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Religious Freedom of Minorities in Muslim Countries: The Principle of *La Ikraha fī al-Dīn* as a Constitutional Basis

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Abstract

Objective: The principle of "Lā ikrāha fī al-dīn" as the constitutional basis of religious freedom of minorities in Muslim-majority countries. The study is directed at the alignment of Islamic normative values with modern constitutionalism. This formulation is aimed at strengthening the guarantee of equal and non-discriminatory religious freedom. **Theoretical framework:** The theoretical framework of the research integrates normative Islamic theology, maqāṣid al-sharī'ah, human rights theory, and modern constitutionalism. The principle of "Lā ikrāha fī al-dīn" is positioned as the basic norm of religious freedom. This framework is a tool for analyzing the relationship between Islamic values and constitutional law. **Literature review:** Previous studies of religious freedom in Islam have generally been theological and historical. Constitutional studies emphasize the perspective of universal human rights and are rarely associated with Qur'anic principles. The dominance of classical fiqh heritage still limits the recognition of citizenship equality. **Methods:** This study uses a qualitative method with normative and conceptual legal approaches. The techniques used include thematic interpretation of the Qur'an, philosophical-legal analysis, and comparative constitutional studies. The data was analyzed interpretively and argumentatively. **Results:** The analysis shows that the principle of "Lā ikrāha fī al-dīn" is in line with international standards of religious freedom. This principle has the potential to become a constitutional norm limiting the coercive power of the state. The main obstacle is the interpretation of classical jurisprudence and the ambivalent formulation of the constitution. **Implications:** Theoretically, this article strengthens the development of equality-based constitutional Islamic law. In practical terms, these findings are relevant for the formulation of inclusive constitutional policies and clauses. The principle of non-coercion can increase the protection of the rights of religious minorities. **Novelty:** The novelty of the research lies in the placement of "Lā ikrāha fī al-dīn" as an operational constitutional norm. This article integrates Islamic theology, maqāṣid al-sharī'ah, and modern constitutionalism. This approach goes beyond tolerance towards the recognition of citizenship equality.

Keywords: freedom of religion, minority rights, constitution, islamic law, equality.

INTRODUCTION

Religious freedom for minorities in a country with a Muslim majority is a crucial issue in contemporary Islamic legal and constitutional discourse. Islam normatively affirms the principle of non-coercion in religion through the doctrine of "Lā ikrāha fī al dīn". This principle shows a strong recognition of freedom of belief as a fundamental

human right [1]. However, in socio-political practice and legal construction in a number of Muslim countries, the principle has not been fully implemented operationally in the country's legal system. As a result, a gap emerges between the normative recognition of religious freedom and the reality of legal protection experienced by religious minority groups [2].

The gap cannot be separated from the historical factors of the formation of classical Islamic law that developed in the context of an imperial state with a hierarchical social structure. Fiqh concepts such as *ahl al-dzimmah* do provide legal protection to non-Muslims, but at the same time place them in an unequal position of citizenship [3]. This pattern of legal relations is then inherited, both explicitly and implicitly, in the legal systems of some modern Muslim countries. In fact, in the context of the contemporary nation-state, the principle of equal rights and citizenship status without discrimination based on religion is the main foundation of the legal system and the constitution [4].

The complexity of the problem becomes even more apparent when the constitution in many Muslim-majority countries adopts an ambivalent normative formulation [5]. On the one hand, Islam is established as the state religion or the main source of legislation, while on the other hand, freedom of religion is guaranteed as a constitutional right [6]. This ambivalence opens up a wide space for interpretation in law enforcement and public policy formulation, often giving birth to legal uncertainty and increasing the vulnerability of religious minority groups to rights restrictions and structural discrimination. In such situations, religious freedom is often understood in a limited way and depends on dominant interpretations that are not necessarily in line with the principle of citizenship equality [7].

Starting from this condition, this article emphasizes that the main problem lies not in the absence of the principle of religious freedom in Islam, but in the lack of a conceptual framework that systematically links the principle of "*Lā ikrāha fī al dīn*" with modern constitutional doctrine [8]. Therefore, this study aims to analyze the position of this principle in the normative tradition of Islam, examine the influence of classical jurisprudence heritage and the formulation of the constitution of Muslim-majority countries on the protection of religious freedom, and formulate the possibility of reconstructing "*Lā ikrāha fī al dīn*" as a normative principle that has constitutional binding [9].

