

Rethinking Islamic Public Reason for Plural Citizenship: Ethics, Law, and Social Cohesion in Muslim-Majority Societies

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Article History: Submitted: 21-04-2026 | Revised: 18-06-2026 | Accepted: 27-07-2026

Abstract

Religious pluralism in Muslim-majority societies raises a persistent question concerning how Islamic ethical and legal reasoning can contribute to public life without undermining equal citizenship, religious freedom, and social cohesion. This study aims to reconstruct Islamic public reason as a normative and institutional framework for plural citizenship by examining how religious identity, legal authority, minority recognition, and state coercion are formulated across different constitutional settings. It employs qualitative comparative document analysis, directed content analysis, and comparative normative interpretation of constitutional texts, judicial decisions, international human-rights instruments, and Islamic declarations relating to Indonesia, Morocco, and Tunisia. The findings demonstrate, first, that these states exhibit constitutional hybridity rather than a simple Islamic-secular divide, combining religious commitments with equality, freedom, national sovereignty, and cultural plurality. Second, Islamic normativity cannot be equated with state-enforceable law, because theological truth, moral obligation, juristic judgment, and coercive legislation represent distinct forms of authority. Third, plural citizenship requires more than formal nationality or passive toleration; it depends on equal administrative recognition and effective opportunities to challenge public classifications and decisions. Fourth, social cohesion is more sustainably generated through accountable disagreement than through enforced religious uniformity. On this basis, the study proposes an Islamic Public Reason Framework for Plural Citizenship comprising normative openness, reciprocal civic justification, differentiated legal authority, and institutional contestability. The framework advances Islamic and Islamicate scholarship by preserving the public relevance of Islamic ethical reasoning while requiring every exercise of coercive authority to remain proportionate, reviewable, and accountable to citizens as political equals.

Keywords: *Islamic public reason, plural citizenship, constitutional hybridity, religious freedom social cohesion*



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INTRODUCTION

Religious and moral pluralism has become a durable condition of contemporary political life rather than a transitional problem that modern states can resolve through secularization, cultural assimilation, or legal uniformity. Citizens who inhabit the same political community frequently disagree about religious truth, moral obligation, family, authority, justice, and the meaning of human flourishing. These disagreements generate a fundamental problem of political legitimacy: how can laws that coercively bind all citizens be justified when citizens do not share the same theological or philosophical foundations? The question is especially consequential in Muslim-majority societies, where Islam often functions simultaneously as a source of personal ethics, collective identity, legal reasoning, constitutional symbolism, and institutional authority. In such settings, political order cannot be adequately explained through a simple opposition between an Islamic state and a secular state. The more difficult problem concerns how Islamic ethical and legal commitments may legitimately enter public deliberation while preserving equal citizenship, freedom of conscience, religious difference, and the authority of common political institutions.

This problem has intensified amid religious nationalism, identity-based political mobilization, migration, urbanization, and the growing bureaucratization of religious identity. Globalization has increased encounters among religious, cultural, and moral communities, while urban transformation has brought diverse populations into increasingly interconnected social and political spaces.¹ At the same time, contemporary technologies, digital identity systems, and networked public spheres have expanded the capacity of states and social actors to classify, regulate, and contest religious belonging. These developments make plural citizenship not only a constitutional question but also an institutional and socio-technological problem. Citizens may possess formal nationality while experiencing unequal recognition through administrative categories, family law, education, political participation, access to public services, or the regulation of minority religious practices.

Muslim-majority societies do not constitute a single constitutional or political model. Their legal arrangements range from formally secular systems to constitutional orders that recognize Islam as the state religion, identify Islamic law as a source of legislation, or institutionalize multiple religious jurisdictions. Comparative research accordingly portrays state–religion relations in Asia and the wider Muslim world as legally hybrid and institutionally diverse rather than as expressions of one uniform Islamic constitutional structure.² Nevertheless, a recurring tension appears between constitutional commitments to equal citizenship and state practices that distribute recognition, protection, and legitimacy according to religious identity. Research on Indonesia, for example, demonstrates that constitutional guarantees of religious freedom have coexisted with legal and administrative distinctions among officially accepted religions,

¹ R Elguédri and M C Ferjani, “Religious Diversity and Freedom of Conscience in the Arabic Countries Facing Globalization and Migration,” *Religions* 8, no. 10 (2017), <https://doi.org/10.3390/rel8100229>; M A Kasmó et al., “The Role of Religion in Social Cohesion within the Contemporary Muslim Society in Malaysia: Revisited,” *Mediterranean Journal of Social Sciences* 6, no. 1S1 (2015): 168–74, <https://doi.org/10.5901/mjss.2015.v6n1s1p168>.

² S Shah, “We Are Equals”: Datum or Delusion: Perceptions of Muslim Women Academics in Three Malaysian Universities,” *British Journal of Sociology of Education* 39, no. 3 (2018): 299–315, <https://doi.org/10.1080/01425692.2017.1343126>.

heterodox Muslim groups, indigenous beliefs, and other minority communities.³ Comparable difficulties arise in legally plural systems where citizens are subjected to different religious jurisdictions and consequently experience unequal legal outcomes in matters such as family status, filiation, and social recognition.⁴

Citizenship in this context cannot be reduced to nationality or the formal possession of rights. It concerns the terms under which individuals are recognized as equal members of the political community and as legitimate participants in defining its public norms. Historically, Islamic jurisprudence regulated the position of non-Muslims through differentiated legal categories, including the status of protected communities. Although such arrangements offered forms of security and communal autonomy within premodern political orders, they did not embody the modern principle of equal national citizenship. Contemporary debates therefore concern whether inherited hierarchical categories can be reconstructed in conditions where Muslims and non-Muslims share nationality, public institutions, taxation, political representation, and legal accountability.⁵ This transition has become especially important in democratic reforms involving Islamist movements, minority communities, and competing interpretations of the relationship between Islam and the state.

The political significance of citizenship is closely connected to social cohesion. Cohesion cannot be understood merely as the absence of interreligious violence or visible conflict. It also requires civic trust, reciprocal recognition, equal protection, institutional fairness, and confidence that political disagreement will not result in legal inferiority or administrative exclusion. Historical discussions of the Constitution of Medina have frequently been used to demonstrate that Islamic political principles can support cooperation among distinct religious communities through shared obligations and collective security.⁶ Yet historical precedents cannot simply be transferred into modern nation-states. Contemporary citizenship operates through constitutions, bureaucracies, courts, digital systems, representative institutions, and standardized legal categories. The normative significance of such precedents therefore depends on how they are reconstructed for institutions that possess far greater administrative and coercive capacities.

The theory of public reason provides an influential point of departure for examining these issues. Rawls develops political liberalism in response to the question of how a just and stable society can endure when free and equal citizens remain divided by reasonable but incompatible comprehensive doctrines.⁷ Public reason requires that decisions concerning constitutional essentials and basic justice be justified through political values that citizens can reasonably share, rather than exclusively through the truth claims of one religious or philosophical worldview. Political legitimacy is consequently grounded in reciprocity: citizens

³ Alfitri, "Religious Liberty in Indonesia and the Rights of 'Deviant' Sects," *Asian Journal of Comparative Law* 3 (2008): 1–27, <https://doi.org/10.1017/S2194607800000144>; Deasy Simandjuntak, "Disciplining the Accepted and Amputating the Deviants: Religious Nationalism and Segregated Citizenship in Indonesia," *Asian Journal of Law and Society* 8, no. 1 (2021): 88–107, <https://doi.org/10.1017/als.2020.49>.

⁴ D Engelcke, *Reforming Family Law: Social and Political Change in Jordan and Morocco*, *Reforming Family Law: Social and Political Change in Jordan and Morocco*, 2019, <https://doi.org/10.1017/9781108634342>.

⁵ Mark E Warren, "Accountability and Democracy," *Democracy & Society* 11, no. 1 (2014): 1–10.

⁶ Z Embong et al., "Principles of Social Integration in the Constitution of Medina," *Academic Journal of Interdisciplinary Studies* 10, no. 1 (2021): 382–90, <https://doi.org/10.36941/ajis-2021-0032>.

⁷ John Rawls, *Political Liberalism*, Expanded edition (New York: Columbia University Press, 2005).

exercising collective coercive power must be prepared to offer reasons that others, regarded as political equals, might reasonably accept.

Rawls's formulation has nevertheless been criticized for placing disproportionate burdens on religious citizens. Religious commitments are not always separable from political judgment, particularly where justice, dignity, responsibility, and the common good are understood through theological and ethical vocabularies. Habermas responds by recognizing religious traditions as potential sources of moral insight within a postsecular public sphere. However, religious arguments must eventually be translated into generally accessible language before determining formal law and state policy. This translation model seeks to distribute epistemic responsibility between religious and secular citizens, but it retains a distinction between religious discourse and the language considered appropriate for institutional decision-making.⁸

More recent scholarship shifts the debate from the admission of religious language toward the institutional conditions of democratic equality. Lafont argues that public justification remains inadequate when citizens lack effective opportunities to contest laws, challenge authoritative interpretations, and participate in democratic self-government.⁹ March similarly demonstrates that "religious reasons" do not constitute a uniform category whose legitimacy can be determined in advance.¹⁰ Their political acceptability depends on their content, audience, institutional location, and relationship to coercive authority. Public reason should therefore be concerned not only with whether religious arguments enter political debate but also with how they are justified, institutionalized, contested, and transformed into binding law.

