al-ta'āwun*) in social transactions and alternative communications, such as national greetings or expressions like "good morning" in mixed forums. The flexibility space is also present in the form of exceptions for situations that meet the criteria of *ḥājah shar'iyyah* with consideration of greater benefit. This reflects an awareness that interaction between religious communities in the Indonesian context requires adjustment to rigid normative provisions. Especially in contexts where Muslims interact intensively with adherents of other religions in various public spaces, such as education, economy, and politics, this flexibility becomes important to ensure the active participation of Muslims in community, national, and state life.³⁴

However, the flexibility provided is still limited by fundamental principles that cannot be compromised. This boundary is most clearly seen in the strict prohibition against actions that mix religious teachings, such as congratulating other religions' holidays or using others' religious attributes. This approach reflects the characteristic of *fiqh al-aqalliyyāt* that emphasizes guarding religious identity as a top priority, albeit with contextual consideration. In the Indonesian context, where interaction between religious communities is part of daily life, this flexible boundary poses practical challenges, especially in situations where social norms expect participation in religious celebrations as a form of togetherness. The decision to place strict

³³ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 36.

³⁴ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 29.

boundaries reflects the assessment that risks to the purity of faith are viewed as greater than the social benefits of participation in other religious rituals.³⁵

A crucial aspect of these guidelines is balancing affirming religious identity and maintaining social harmony. Identity affirmation becomes the main focus in provisions concerning faith and worship, while social harmony is pursued through provisions in the domain of social transactions. This balance reflects the *fiqh al-aqalliyāt* approach that recognizes that religious identity and social participation are not two things that must be absolutely opposed. The guidelines take a moderate position that allows Muslims to affirm their religious identity while actively participating in social life. This position aligns with the principle of *wasatīyyah* (moderation) that characterizes Indonesian Islam, which seeks to bridge obedience to religious principles and involvement in plural social life.³⁶

The practical implication of this approach for social dynamics in Indonesia is the formation of interaction patterns between religious communities based on clear domain distinction. On one hand, Muslims are expected to maintain distance in aspects of religious rituals to protect the purity of faith. On the other hand, Muslims are encouraged to participate in social-community life with adherents of other religions actively. This pattern reflects a model of tolerance built on the principle of mutual respect for differences, not by mixing or blurring them. Although potentially creating social harmony, this model also faces challenges in contexts where the boundaries between religious rituals and social interaction are often blurred, such as in holiday celebrations with religious and cultural dimensions.³⁷

From the perspective of *fiqh al-aqalliyāt*, the concept of *ḥājah shar'iyyah* becomes key to enabling more contextual adaptation. This concept opens space for more flexible interpretation in certain situations, with consideration of greater benefit. In the Indonesian context, the interpretation and application of *ḥājah shar'iyyah* can be further developed as an adaptation mechanism to the reality of pluralism. This development requires an in-depth study of various concrete situations Muslims face in inter-religious interactions, considering complex social-political and cultural dynamics. A contextual approach to the concept of *ḥājah shar'iyyah* can enrich the

³⁵ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 29.

³⁶ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 28-29.

³⁷ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 28.

construction of tolerance *fiqh* that is more responsive to the needs of Muslims in a pluralistic society without sacrificing fundamental principles of religion.³⁸

Dialectic of Identity and Social Interaction in the Guidelines: Exploration of *Hājah Shar'iyyah*

The 2024 Ulema Ijtima' Decision on Guidelines for Inter-Religious Relations reflects a complex dialectic between affirming religious identity and the need for social interaction in a pluralistic society. The emphasis on religious identity becomes a dominant aspect in the construction of tolerance *fiqh*, as seen in the firmness of distinguishing between the domains of faith-worship and social transactions, which becomes the main conceptual framework of these guidelines. The affirmation of Islamic identity is manifested through an emphasis on the purity of faith and religious practices that must be protected from mixing with elements from other religions. This is reflected in firm provisions about cross-religious greetings that prohibit the utterance of greetings with the dimension of prayers specific to other religions and prohibitions against congratulating on holidays or using attributes of other religions. These provisions show an approach that prioritizes *ḥifẓ al-dīn* (protection of religion) in the construction of tolerance *fiqh* by emphasizing clear differentiation and boundaries.³⁹

In the context of religious plurality in Indonesia, such affirmation of religious identity has theoretical implications for the concept of identity in *fiqh*. These guidelines construct religious identity not as an entity that merges into plurality but as a value framework that must be maintained in its purity amid diversity. This approach reflects the understanding that firmness in maintaining religious identity is a prerequisite for authentic tolerance, not its barrier. The principle of "to you your religion and to me my religion" quoted in the guidelines becomes a theological foundation for tolerance built on recognizing firm differences, not by blurring them. The theoretical implication of this approach is the development of the concept of religious identity based on differentiation (*al-barā'*) that allows coexistence between religious communities without sacrificing the uniqueness of each.⁴⁰

³⁸ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 29.