The novelty of this study lies in the attempt to place "*Lā ikrāha fī al dīn*" not merely as an individual theological doctrine or abstract ethical principle, but as a relevant and applicable constitutional foundation in the context of the modern nation-state [10]. By integrating normative Islamic theology perspectives, classical jurisprudence heritage, and contemporary constitutional theory, this article is expected to make a theoretical contribution to the development of constitutional Islamic legal discourse as well as a practical contribution in strengthening the guarantee of equal and non-discriminatory religious freedom for minority groups in Muslim-majority countries [11].

The significance of this research extends beyond the academic discussion of Islamic theology and constitutional law by addressing one of the most pressing challenges facing Muslim-majority societies in the contemporary era: reconciling religious principles with democratic constitutional governance. While previous scholarship has generally examined religious freedom from either a theological perspective or a human rights framework, relatively few studies have attempted to establish a comprehensive conceptual bridge between Qur'anic principles and constitutional norms. Consequently, the absence of an integrated framework has contributed to continuing debates regarding the constitutional status of religious minorities and the extent to which Islamic legal principles can support equal citizenship. This study responds to that gap by proposing a systematic constitutional

interpretation of the Qur'anic principle *Lā ikrahā fī al-dīn* as an operational legal norm rather than merely an ethical or theological doctrine [10].

The implications of this research are both theoretical and practical. Theoretically, it enriches contemporary Islamic constitutional scholarship by integrating Qur'anic interpretation, *maqāṣid al-sharī'ah*, human rights discourse, and modern constitutionalism into a coherent analytical framework. This interdisciplinary approach contributes to the reconstruction of Islamic legal thought in a manner consistent with the principles of equality, justice, and non-discrimination without disregarding the normative foundations of Islamic teachings. Practically, the findings offer valuable guidance for constitutional reform, judicial interpretation, legislative development, and public policy formulation in Muslim-majority countries seeking to strengthen legal protection for religious minorities. The proposed framework may also assist constitutional courts, policymakers, and legal scholars in developing constitutional doctrines that balance religious identity with universal citizenship rights. Furthermore, by positioning non-coercion in religion as a constitutional limitation on state authority, this study contributes to broader international discussions on pluralism, peaceful coexistence, and sustainable governance. Ultimately, the research demonstrates that constitutional recognition of religious freedom grounded in Islamic principles can reinforce social cohesion, protect minority rights, reduce religious discrimination, and promote inclusive governance that aligns with the objectives of sustainable development, particularly SDG 16 concerning peaceful, just, and inclusive societies [11].

LITERATURE REVIEW

The study of religious freedom in Islam generally departs from a normative analysis of religious texts, especially the principle of "*Lā ikrahā fī al-dīn*," which is understood as the prohibition of coercion in matters of belief [12]. A number of Muslim scholars assert that this principle reflects Islam's recognition of religious freedom as a fundamental right related to individual moral responsibility. However, the study stops mostly at the theological level and has not been widely associated with constitutional implications in the modern state [13].

On the other hand, classical *fiqh* literature presents a more structural approach through the concept of *ahl al-dzimmah*. This system provides legal protection for non-Muslims, but still puts them in an unequal position of citizenship [14]. Historical studies show that this construction was born from the political context of the pre-modern empire and is difficult to harmonize with the principle of equality of citizens in the contemporary nation-state. This legacy of *fiqh* still influences the legal system in several Muslim-majority countries, both normatively and implicitly [15].

The study of modern constitutional law highlights the ambivalence of the constitution in Muslim-majority countries that combines the country's religious identity with the guarantee of religious freedom [16]. Comparative studies show that this ambivalence often results in formal but substantive weak protections for religious freedom, particularly for religious minority groups. This literature emphasizes that the issue of religious freedom does not only originate from religious doctrine, but also from constitutional design and legal interpretation practices [17].

Nevertheless, there are still limited studies that systematically integrate the principle of "*Lā ikrahā fī al-dīn*" into the constitutional framework as a legally binding norm [18]. Most studies treat Islamic theology, classical jurisprudence, and constitutional law as separate domains. This gap is the basis for this research to offer an integrative approach in strengthening minority religious freedom [19].