Within Islamic political and legal thought, scholarship has developed along several interconnected trajectories. One examines whether Islamic doctrine can sustain the obligations of liberal citizenship. March identifies Islamic legal and ethical resources supporting political obligation, solidarity, loyalty, and cooperation in non-Muslim liberal states.¹¹ Warren similarly highlights the importance of shared rational arguments that are accessible across religious differences, while emphasizing the challenge of moving from historically differentiated communal statuses toward equal democratic citizenship.¹² These studies demonstrate that Islamic commitments need not preclude civic cooperation. Their principal limitation, however, is that they largely address Muslim minorities or the compatibility of Islam with liberal citizenship rather than the exercise of Islamic authority within Muslim-majority states.

A second trajectory reconstructs public reasoning within Islamic jurisprudence itself. Fadel argues that Muslim jurists differentiated theological truth, ethical value, reasonableness, and legal enforceability. Islamic law did not

⁸ Maureen Junker-Kenny, "Between Postsecular Society and the Neutral State: Religion as a Resource for Public Reason," in *Religious Voices in Public Places*, ed. Nigel Biggar and Linda Hogan (Oxford University Press, 2009), 58–82, <https://doi.org/10.1093/acprof:oso/9780199566624.003.0004>; Miguel Vatter, *Divine Democracy: Political Theology after Carl Schmitt* (Oxford University Press, 2021), <https://doi.org/10.1093/oso/9780197546503.001.0001>.

⁹ Cristina Lafont, *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy* (Oxford University Press, 2020), <https://doi.org/10.1093/oso/9780198848189.001.0001>.

¹⁰ Andrew F March, "Rethinking Religious Reasons in Public Justification," *American Political Science Review* 107, no. 3 (2013): 523–39, <https://doi.org/10.1017/S0003055413000269>.

¹¹ Andrew F March, "Islamic Foundations for a Social Contract in Non-Muslim Liberal Democracies," *American Political Science Review* 101, no. 2 (2007): 235–52, <https://doi.org/10.1017/S0003055407070128>; Andrew F March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (Oxford University Press, 2009).

¹² Warren, "Accountability and Democracy."

convert every religious obligation directly into coercive legislation; it incorporated considerations of evidence, legal capacity, public welfare, custom, and juristic disagreement.¹³ This argument is consistent with broader accounts of Islamic ethics as a practical discipline that connects moral reflection with social conduct rather than treating ethics as an abstract philosophical domain.¹⁴ Islamic political ethics is therefore inseparable from questions of law, governance, economy, and social interaction.¹⁵ The relationship is nevertheless dialectical rather than mechanical: political conditions shape legal interpretation, while religious norms simultaneously influence political behavior and institutional legitimacy.¹⁶

A third trajectory concerns the relationship among *sharīʿah*, state coercion, constitutionalism, and human rights. An-Naʿim argues that coercive state enforcement of *sharīʿah* risks undermining both religious integrity and equal citizenship because state law necessarily embodies contestable human interpretations. Jackson, however, cautions against treating Islamic normativity and secular governance as mutually exclusive.¹⁷ His concept of the “Islamic secular” identifies domains of custom, administration, political discretion, and practical reasoning that are not conclusively determined by revelation. Together, these perspectives suggest that the central issue is not whether Islamic normativity should disappear from politics, but how theological obligation, juristic interpretation, moral persuasion, and state enforcement should be institutionally differentiated.

A fourth trajectory reconstructs pluralism and equality from within Islamic ethical sources. Contemporary scholarship emphasizes human dignity, welfare, political participation, and shared citizenship as grounds for moving beyond hierarchical models of religious membership. Ghannouchi’s democratic thought draws on the Constitution of Medina and Qur’anic conceptions of dignity to defend equal political belonging across religious differences.¹⁸ Fadel likewise demonstrates that Muslim reformist commitments to *sharīʿah* need not entail opposition to democracy or gender equality when citizenship is understood through political equality rather than comprehensive agreement about the good life.¹⁹ Studies of pluralism also identify opportunities for inclusive reinterpretation while

¹³ Mohammad Fadel, “The True, the Good and the Reasonable: The Theological and Ethical Roots of Public Reason in Islamic Law,” *Canadian Journal of Law & Jurisprudence* 21, no. 1 (2008): 5–69, <https://doi.org/10.1017/S084182090000432X>.

¹⁴ A Sachedina, *Islamic Ethics: Fundamental Aspects of Human Conduct, Islamic Ethics: Fundamental Aspects of Human Conduct*, 2022, <https://doi.org/10.1093/oso/9780197581810.001.0001>.

¹⁵ A A Ali Mohamed and M H Ahmad, “British Administration of Malay Peninsula and Its Impact on the Status of Islamic Law,” in *Islamic Law in Malaysia: The Challenges of Implementation*, 2021, 9–18, https://doi.org/10.1007/978-981-33-6187-4_2; I Yilmaz, “Muslims, Sacred Texts, and Laws in the Modern World,” in *Handbook of Contemporary Islam and Muslim Lives*, vol. 1, 2021, 19–38, https://doi.org/10.1007/978-3-030-32626-5_5.

¹⁶ R N Ichsan et al., “THE ROLE OF ISLAMIC BANKING LITERACY AND EASE OF USE ON ACHIEVING SUSTAINABLE DEVELOPMENT GOALS AND MAQASHID AL-SHARIAH IN INDONESIA,” *International Journal of Economics and Finance Studies* 16, no. 2 (2024): 190–208, <https://doi.org/10.34109/ijefs.202416210>.

¹⁷ Sherman A Jackson, *The Islamic Secular* (Oxford University Press, 2024), <https://doi.org/10.1093/oso/9780197661789.001.0001>.

¹⁸ Rached Ghannouchi and Andrew F March, *On Muslim Democracy: Essays and Dialogues* (Oxford University Press, 2023), <https://doi.org/10.1093/oso/9780197666876.001.0001>.

¹⁹ Mohammad Fadel, “Muslim Reformists, Female Citizenship, and the Public Accommodation of Islam in Liberal Democracy,” *Politics and Religion* 5, no. 1 (2012): 2–35, <https://doi.org/10.1017/S1755048311000617>.

acknowledging resistance arising from fears of secularization, doctrinal dilution, and loss of communal authority.²⁰

Despite these advances, the literature remains fragmented across political philosophy, Islamic legal theory, constitutional studies, religious pluralism, and empirical analyses of minority regulation. Public-reason scholarship has largely emerged from Western liberal democracies, where the principal concern is how religious citizens participate within officially secular institutions. Islamic citizenship scholarship often focuses on Muslim minorities or seeks to demonstrate Islam's compatibility with democracy and human rights. Empirical studies document discrimination and segregated citizenship but rarely connect these findings to a reconstructed theory of Islamic public justification. Consequently, the relationship among Islamic ethics, legal authority, equal citizenship, and social cohesion remains insufficiently theorized as one integrated problem.

The central gap is therefore conceptual and institutional. Existing studies do not adequately explain how Islamic arguments can contribute to public justification in Muslim-majority societies without either being translated into a supposedly neutral secular vocabulary or acquiring binding authority simply because they are religiously endorsed. Nor do they sufficiently explain how minorities and dissenting citizens can contest official interpretations of Islam. Invoking justice, *maqāṣid*, *maṣlaḥah*, dignity, or social harmony does not by itself secure plural citizenship, because each concept remains open to competing interpretation and institutional monopolization. This article therefore asks: what limitations arise when Rawlsian and Habermasian accounts of public reason are applied to societies where Islam is embedded in constitutional identity, law, and public morality? Which Islamic ethical and jurisprudential resources can support equal and plural citizenship? How can Islamic public reason mediate religious normativity, coercive law, minority rights, and social cohesion without producing either majoritarian domination or the exclusion of religion from public life?

The study aims to reconstruct Islamic public reason as a normative and analytical framework for plural citizenship. It integrates Rawlsian reciprocity, Habermasian translation, Lafont's institutional contestation, and Islamic legal-ethical reasoning developed by March, Fadel, An-Na'im, Jackson, and contemporary Muslim democratic thinkers. Islamic public reason is defined here as a form of civic justification through which Islamic arguments may inform public decisions when they respect equal political standing, remain open to contestation, distinguish moral authority from state coercion, and relate proposed laws to civic goods that do not require every citizen to affirm Islamic theological truth.

The article's novelty lies in moving beyond both compatibility discourse and the translation paradigm. It develops an Islamic public-reason framework structured by four principles: normative openness, reciprocal civic justification, differentiated legal authority, and institutional contestability. Through this framework, plural citizenship is understood not as passive tolerance but as equal participation in the production and criticism of public norms. Social cohesion is likewise reconceived not as religious uniformity, but as a political achievement grounded in reciprocal recognition, institutional justice, and accountable

²⁰ A Sachedina, "Advancing Religious Pluralism in Islam," *Religion Compass* 4, no. 4 (2010): 221–33, <https://doi.org/10.1111/j.1749-8171.2010.00207.x>; P Zohouri, "Pluralism in Contemporary Islamic Thought: The Case of Mohammed Arkoun, Nasr Hamid Abu Zayd and Abdolkarim Soroush," in *Philosophy and Politics - Critical Explorations*, vol. 16, 2021, 149–69, https://doi.org/10.1007/978-3-030-66089-5_9; M S Rijal et al., "Reinterpreting Pluralism: A Critical Exegetical and Intellectual Analysis in Contemporary Islamic Thought," *Research Journal in Advanced Humanities* 6, no. 3 (2025), <https://doi.org/10.58256/9bbxnp73>.

disagreement. This reconstruction contributes to Islamic political ethics, Islamic legal theory, citizenship studies, and comparative religious studies by clarifying how the public significance of Islam can be maintained while coercive authority remains answerable to citizens living under conditions of enduring religious and moral plurality.

