

# **Non-Muslims in The Nation-State: The Medina Charter as a Prototype for Islamic *Wasathiyah* Implementation in Indonesia**

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## **Abstract**

In recent years, rampant intolerant cases have damaged Indonesia's religious image in various forms and waned national commitment. Starting with the refusal of non-Muslims to live in certain areas and the rejection of the establishment of houses of worship for certain religions, it is clear that religious freedom in Indonesia requires serious attention in order to implement *wasathiyah* values in Indonesia. This paper seeks to provide an understanding of non-Muslims in the nation-state, the Medina Charter as the Prophet's political strategy in realizing national commitment to become a model for the implementation of *wasathiyah* values in Indonesia. This paper uses a qualitative approach with data collection techniques through a literature study. The results of this study indicate that at least it can be understood that when the Prophet initiated the Medina Charter as a political policy and strategy in realizing national commitment, it could be used as a model for implementing *wasathiyah* values in Indonesia. The substance of the Medina Charter guarantees the social, political, religious, and cultural rights of the community to realize the unity and integrity of the nation, which is part of the national commitment that must be maintained and cared for properly. In addition, the values contained in the Medina Charter are the values taught in Islam and are in line with the spirit of national commitment in Indonesia. Therefore, the results of this research hopefully can contribute to rebuilding the spirit of togetherness and diversity in the Unitary Republic of Indonesia (NKRI)

**Keywords:** *Nation-State, Medina Charter, Political Commitment, Wasathiyah.*

## **Introduction**

As part of his political commitment in Medina, the Prophet successfully accomplished safety, peace, and harmony among human beings, particularly religious people. This was shown when he signed an agreement between Muslims and non-Muslims in Medina known as the Medina Charter. The Medina Charter contains agreements on building a peaceful, tolerant, just, and civilized society. Explicitly, the Medina Charter aims to protect the rights of every human being, guarantee freedom of religion, unite all groups, regardless of religion, ethnicity, and race.

The background of the Prophet's political commitment to the birth of the Medina Charter was driven by a social reaction in Medina that consisted of various religious elements of the community such as Judaism, Christianity, Islam, Majusi, and various tribes. In keeping the common rights and unity of the Medina people, the Prophet, who was the head of the state at that

time, proposed an agreement that then became the foundation of the state for achieving justice for all groups. He did not use the Qur'an as the foundation because he understood that Medina had various religions and ethnicities. This reflects a similar pattern in the formulation of Pancasila by accommodating various ethnic groups and religions in Indonesia. An obligation of implementing Shariah, the first precept of the Jakarta Charter, a pre-concept of Pancasila, eventually changed to an agreed redaction upholding the principle of having God. Even though Indonesia is a Muslim majority population, the foundation of the state is not based on the Quran. Although the Medina Charter is explicitly not the same as Pancasila, the substantial values contained in both are the same. It guaranteed the religious, social, and cultural rights of all people. This is also part of the implementation of *wasathiyah* values in Indonesia.

Indonesia, as a large country with various ethnic groups and religions, has implemented the Prophet's political commitment in realizing religious freedom and national commitment, one of which is reflected in the results of the National Deliberation Decision (Musyawarah Nasional) of Nahdlatul Ulama (NU), the most prominent Islamic organization in Indonesia. One of the crucial issues discussed there was the Status of Non-Muslims in the context of the Nation-State. At the National Conference, Non-Muslims in the Context of the Nation-State are seen as citizens (*muwathin*) who have equal rights and obligations to other citizens. They do not fall into the category of infidel that is commonly found in classical Islamic legal books, such as *mu'ahad, musta'man, dhimmi, and harbi*.<sup>1</sup> What NU has done is a manifestation of the implementation of *wasathiyah* values in Indonesia to become a model of diversity that must be maintained and cared for properly. Although we admit that there are still a lot of intolerant manners carried out by a group of people and this is undoubtedly sabotaging the religious image of the community.<sup>2</sup>

### **Research Methodology**

This study uses a qualitative approach. The qualitative approach is solving the problem under study by describing the object of research in detail.<sup>3</sup> In addition, the qualitative approach is considered the theme of this research because the data presented are in the form of statements, not numbers. The data collection technique in this study used library research in a documentation study. According to Juliansyah Noor, a documentation study is a collection of literature or books relevant to the variables or research themes.<sup>4</sup> In this study, the author collects several hadith texts from several sources to examine non-Muslims in the nation-state; The Medina Charter is the Prophet's political strategy in

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<sup>1</sup>Tim Forum Kajian Ilmiah AFKAR, *Kritik Ideologi Radikal, Deradikalisasi Doktrin Keagamaan Ekstrim Dalam Upaya Meneguhkan Nilai-nilai Islam Berwawasan Kebangsaan* (Kediri: Lirboyo Press, 2019), p. 203

<sup>2</sup>Intolerant cases in Indonesia were reported by the Setara Institute, one of which occurred in Yogyakarta where the community refused a non-Muslim to live in the area due to his religion. However, he was accepted after being agreed with community leaders in the end. Also, the existence of special settlements categorized by religion embraced by inhabitants and refusing others with different religions indicates intolerance. Read further: BBC News Indonesia, April 2019

<sup>3</sup>Tohirin, *Metode Penelitian Kualitatif* (Jakarta: Raja Grafindo Persada, 2012), p. 2.