Table 1. Literature Related to Religious Freedom in Islam and the Constitution

Study Focus	Author and Approach	Key Findings	Limitations
The principle of non-coercion in Islam	Normative Islamic scholars	"Lā ikrāha fī al dīn" as the basis of religious freedom	Theological and individual
Classical and non-Muslim jurisprudence	Historians of Islamic law	Ahl al Dzimma provides conditional protection	Not in accordance with modern citizenship equality
Reconstruction of Islamic law	Abdullahi Ahmed An-Na'im	The need for a reinterpretation of Islamic values in modern law	Lack of focus on constitutional operationalization
The constitution of a Muslim country	Ran Hirschl	Ambivalence between the state religion and religious freedom	Minority protection is formal
Research gaps	This research	Integration of "Lā ikrāha fī al dīn" as a constitutional norm	Not much has been studied before

METHODOLOGY

This research is qualitative research with a normative and conceptual legal approach that aims to analyze the principle of "Lā ikrāha fī al dīn" as the constitutional basis of religious freedom for minority groups. This approach was chosen because the focus of the research lies in the study of legal norms, doctrines, and principles, both in the Islamic legal tradition and in modern constitutional law [20].

The research begins with a textual analysis of Islamic sources, especially classical and contemporary Qur'anic interpretations that discuss QS. Al-Baqarah verse 256 and other verses related to religious freedom. This analysis aims to identify the normative meaning of the principle of non-coercion in religion and the dynamics of its interpretation in different historical and social contexts [21].

Furthermore, the research conducts a conceptual analysis of key concepts such as ikrāh as coercion, dīn as religion, as well as derivative concepts in Islamic jurisprudence and constitutional law. This analysis is used to trace the transformation of concepts from the theological realm to the legal and constitutional realm, as well as its implications for the regulation of religious freedom [22].

This study also applied a comparative study by comparing the regulation of religious freedom and the position of religion in the constitutions of several Muslim-majority countries, namely Indonesia, Tunisia, Egypt, and Pakistan. Comparisons were made with the constitutional text and jurisprudence of each country's constitutional judiciary to identify normative patterns, constitutional ambivalence, and their implications for the protection of the rights of religious minorities [23].

The final stage of the research uses a philosophical analysis of law to reflect on the intersection and tension between the principle of "Lā ikrāha fī al dīn", human rights theory, and the concept of modern constitutionalism. All data are analyzed qualitatively through interpretive and argumentative approaches, by synthesizing findings from textual, conceptual, and comparative analyses into one coherent conceptual framework [24].

Table 2. Research Methodology Framework

Stages of Analysis	Methodological Approach	Data Source	Purpose of Analysis
Islamic normative analysis	Text analysis	The Qur'an and classical and contemporary interpretations	Identifying the meaning and scope of the principle "Lā ikrāha fī al dīn."
Conceptual analysis	Conceptual analysis	Fiqh literature and constitutional law	Examining the concepts of ikrāh, dīn, and their normative implications
Constitutional analysis	Comparative studies	Constitutions of Indonesia, Tunisia, Egypt, and Pakistan	Comparing the regulation of religious freedom and religious position
Jurisprudence analysis	Doctrinal analysis	Constitutional Court Decisions and Constitutional Courts	Assess the practice of protecting minority religious freedom
Normative synthesis	Legal philosophical analysis	Human Rights Theory and Constitutionalism	Formulating "Lā ikrāha fī al dīn" as a constitutional norm

RESULTS AND DISCUSSION

The principle of "Lā Ikrāha fī al-Dīn" in the Qur'anic Discourse and Tafsir

The results of the textual analysis of QS. Al-Baqarah verse 256 shows that the principle of "Lā ikrāha fī al-dīn" explicitly affirms the prohibition of coercion in matters of belief [25]. The interpretations of classical mufasssirs such as Al-Ṭabarī and Ibn Kathīr are often associated with certain historical contexts, especially the events of the Ansar children who were forced to convert to Islam. However, the majority of scholars do not limit the meaning of this verse to the historical context but understand it as a general normative principle [26].

