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

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## Abstract

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

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

## Introduction

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

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

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

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

This article argues that minority protection in contemporary Islamic law should not be understood merely as majority tolerance or conditional protection, but rather as dignity-based equal citizenship. This approach does not dismiss classical Islamic legal

perspectives but instead reconstructs their ethical objectives through the principles of *karamah insaniyyah*, justice, public welfare, and legal equality. Within this framework, classical accommodation of non-Muslims is distinct from modern constitutional equality, and the adoption of *al-muwathinun* provides a more suitable terminology for citizenship in the modern state (Emon, 2012; Harun et al., 2025). By integrating *karamah insaniyyah* (Asghari, 2023), the ongoing dialogue between Islam and human rights (Baderin, 2005), and the reconciliation of positive law with *siyasah shar'iyyah* (Ridwan et al., 2025), this article advances a more critical, inclusive, and operational conceptual framework for minority protection in contemporary Muslim societies.

## Literature Review

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

The historical-doctrinal trajectory demonstrates that classical Islamic law incorporated mechanisms to protect non-Muslims. The category of *ahl al-dhimmah* functioned as a politico-legal construct, granting conditional protection to non-Muslim communities within Muslim society (Kamali, 2013a; Kopel, 2014). Research on the evolution of *ahl al-dhimmah* further affirms the recognition of religious rights during the early Islamic period (Rahman et al., 2022). The Medina Charter is frequently cited as a historical precedent, as it articulates principles of coexistence, security, and shared

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

The ethical-*maqasidi* trajectory broadens the discourse by situating human dignity and the objectives of Islamic law at the core of minority protection. *Karamah insaniyyah* serves as both a moral and juridical foundation for evaluating justice, recognition, and the safeguarding of rights (Asghari, 2023; Kamali, 2013b). The moderation (*wasatiyyah*) approach further reinforces the centrality of human dignity as a basis for more inclusive interreligious relations (Hefni, 2022). Within the *maqasid al-shariah* framework, minority protection is conceptualized as integral to the preservation of life, religion, dignity, and public welfare (Auda, 2008; Ibn Ashur, 2013; Mubarrak et al., 2025). Scholarship on adaptive and collective *ijtihad* illustrates the capacity of Islamic law to address social change (Galadari, 2022; Makhlouf, 2020). *Fiqh al-aqalliyyat* and *fiqh al-ikhtilaf* supplement this trajectory by highlighting the methodological flexibility of Islamic jurisprudence, though unresolved epistemological and institutional challenges remain (Abu Baedah et al., 2026; Parray, 2012; Yakar & Yakar, 2021).

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

Previous studies have examined minority protection in Islamic law from historical, ethical, citizenship-based, and international human rights perspectives, but the connections among these discussions remain insufficiently developed. Historical scholarship has shown how Islamic law provided protection for non-Muslims, although

some studies give less attention to the unequal legal status embedded in classical categories. Research drawing on *maqasid al-shariah* emphasizes human dignity, justice, and public welfare, but does not always explain how these principles can inform constitutional citizenship and the responsibilities of legal institutions. International human rights scholarship provides standards for evaluating minority protection, yet its relationship with Islamic legal ethics is not always clearly established. Recent efforts to reconcile human rights, positive law, and *siyasah shar'iyyah* have brought these perspectives closer together. Nevertheless, further consideration is needed of how the critique of status-based protection, *maqasid al-shariah*, and human dignity can jointly support a framework of equal citizenship.

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

## Method

This study employs a normative-doctrinal legal research design (Hutchinson & Duncan, 2012), drawing on conceptual, philosophical, and *maqasid al-shariah* approaches. This design is appropriate because the study focuses on reconstructing the concept of minority protection in contemporary Islamic law. Normative legal research directs the analysis toward the norms, principles, doctrines, concepts, and legal arguments that inform Islamic law's understanding of the position of non-Muslims in modern political society. The conceptual approach examines the transition from status-based protection to equal citizenship. In contrast, the philosophical approach assesses the ethical foundations of minority protection through the lenses of human dignity and justice. The *maqasidi* approach interprets the objectives of Islamic law substantively, particularly in protecting life, religion, dignity, public welfare, and social coexistence.