METHOD

This study employed qualitative comparative document analysis to reconstruct Islamic public reason as a normative and institutional framework for plural citizenship in Muslim-majority societies. The method was selected because the study examines how religious normativity, legal coercion, minority recognition, civic equality, and social cohesion are formulated through authoritative constitutional, judicial, and normative documents. Following Bowen, document analysis was understood as a systematic process of reviewing and interpreting documentary materials to generate contextualized meaning and analytical knowledge.²¹ The documents were therefore treated not as neutral repositories of legal information but as institutional texts that define rights, classify religious identities, distribute authority, and structure relationships among religion, citizens, and the state.

The analysis combined qualitative document analysis, directed content analysis, and comparative normative interpretation. Schreier's coding principles were used to construct, test, and refine an analytical framework,²² while Krippendorff's context-sensitive approach informed the interpretation of textual provisions within their institutional and political settings.²³ The study consequently examined not only what the documents stated but also how they authorized particular understandings of religion, public order, citizenship, equality, and coercive power.

The corpus was selected purposively according to a variation-oriented comparative logic. Indonesia, Morocco, and Tunisia were chosen because they represent distinct configurations of constitutional Islam and plural citizenship. Indonesia combines a religiously grounded state philosophy with guarantees of religious freedom without formally establishing Islam as the state religion. Morocco constitutionally recognizes Islam while affirming cultural plurality, civic participation, and legal equality. Tunisia links state responsibility to Islamic objectives while also protecting equality, conscience, freedom, and religious practice. These cases were not intended to represent all Muslim-majority societies but to reveal different ways in which Islamic normativity is incorporated into modern constitutional governance.

The primary corpus consisted of the constitutions of Indonesia, Morocco, and Tunisia; Indonesian Constitutional Court Decision No. 140/PUU-VII/2009 on religious abuse and defamation; Indonesian Constitutional Court Decision No. 97/PUU-XIV/2016 on the recognition of indigenous-belief adherents; the International Covenant on Civil and Political Rights; the Cairo Declaration on Human Rights in Islam; and the Marrakesh Declaration on the Rights of Religious Minorities. Documents were included when they possessed an identifiable institutional origin, addressed at least one core issue of the study, were available

²¹ Glenn A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27–40.

²² Margrit Schreier, *Qualitative Content Analysis in Practice* (Sage, 2012).

²³ Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology*, 4th ed. (Thousand Oaks, CA: SAGE Publications, 2019).

in an official or authenticated version, and contained sufficient material for comparative interpretation. Secondary scholarship was used to contextualize and critically evaluate the primary texts.

The unit of context was the complete document, while the unit of coding was a clause, judicial argument, constitutional formulation, or coherent passage addressing religion, law, citizenship, authority, or public order. Analysis proceeded through four stages. First, the documents were repeatedly read to identify their normative objectives, rights provisions, limitation clauses, institutional authorities, and mechanisms of review. Second, descriptive and conceptual codes were applied, including religious freedom, state religion, minority recognition, public-order restriction, administrative exclusion, constitutional hybridity, and religious coercion. Third, a deductive framework derived from Rawlsian reciprocity, Habermasian postsecular reasoning, Lafont's institutional contestation, and Islamic legal-ethical thought was applied through four categories: normative openness, reciprocal civic justification, differentiated legal authority, and institutional contestability. Inductive themes were retained when they extended the initial framework.

Finally, second-cycle pattern coding grouped the findings into four analytical themes: constitutional hybridity, the differentiation of Islamic normativity from state coercion, the movement from formal recognition to contestatory citizenship, and social cohesion through accountable disagreement. Analytical trustworthiness was strengthened through an audit trail, coding-frame revision, comparison matrices, and negative-case analysis. Because the study did not employ interviews, surveys, or ethnography, its conclusions concern normative and institutional structures rather than lived experience or policy implementation. Its contribution is therefore theoretical and analytically transferable rather than statistically generalizable.

RESULTS AND DISCUSSION

Constitutional Hybridity and the Reconstruction of Islamic Public Reason

The most fundamental finding of the comparative analysis is that the constitutional position of Islam in Muslim-majority societies is neither uniformly theocratic nor adequately described through a linear transition toward secular government. Indonesia, Morocco, and Tunisia instead exhibit constitutional hybridity: each combines Islamic or religious commitments with national sovereignty, legal equality, institutional pluralism, individual rights, and international human-rights norms. This pattern is not merely a textual compromise between incompatible traditions. It constitutes a distinctive mode of constitutional ordering in which Islamic, liberal-constitutional, customary, and historically specific sources of legitimacy coexist and compete within the same political framework. Comparative studies describe such hybridity as a recurring feature of Muslim-majority legal systems, although its configuration varies according to colonial inheritances, national ideologies, political institutions, and the constitutional status assigned to Islamic law.²⁴ The analytical consequence is

²⁴ J Valčiukas, "The Concept of Constitutionalism in Islamic Legal Tradition," *Logos (Lithuania)*, no. 77 (2013): 186–94, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84892622586&partnerID=40&md5=0fe8597fc8dd3941bf29cbaef293492e>; M Lawan, "Islamic Law and Legal Hybridity in Nigeria," *Journal of African Law* 58, no. 2 (2014): 303–27, <https://doi.org/10.1017/S0021855314000151>; N M Nggilu, E Noviawati, and D E Ismail, "Indonesia's Constitutional Identity: A Comparative Study of Islamic Constitutionalism," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (2024): 480–500, <https://doi.org/10.18860/j-fsh.v16i2.29851>; K Zada et al., "The

that Islamic public reason cannot be reconstructed simply by deciding whether religion should be included in or excluded from politics. It must explain how several normative traditions can participate in public justification without allowing one institutional interpretation to monopolize citizenship and constitutional authority.

Indonesia illustrates a form of hybridity in which religion is constitutionally significant without Islam being formally established as the religion of the state. Belief in God forms part of the philosophical architecture of the constitutional order, while equality before the law, religious freedom, freedom of conscience, and protection from discrimination are simultaneously guaranteed.²⁵ Religion is therefore neither confined to private association nor constitutionally authorized as a singular source of sovereignty. It occupies an intermediate public position: religious values may inform legislation, education, administration, judicial reasoning, and political debate, but formal citizenship is not defined exclusively through adherence to Islam.

This arrangement creates a substantial space for Islamic ethical reasoning, yet it also leaves unresolved who may authoritatively define the religious values invoked in public institutions. The Constitution does not assign comprehensive interpretive supremacy to one clerical body, judicial institution, ministry, or religious organization. In practice, the public meaning of religion is produced through interactions among legislatures, courts, bureaucracies, religious councils, social movements, educational institutions, and local communities. The resulting order is normatively plural rather than institutionally neutral. Gadirov and Mehdi show that normative pluralism arises when state law, religious law, and socially embedded norms coexist without being fully reducible to a single hierarchy.²⁶ Such coexistence can broaden the sources available for ethical and legal reasoning, but it can also generate uncertainty regarding jurisdiction, interpretive authority, and the status of minority practices.

The Indonesian evidence consequently reveals an internal contradiction. Constitutional recognition of religion can protect religious communities from exclusion and allow Islamic ethics to contribute to public life. Yet the same recognition can enable state institutions to classify religions and distinguish accepted beliefs from interpretations deemed deviant. Alfitri demonstrates that disputes over religious liberty in Indonesia repeatedly expose tension between constitutional protection and governmental involvement in defining religious orthodoxy.²⁷ Simandjuntak further characterizes the resulting condition as segregated citizenship, in which formal equality coexists with institutional practices that differentiate citizens according to majority-defined religious legitimacy.²⁸ The problem does not arise from the public presence of Islam alone. It emerges when a plural constitutional commitment is administered through

Constitutionalization of Sharia in Muslim Countries: Historical and Political Struggles in Indonesia, Türkiye, and Saudi Arabia,” *Mazahib Jurnal Pemikiran Hukum Islam* 24, no. 2 (2025): 435–55, <https://doi.org/10.21093/mj.v24i2.11679>.

²⁵ Republic of Indonesia, “The 1945 Constitution of the Republic of Indonesia” (1945).

²⁶ J Gadirov, “Plurality of Legal Systems and Democracy,” *Human Rights* 14, no. 2 (2019): 5–21, <https://doi.org/10.22096/hr.2020.121446.1192>; R Mehdi, “Law versus Religion: State Law and Religious Norms,” in *Normative Pluralism and International Law: Exploring Global Governance*, 2011, 284–300, <https://doi.org/10.1017/CBO9781139567121.014>.

²⁷ Alfitri, “Religious Liberty in Indonesia and the Rights of ‘Deviant’ Sects.”

²⁸ Simandjuntak, “Disciplining the Accepted and Amputating the Deviants: Religious Nationalism and Segregated Citizenship in Indonesia.”

categories that convert dominant religious interpretations into standards of civic recognition.

Morocco represents a different form of hybridity. Islam is expressly recognized as the religion of the state, but this constitutional affirmation coexists with commitments to human dignity, legal equality, freedom of worship, political participation, cultural plurality, and internationally recognized rights. Moroccan identity is defined through Arab-Islamic, Amazigh, Saharan-Hassani, African, Andalusian, Hebraic, and Mediterranean components.²⁹ This formulation resists the reduction of national belonging to a homogeneous Islamic or Arab identity. Islam remains central to constitutional symbolism and political legitimacy, yet it is situated within a historically layered account of the political community.

The Moroccan pattern demonstrates that constitutional Islam does not necessarily erase religious, ethnic, or cultural plurality. It may instead provide one component of a composite national identity. Constitutional acknowledgment of civil society and participatory institutions further indicates that citizenship involves the capacity to contribute to public decision-making rather than merely to receive protection from the state. Nevertheless, this plural construction leaves unresolved how conflicts among Islamic identity, monarchical religious authority, constitutional rights, and international legal commitments are to be adjudicated. Constitutional hybridity does not dissolve such conflicts; it relocates them to institutional sites where competing authorities interpret the meaning of religion, rights, and public order.