Contemporary interpretations reinforce the universal dimension of this verse by placing it as a guarantee of freedom of conscience or ḥurriyat al-‘aqīdah [27]. This principle is in line with other verses of the Qur'an, which affirm that the Prophet's task is only to deliver treatises, not to force beliefs, and that guidance is entirely God's prerogative. These findings show that normatively, the Qur'an provides a strong foundation for the recognition of religious freedom, both in the personal and social dimensions [28].

Religious Freedom in the Perspective of International Human Rights

The results of a study of international human rights instruments show a normative correspondence between the principle of "Lā ikrāha fī al-dīn" and global standards of religious freedom [29]. Article 18 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights affirms that religious freedom includes the internal dimension of freedom to believe or disbelieve, as well as the external dimension of freedom to practice and express religion. Restrictions on this right are only strictly possible to protect legitimate public interests [30].

The human rights approach places religious freedom as an individual right that is universal and non-discriminatory [31]. These findings show that the principle of non-coercion in Islam does not contradict the international human rights framework, but has

a strong normative common ground, especially in the protection of internal forums that cannot be interfered with by the state [32].

Modern Constitutionalism and the Protection of Minority Rights

Analysis of the theory of constitutionalism shows that the modern constitution functions as an instrument of limiting state power as well as a mechanism to protect the rights of minority groups from majority domination [33]. In a pluralistic society, the constitution serves not only as a legal document but also as a social contract that guarantees equality and non-discrimination [34].

Models of recognition of minorities, such as consociative democracy and the politics of recognition, affirm the importance of structural guarantees for diversity [35]. These findings indicate that the integration of religious principles into the constitution can only be justified if it is in line with the principles of equality before the law and the protection of minority rights. Thus, the principle of "Lā ikrāha fī al-dīn" has constitutional relevance insofar as it is interpreted as a norm limiting the power of the state in matters of citizens' beliefs [36].

Reconstruction of the Meaning of "Ikrāh" and "Dīn" in the Context of the Modern State

The results of the conceptual analysis show that the meaning of "ikrāh" cannot be narrowed down to physical coercion or direct threats to religious conversion. In the context of the modern state, coercion often operates structurally and systemically. These forms of coercion can arise through discriminatory regulations, administrative obstacles to the establishment of houses of worship and civil registration, and the allowance of social pressure and hate speech against minority groups [37].

Meanwhile, the concept of "dīn" needs to be understood multidimensionally, namely as a personal belief that is completely in the realm of internal freedom, as well as a social practice that has the right to obtain public space as long as it does not violate public order and the rights of others. Thus, the principle of "Lā ikrāha fī al-dīn" in a constitutional perspective entrusts a prohibition for the state to use legal instruments and public policies as a means of coercion, restriction, or discrimination based on religion [38].

"Lā Ikrāha" in Classical Fiqh Dialectics and Contemporary Challenges

The findings of the study also reveal the tension between the principle of "Lā ikrāha fī al-dīn" and a number of classical fiqh doctrines that developed in certain historical contexts. The doctrine of apostasy law that imposes severe sanctions on individuals who leave Islam shows a normative contradiction with the principle of non-coercion. Contemporary studies interpret the doctrine more as a response to the political threats of early Islam than as a permanent provision of belief [39].

Similarly, the concept of ahl al-dhimma that protects non-Muslims but within the framework of citizenship inequality reflects the context of pre-modern imperial states. In a modern nation-state that upholds the equal rights and obligations of citizens, this framework is no longer constitutionally relevant. This finding confirms the need to reconstruct Islamic political jurisprudence in line with the principles of constitutionalism and religious freedom [40].

Overall, the results show that the principle of "Lā ikrāha fī al-dīn" has a strong normative basis in the Qur'an and is in line with the principles of human rights as well as modern constitutionalism. The main challenge lies in the legacy of classical jurisprudence and the ambivalent design of the constitution, not in the teachings of

Islam itself. Therefore, the placement of "Lā ikrāha fī al-dīn" as a constitutional basis is an important conceptual step to strengthen the protection of religious freedom of minorities in Muslim-majority states [\[41\]](#).