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

The data sources comprise normative, conceptual, and secondary academic materials. Normative sources encompass Islamic legal principles, the concept of *maqasid al-shariah*, and international human rights norms related to non-discrimination, freedom of religion, equality before the law, and human dignity. The international normative materials include the Universal Declaration of Human Rights (United Nations General Assembly, 1948), the International Covenant on Civil and Political Rights (United Nations General Assembly, 1966), the 1992 UN Minority Declaration (United Nations General Assembly, 1992), and General Comment No. 23 on minority rights (Human Rights Committee, 1994). Conceptual sources include literature on *ahl al-dhimmah*, *al-muwathinun*, *fiqh al-aqalliyyat*, *fiqh al-ikhtilaf*, Islamic constitutionalism, and modern citizenship. Secondary academic sources include books, reputable journal articles, and contemporary studies that address the relationship between Islamic law, human rights, legal pluralism, and minority protection in Muslim-majority states. These data sources are selected to facilitate the construction of a normative-conceptual argument that engages the Islamic legal tradition, theories of citizenship, and international human rights standards.

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

organizing sources into analytical themes: status-based protection, equal citizenship, Islamic ethical foundations, international human rights norms, and the implementation gap.

Data analysis involved conceptual analysis, *maqasidi* analysis, and normative-critical synthesis. Conceptual analysis examined the meaning, function, and limitations of classical categories such as *ahl al-dhimmah* within the context of the modern state. *Maqasid*-based analysis assessed the extent to which minority protection aligns with the objectives of Islamic law, particularly justice, human dignity, freedom of religion, public welfare, and coexistence. Normative-critical analysis compared Islamic legal principles with international human rights norms and identified the gap between normative recognition and institutional practice. The findings were synthesized to develop a model of dignity-based equal citizenship, which serves as a conceptual contribution linking Islamic legal ethics, constitutional citizenship, and international human rights in the protection of minorities.

## Results and Discussion

### Reconstructing Minority Protection as Equal Citizenship

The protection of non-Muslim minorities in classical Islamic law is grounded in significant normative and historical foundations. This foundation, however, developed within a political structure distinct from the modern constitutional state. The categories of *ahl al-dhimmah*, *mu'ahad*, and *musta'min* were established during a period when religious affiliation determined legal status, political membership, and the nature of protection extended by rulers to non-Muslim communities (Kamali, 2013a). Kopel (2014) identifies *ahl al-dhimmah* as a politico-legal category that provides conditional protection to non-Muslims within Muslim society. The Medina Charter serves as a key historical reference, as it articulates principles of coexistence, security, and shared responsibility among religious communities (R. A. Saeed et al., 2020). The concept of *ahl al-dhimmah* in early Islam can thus be interpreted as a recognition of religious rights (Rahman et al., 2022). While these classical perspectives demonstrate a protective rationale within Islamic law, such protection was constrained by a legal distinction between Muslims and non-Muslims.

The limitation of *ahl al-dhimmah* in classical legal thought stems from its status-based approach to protection. Minorities received protection as designated communities under specific conditions, such as paying the *jizya* (a specific poll tax or per capita tax levied by Muslim rulers on non-Muslim subjects or dhimmis living in an Islamic state)

and adhering to the law and government. Although they were considered part of the polity, their legal status remained distinct from that of the Muslim majority (Kamali, 2013a). Emon (2012) contends that classical Islamic legal pluralism accommodated non-Muslims, but this accommodation operated within a framework of political hierarchy and restricted tolerance. This limitation has been widely criticized, as the modern state is founded on principles of equality before the law, non-discrimination, and shared civic participation. Maintaining *ahl al-dhimmah* as a definitive legal category risks reinforcing unequal and unstable majority-minority dynamics. The contemporary significance of *ahl al-dhimmah*, therefore, lies in reinterpreting its protective intent to support equal and dignified citizenship.