<sup>4</sup>Juliansyah Noor, *Metodologi Penelitian* (Jakarta: Kencana, 2011), p. 146.

realizing the national commitment as an implementation model of *wasathiyah* values in Indonesia. Finally, the research data was analyzed through three paths. First is data reduction, which is defined as selecting data, secondly presenting data, and thirdly drawing conclusions.<sup>5</sup>

## **Discussions**

### **1. Non-Muslim Status in Islam and Nation-State**

In general, non-Muslims can be defined as adherents of religions other than Islam who become citizens amid an Islamic community whose quantity is less than the majority of Muslim citizens.<sup>6</sup> This definition does not only refer to a particular religious group but also includes several religions with various forms and beliefs and variations in their rituals. The Qur'an has mentioned this non-Muslim group in general as contained in the QS. Al-Hajj verse 17 is as follows:

إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَادُوا وَالصَّابِئِينَ وَالنَّصَارَى وَالْمَجُوسَ وَالَّذِينَ أَشْرَكُوا إِنَّ اللَّهَ يَفْصِلُ  
بَيْنَهُمْ يَوْمَ الْقِيَامَةِ إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ شَهِيدٌ.

Translation:

Verily, as for those who have attained to faith [in this divine writ], and those who follow the Jewish faith, and the Sabians, and the Christians, and the Magians, [on the one hand,] and those who are bent on ascribing divinity to aught but God, [on the other,] verily, God will decide between them on Resurrection Day: for, behold, God is witness unto everything.

Based on this verse, Islam has recognized the existence of plurality in various fields, whether in religion, race, or culture, as the will of God. Islam does not recognize the existence of pluralism, which views all religions as the same.<sup>7</sup> Because in the view of Islam, what distinguishes a Muslim from a non-Muslim is a fundamental aspect of faith and worship. Moreover, this difference in faith and worship is a core difference for Islam, thus making Islam unable to tolerate theologically that other religions are the same as Islam. Nevertheless, Islam believes in the existence of plurality in this life as the will of God.

While in the Qur'an, non-Muslims are referred to as infidels. They do not believe in God and His Messenger. The word "*kafir*" itself linguistically means to cover something, break away, erase and hide the goodness that has been received, and in terms of *aqidah*, infidel means losing faith.<sup>8</sup> The scholars themselves disagree on setting the boundaries of infidels as they differ on the limits of faith. If faith is defined as "justification" (*al-tasdiq*) against the Messenger of Allah and the teachings he brought, then infidel is defined as a "lie"

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<sup>5</sup>Sugiono, *Memahami Penelitian Kualitatif* (Bandung: Alfabeta, 2012), p. 94-95.

<sup>6</sup>Mujar Ibnu Syarif, *Hak-Hak Politik Minoritas Non Muslim dalam Komunitas Islam* (Bandung: Angkasa, 2003), p. 30

<sup>7</sup>David Litle, John Kelsay, Abdulaziz A. Sachedina, *Kebebasan Agama dan Hak-Hak Asasi Manusia* (Bandung: Pustaka Pelajar, 2005), p. 73

<sup>8</sup>Al-Raghib Al-Asfihani, *Al-Mufradat fi Gharib Al-Quran* (Damaskus: Dar al-Qalam, 1412 AH), p. 167.

(*al-takzib*) against his teachings. This is the most common and frequently used limitation in creed books.<sup>9</sup> Thus, the disbelievers deny the teachings of Islam that they should believe in.

The fiqh scholars have grouped non-Muslims into three categories: First, dhimmi infidel are non-Muslims who enter into a peace agreement with the Islamic government by paying tribute (*jizyah*) to become official citizens in an Islamic country and are willing to implement and obey the law. Islamic state law, so that legally their rights are protected. This agreement is then called the *dhimma* agreement because, in the dhimmah agreement, there are essential contract structures to be spelled out. Meanwhile, the perpetrators of the agreement in this security protocol are called *dzimmi*.<sup>10</sup> The scholars agree that the only party who has the right to make a dhimma agreement is the government. Because this agreement is part of the government's authority, non-Muslims who have agreed to it will have the status of government citizens, and the state fully protects their rights.