³⁹ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 28-29.

⁴⁰ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 28.

Although emphasizing the affirmation of identity, these guidelines still construct space for social interaction between religious communities, especially in social transactions. The established interaction boundaries emphasize a strict separation between faith-worship and social-community dimensions. In the faith-worship dimension, boundaries are strict, prohibiting all actions that potentially mix religious teachings. In contrast, in the social-community dimension, the guidelines provide broader space by affirming that “religious differences do not become an obstacle to continue establishing cooperation (*al-ta’āwun*) in community, national and state life in a harmonious, peaceful, and amicable manner.” This opportunity for social interaction is strengthened by flexibility in the use of alternative greetings in mixed forums and recognition of the concept of *ḥājah shar’iyyah* that allows adjustment to special situations.⁴¹

A concrete illustration of this flexibility can be seen in the application of *ḥājah shar’iyyah* within Indonesia’s pluralistic religious context. For instance, the participation of Muslim public officials in national interfaith ceremonies—such as state-sponsored celebrations of Vesak or Christmas—reflects how this concept can serve as a legal justification for involvement in events that carry both national symbolism and religious undertones. In such circumstances, attendance is framed not as a theological endorsement of other faiths but as a demonstration of respect for national values, interreligious solidarity, and the fulfillment of civic responsibilities. This practice aligns with the public interest (*maṣlaḥah ‘āmmah*), particularly in preserving social cohesion and preventing sectarian division. Thus, *ḥājah shar’iyyah* operates not merely as a concession but as a principled *fiqh*-based mechanism enabling Muslims to engage meaningfully in pluralistic settings while preserving religious integrity.

Nevertheless, the social relevance and practical effectiveness of this interaction framework must be critically assessed in light of Indonesia’s complex interreligious dynamics.⁴² While the clear separation between faith-worship and social transactions offers Muslims a normative structure for interfaith engagement without compromising religious commitment, in

⁴¹ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 28-29.

⁴² Tri Susanto, “Ethnography of Harmony: Local Traditions and Dynamics of Interfaith Tolerance in Nglinggi Village, Indonesia,” *Asian Anthropology* 24, no. 2 (2025): 146–50.

reality, the lines between ritual and social interaction are often blurred, particularly in culturally embedded celebrations that carry both religious and communal significance. As a result, the rigidity of such boundaries may at times generate tension between the preservation of religious identity and the necessity of participating in inclusive public life, especially in a society where mutual respect and togetherness form the bedrock of national unity.⁴³

The balance between affirming identity and social harmony becomes the main challenge in constructing tolerance *fiqh*. In these guidelines, the balance point is formulated through clear domain differentiation accompanied by limited flexibility space in the form of the concept of *ḥājah shar‘iyyah* and recognition of the need for social interaction in the domain of social transactions. This balance reflects a moderate approach (*wasatīyyah*) that seeks to avoid extremity, both in the form of exclusivism that isolates itself from social interaction and inclusivism that blurs the boundaries of religious identity. However, this balance formulation still tends to be conservative by giving greater weight to aspects of affirming identity than considerations of social harmony, as seen from the dominance of the *sadd al-dharā‘i’* approach (blocking harmful means) in establishing tolerance boundaries.⁴⁴

To move beyond this conservative tendency, a more proportional and context-sensitive formulation of balance is required—particularly one that expands and operationalizes the potential of *ḥājah shar‘iyyah*. This involves not only recognizing the legitimacy of legal concessions in theory but also developing a robust methodology for assessing the interplay between *maṣlahah* (public benefit) and *mafsadah* (harm) in specific social contexts. For example, in regions where Muslim and non-Muslim communities share strong communal ties - such as in multi-faith disaster response efforts, interfaith education programs, or local neighborhood associations - applying *ḥājah shar‘iyyah* with greater nuance could facilitate stronger social cohesion without compromising core religious principles. Such developments necessitate deeper engagement between the *fiqh* tradition and contemporary social science insights, enabling tolerance *fiqh* to become more responsive to real-world interreligious dynamics in Indonesia’s pluralistic landscape.

⁴³ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 29.

⁴⁴ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, p. 29.