The transition from *ahl al-dhimmah* to *al-muwathinun* signifies a conceptual shift toward recognising non-Muslim minorities as equal legal subjects within the constitutional state. In a pluralistic nation-state committed to coexistence and inclusive citizenship, the legal status of non-Muslims in Islamic law should be reconstructed within the framework of *al-muwathinun*, transforming protected communities to citizens with constitutional rights and responsibilities (Harun et al., 2025). Saeed (1999) maintains that contemporary Islamic thought has created opportunities for reinterpreting the citizenship rights of non-Muslims. In this context, *al-muwathanah* is not a secular imposition on Islamic law, but rather a modern juridical concept through which justice, covenantal responsibility, and public welfare are realized. The principle of equal citizenship allows Islamic law to progress from communal protection to the safeguarding of rights inherent to all members of the political community (Kamali, 2013a).

Historical and contemporary arrangements may protect coexistence without creating identical legal obligations. Classical protection relied on a recognised communal status; constitutional citizenship establishes shared political membership without using religion as an ordinary basis for differentiated rights. Kamali (2013a) situates dhimmī provisions historically, while Emon (2012) explains how accommodation could coexist with hierarchy. Their accounts support examining which protective duties remain valuable and whether inherited distinctions can still be justified in a constitutional state.

Reconstructing minority protection as equal citizenship requires an ethical analysis of both Islamic sources and modern constitutional principles. The Medina Charter is significant not because it can be directly adopted as a modern constitution, but because it embodies principles of coexistence, shared political responsibility, and recognition of communal diversity. Mohammed Hasan et al. (2025) interpret the Medina Charter as a basis for civic coexistence, while Fadzli et al. (2026) regard it as an early foundation for

the concept of citizenship in Islam. Nggilu et al. (2024) demonstrate that Islamic constitutionalism can engage in dialogue with modern constitutional identity. Thus, minority protection should be conceptualized as a reconstruction rooted in *maqasid al-shariah* and oriented toward equal citizenship, grounded in Islamic legal ethics.

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

The ethical foundation for minority protection in Islamic law is rooted in the principle of *karamah insaniyyah* (Kamali, 2013b). This principle asserts that all human beings possess inherent dignity, irrespective of religion, political status, or social position. Asghari (2023) demonstrates that, in contemporary Islamic discourse, *karamah insaniyyah* is regarded not only as moral honor but also as a normative basis for evaluating justice, recognition, and the protection of rights. Hefni (2022) further supports this perspective by arguing that the principle of *wasatiyyah* in Islamic law can reconstruct *karamah insaniyyah* as a foundation for more inclusive interreligious relations. Consequently, minority protection should not be viewed solely as social tolerance or as a matter of political agreement. Rather, it constitutes an ethical obligation derived from the recognition of the intrinsic worth of every individual.

The principle of *karamah insaniyyah* is given juridical expression through *maqasid al-shariah*. The *maqasid* approach introduces a teleological perspective to Islamic law by emphasizing its moral objectives, particularly the protection of life, religion, intellect, lineage, property, and public welfare. Regarding minority issues, *maqasid al-shariah* redirects attention from the legal status of non-Muslim communities to more substantive legal aims, such as security, religious freedom, social participation, and protection from discrimination (Auda, 2008; Ibn Ashur, 2013). Mubarrak et al. (2025) argue that the flexibility of *maslahah* is crucial in determining the priorities of *maqasid al-shariah* when Islamic law addresses contemporary social challenges. Within this framework, minority protection is no longer contingent on historically specific protective categories. Instead, it is conceptualized as a public welfare agenda that prioritizes substantive legal objectives of justice, coexistence, and *karamah insaniyyah*.