Tunisia provides a third configuration. Its constitutional order connects the state with the Islamic community and assigns public authority responsibility for advancing objectives associated with the preservation of life, dignity, property, religion, and freedom. At the same time, it affirms equality, freedom of belief and conscience, religious practice, and the impartiality of public institutions.³⁰ The incorporation of a vocabulary resembling *maqāṣid al-sharīʿah* is particularly significant. Rather than presenting Islamic identity only as a symbolic declaration or source of legislative primacy, the Constitution connects it to substantive goods that include dignity and freedom.

This formulation complicates the assumption that constitutional references to Islam necessarily privilege conformity over liberty. *Maqāṣid*-oriented language can interpret Islamic governance through the protection of human welfare, moral agency, and public justice. Yet its legal meaning is not self-executing. Protection of religion may signify safeguarding persons and communities against coercion and persecution, but it may also be construed as defending an official doctrine against criticism. Protection of freedom may support conscience and religious choice, but it may be narrowed through broad invocations of morality, security, or communal order. Studies of religious freedom in Muslim-majority contexts similarly show that constitutional balancing can protect pluralism when Islamic and rights-based commitments are interpreted reciprocally but can restrict minorities when the primacy of *sharīʿah* is institutionally equated with one authoritative interpretation.³¹

²⁹ Kingdom of Morocco, “Constitution of the Kingdom of Morocco” (2011).

³⁰ Republic of Tunisia, “Constitution of the Republic of Tunisia” (2022).

³¹ M Abdallah, “‘Community’ in the Koran between Dogmatic Homogeneity and Cultural Diversity,” *Theologische Quartalschrift* 197, no. 2 (2017): 155–81, <https://doi.org/10.14623/thq.2017-2.155-181>; M R M Nor, I Khan, and M Elius, “Analysing the Conceptual Framework of Religious Freedom Andinterreligious Relationship in Islam,” *Indonesian Journal of Islam and Muslim Societies* 8, no. 2 (2018): 309–34, <https://doi.org/10.18326/ijims.v8i2.309-334>; A S Garba, “The Prospects and Problems of the Marrakesh Declaration on the Rights of Religious Minorities in

The three cases therefore reveal that Islamic constitutional identity has no predetermined legal effect. It can furnish an ethical vocabulary for justice, dignity, solidarity, welfare, and freedom, but it can also legitimate hierarchical recognition when interpretive authority is concentrated in institutions insulated from civic challenge. Zada emphasizes that the constitutionalization of *sharī'ah* is shaped by historical and political struggles rather than by a uniform doctrinal logic.³² Similarly, Virgili and Carle indicate that the use of Islamic sources in public reasoning depends on how religious concepts are mediated through law, political institutions, and competing conceptions of authority.³³ The decisive issue is therefore not the mere constitutional appearance of Islam, but the institutional process through which Islamic concepts acquire public meaning and potentially coercive force.

This finding refines Rawlsian public reason. Rawls theorizes a constitutional democracy in which citizens hold diverse comprehensive doctrines but justify constitutional essentials through political values that others might reasonably accept.³⁴ In the cases examined here, however, religion does not enter politics only through the convictions of individual citizens. Islamic meanings are already embedded in constitutional identity, official institutions, public education, and the symbolic grammar of the state. The relevant asymmetry is therefore institutional: religious arguments may possess public authority before deliberation begins, while minority or nonreligious citizens must respond to concepts already incorporated into the constitutional order.

Islamic public reason must consequently address more than the permissibility of religious speech. It must regulate the accountability of institutionally privileged religious reasoning. Habermas's postsecular approach correctly recognizes that religious traditions contain semantic and ethical resources that should not be excluded from democratic discussion. His requirement that religious claims be translated into generally accessible language before entering coercive law, however, is difficult to apply unchanged where Islamic concepts already belong to formal constitutional discourse.³⁵ Complete translation into nonreligious language would misrepresent these political orders and implicitly treat Islamic discourse as deficient until rendered secular.

The constitutional evidence instead supports a requirement of justificatory supplementation. Islamic concepts need not be removed from public reasoning, but their use must be accompanied by civic reasons addressing equality, dignity, public welfare, legal consistency, and the consequences of law for differently situated citizens. March similarly rejects treating religious reasons as categorically illegitimate.³⁶ Their democratic acceptability depends on their political function, their institutional location, and the relations of power they establish. In hybrid constitutional orders, an explicitly Islamic argument may therefore remain

Muslim Majority Communities," *Review of Faith and International Affairs* 16, no. 4 (2018): 47–59, <https://doi.org/10.1080/15570274.2018.1535038>.

³² Zada et al., "The Constitutionalization of Sharia in Muslim Countries: Historical and Political Struggles in Indonesia, Türkiye, and Saudi Arabia."

³³ T. Virgili, *Islam, Constitutional Law and Human Rights: Sexual Minorities and Freethinkers in Egypt And Tunisia*, *Islam, Constitutional Law and Human Rights: Sexual Minorities And Freethinkers In Egypt And Tunisia*, 2021, <https://doi.org/10.4324/9780429259418>; R. Carle, "Revealing and Concealing: Islamist Discourse on Human Rights," *Human Rights Review* 6, no. 3 (2005): 122–37, <https://doi.org/10.1007/BF02862219>.

³⁴ Rawls, *Political Liberalism*.

³⁵ Jürgen Habermas, *Between Naturalism and Religion: Philosophical Essays* (Cambridge MA · Cronin, Ciaran: Polity Press, 2008).

³⁶ March, "Rethinking Religious Reasons in Public Justification."

publicly valid, but it cannot be treated as legally conclusive solely because of its theological source.

The Marrakesh Declaration illustrates this reconstructive possibility. By invoking the Charter of Medina, it advances a contractual conception of political membership that treats religiously diverse communities as participants in a shared polity rather than as passive recipients of majority protection.³⁷ It connects Islamic historical and jurisprudential resources with human dignity, religious freedom, legal security, and intercommunal trust. Its importance lies in demonstrating that plural citizenship can be articulated through Islamic knowledge traditions rather than only imported through an external liberal vocabulary. Yet its nonbinding character and uncertain mechanisms of implementation reveal the distance between ethical declaration and institutional transformation.³⁸

Constitutional hybridity should thus be understood not as an unfinished compromise awaiting resolution through either secularization or fuller Islamization, but as the durable legal condition within which Islamic public reason must operate. For future-oriented Islamic and Islamicate studies, the central question is how hybrid institutions produce, authorize, and contest Islamic knowledge in public life. The core finding is that constitutional Islam supports plural citizenship when it functions as a publicly interpretable and institutionally contestable ethical resource; it becomes exclusionary when one authority monopolizes its meaning and treats religiously framed power as exempt from reciprocal civic justification.

Differentiating Islamic Normativity from State Coercion

The central theoretical tension emerging from the findings concerns the frequent conflation of Islamic normativity with the coercive authority of the modern state. A proposition may be theologically authoritative, morally compelling, juristically preferable, or communally binding without thereby constituting a legitimate rule for universal state enforcement. Islamic normativity refers to a broad moral and legal universe derived from the Qur'an, Sunnah, scholarly interpretation, and inherited modes of ethical reasoning that guide both personal conduct and collective life.³⁹ Yet once such norms are transformed into codified statutes, their character changes. They become enforceable through bureaucratic, judicial, and penal institutions whose authority differs fundamentally from that of jurists, teachers, or religious communities. The article's findings therefore support scholarship that treats the modern codification of *sharī'ah* as a process of "positivization," but they extend that scholarship by showing that the principal normative problem is not codification alone. It is the

³⁷ Marrakesh Declaration, "Marrakesh Declaration on the Rights of Religious Minorities in Muslim-Majority Lands" (Marrakesh: Marrakesh Declaration, 2016), <https://www.marrakeshdeclaration.org/>.

³⁸ Garba, "The Prospects and Problems of the Marrakesh Declaration on the Rights of Religious Minorities in Muslim Majority Communities."

³⁹ K Aramesh, "Normativity in Islamic Bioethics," in *Advancing Global Bioethics*, vol. 14, 2020, 13–29, https://doi.org/10.1007/978-3-030-30432-4_3; E Elmahjub, "Islamic Jurisprudence as an Ethical Discourse: An Enquiry into the Nature of Moral Reasoning in Islamic Legal Theory," *Oxford Journal of Law and Religion* 10, no. 1 (2021): 16–42, <https://doi.org/10.1093/ojlr/rwaa023>; Z M O Channak and Y J Amuda, "LEGITIMACY AND LEGITIMATION: A COMPARATIVE ANALYSIS OF ISLAMIC LAW AND EUROPEAN STANDARDS THROUGH THE LENS OF SDG 16," *Access to Justice in Eastern Europe* 9, no. 1 (2026): 263–91, <https://doi.org/10.33327/AJEE-18-9.1-a000180>.

loss of distinction among ethical guidance, juristic judgment, political regulation, and coercive law.⁴⁰

Two broad scholarly positions structure this debate. One emphasizes the public relevance of *sharīʿah* and rejects the assumption that Islamic moral reasoning must be privatized before entering modern governance. The other warns that state enforcement transforms a plural and interpretive tradition into a centralized legal apparatus that may suppress dissent. These positions are often presented as opposing alternatives, but the evidence suggests that neither is sufficient on its own. The first risks treating religious legitimacy as if it automatically generated legal legitimacy; the second may understate the continuing ethical and political significance of Islamic norms in Muslim societies. A more adequate account must preserve the public role of Islamic ethics while subjecting state coercion to independent standards of justification, proportionality, and review.