The basis used is the hadith of the Prophet Muhammad, which shows it is permissible to enter into a *dhimma* agreement with all infidels without exception as the following hadith:

وَإِذَا لَقَيْتَ عَدُوَّكَ مِنَ الْمُشْرِكِينَ فَادْعُهُمْ عَلَى ثَلَاثِ خِصَالٍ فَأَيُّهُنَّ أَجَابُوكَ إِلَيْهَا فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ، أَدْعُهُمْ إِلَى الْإِسْلَامِ فَإِنْ هُمْ أَبَوْا فَاسْأَلْهُمْ الْجِزْيَةَ، فَإِنْ هُمْ أَجَابُوكَ فَاقْبَلْ مِنْهُمْ وَإِنْ هُمْ أَبَوْا فَاسْتَعِنَ عَلَيْهِم بِاللَّهِ وَقَاتِلْهُمْ.<sup>11</sup>

Translation:

When you meet your enemy, or the polytheists, invite them to three courses of action, and accept whichever of them they are willing to agree to, and withhold from doing anything else: Call them to Islam. If they refuse (to accept Islam) order them to pay the *jizyah* and if they agree, accept it from them. If they refuse, seek Allah, the Most High's help against them, and fight them (HR. Muslim).

Many people misunderstand that dhimmi, social status is a community that must be treated with discrimination in an Islamic state. This is shown by the fiqh rules that require the dhimmi community to wear special attributes in certain clothes and accessories. Moreover, their vehicles should not be more luxurious than the vehicles of Muslims. Likewise, in the building of their houses, it is not allowed to be higher than the houses of the Muslim community. More than that, if Muslims meet them on the road, they must be pushed and cornered into a narrow road. However, these rules are not standard and cannot be changed. Instead, it is nothing more than an administrative policy and the laws of a country that are adapted to certain conditions and adjusted to the interests of the people of their time. Because at that time, no system for resident identity cards or the like could identify and differentiate between Muslim and non-Muslim citizens. Thus, these rules were made to

<sup>9</sup>Mohammed Fathi, *Islam, Pluralisme dan Toleransi Keagamaan*, translated by. Irfan Abubakar (Jakarta: Democracy Project, 2012), p. 87.

<sup>10</sup>Subehan Khalik, *Perlindungan Warga negara Asing dalam Hukum Islam* (Gowa: Alauddin University Press, 2021), p. 228.

<sup>11</sup>Muslim bin Al-Hajjaj, *Sahih Muslim*, (Beirut: Dar Ihya Al-Turats Al-'Arabi, 1991), p. 855

distinguish between Muslims and non-Muslims.<sup>12</sup> This can change according to the situation and conditions. Such rules may have had relevance and benefit in the past. However, in the context of the modern world, it becomes irrelevant, which must be avoided.<sup>13</sup>

Indeed, there is a hadith regarding the necessity of urging and cornering the dhimmi to a narrower path when crammed into a road as the following hadith:

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا تَبْدُؤُوا الْيَهُودَ وَالنَّصَارَى بِالسَّلَامِ،  
فَإِذَا لَقَيْتُمْ أَحَدَهُمْ فَاضْطَرُّوهُ إِلَى أَضْيَقِهِ.<sup>14</sup>

Translation:

Abu Huraira reported Allah's Messenger as saying: Do not greet the Jews and the Christians before they greet you and when you meet any one of them on the roads force him to go to the narrowest part of it (HR. Muslim).

However, according to Wahbah al-Zuhaili and Yusuf Al-Qardawi, the meaning of the hadith cannot be generalized in all conditions because the context in which the hadith was revealed was due to the unfriendly attitude of the Medinan Jews and their plan to kill the Prophet.<sup>15</sup> In the view of Ramadhan Al-Buthi,<sup>16</sup> Many extreme radical groups misunderstand the hadith. They use this hadith as the basis for their behavior in relationships with non-Muslims so that insulting, criticizing, and even treating non-Muslims is considered legal based on the hadith, including the lawfulness of their blood to be killed.

*Second*, Mu'ahad is non-Muslims who make security and peace agreements for a particular and limited time. This agreement is usually termed as mu'ahadah, musalamah, muwada'ah or muhadanah. Before its validity became a consensus (ijma') of the ulama, the legality of mu'ahadah was based on the behavior of the Prophet who made this agreement with the Quraysh, known as the Hudaibiyah agreement. The *mu'ahadah* agreement is not like the peace agreement before Islam. At that time, the strong party agreed to intimidate the weak party. So that the agreement that has been made will only be respected and not violated if one of the parties is still in a weak state. However, if the situation changes because the weak side has been transformed into a militarily strong community, he will surely destroy and not keep his promise by rebelling and igniting the fire of war.