Analysis

The findings demonstrate that the Qur'anic principle of Lā ikrāha fī al-dīn possesses a constitutional significance that extends beyond its traditional theological interpretation. Rather than functioning solely as an ethical injunction against forced religious conversion, the principle establishes a normative foundation for protecting individual freedom of belief within a constitutional framework. This interpretation confirms that religious freedom in Islam is inseparable from the broader objectives of justice, human dignity, and equality before the law. Consequently, constitutional recognition of freedom of religion is not a concession to modern secular constitutionalism but can be understood as an expression of Islamic legal values that prioritize the protection of fundamental human rights [\[40\]](#).

The analysis further indicates that constitutional implementation of religious freedom requires a balance between preserving the religious identity of the state and guaranteeing equal protection for all citizens regardless of their religious affiliation. Such a balance prevents constitutional provisions from becoming instruments of exclusion while maintaining respect for the moral foundations of society. This constitutional equilibrium strengthens legal certainty because rights are derived not only from positive law but also from universally accepted ethical principles rooted in Islamic teachings. As a result, constitutional legitimacy becomes more sustainable when religious values reinforce rather than contradict democratic governance [\[40\]](#).

Another important implication concerns the relationship between constitutional interpretation and public policy. The results suggest that constitutional guarantees of religious freedom should not remain merely declaratory but must be translated into practical legal mechanisms capable of preventing discrimination, protecting minority communities, and ensuring equal access to justice. Effective constitutional implementation therefore depends upon independent judicial institutions, accountable governance, and administrative policies that consistently uphold equality before the law. Without these institutional mechanisms, constitutional recognition risks becoming symbolic rather than substantive [\[41\]](#).

The findings also reveal that constitutional protection of religious freedom contributes significantly to social cohesion within pluralistic societies. Recognition of diversity based on mutual respect reduces the potential for sectarian conflict and encourages constructive interaction among different religious communities. When constitutional institutions consistently protect the rights of both majority and minority groups, public trust in legal institutions increases, thereby reinforcing political stability and democratic participation. In this context, constitutional guarantees function not only as legal instruments but also as mechanisms for conflict prevention and peaceful coexistence [\[41\]](#).

Finally, this study highlights the broader relevance of integrating Islamic constitutional thought with contemporary governance. The constitutional interpretation developed in this research demonstrates that Islamic legal principles possess sufficient flexibility to address modern constitutional challenges without compromising their normative foundations. Such an approach encourages a more inclusive understanding of Islamic constitutionalism that accommodates religious diversity while preserving the essential objectives of justice, human dignity, legal equality, and social harmony. Therefore, the study reinforces the view that constitutional protection of religious freedom grounded in Qur'anic principles can serve as a viable framework for promoting

inclusive governance, strengthening democratic institutions, and advancing sustainable peace in contemporary Muslim-majority societies.

CONCLUSION

The Qur'anic principle "Lā ikrāha fī al-dīn" provides a strong normative basis for guaranteeing religious freedom for minorities in a Muslim-majority country. The principle of non-coercion in religion is not only theological, but also has direct relevance in the realm of public law and modern constitutionality. The realization of this principle requires a contextual and teleological reading oriented to the main goals of sharia, especially the protection of religion, soul, and intellect. Freedom of choice and exercise of belief is a fundamental prerequisite for the achievement of this goal, so that restrictions on religious freedom based on hierarchical fiqh inheritance or narrow interpretation are no longer in line with the principle of equality of citizenship. The main challenge in the protection of religious freedom lies in the sustainability of classical fiqh doctrine and the ambivalent formulation of the constitution in regulating the relationship between religion and the state. This condition demands a reconstruction of classical Islamic law as well as a consistent political commitment to limit the use of the state's coercive authority in the realm of personal belief. Within the framework of the modern state of law, the principle of "Lā ikrāha fī al-dīn" needs to be translated as a constitutional prohibition for the state to coerce, restrict, or discriminate against citizens on the basis of religious beliefs. Restrictions can only be justified in a limited and proportionate manner for the protection of the rights of others and the real public order. Thus, this principle can serve as a constitutional foundation for a just, equal, and nondiscriminatory social order in the contemporary Muslim world.

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Author's Contributions

All authors equally contributed to conceptualization, analysis, writing, revision, and final manuscript approval together.

Conflicts of Interest

The authors declare no conflicts of interest regarding this research, authorship, publication, or institutional affiliations.

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