The Cairo Declaration on Human Rights in Islam illustrates both the promise and the difficulty of this approach. It grounds human dignity, moral responsibility, protection of life and property, family welfare, social solidarity, and non-discrimination within an Islamic normative framework.⁴¹ Its importance lies in rejecting the claim that human rights must be articulated only through a secular philosophical vocabulary. Islamic public reason can draw on theological and ethical concepts to defend dignity and justice. However, the Declaration also makes rights dependent on *sharīʿah* without specifying which interpretive tradition, juristic method, or institutional authority should determine the binding content of that term.

This ambiguity is not incidental. *Sharīʿah* is not a self-applying code, but a complex discursive tradition composed of scriptural interpretation, juristic schools, legal maxims, theological assumptions, local practice, and historically contingent institutions. Referring to *sharīʿah* therefore does not end disagreement; it transfers disagreement to the level of interpretation and authority. Dupret argues that modern state law often reconstructs *sharīʿah* through the categories of positive law, replacing plural juristic reasoning with standardized rules.⁴² Yusefi-Eshkevari similarly shows that codification can transform a historically flexible interpretive tradition into an instrument of centralized authority.⁴³ Kamaluddin further emphasizes that this process shifts the location of religious power from scholarly communities to legislatures, courts, ministries, and executive bodies.⁴⁴

⁴⁰ H Yusefi-Eshkevari, “Faithful Life in an Urfi State,” *Comparative Studies of South Asia, Africa and the Middle East* 31, no. 1 (2011): 23–26, <https://doi.org/10.1215/1089201X-2010-048>; B Dupret et al., “Paternal Filiation in Muslim-Majority Environments: A Comparative Look at the Interpretive Practice of Positive Islamic Law in Indonesia, Egypt, and Morocco,” *Journal of Law, Religion and State* 10, no. 2–3 (2023): 167–217, <https://doi.org/10.1163/22124810-20230002>; I F Ngazizah, “Mengungkap Dinamika Hukum Islam: Telaah Kritis Terhadap ‘An Introduction to Islamic Law Karya Wael B. Hallaq,’” *Al-Mazaahib* 12, no. 2 (2024): 248–63, <https://doi.org/10.14421/al-mazaahib.v12i2.4082>.

⁴¹ Organisation of Islamic Cooperation, “Cairo Declaration on Human Rights in Islam” (Cairo, Egypt, 1990).

⁴² Dupret et al., “Paternal Filiation in Muslim-Majority Environments: A Comparative Look at the Interpretive Practice of Positive Islamic Law in Indonesia, Egypt, and Morocco.”

⁴³ Yusefi-Eshkevari, “Faithful Life in an Urfi State.”

⁴⁴ A Kamaluddin et al., “Human Capital Accountability and Construct: Evidence from Islamic Microfinance Institutions in Malaysia,” *Global Journal Al-Thaqafah* 2018 (2018): 117–30, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85047084847&partnerID=40&md5=ac5183c71f742474b9de7dfb8e604cc6>.

The resulting legal order may invoke divine law while being produced through recognizably human processes of selection, exclusion, and enforcement.

An-Na'im responds to this problem by insisting that state legislation described as *shari'ah* remains a human political construction.⁴⁵ Public officials choose among competing interpretations, translate them into statutory form, and enforce them through institutions that are neither neutral nor infallible. His argument is strongest in exposing the danger of sacralizing state power. Yet a purely secular constitutional solution can appear insufficient where Islamic ethics remain central to public identity and moral reasoning. The present findings therefore refine An-Na'im's position: the necessary distinction is not between Islam and politics as separate domains, but between religious normativity and the coercive procedures through which the state converts one interpretation into law.

Fadel's reconstruction of Islamic legal reason provides an internal jurisprudential basis for this differentiation. He shows that classical jurists distinguished among truth, moral goodness, reasonable disagreement, and legally enforceable judgment.⁴⁶ A jurist could regard one position as religiously superior while still recognizing the legal plausibility of another. This distinction prevented every moral obligation from becoming a punishable offence and every theological disagreement from becoming a matter of political discipline. Later scholarship similarly notes that classical legal reasoning often placed greater emphasis on moral responsibility, intention, persuasion, and communal practice than on comprehensive state enforcement.⁴⁷

The modern state alters the stakes of this distinction. Premodern Islamic legal orders were fragmented across judges, jurists, rulers, local customs, and overlapping institutions. Contemporary states command centralized police forces, prisons, educational systems, licensing regimes, national databases, and digital forms of surveillance. When a modern state adopts a contested religious interpretation, it does not merely endorse a moral position; it embeds that interpretation within institutions capable of classifying, excluding, and punishing citizens on a mass scale. Positivation therefore produces not only legal clarity but also a concentration of interpretive and coercive power.

The Indonesian Constitutional Court's decision on religious abuse and defamation makes this contradiction visible. The Court upheld legislation restricting religious abuse and accepted the state's responsibility to protect religion, preserve public order, and prevent communal conflict.⁴⁸ These objectives are not inherently illegitimate. The state has a duty to protect citizens from violence, intimidation, discrimination, and incitement. The difficulty arises when

⁴⁵ Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, MA: Harvard University Press, 2008).

⁴⁶ Fadel, "The True, the Good and the Reasonable: The Theological and Ethical Roots of Public Reason in Islamic Law."

⁴⁷ M Fadel, "Political Legitimacy, Democracy and Islamic Law: The Place of Self-government in Islamic Political Thought," *Journal of Islamic Ethics* 2, no. 1–2 (2018): 59–75, <https://doi.org/10.1163/24685542-12340015>; Channak and Amuda, "LEGITIMACY AND LEGITIMATION: A COMPARATIVE ANALYSIS OF ISLAMIC LAW AND EUROPEAN STANDARDS THROUGH THE LENS OF SDG 16"; S S Ahmed et al., "Reimagining Islamic Political Structures in Contemporary Muslim Societies: The Role of Global Networks and Transnational Movements," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 513–34, <https://doi.org/10.29240/jhi.v10i2.13368>.

⁴⁸ Constitutional Court of the Republic of Indonesia, Decision Number 140/PUU-VII/2009 concerning the judicial review of Law Number 1/PNPS/1965 on the prevention of religious abuse and/or defamation against the 1945 Constitution of the Republic of Indonesia (2010).

the protection of persons is conflated with the protection of doctrines from criticism, reinterpretation, or internal dissent.

This distinction matters because offence, theological error, and legally cognizable harm are not equivalent. A minority interpretation may be rejected by dominant institutions without violating another person's rights. Likewise, criticism of a doctrine may be offensive without constituting incitement to hostility or violence. Broad appeals to religious harmony can obscure this difference. Alfitri shows that the regulation of so-called deviant sects in Indonesia often strengthens majoritarian orthodoxy while narrowing the practical scope of religious freedom. Simandjuntak demonstrates that such regulation can divide citizens into accepted and deviant categories, thereby converting theological classification into differentiated civic standing.

The International Covenant on Civil and Political Rights offers a more discriminating structure. It protects freedom of thought, conscience, religion, expression, political participation, equality, and minority rights, while permitting narrowly defined restrictions necessary to protect public safety, order, health, morals, or the rights of others. It also requires prohibition of advocacy that constitutes incitement to discrimination, hostility, or violence.⁴⁹ This framework distinguishes belief from manifestation, disagreement from incitement, and offence from harm. Islamic public reason need not accept international human-rights law without critique, but it can draw on these distinctions to prevent the category of harm from expanding to include every challenge to orthodoxy.

Maqāṣid-oriented reasoning strengthens this differentiated approach. Protection of religion should include safeguarding individuals and communities from coercion, persecution, and destruction of their institutions. It should not automatically mean insulating doctrines from criticism. Similarly, *maṣlaḥah* may justify regulation aimed at preventing tangible harm, but it cannot function as an unrestricted vocabulary through which the state claims that any dissent threatens the public good. Elmahjub and Ahmed suggest that proportionality is compatible with Islamic ethical reasoning because the pursuit of welfare requires attention to consequences, necessity, and the distribution of burdens.⁵⁰ Even where proportionality was not formulated as a modern constitutional doctrine, its logic is implicit in the requirement that coercion serve a legitimate good without producing greater injustice.

Jackson's concept of the Islamic secular further clarifies why differentiation does not amount to the exclusion of Islam. He argues that Islamic tradition recognizes a field of human judgment, custom, administration, and political discretion not exhaustively determined by revelation.⁵¹ This domain permits rulers and communities to regulate public affairs while acknowledging the fallibility and contingency of political decisions. The implication is that a law may be compatible with Islamic ethics without being presented as a direct and unquestionable command of God.

On this basis, the study identifies four conditions for legitimate religiously informed coercion. First, a public-purpose condition requires that regulation protect an identifiable civic interest rather than the symbolic prestige of a doctrine. Second, a non-conclusiveness condition prevents religious endorsement from

⁴⁹ United Nations, "International Covenant on Civil and Political Rights," 1966.

⁵⁰ Elmahjub, "Islamic Jurisprudence as an Ethical Discourse: An Enquiry into the Nature of Moral Reasoning in Islamic Legal Theory"; Ahmed et al., "Reimagining Islamic Political Structures in Contemporary Muslim Societies: The Role of Global Networks and Transnational Movements."

⁵¹ Jackson, *The Islamic Secular*.

rendering one interpretation immune to challenge. Third, a proportionality condition requires evidence that coercion is necessary, suitable, and less restrictive alternatives are inadequate. Fourth, an equal-citizenship condition guarantees that affected persons retain the standing and institutional means to contest the rule.