This agreement is a form of legal and binding mu'ahadah agreement and must be obeyed by Muslims so that the non-Muslim population living in these countries has the status of *mu'ahad* infidels whose life, property, and dignity are protected. So it is not

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<sup>12</sup>Yusuf Al-Qardawi, *Ghair al-Muslimin fi al-Mujtama' Al-Islami* (n.p. Maktabah Wahbah, n.d), p. 66.

<sup>13</sup>Ibnu Qayyim, *Ahkam Ahl al-Dzimmah*, Vol III (Beirut: Dar Ibn Hazm, 1997 M), p. 1316.

<sup>14</sup>Muslim bin Al-Hajjaj, *Sahih Muslim* (Beirut: Dar Ihya Al-Turats Al-'Arabi, 1991), p.1064

<sup>15</sup>Wahbah Al-Zuhaili, *Al-Tafsir Al-Munir*, Vol. XVI (Damaskus: Dar al-Fikr Al-Mu'ashir, 1418 H), p. 111. See also Yusuf Al-Qardawi, *Fikih Jihad*, p. 783.

<sup>16</sup>Ramadhan Al-Buthi, *Al-Ghuluw wa al-Tatharruf* (n.p), p.9.

justified to interfere and do evil in any form and under any pretext, be it jihad or otherwise. Regarding this, the Prophet said:

عَنْ عِدَّةٍ مِنْ أَوْلِيَاءِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ آبَائِهِمْ دِينَهُ عَنْ رَسُولِ  
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَلَا مَنْ ظَلَمَ مُعَاهِدًا أَوْ انْتَقَصَهُ أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ أَوْ أَخَذَ مِنْهُ شَيْئًا  
بِغَيْرِ طَيْبِ نَفْسٍ فَأَنَا حَجِيجُهُ يَوْمَ الْقِيَامَةِ<sup>17</sup>

Translation:

Reported from some Companions of the Messenger of Allah under the authority of their fathers who were relatives of each other. The Messenger of Allah said: Beware, if anyone wrongs a contracting man, or diminishes his right, or forces him to work beyond his capacity, or takes from him anything without his consent, I shall plead for him on the Day of Judgment (HR. Abu Daud).

Third, *Musta'man* are *harbi* who enter the territory of dar al-Islam with security guarantees from the state or from individuals in the community for a limited time. Fourth, *Harbi* are non-Muslims who have no ties or security agreements with Islamic countries or Muslims, whether through *jizyah*, *mu'ahadah*, or *isti'man* contracts. In the classical fiqh concept, they are considered people who are not protected, or their blood and property are lawful for Muslims (*muhaddar al-dam wa al-mal*). From this definition, it can be seen that classical scholars place non-Muslims as enemies whose property and life are lawful as long as there is no formal peace agreement with the Muslims. This view bases its argument on the understanding that relations with non-Muslims are relations due to conflict and war (*al-harb*) as long as there is no formal peace agreement. However, according to Wahbah Zuhaili, it should be read as the influence of social reality that occurred in his day, namely when *ijtihad* was developing in the second century of *hijriyah*. At that time, fundamental relations between countries were permanently colored by war conflicts between nations, scrambling to defeat, colonize or even dominate each other. As happened between the Muslims and the Romans and Persians. This condition urges scholars to formulate that political relations with non-Muslims are based on war conflicts. Because with such a formulation, the Muslims will always be vigilant and protect themselves from the enemy who surrounds them to feel a safe and peaceful life.<sup>18</sup>

Islam itself has emphasized that all humans are very noble creatures. As a consequence, that glory must not be damaged by justifying his life, property, and dignity.<sup>19</sup> One of the major agendas of Islam (*al-maqashid al-kubra*) is to instruct its people to uphold and call for total peace (*kaffah*).<sup>20</sup>

The mention of non-Muslim minorities who become citizens of Islamic countries as *dhimmi* groups is influenced by the classical fiqh perspective, which distinguishes the world in

<sup>17</sup>Abu Daud, *Sunan Abu Daud*, Vol. III (Mesir: Dar Al-Hijr, 1999), p. 170.

<sup>18</sup>Wahbah Al-Zuhaili, *Atsar al-Harb Fi al-Fiqh Al-Islami* (Damaskus: Dar Al-Fikr, 1998), p. 131.

<sup>19</sup>Wahbah al-Zuhaili, *Fiqh al-Islami wa Adillatuhu* (Damaskus: Dar Al-Fikr, n.d), p. 6411.