A more balanced approach can be pursued by deepening the concept of *ḥājah shar‘iyyah* and refining the methodology for weighing *maṣlaḥah* (benefit) against *mafsadah* (harm) within the framework of religious diversity. Achieving this requires an in-depth grasp of current socio-religious realities and sustained dialogue between Islamic legal thought and social sciences. One illustrative case is that of Muslims in Western countries dealing with the dilemma of interest-based mortgage loans, which raises critical questions about the proper application of *ḥājah shar‘iyyah* and whether *fiqh al-aqalliyāt* genuinely provides a principled response or merely reflects a misused, non-binding juristic interpretation under social pressure.⁴⁵ An approach that embraces the complexity of pluralistic societies could foster a more responsive and context-sensitive *fiqh* of tolerance, upholding core religious values while addressing the evolving needs of modern Muslim communities. Striking this balance between identity preservation and social cohesion can meaningfully advance the discourse on tolerance-oriented *fiqh*, especially within the Indonesian context.⁴⁶

In light of this, the integration of empirical insights from Indonesia’s pluralistic society into *fiqh* discourse becomes increasingly urgent. Interdisciplinary efforts—such as collaborations between Islamic scholars, sociologists, and policy-makers—can generate context-aware interpretations that refine the boundaries of permissible interfaith engagement. For instance, empirical studies on interfaith disaster relief initiatives in provinces like Central Sulawesi or North Sumatra demonstrate how cooperation across religious lines not only addresses urgent humanitarian needs but also strengthens communal bonds.⁴⁷ These real-world experiences can inform the dynamic application of *ḥājah shar‘iyyah*, grounding it in lived realities while maintaining normative fidelity. As such, developing a tolerance *fiqh* that is both normatively robust and socially attuned represents not merely a

⁴⁵ Shahrul Hussain, “Ribā-Based Mortgages in Dār Al-Harb: An Issue of Modernist Application of Fiqh Al-Aqalliyāt for Muslim Minorities,” *Journal of Muslim Minority Affairs* 36, no. 3 (2016): 364–82.

⁴⁶ Asrorun Niam Sholeh, ed., *Konsensus Ulama Fatwa Indonesia...*, pp. 29–30.

⁴⁷ Eckhard Zemmrich, “Making Sense of Shifts in Perspectives: Perceiving and Framing Examples of Interreligious Learning in Indonesia,” *Islam and Christian–Muslim Relations* 31, no. 2 (2020): 151–72.

theoretical aspiration but a pragmatic necessity in shaping a harmonious plural society grounded in Islamic ethical tradition.

Implications of the Guidelines

The 2024 Ulema Ijtima's Decision on Guidelines for Inter-Religious Relations makes an important contribution to social practice and contemporary *fiqh* theory development. These guidelines represent a new direction in *fiqh* methodology, particularly in responding to the challenges of religious diversity in Indonesia. Through these guidelines, MUI shows that *fiqh*, as a product of *ijtihad*, is not static but dynamic and adaptive to social change.⁴⁸ While adhering to normative principles in sharia, such as the Qur'an, hadith, *ijmā'* (consensus of scholars), and *qiyās* (analogy), this fatwa seeks to integrate the spirit of tolerance within a methodological framework that can be scientifically justified.

One important theoretical implication of these guidelines is strengthening the contextual approach in legal decision-making. Not only considering sacred texts, this fatwa also opens space for the utilization of *maqāṣid al-sharī'ah* as an instrument to capture the noble objectives of Islamic law,⁴⁹ particularly in maintaining benefit, justice, and social harmony. Thus, this fatwa can be positioned as a basis for developing a more comprehensive and responsive theory of tolerance *fiqh* to the national context. In fact, there is a great opportunity to develop tolerance *fiqh* as one of the thematic branches of *fiqh* that specifically regulates relations between religions in pluralistic societies,⁵⁰ something that has not been much explored in classical literature.

⁴⁸ Muhammad Shuhufi et al., "Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 823–43.

⁴⁹ Edi Kurniawan and Syed Arif Asyraf Bin Syed Zaiful, "Beribadah Di Tengah Wabak Covid-19: Analisis Terhadap Fatwa Majelis Ulama Indonesia No 14 Tahun 2020 Berasaskan Teori Maqāṣid Al-Sharī'ah Al-Shāṭibī," *Jurnal Fiqh* 19, no. 1 (2022): 83–108.

⁵⁰ Kurnia Muhajarah and Moh. Erfan Soebahar, "Fiqh of Tolerance and Religious Moderation: A Study Towards Indonesia, Malaysia, and Thailand," *Cogent Arts & Humanities* 11, no. 1 (2024): 1–11.

At the practical level, these guidelines provide a new direction for diversity management in Indonesia. As a country inhabited by various religious communities, Indonesia needs normative guidance to strengthen social cohesion without negating religious identity. With all its firmness in maintaining the purity of faith, this fatwa still opens space for inter-religious dialogue with clear boundaries. Such an approach can be a foundation for strengthening the role of Muslims as active actors in building social bridges amid a pluralistic society.

Another practical impact is the potential use of these guidelines as a reference by various institutions, whether educational institutions, community organizations, or local governments, in formulating policies or programs to increase tolerance based on Islamic values. However, the effectiveness of these guidelines greatly depends on the ability of stakeholders to translate them contextually, according to local social and cultural realities. Training programs, dialogue forums, and religion-based multicultural education curricula can become concrete manifestations of implementing these guidelines if managed strategically and inclusively.