These conditions do not displace religious authority. Scholars, jurists, and communities may continue to interpret Islamic norms, issue guidance, and influence public debate. What they prevent is the unexamined conversion of moral authority into punitive state power. The Marrakesh Declaration moves in this direction by rejecting the use of religion to violate minority rights and by advocating constitutional citizenship rather than hierarchical protection.⁵² Yet, as Garba notes, its normative force remains limited without legislative, judicial, and administrative implementation.⁵³

For future-oriented Islamicate scholarship, this debate requires closer attention to how religious norms travel across institutions. A fatwa, sermon, scholarly opinion, statute, algorithmic classification, and criminal sanction are not equivalent expressions of authority. The originality of this study lies in treating their differentiation as a constitutive principle of Islamic public reason: Islamic ethics may shape public policy, but no contested interpretation becomes legitimate state coercion unless it remains proportionate, reviewable, and answerable to citizens as equals.

From Formal Recognition to Contestatory Citizenship

The combined use of comparative document analysis, institutional interpretation, and public-reason theory reveals that plural citizenship cannot be adequately assessed through constitutional language alone; it must be examined through the administrative classifications, legal procedures, and contestatory mechanisms that determine whether citizens can challenge the state's definition of legitimate religious belonging. Previous studies have often approached plural citizenship through nationality, dual membership, migration, or attachment to more than one political community.⁵⁴ Those approaches illuminate the weakening of singular national identities under globalization, but they do not fully capture the problem examined here. In Muslim-majority societies, plurality also exists within citizenship: individuals may share one nationality while occupying unequal positions because their religions, beliefs, or interpretations are differently recognized by administrative and legal institutions. The method employed in this study makes that internal differentiation visible by reading constitutional principles together with judicial decisions, identity regulations, and institutional practices.

The Indonesian Constitutional Court's decision on indigenous-belief adherents provides the clearest evidence of this methodological contribution. The

⁵² Declaration, "Marrakesh Declaration on the Rights of Religious Minorities in Muslim-Majority Lands."

⁵³ Garba, "The Prospects and Problems of the Marrakesh Declaration on the Rights of Religious Minorities in Muslim Majority Communities."

⁵⁴ I Bloemraad, A Korteweg, and G Yurdakul, "Citizenship and Immigration: Multiculturalism, Assimilation, and Challenges to the Nation-State," *Annual Review of Sociology* 34 (2008): 153–79, <https://doi.org/10.1146/annurev.soc.34.040507.134608>; H U Jessurun D'Oliveira, "Once Again: Plural Nationality," *Maastricht Journal of European and Comparative Law* 25, no. 1 (2018): 22–37, <https://doi.org/10.1177/1023263X17754020>; P J Spiro, "The Equality Paradox of Dual Citizenship," *Journal of Ethnic and Migration Studies* 45, no. 6 (2019): 879–96, <https://doi.org/10.1080/1369183X.2018.1440485>.

case concerned population-administration provisions that distinguished citizens affiliated with officially recognized religions from those adhering to indigenous beliefs. The Court concluded that the statutory category of religion could not be interpreted so narrowly as to exclude indigenous beliefs and invalidated provisions that produced unequal administrative treatment.⁵⁵ A purely doctrinal reading might identify the decision as an affirmation of equality and religious freedom. Institutional analysis reveals a deeper significance: the dispute concerned the state's power to make citizens legible through official categories.

Population registration is connected to education, marriage, employment, social assistance, public services, and routine interaction with government agencies. The classification of belief on an identity document therefore affects far more than symbolic recognition. Before the decision, a blank or differently treated religious field could appear administratively neutral. Within a system organized around recognized religious categories, however, that absence marked indigenous-belief adherents as exceptional and exposed them to recurring difficulties across multiple institutions. The case demonstrates that bureaucratic categories can reproduce inequality without explicitly denying nationality or constitutional rights. Formal citizenship may remain intact while administrative citizenship becomes stratified.

This finding sharpens Simandjuntak's concept of segregated citizenship. Religious segregation does not operate only through public hostility or explicit legal prohibition; it can be embedded in forms, databases, registration procedures, and standardized definitions of religion.⁵⁶ Document analysis is particularly valuable here because it traces how abstract constitutional concepts become operational categories. It prevents the study from equating a constitutional guarantee with its institutional realization. The method therefore identifies a critical gap between recognition in principle and recognition in administrative practice.

The theoretical framework further clarifies why the Court's decision represents more than an expansion of tolerance. Lafont's participatory conception of democratic legitimacy holds that citizens should possess effective opportunities to challenge decisions and demand reasons from institutions exercising coercive authority.⁵⁷ The petitioners did not merely request accommodation from a benevolent majority. They contested the categories through which the state defined religious identity and claimed equal standing in the constitutional order. Their action transformed them from tolerated subjects into constitutional agents capable of requiring institutional revision.

This distinction between tolerance and contestation is central to the article's analytical contribution. Toleration preserves an asymmetrical relationship: the dominant authority retains the power to decide which minority practices may continue. Contestatory citizenship instead recognizes minorities as participants in determining the norms and classifications governing shared political life. Scholarship on minority recognition similarly emphasizes that inclusion requires acknowledgement of cultural, religious, and ethnic identities

⁵⁵ Constitutional Court of the Republic of Indonesia, Decision Number 97/PUU-XIV/2016 concerning the judicial review of Law Number 23 of 2006, as amended by Law Number 24 of 2013, on population administration against the 1945 Constitution of the Republic of Indonesia (2017).

⁵⁶ Simandjuntak, "Disciplining the Accepted and Amputating the Deviants: Religious Nationalism and Segregated Citizenship in Indonesia."

⁵⁷ Lafont, *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy*.

rather than assimilation into majority-defined categories.⁵⁸ Studies of Indigenous citizenship extend this argument by showing that formal equality may conceal pressures to abandon distinct traditions, collective rights, or alternative political identities.⁵⁹

The comparison between the indigenous-belief decision and the earlier religious-defamation decision shows how institutional framing affects legal outcomes. In the defamation case, religious difference was represented primarily through the risks of disorder, conflict, and injury to established religion. In the indigenous-belief case, the same broad field of religious difference was framed through equality, legal certainty, administrative recognition, and non-discrimination. The contrast shows that public institutions do not simply respond to pre-existing problems; they define the problems to which law responds. When minority beliefs are framed as threats to social stability, coercive regulation appears reasonable. When minorities are understood as citizens disadvantaged by state classification, institutional reform becomes necessary.

This insight develops public-reason theory by incorporating what may be called the politics of problem construction. Reciprocal justification cannot begin only after the state has already determined which citizens count as legitimate claimants and which interests qualify as public concerns. Islamic public reason must also scrutinize the categories through which institutions identify orthodoxy, minority status, harm, and social order. Otherwise, formally inclusive reasoning may reproduce exclusion at the prior stage of classification. The Marrakesh Declaration provides an Islamic normative resource for moving from hierarchical protection toward contractual citizenship. Drawing on the Charter of Medina, it portrays members of different religious communities as participants in a common political association whose rights cannot depend entirely on discretionary majority protection.⁶⁰ This reconstruction is important because classical arrangements of protected minority status emerged under political conditions different from those of modern states. Contemporary citizens share taxation, public institutions, education systems, legal administration, and political representation. An Islamic account of citizenship must therefore address equal membership in institutions that govern everyone.

The Declaration nevertheless demonstrates the limits of normative texts when they are not accompanied by mechanisms for minority participation. Garba notes that its commitments remain constrained by uncertainty regarding

⁵⁸ T Soutphommasane, "Grounding Multicultural Citizenship: From Minority Rights to Civic Pluralism," *Journal of Intercultural Studies* 26, no. 4 (2005): 401–16, <https://doi.org/10.1080/07256860500270239>; Z Qodir and R W Hefner, "Minority, Cultural Citizenship, and Indonesian Islam: Challenges in a Pluralistic Society," *Indonesian Journal of Islam and Muslim Societies* 14, no. 2 (2024): 409–39, <https://doi.org/10.18326/ijims.v14i2.409-439>; K Smits, *The Political Uses of Cultural Diversity: The Diversity Dividend*, 2026, <https://doi.org/10.4324/9781032719528>.

⁵⁹ I Altamirano-Jiménez, "North American First Peoples: Slipping up into Market Citizenship?," *Citizenship Studies* 8, no. 4 (2004): 349–65, <https://doi.org/10.1080/1362102052000316963>; M Woons, "Decolonizing Canadian Citizenship: Shared Belonging, Not Shared Identity," *Settler Colonial Studies* 4, no. 2 (2014): 192–208, <https://doi.org/10.1080/2201473X.2013.809838>; J Hughes, "Constitutional Identity and the Identity of the People: The Constitutional Conceptualization of Non-Status and off-Reserve Indigenous Populations in Canada," *Hungarian Journal of Legal Studies* 59, no. 4 (2018): 321–37, <https://doi.org/10.1556/2052.2018.59.4.1>; A J Sánchez Hidalgo, "The Dialectic between Comunitarism-Societarism behind the Recognition of the Indigenous Sistem of Justice," *Cuadernos Electronicos de Filosofia Del Derecho*, no. 43 (2020): 258–84, <https://doi.org/10.7203/CEFD.43.16665>.

⁶⁰ Declaration, "Marrakesh Declaration on the Rights of Religious Minorities in Muslim-Majority Lands."

implementation and legal enforceability. Recognition articulated by religious scholars or state elites on behalf of minorities can retain a paternalistic structure. Contestatory citizenship requires that minority and indigenous communities speak as political actors, participate in decision-making, and challenge interpretations that affect them. Comparative research on institutional contestation confirms that recognition frequently produces disputes over the balance between universal citizenship, differentiated rights, and collective autonomy.⁶¹ The experience of institutional representation in New Caledonia likewise illustrates how Indigenous participation can generate alternative configurations of governance and citizenship rather than mere incorporation into majority institutions.⁶²

The Moroccan and Tunisian constitutional documents broaden the comparative relevance of the Indonesian case. Morocco's recognition of plural historical components of national identity and the public role of civil society provides constitutional resources for participatory belonging beyond a singular religious identity.⁶³ Tunisia's combination of Islamic identity, equality, freedom of conscience, and impartial public administration likewise indicates that constitutional Islam does not inevitably require hierarchically differentiated citizenship.⁶⁴ Yet in both systems, the practical value of these provisions depends on whether citizens possess transparent and effective procedures for challenging administrative or political restrictions.