<sup>20</sup>Rasyid Al-Marikhi, *Al-Hashad Li al-Ma'na Al-Shahih li Al-Jihad, Mafhumuhu wa Ahammiyatuhu min Manzhar al-Islam* (Riyadh: Syirkah, 2007), p. 111.

three areas: the Islamic region (*Dar al-Islam*) is a country that rules with Muslim power.<sup>21</sup> *Dar al-Islam* can also be understood as a state which contains Islamic laws or whose Muslim population can produce Islamic laws. So, included in the category of *Dar al-Islam*, a country where all or most of the population consists of Muslims, all countries are controlled and ruled by Muslims even though some of the population does not consist of these people. This also includes the number of *Dar al-Islam*, a country ruled and controlled by non-Muslims as long as the Muslims in it can give birth to Islamic laws.<sup>22</sup> Meanwhile, according to Imam Ar-Rafi'i, one of the scholars in the Shafi'i Madhhab explained that *Dar al-Islam* is an area ruled by Muslims, whether all or the majority of its inhabitants are Muslims or not, or even the entire population of Non-Muslims living in the area. under the protection of the Islamic government.<sup>23</sup> Other scholars who are also from the Syafi'i circles such as Ibn Hajar Al-Asqalani, Imam Al-Mawardi, and others explained that the freedom and freedom of Muslims to practice their religion without any interference from non-Muslims, even if the area is in a non-Muslim country, therefore also known as *Dar al-Islam*.<sup>24</sup>

While the Hanafi scholars explained that *Dar al-Islam* is an area in which there is responsibility for security guarantees carried out by Muslims, it is referred to as *Dar al-Islam*. Even the jurists of the Hanafi argue that there are three conditions that *Dar al-Islam* can turn into *Dar al-Harb* (area of war) again, namely: First, if the laws of groups of other religions are implemented. Second, if the *Dar al-Harb* area separates from *Dar al-Islam*. Third, if the Muslims and the dhimmi group cannot live there with a sense of security. Furthermore, they stated that if the laws of groups belonging to other religions had been implemented, then the area would no longer be *Dar al-Islam*. If the Muslims find it difficult to live in that area, they should move to *Dar al-Islam*. Nevertheless, if Muslims can live there safely and can practice their religious teachings, even if the laws of non-Muslim groups are implemented, then the area can theoretically be seen as an Islamic area.<sup>25</sup>

However, the division of the world into *Dar al-Islam* and *Dar al-Harb* was unknown neither at the time of the Prophet, nor during the period of Khulafa Al-Rashidun. These three terms only appeared around the second and third centuries of Hijriyyah (around the 8th and 9th centuries AD). In these two centuries, wars often flared between Muslims and non-Muslim countries. Therefore, the non-Muslim area which is often involved in a war with the Muslims is called *Dar al-Harb*. So the *ijtihad* regarding the naming was based on security, which was generally based on conditions of conflict and war. This is different from the time

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<sup>21</sup>Abu Zahrah, *Al-'Alaqah Al-Dauliyyah Fi Al-Islam*, (Kairo: Dar Al-Fikr Al-'Arabi, 1995), p. 78

<sup>22</sup>John L Esposito, *Demokrasi di Negara-negara Muslim; Problem dan Prospek* (Bandung: Mizan, 1999), p. 82

<sup>23</sup>Tim Forum Kajian Ilmiah AFKAR, *Kritik Ideologi Radikal, Deradikalisasi Doktrin Keagamaan Ekstrim Dalam Upaya Meneguhkan Nilai-nilai Islam Berwawasan Kebangsaan*, p. 203

<sup>24</sup>Tim Forum Kajian Ilmiah AFKAR, *Kritik Ideologi Radikal, Deradikalisasi Doktrin Keagamaan Ekstrim Dalam Upaya Meneguhkan Nilai-nilai Islam Berwawasan Kebangsaan*, p. 203

<sup>25</sup>David Little, John Kelsay, Abdulaziz A. Sachedina, *Kebebasan Agama dan Hak-Hak Asasi Manusia*, p. 73

when the theory was formulated, then relations between countries (international relations) are currently based on peace under the supervision of the United Nations.