Applying dignity through maqasid requires explaining how a legal rule serves its stated purpose. The analysis must consider whether security, religious freedom, and public welfare can be protected without unequal civic status. Ibn Ashur (2013) and Auda (2008) provide resources for considering legal purposes and consequences, but the conclusion in favour of equal citizenship remains this article's argument. *Maqasid*

informs legal justification without removing juristic disagreement or replacing textual and institutional reasoning.

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

Islamic jurists have also developed ways of responding to changing circumstances and differences in legal interpretation. One example is *fiqh al-aqalliyyat*, which emerged to address the needs of Muslim minorities living in non-Muslim societies. Although its rules cannot be applied directly to non-Muslim minorities in Muslim-majority states, its attention to social context offers useful insights into legal adaptation. Parray (2012) and Yakar and Yakar (2021) discuss the flexibility of this approach while also examining its methodological challenges. Shavit (2022) examines how *fiqh al-aqalliyyat* became institutionalized through the European Council for Fatwa and Research. A related perspective can be found in *fiqh al-ikhtilaf*, which recognizes legal disagreement within an established framework of juristic reasoning (Abu Baedah et al., 2026). Neither approach directly establishes a model of equal citizenship for non-Muslims. However, both illustrate how Islamic legal reasoning can respond to different social circumstances. When guided by human dignity and *maqasid al-shariah*, such reasoning can contribute to a more inclusive and equitable framework for minority protection.

### International Human Rights and Minority Protection in Muslim-Majority States

International human rights norms serve as a critical evaluative framework for assessing the protection of minorities in Muslim-majority states (Baderin, 2013; Shareef, 2024). The principles of non-discrimination, freedom of religion, equality before the law, and the protection of group identity establish minorities as rights-bearing subjects rather than merely tolerated communities (Human Rights Committee, 1994; United Nations

General Assembly, 1948, 1966, 1992). Baderin (2005) demonstrates that the relationship between Islamic law and international human rights cannot be reduced to a simple dichotomy of compatibility or conflict. McDonough (2021) similarly contends that the human rights commitments of Islamic states must be interpreted through the interplay of shariah, state structures, international treaties, and legal-political consensus. Nabeel (2024) further argues that tensions between international human rights law (IHRL) and Islamic law stem from the competing legitimacy claims advanced by each normative system. Consequently, international human rights norms function as benchmarks for determining whether minority protection has progressed beyond formal recognition to achieve substantive equality.

The relevant rights must also be distinguished. The ICCPR protects freedom of religion under Article 18, citizens' political participation under Article 25, equality under Article 26, and minority rights under Article 27. Article 27 applies beyond citizens (Human Rights Committee, 1994; United Nations General Assembly, 1966). Jovanovic (2005) also identifies the relevance of collective recognition to minority identity. Equal citizenship therefore addresses political membership without making nationality a condition for all minority protections. The ICCPR binds states parties as a treaty; the UDHR and 1992 Minority Declaration are non-treaty instruments, and General Comment No. 23 offers interpretive guidance.

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

Constitutional recognition of minority rights does not necessarily ensure effective protection (Fox, 2023). The implementation gap becomes evident when the principle of legal equality confronts majoritarian politics, social discrimination, weak institutional coordination, and the instrumentalization of law to control vulnerable groups.

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

**Table 1**

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

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

*Note.* This table presents the author's conceptual synthesis of Islamic legal-ethical principles and international human rights norms relevant to minority protection (United Nations General Assembly, 1948, 1966, 1992). These correspondences are conceptual, not claims of identical legal scope.

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

belief, and *karamah insaniyyah*. Ridwan et al. (2025) demonstrate that reconciling human rights, positive law, and *siyasah shar'iyyah* can produce a legal model that is more contextual, just, and responsive. Ibrahim et al. (2024) similarly emphasize that convergence between Islamic law and human rights requires an ethical approach that extends beyond formal legalism. Addressing the implementation gap, therefore, necessitates simultaneous progress in legal reform, institutional strengthening, and citizenship education (Human Rights Committee, 1994; United Nations General Assembly, 1992). This approach frames minority protection as a pursuit of substantive justice within Muslim-majority states.