The ICCPR reinforces this institutional interpretation by connecting freedom of religion with equality before the law, political participation, minority rights, and equal access to public service.⁶⁵ Religious liberty is therefore not exhausted by private worship. It includes the capacity to enter public institutions without being rendered administratively deficient because of one's religious or cultural identity. This supports a three-level analytical model derived from the documentary findings: formal citizenship, which confers legal membership; recognition citizenship, which acknowledges diverse identities without treating them as civic defects; and contestatory citizenship, which provides institutional means to challenge the rules governing recognition.

The model also addresses a limitation in conventional discussions of plural citizenship. Multiple citizenship can expand autonomy and political attachment, but it may also produce questions about equality, obligation, and resource distribution.⁶⁶ Multicultural citizenship models attempt to reconcile universal rights with group-differentiated protections,⁶⁷ while legal pluralism may recognize

⁶¹ Altamirano-Jiménez, "North American First Peoples: Slipping up into Market Citizenship?"; J F Beltrão and A C Oliveira, "Indigenous People and Citizenship: Constitutional Registrations as Social Markers of Difference in Latin America," *Revista de Antropologia* 53, no. 2 (2010): 715–44, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84859554036&partnerID=40&md5=55b546fc212baf649baa68f52bf28158>; Woons, "Decolonizing Canadian Citizenship: Shared Belonging, Not Shared Identity"; Hughes, "Constitutional Identity and the Identity of the People: The Constitutional Conceptualization of Non-Status and off-Reserve Indigenous Populations in Canada."

⁶² C Korson, "The Common Destiny Framework, Citizenship and Customary Governance in Kanaky/New Caledonia," *Forum for Development Studies* 45, no. 3 (2018): 437–60, <https://doi.org/10.1080/08039410.2018.1464058>.

⁶³ Morocco, Constitution of the Kingdom of Morocco.

⁶⁴ Tunisia, Constitution of the Republic of Tunisia.

⁶⁵ United Nations General Assembly, "International Covenant on Civil and Political Rights," 999 United Nations Treaty Series § (1966).

⁶⁶ Spiro, "The Equality Paradox of Dual Citizenship."

⁶⁷ Soutphommasane, "Grounding Multicultural Citizenship: From Minority Rights to Civic Pluralism"; Smits, *Polit. Uses Cult. Divers. Divers. Divid.*

parallel normative systems, as illustrated in analyses of Indigenous legal orders in Bolivia.⁶⁸ The present study adds that differentiated recognition becomes democratically defensible only when affected citizens can contest its design and consequences.

This requirement is increasingly important under digital governance. Religious identities are now processed through interoperable databases, electronic identity cards, automated eligibility systems, and digital service platforms. A restrictive category can be replicated across institutions without renewed deliberation. Although the present study relies on documentary rather than ethnographic or computational evidence, its institutional method directs attention to the infrastructures through which religious authority and citizenship are encoded. Future research should therefore examine database architecture, category design, correction procedures, data sharing, and algorithmic decision-making as emerging sites of Islamicate governance.

The approach has clear limits. Constitutional decisions and official documents reveal authoritative reasoning but do not fully show how policies are experienced in everyday life or how administrative reforms are implemented across regions. Interviews, ethnography, and digital-system audits would provide stronger evidence of practical outcomes. Nevertheless, the integration of comparative document analysis with contestatory public-reason theory prevents legal texts from being read as self-sufficient declarations. It identifies the institutional pathways through which Islamic ethics, state authority, and minority claims interact. For future-oriented Islamic and Islamicate studies, the principal methodological and theoretical contribution is therefore to shift analysis from the formal recognition of minorities to their capacity to contest the production of public norms. Plural citizenship becomes substantive not when minorities are merely visible to the state, but when they can participate in revising the legal, administrative, and digital categories through which religious belonging is governed.

Social Cohesion through Accountable Disagreement

The principal theoretical implication of this study is that social cohesion in Muslim-majority societies is more sustainably produced through accountable disagreement than through the legal or administrative manufacture of religious uniformity. Cohesion does not require citizens to affirm a single theology, moral doctrine, or interpretation of *sharīʿah*. It requires confidence that disagreement will not lead to legal inferiority, administrative exclusion, physical insecurity, or political domination. This conclusion revises approaches that equate stability with doctrinal conformity and extends public-reason theory by locating civic trust, reciprocal justification, differentiated authority, and institutional contestability within a specifically Islamicate framework of plural citizenship.

Social cohesion is commonly associated with social stability, interpersonal cooperation, and citizens' confidence in public institutions. Research on civic trust shows that durable political order depends not only on compliance with law but also on expectations that institutions will act consistently, fairly, and without

⁶⁸ B W Arias López, "Bases de La Interpretación Intercultural En Un Estado Plural Como El Boliviano," *Anuario Iberoamericano de Justicia Constitucional*, no. 18 (2014): 45–60, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85017642296&partnerID=40&md5=f60189a3924759f75837af37083dd967>.

arbitrary discrimination.⁶⁹ In Islamic ethical discourse, trust likewise possesses a distinctly normative character. Amanah, moral character, and concern for public welfare bind interpersonal conduct to public responsibility, while practices that undermine trust are treated as socially corrosive rather than merely individually immoral.⁷⁰ The findings of this study develop these insights by showing that trust in plural societies depends on how institutions govern disagreement. Citizens are unlikely to regard the state as trustworthy when religious difference exposes them to unequal classification or when dominant interpretations are insulated from criticism.

The documentary comparison identifies two competing models of cohesion. The first seeks stability through regulatory conformity. It treats disputed religious expression as a potential source of disorder and allows the state to restrict difference preventively. This logic is visible in the Indonesian Constitutional Court's decision upholding legislation on religious abuse and defamation, where preserving public order and preventing conflict were accepted as grounds for continued state intervention in religious interpretation.⁷¹ The underlying assumption is that social peace may require the containment of beliefs or expressions perceived as threatening established religion.

The second model seeks cohesion through equal recognition. In the indigenous-belief decision, the Court did not require marginalized citizens to adapt themselves to dominant administrative categories. It required the state to revise those categories so that indigenous-belief adherents could receive equal treatment within population administration.⁷² Here, integration resulted from institutional accommodation rather than theological conformity. The contrast demonstrates that harmony is not a self-evident political value. Its normative meaning depends on whether it protects peaceful coexistence or suppresses disagreement on behalf of dominant groups.

This distinction supports the concept of accountable disagreement. Reasonable citizens will continue to disagree about religious truth, conversion, education, gender, family law, morality, blasphemy, and the political role of *sharī'ah*. Accountable disagreement treats these conflicts as permanent conditions of shared political life rather than failures awaiting doctrinal resolution. It requires disagreement to be managed through mutual recognition, accommodation, compromise, and procedures that protect citizens from

⁶⁹ D T Kong, "Intercultural Experience as an Impediment of Trust: Examining the Impact of Intercultural Experience and Social Trust Culture on Institutional Trust in Government," *Social Indicators Research* 113, no. 3 (2013): 847–58, <https://doi.org/10.1007/s11205-012-0117-6>; J Fan, W Liang, and H Zheng, "Government's Impression Management Strategies, Trust in Government and Social Cohesion: An Evidence from Songjiang University Town, China," *Frontiers in Psychology* 13 (2022), <https://doi.org/10.3389/fpsyg.2022.951579>; J Choi and Y Kim, "From Media Use to Government Trust during Crisis: The Mediating Role of Social Cohesion Following the Itaewon Disaster," *Korea Observer* 57, no. 2 (2026): 177–200, <https://doi.org/10.29152/KOIKS.2026.57.2.177>.

⁷⁰ A A Rastgar et al., "Transparent Government Based on Nahj Al-Balagha and Social Trust among Muslim Citizens," *HTS Teologiese Studies / Theological Studies* 79, no. 1 (2023), <https://doi.org/10.4102/hts.v79i1.8052>; A F K Thoha et al., "Ethical Leadership in Religious Institutions: Fostering Social Cohesion in a Multicultural Indonesian Community," *International Journal of Ethics and Systems*, 2025, <https://doi.org/10.1108/IJOES-11-2024-0368>.

⁷¹ Indonesia, Decision Number 140/PUU-VII/2009 concerning the judicial review of Law Number 1/PNPS/1965 on the prevention of religious abuse and/or defamation against the 1945 Constitution of the Republic of Indonesia.

⁷² Indonesia, Decision Number 97/PUU-XIV/2016 concerning the judicial review of Law Number 23 of 2006, as amended by Law Number 24 of 2013, on population administration against the 1945 Constitution of the Republic of Indonesia.

domination.⁷³ It is therefore neither moral relativism nor passive tolerance. Claims supporting coercion, exclusion, or unequal treatment remain subject to evaluation through justice, evidence, proportionality, and equal citizenship.

Reciprocal justification gives this model its political structure. Citizens and officials must justify coercive decisions to those affected by them, including persons who reject the underlying theological premises. Neufeld emphasizes that reciprocity concerns the reasons citizens owe one another when exercising political power under conditions of deep disagreement.⁷⁴ The present study extends this requirement to hybrid constitutional systems in which Islamic concepts already possess formal and institutional significance. In such systems, reciprocity cannot mean the exclusion of Islamic language. It means that Islamic arguments must be related to publicly assessable consequences for dignity, security, welfare, liberty, and equality.