The area division made by the jurists into *Dar al-Islam* and *Dar al-Harb* above may cause a negative impression for other parties, especially if one considers the term *Dar al-Harb* which is usually defined as a land of war. The imagination of a scary picture of the attitude of Islamic countries towards non-Islamic countries may appear when it is known that the term is designated for non-Islamic countries. So it is as if there is no longer a peaceful relationship between Islamic countries and non-Islamic countries except for relations of hostility and war. Therefore, based on the arguments of the scholars above, specifically for Indonesia, even though, for example, in all regions in Indonesia, the majority of the population is non-Muslim in certain areas, it still has the status of an Islamic country because it is led nationally by Muslims. This conclusion is based on the *fatwa* of one of the great scholars, Sayyid Abdullah bin Umar bin Abi Bakr bin Yahya as follows:

(مَسْأَلَةٌ) كُلُّ مَحَلٍّ قَدَرَ مُسْلِمٌ سَاكِنٌ بِهِ عَلَى الْاِمْتِنَاعِ مِنَ الْحَرْبِيِّينَ فِي زَمَنِ مِنَ الْأَزْمَانِ يَصِيرُ دَارَ إِسْلَامٍ تَجْرِي عَلَيْهِ أَحْكَامُهُ فِي ذَلِكَ الزَّمَانِ وَمَا بَعْدَهُ، وَإِنْ انْقَطَعَ اِمْتِنَاعُ الْمُسْلِمِينَ بِاسْتِيْلَاءِ الْكُفَّارِ عَلَيْهِمْ وَمَنْعِهِمْ مِنْ دُخُولِهِ وَإِخْرَاجِهِمْ مِنْهُ. وَحِينَئِذٍ فَتَسْمِيَّتُهُ دَارَ حَرْبٍ صُورَةً لَا حُكْمًا. فَعُلِمَ أَنَّ أَرْضَ بَتَاوِي بَلَّ وَغَالِبَ أَرْضِ جَاوَةَ دَارُ إِسْلَامٍ لِاسْتِيْلَاءِ الْمُسْلِمِينَ عَلَيْهَا سَابِقًا قَبْلَ الْكُفَّارِ

Translation:

The question (about Islamic country) was put to Sayyid Abdullah bin Umar bin Abi Bakr bin Yahya. (Answer) Any area where the Muslims who live there can resist (attack) non-Muslim harbi at a time of various ages, then that area becomes an Islamic land in which Islamic laws apply in that era and the era after that, even though the power of Muslims were cut off because the non-Muslims had taken control of it, prevented them from entering and expelled them from there. In conditions controlled by non-Muslims like that, naming the area as a land of war only from the side of its (outward) form, not from the legal side. Therefore, it can be seen that Betawi lands and even the majority of Java land are Islamic countries because Muslims previously controlled them before the non-Muslim regime.<sup>26</sup>

Therefore, in the context of Indonesia, non-Muslims in Indonesia are one form of the Nation-State, so their existence can no longer be categorized as part of *mu'ahad*, *musta'man*, *dhimmi*, or even as *harbi*. Because all the classifications of the various types of infidels above cannot be analogous to non-Muslims in the context of the Nation-State. One of the most fundamental reasons is that non-Muslims in the context of the Nation-State are not second-class citizens, unlike the various infidels above.<sup>27</sup> Because Indonesia is not a country built on only one religion and belief, the people believe in many religions and beliefs. Because in a democratic country, there is no difference between the rights possessed by believers of

<sup>26</sup>Sayyid Abdurrahman Ba'alawi, *Bughyah Al-Murtasyidin fi Talkhish Fatawa Ba'dh Al-Aimmah Al-Mutaakhirin* (Surabaya: Nurul Huda, n.d), p. 163

<sup>27</sup>Tim Forum Kajian Ilmiah AFKAR, *Kritik Ideologi Radikal, Deradikalisasi Doktrin Keagamaan Ekstrim Dalam Upaya Meneguhkan Nilai-nilai Islam Berwawasan Kebangsaan*, p. 213

one another. The state views the equal rights of citizens as long as they are citizens of the country.

For Muslims worldwide, the Prophet is not only a recipient of revelation and a leader for the previous Prophets. However, the Prophet is a historical figure who has played a significant role in building world civilization, one of which is his success as a political leader in Medina who should be an essential reference for his people. Meanwhile, in state and national politics, which concerns the benefit of Muslims, it is better to use the Prophet SAW as an example and implement the Prophet's political strategies and policies directly, rather than following the opinions of others who are still controversial. The argument of Ibn Qayyim al-Jauziyah below is worthy of reflection:

أخذُ الأحكامِ المتعلقةِ بالحربِ، ومصالحِ الإسلامِ وأهلِهِ وأمرِهِ، وأمورِ السياساتِ الشرعيةِ  
من سيرِهِ ومغازيهِ أولى من أخذِهَا من آراءِ الرِّجالِ

Translation:

Taking the law in matters of war, the benefit of Muslims and political policies from the historical example of the behavior and warfare of the Prophet is better than those from others.<sup>28</sup>

In this spectacular history, the Prophet Muhammad, as the supreme leader of the Medina state, has successfully united a hegemonic group of citizens in Medina, consisting of several tribes and ethnicities, and various religions and beliefs embraced. He did this through a sublime agreement between all groups of citizens of Medina who aspire to live in peace and harmony side by side in a dialogical relationship full of the spirit of unity and integrity under the state of Medina led by the Prophet. So that in the social life of the people of Medina, there is no conflict between tribes and religions. The people of Medina can carry out their social, economic, political, cultural, and even religion safely and calmly without any fear of being disturbed by others.