Nevertheless, these guidelines are not without limitations. One criticism that can be raised is the style of delivery that tends to be normative and authoritative, which in some contexts could generate resistance, especially from circles more open to dialogic and participatory approaches.⁵¹ The use of diction such as "forbidden" or "not allowed" sometimes creates an impression of exclusivism,⁵² although substantively aiming to maintain the purity of Islamic teachings. On the other hand, the courage of this fatwa in formulating the boundaries of tolerance explicitly is precisely a rare advantage in contemporary religious discourse, where the value of relativism often obscures basic principles of religion.⁵³

⁵¹ Faiz Albar Nasution et al., "Considerations on the Prohibition of Interfaith Greetings in Indonesia: Between Religion and Harmony," pp.1–13

⁵² Ahmad Suganda et al., "Indonesian Ulema Council Fatwa on Interfaith Greetings: Its Impact on Islamic Tolerance and Family Law," *Fikrah: Jurnal Ilmu Aqidah Dan Studi Keagamaan* 12, no. 2 (2024): 249–70.

⁵³ T M Murray, "The Tolerant Society and Its Enemies: Moral Relativism, Multiculturalism, and Islamism," *Perichoresis* 19, no. 3 (2021): 113–31; Neelam Bano et al., "Principles of Religious Pluralism," *Religions* 14, no. 1 (2022): 1–12; Harda Armayanto, "The Impact of Postmodernism on the Thought of Indonesian Muslim Intellectuals (IMIs)," *Journal of Islamic Thought and Civilization* 13, no. 2 (2023): 30–47.

Therefore, further development of tolerance *fiqh* is needed with a more balanced approach between firmness of principle and flexibility of method. This effort requires cooperation between scholars, academics, and social practitioners in formulating Islamic legal tools that are valid in terms of evidence and applicable in the context of a pluralistic Indonesian society. Principles such as *ta'āruf* (getting to know each other), *tasāmuḥ* (tolerance), and *ta'āyush silmī* (peaceful coexistence) need to be made the foundation in building healthy and constructive inter-religious relations.⁵⁴ Thus, this fatwa is a normative legal product and the inspiration for formulating a more contextual and inclusive religious strategy for maintaining national unity.

Conclusion

This article concludes that the concept of tolerance *fiqh* in the Ijtima' Nasional VIII Fatwa Commission Guidelines of the Indonesian Ulema Council (MUI) 2024 is constructed upon a firm distinction between the domains of *'aqīdah* (creed), *'ibādah* (ritual), and *mu'āmalah* (social transactions). This delineation is a foundational principle for determining the boundaries between non-negotiable religious obligations and areas open to interreligious cooperation. In this framework, tolerance is not understood as compromising doctrinal purity but rather as an expression of mutual respect within the confines of Islamic legal and theological norms. Based on this paradigm, the Guidelines promote respectful coexistence in the socio-civic sphere while strictly adhering to Islamic injunctions in faith and worship. It is reflected in the Guidelines regarding interreligious greetings, the prohibition of wearing religious symbols of other faiths, and the impermissibility of Muslim participation in the religious festivals of non-Muslims. These limitations aim to safeguard the purity of *'aqīdah* and the sanctity of Islamic rituals while allowing Muslims to engage in broader societal interactions in a dignified and proportionate manner. The Guidelines show a strong focus on *ḥifẓ al-dīn* (the preservation of religion) within the *maqāṣid al-sharī'ah* framework, while also allowing for some level of social interaction. This balanced approach represents a contextual model of tolerance *fiqh*, capable of addressing the

⁵⁴ Khadijah Mohd Khambali, "Diversity and Unity in Fiqh Al-Ta'ayush Context in Malaysia According to Islamic Perspectives," *Afkar: Jurnal Akidah & Pemikiran Islam* 22, no. 1 (2020): 73–102.

complexities of religious plurality in Indonesia without compromising the ideological boundaries of Islam.

This article contributes to the discourse on tolerance *fiqh* by presenting a model that integrates both text and context. The construction of the MUI fatwa shows that tolerance of *fiqh* is not a compromise on principles but a reinterpretation of religious practices in pluralistic society situations. This study helps by offering a clear set of guidelines that different groups—like the government, schools, or community organizations—can use to create inclusive and fair religious and social plans that respect people's beliefs. Further research should aim to create a clear theory of tolerance *fiqh*, using either a focused *uṣūl al-fiqh* approach or by rethinking *maqāṣid* in relation to different religions. It is also essential to explore the practical implementation of these principles across diverse regions in Indonesia to assess their effectiveness and adaptability. Employing participatory and interdisciplinary methods will be key to formulating a contextual, applicable, and sustainable *fiqh* model that promotes religious harmony.

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