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

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

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

protection must shift from the logic of majority tolerance to a model of citizenship justice that obligates the state, society, and legal institutions.

Dignity-based citizenship, theoretically, anchors minority protection in *karamah insaniyyah* (Kamali, 2013b). Minorities are regarded not as groups merely permitted to exist by the majority, but as citizens who possess equal human worth, rights, and responsibilities. Asghari (2023) asserts that *karamah insaniyyah* in Islam encompasses both moral and juridical dimensions relevant to rights, honour, and recognition. This framework broadens the interpretation of Islamic law from communal protection to an ethics of citizenship. Thus, dignity-based citizenship serves as a conceptual framework that integrates *karamah insaniyyah*, *al-'adl*, *maslahah*, and legal equality within a more inclusive model of minority protection.

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

Institutional responsibility requires more than declaring legal equality. Nondiscrimination guides official decisions; accessible remedies permit challenges to violations; and accountability subjects public action to review. The 1992 Minority Declaration calls for measures protecting minority identity and participation, while the Human Rights Committee identifies positive duties to safeguard minority rights (Human Rights Committee, 1994; United Nations General Assembly, 1992). These provisions do not prescribe one institutional design for every Muslim-majority state; they indicate why meaningful protection must accompany formal recognition.

Normative convergence between Islamic law and international human rights should be oriented toward practical reform. At the normative level, *maqasid al-shariah*, *ijtihad*, and *karamah insaniyyah* should be employed to prevent the perpetuation of status-based categories that are incompatible with modern citizenship. Institutionally, the state must ensure that non-discrimination, freedom of religion, legal equality, and protection from identity-based violence are implemented through effective policies (Human Rights Committee, 1994; United Nations General Assembly, 1992). Nggilu et al. (2024) maintain that Islamic constitutionalism can engage in dialogue with modern constitutional identity, while Mohammed Hasan et al. (2025) identify the Medina Charter as a foundation for civic coexistence. Socially, citizenship education and interreligious dialogue are essential for fostering an inclusive legal culture. Ultimately, minority protection should be conceptualized as an agenda of substantive justice, rather than as conditional tolerance extended by the majority community.

## Conclusion

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

This article develops dignity-based equal citizenship as a framework for connecting Islamic legal ethics, constitutional citizenship, and international human rights norms. It brings together the historical critique of status-based protection, the principles of *karamah insaniyyah* and *maqasid al-shariah*, the relationship between Islamic law and human rights, and the challenges of protecting minority rights in Muslim-majority states. By examining these issues through normative-doctrinal legal research, supported by conceptual, philosophical, and *maqasidi* analysis, the study shows how Islamic legal principles can inform contemporary understandings of equal citizenship. Classical legal

concepts remain important to this discussion, but their relevance lies not only in their historical application. Their underlying ethical purposes can also inform contemporary efforts to protect religious freedom, prevent discrimination, and promote substantive justice.

This study is limited by its normative-conceptual orientation. It does not provide an empirical comparison of how Muslim-majority states implement minority protection within specific constitutional, judicial, or administrative frameworks. The analysis focuses on Islamic legal ethics, citizenship, and international human rights norms, rather than the lived experiences of minority communities. Future research should examine how dignity-based equal citizenship can be operationalised within concrete legal systems, public policies, judicial decisions, and interreligious governance practices. Comparative studies across Muslim-majority states would be particularly valuable for assessing how constitutional design, treaty obligations, religious authority, and political culture affect the protection of minorities. Additional empirical research involving minority communities, legal practitioners, policymakers, and religious institutions would further enhance the practical relevance of this framework. Such studies could determine whether dignity-based equal citizenship can move from conceptual reconstruction to institutional transformation.

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## Author Contribution Statement

Mohamed Ahmed Zakaria Shehata was responsible for conceptualization, methodology, formal analysis, writing the original draft, and review and editing. The author reviewed and approved the final manuscript and takes full responsibility for its content.

## Declaration of Competing Interests

The authors declare no competing interests.

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