## **2. Medina Charter as a Form of the Prophet's Political Strategy in Realizing National Commitment in Medina**

The political commitment built by the Prophet through the Medina Charter as part of the State Constitution has stipulated that non-Muslims are the same and equal people as Muslims, so the charter has made them equal citizens and have rights like those of the Muslims. They also have obligations as they have the same obligations as Muslims in that country, they are free to practice their religion and Muslims are also free to practice their religion, and each of them has the right to give advice and to be advised, and to do good and not do evil.<sup>29</sup> Therefore, in the context of the interaction of Muslims and non-Muslims in a nation-state, it is no longer seen as a relationship of conflict and war (*hirabah*), but a relationship of mutual safety and living side by side peacefully, having equal rights in various aspects of social, political life, economy, education, and religion. That is why Islam,

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<sup>28</sup>Ibnu al-Qayyim, *I'lam al-Muwaqqi'in* (Beirut : Dar Al-Kutub Al-Ilmiyyah, 1991), p. 153

<sup>29</sup>David Litle, John Kelsay, Abdulaziz A. Sachedina, *Kebebasan Agama dan Hak-Hak Asasi Manusia*, p. 79

as a religion of mercy, strictly forbids doing wrongdoing, hurting, and berating adherents of other religions.<sup>30</sup> That is why in responding to these matters, the principles that must be put forward are the attitude of mutual love and the spirit of tolerance, knitting *ukhuwah al-basyariyyah*, and building harmonious relationships with non-Muslims as a reflection of the actual teachings of Islam. This attitude is also a reflection of spiritual clarity in a Muslim personality.

The principle of *ukhuwah al-basyariyyah* or *ukhuwah al-insaniyyah* must be the foundation for multiculturalism, multi religion, multilingualism, multination, and pluralism in general. The Qur'an considers differences in race, ethnicity, culture, and religion as a natural problem (God's provision). So that difference should not be used as a measure of glory and self-esteem, but the best human measure is the piety and social piety that he does.<sup>31</sup> This is in the same vein with the QS. *al-Hujurat* verse 13 as follows:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ.

Translation:

O men! Behold, we have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-knowing, all-aware.

Therefore, in making harmonious and harmonious interaction between Muslims and non-Muslims under a friendly and tolerant Indonesia, the concept of the Nation-State has nothing about "infidel" nomenclature like Indonesia. This can be seen in the text of the Medina Charter which was initiated by the Prophet when he was the head of the Medina State there. The Medina Charter consists of 47 articles. One of the critical parts of the charter is when it is stated that the entire population of Medina is a united and sovereign nation among other nations. This demonstrates that the spirit of the Medina Charter is equal rights and obligations of citizens.<sup>32</sup>

It is called a charter because it recognizes the rights of freedom of religion and belief, freedom of opinion, and the general will of the people of Medina. So that justice can be realized in their social life, regulates social obligations for all groups, stipulates the formation of unity and integrity of all citizens and its principles for eliminating bad tribal traditions and regulations. It is also called a constitution because principles regulate the public interest and socio-political foundations that work to form a society and government as a forum for the unity of the people of Medina.

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<sup>30</sup>Syekh Ramadhan Al-Buthi, *Al-Jihad Fi Al-Islam* (Damaskus: Dar Al-Fikr, 1993), p. 128

<sup>31</sup>Muhammad bin Ahmad bin Salim Al-Hambali, *Ghida' Al-Albab Syarh Mandzamah Al-Adab*, (Al-Maktabah Syamilah), p. 84

<sup>32</sup>Abdul Muqsih Ghazali, *Argumen Pluralisme Agama: Membangun Toleransi Berbasis al-Qur'an* (Depok: KataKita, 2009), p. 72

The explanation above can be seen in the text of the Medina Charter, which has been formulated by the Prophet as follows::

هذا كتاب من محمد النبي صلى الله عليه وسلم بين المؤمنين والمسلمين من قريش ويثرب  
ومن تبعهم فلحق بهم وجاهد معهم. أمة واحدة من دون الناس.

Translation:

This is the Charter of Muhammad SAW, among the Believers and Muslims who came from Quraish and Yathrib (Medina) and followed them, joined themselves, and fought with them. Verily they are one people, different from other humans (community).