This position refines Rawls's account of public reason. Rawls requires political reasons for decisions concerning constitutional essentials and basic justice, but his model was developed primarily for liberal constitutional orders in which comprehensive religious doctrines are institutionally external to the state. Muslim-majority constitutional systems complicate this arrangement because Islamic concepts may already shape constitutional identity and legal interpretation. The appropriate requirement is therefore not the removal of Islamic reasons but justificatory supplementation. Religious claims may remain explicit, yet they must be accompanied by evidence and civic reasoning that permit all affected citizens to evaluate their coercive implications.

This modification also revises Habermas's translation model. Habermas rightly recognizes religious traditions as sources of ethical and semantic insight, but translation into secular language is insufficient where Islamic concepts already belong to the formal vocabulary of constitutional governance. The issue is not linguistic conversion but institutional accountability. Invoking the prevention of harm, for example, cannot itself justify a restriction. Public authorities must identify the harm, establish its seriousness, demonstrate a causal relationship, assess the burdens imposed on minorities, and consider less restrictive alternatives.

Islamic legal and ethical traditions provide resources for this account of cohesion without requiring the sacralization of state power. Fadel's analysis distinguishes theological truth, ethical goodness, reasonable disagreement, and enforceability, demonstrating that juristic commitment did not necessarily entail coercive uniformity.⁷⁵ Jackson's concept of the Islamic secular identifies domains of political judgment and social regulation not exhaustively determined by revelation.⁷⁶ An-Na'im similarly stresses that state law remains a fallible human product even when inspired by *sharī'ah*. Together, these perspectives support a

⁷³ R Kunzman, "The Civic (and Pedagogical) Virtue of Recognizing Reasonable Disagreement," *Theory and Research in Social Education* 34, no. 2 (2006): 162–82, <https://doi.org/10.1080/00933104.2006.10473303>.

⁷⁴ B Neufeld, "Shared Intentions, Public Reason, and Political Autonomy," *Canadian Journal of Philosophy* 49, no. 6 (2019): 776–804, <https://doi.org/10.1080/00455091.2018.1448046>; B Neufeld, *Public Reason and Political Autonomy: Realizing the Ideal of a Civic People*, *Public Reason and Political Autonomy: Realizing the Ideal of a Civic People*, 2022, <https://doi.org/10.4324/9781315185316>.

⁷⁵ Fadel, "The True, the Good and the Reasonable: The Theological and Ethical Roots of Public Reason in Islamic Law."

⁷⁶ Jackson, *The Islamic Secular*.

differentiated relationship among religious teaching, moral guidance, juristic interpretation, and state law.

The proposed Islamic Public Reason Framework for Plural Citizenship synthesizes these implications through four principles. Normative openness permits Islamic arguments to enter public deliberation without being treated as politically inferior. Reciprocal civic justification requires coercive policies to address all citizens as equals. Differentiated legal authority prevents fatwas, moral judgments, and theological positions from automatically becoming state-enforced obligations. Institutional contestability ensures that citizens can challenge laws, administrative classifications, and official religious interpretations. These principles are mutually dependent: openness without reciprocity can enable majoritarianism, reciprocity without contestability can remain rhetorical, and contestability without differentiated authority may leave sacred claims insulated from review.

The framework extends the work of March, who demonstrates that Islamic moral commitments can support civic cooperation and overlapping political agreement March, and that religious reasons should not be excluded merely because of their theological origin.⁷⁷ The present study moves the debate from the accommodation of Muslims within liberal states to the accountability of Islamic reasoning where Islam possesses constitutional or institutional privilege. It also develops Lafont's participatory account by treating contestation as constitutive of Islamic public reason rather than as an external democratic safeguard.⁷⁸

The Marrakesh Declaration reinforces this trust-oriented understanding of coexistence by linking the Charter of Medina to minority rights, legal protection, education, and interreligious cooperation.⁷⁹ Islamic approaches to dispute resolution similarly emphasize reconciliation, justice, equality, and non-discrimination as foundations of social order.⁸⁰ Yet reconciliation becomes legitimate only when it does not require weaker parties to surrender their claims. Rahman accordingly identifies toleration and equal citizenship as ecumenical political ideas capable of being justified across divergent religious and philosophical commitments.⁸¹

The constitutional resources of Indonesia, Morocco, and Tunisia demonstrate the wider comparative relevance of this framework. Indonesia joins religious commitment with equality, conscience, and non-discrimination.⁸² Morocco combines Islamic identity with cultural plurality, dignity, participation, and legal equality.⁸³ Tunisia links Islamic objectives with life, dignity, property,

⁷⁷ March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus*; L Deeb and M Harb, *Leisurely Islam: Negotiating Geography and Morality in Shi'ite South Beirut*, *Leisurely Islam: Negotiating Geography and Morality in Shi'ite South Beirut*, 2013, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84924500881&partnerID=40&md5=d73d8befb0e19357f40bfc5b2917d2a7>.

⁷⁸ Lafont, *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy*.

⁷⁹ Declaration, "Marrakesh Declaration on the Rights of Religious Minorities in Muslim-Majority Lands."

⁸⁰ A J Qureshi, "Religious Tolerance and Evolution of Society: In the Light," *European Journal of Scientific Research* 64, no. 3 (2011): 361–64, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-81755162764&partnerID=40&md5=a5bfb6814e721f2aad1b2f7fca011980>; R Aluffi, "Peace Is Best (Quran, IV, 128)," *Quaderni Di Diritto e Politica Ecclesiastica* 23, no. Special Issue (2020): 79–94, <https://doi.org/10.1440/98474>.

⁸¹ S Rahman, "Engaging in a Secularized Public Sphere – a Possible Qur'anic Perspective?," *Journal of Empirical Theology* 76, no. 4 (2024), <https://doi.org/10.1163/15709256-20231154>.

⁸² Indonesia, The 1945 Constitution of the Republic of Indonesia.

⁸³ Morocco, Constitution of the Kingdom of Morocco.

religion, freedom, and impartial administration.⁸⁴ These combinations show that Islamic political identity can be oriented toward shared civic goods, although their realization depends on accountable institutions rather than constitutional language alone.

Digital platforms, online religious authorities, artificial-intelligence applications, and interoperable state databases increasingly shape how Islamic knowledge is circulated and how citizens are classified. Normative openness now concerns the visibility of diverse voices in digital public spheres; reciprocal justification concerns the explainability of automated policies; differentiated authority concerns whether online religious opinions acquire regulatory force; and contestability concerns citizens' ability to challenge algorithmic classifications. Civic education is equally important because accountable disagreement requires deliberative capacities, mutual understanding, and willingness to hear reasons across religious differences.⁸⁵

The study's original contribution is therefore to redefine cohesion as a political and ethical achievement generated by institutions that make disagreement answerable. Islamic public reason does not eliminate conflict or reduce Islam to private belief. It sustains the public relevance of Islamic ethics while refusing to treat any contested interpretation as exempt from justification. Social cohesion emerges when citizens trust that disagreement will be governed through reciprocity, proportionality, recognition, and effective remedies rather than converted into domination. This model of accountable disagreement provides the conceptual bridge from the study's empirical findings to its concluding argument for a future-oriented, institutionally grounded theory of plural citizenship.

CONCLUSION

The findings show, first, that Indonesia, Morocco, and Tunisia embody different forms of constitutional hybridity in which Islamic or religious commitments coexist with equality, national sovereignty, freedom, human dignity, cultural plurality, and institutional participation. The constitutional presence of Islam therefore has no predetermined legal effect. Its implications depend on how religious concepts are interpreted, institutionalized, and made subject to public review. Second, the study establishes the need to distinguish Islamic normativity from state coercion. Theological truth, moral obligation, juristic preference, and state-enforceable law are related but non-identical forms of authority. Religious arguments may legitimately inform public policy, but coercive rules require additional justification through public purpose, proportionality, equal citizenship, and institutional accountability.

Third, plural citizenship must move beyond formal nationality and passive toleration toward recognitional and contestatory citizenship. Citizens become substantive members of the political community when their identities receive equal administrative recognition and when they possess effective mechanisms to challenge legal classifications, official interpretations, and public decisions affecting their status. Fourth, sustainable social cohesion is generated through accountable disagreement rather than enforced religious uniformity. Civic trust develops when citizens are confident that theological difference will not expose them to exclusion, unequal legal standing, or political domination.

⁸⁴ Tunisia, Constitution of the Republic of Tunisia.

⁸⁵ Kunzman, "The Civic (and Pedagogical) Virtue of Recognizing Reasonable Disagreement."

The theoretical contribution of the study is the proposed Islamic Public Reason Framework for Plural Citizenship, comprising normative openness, reciprocal civic justification, differentiated legal authority, and institutional contestability. This framework preserves the public significance of Islamic knowledge and ethical reasoning while preventing religious authority from being converted into unreviewable state power. It also extends public-reason theory by addressing political orders in which Islam is not merely a private comprehensive doctrine but an established component of constitutional and institutional life.

Academically, the study moves debates beyond abstract questions of compatibility between Islam, democracy, and human rights. It redirects attention toward the institutions, procedures, and classifications through which religious reasoning acquires public authority. Its broader implication is that plural citizenship depends on the quality of institutional accountability rather than the absence of religious commitments from governance. Future research should test this framework through comparative fieldwork, interviews, administrative ethnography, judicial datasets, public-opinion studies, and analysis of digital identity and automated governance systems. Such research would clarify how Islamic public reason operates in practice and how its principles can support equal citizenship amid continuing religious and political disagreement.

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