### **3. Implementation of Wasathiyah Values in Indonesia: Positive Responses to the Prophet's Political Strategy in Realizing National Unity.**

As part of the roots of Islamic teachings, the *wasathiyah* attitude, which is understood as a moderate attitude, is very suitable and can be implemented in modern life and can give birth to national commitments such as tolerance, mutual respect, and respect for differences, showing harmonious cooperation so that they become outstanding people. Although some scholars do not "agree" in translating "*wasathiyah*" as "moderate" due to its western nuance, many contemporary scholars interpret the words *wasathiyah* as moderate, fair, not extreme, which describes a friendly and tolerant Islam.

The character of *wasathiyah* gave birth to a commitment to maintaining the unity and integrity that was built by the Prophet SAW, which is one of the most important maqashid al-Shariah (objectives of sharia) in Islam because indeed the Quran and hadith always encourage the unity and integrity of the nation and avoid division because can cause damage. A famous statement, "United We Stand Divided We Fall," a motto echoed by the Great Commander of Indonesia, Sudirman. This word illustrates how vital unity and integrity are. No victory without strength and no strength without unity. The Messenger of Allah, through his words, forbids tribal fanaticism, which is feared to cause divisions between tribes as the Prophet's words as follows:

عَنْ جُبَيْرِ بْنِ مُطْعِمٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَيْسَ مِنَّا مَنْ دَعَا إِلَى عَصَبِيَّةٍ  
وَلَيْسَ مِنَّا مَنْ قَاتَلَ عَلَى عَصَبِيَّةٍ وَلَيْسَ مِنَّا مَنْ مَاتَ عَلَى عَصَبِيَّةٍ.

Translation:

Jubair b. Mut'im reported the Messenger of Allah (May peace be upon him) as saying: he who summons others to party-spirit does not belong to us; and he who dies upholding party spirit does not belong to us. (HR. Abu Daud)

The above hadith does not prohibit the existence of tribes and ethnicities in people's lives. In fact, Indonesia consists of various tribes from Sabang to Merauke, they are Javanese, Malay, Bugis, Banjarese, Batak, Minang, Gayo, Sakai, Mentawai, Laut, Akit, and so on. What is prohibited by the Messenger of Allah is when making tribes as pride which ignites an attitude of arrogance by demeaning other tribes. Arrogance can lead to divisions or conflicts between tribes. Conflicts between tribes usually arise because they demean other tribes socially, culturally, politically, and educational. Therefore, when the Messenger of Allah

united various social groups of citizens of the State of Medina, the aim was that they had the same responsibility, to protect and maintain the existence of the State of Medina. This can be apprehended from the content of the Medina Charter as follows:

وان بينهم النصر وعلى من دهم يثرب.

Translation:

They (the proponents of the charter) worked for hand in hand to face the attackers of the city of Yathrib.

Regardless of its leader, a country will never be able to face threats and disturbances that can cause instability without national commitment in the form of cooperation between citizens in dealing with these threats. The threat from outside is potentially more significant, so it requires strength. Furthermore, that power can be recapitulated if all community groups in a country can cooperate to face the dangers of these threats.

Instilling and defending nation from various threats is based on Article 30 of the 1945 Constitution. Defending the state (ad-difa 'an al-balad) is the right and obligation of every individual citizen of the Republic of Indonesia. And this has been shown by the Prophet in establishing the Medina Charter as part of the national commitment. This is in line with Law no. 3 of 2002 concerning the National Defense of the Republic of Indonesia regulating the procedures for the implementation of national defense carried out by all components of the nation. The component of the nation here is undoubtedly not just one ethnicity, one religion but all elements of society that exist in the country. This is what our nation's heroes have done; among them are Muslims and non-Muslims. They were fighting to defend the country from invaders so that, in the end, we could enjoy the independence to this day.

### **Conclusion**

The Prophet's political strategy in initiating the Medina Charter was a solution to social problems and the national commitment of the people of Medina at the time. Medina is a city with a diversity of religious communities and beliefs. The Prophet, of course, was well aware of the situation, so he used the Medina Charter to emphasize the national commitment to realizing national unity, and that no one should force a belief on anyone. He instilled the spirit and principle of tolerance which is technically associated with freedom, mutual respect, and cooperation to advance the country they lead. This natural problem must be protected and respected by everyone. The Prophet's political strategy showed an adaptive attitude and opened up space for every individual to get guaranteed protection and freedom in carrying out activities as citizens of the country, both as Muslims and non-Muslims. Thus, the idea of a nation-state requires equal rights and obligations for every citizen to defend and advance the country jointly. Based on the above, the rights of non-Muslims are the same as Muslims. They are citizens of the country with the same obligation to apply the divine message.

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