

## MINORITY AND MAJORITY CONCEPTION ACCORDING TO AL-QUR'AN AND AS-SUNNAH

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**Abstract:** *Minority and majority have become very sensitive issues lately, in the life of the nation and the state, minority and majority issues are often misused to attack and corner a group, organization or religion. This study tries to highlight the minority and majority in Islam and place them according to the Al-Qur'an and As-Sunnah. Islam has provided guidance for the Muslim community both as a majority and as a minority. So it is hoped that in social life a Muslim can still practice his religion and at the same time still be able to do justice to others. The results of this study indicate that when Muslims become the majority, they must still be fair to other groups or religions. Likewise, when Muslims become a minority, they must still be treated fairly, so that they can carry out their religious obligations.*

**Keywords:** *Minority, Majority, Fiqh*

**Abstrak:** *Minoritas dan mayoritas menjadi isu yang sangat sensitip akhir-akhir ini, dalam kehidupan berbangsa dan bernegara isu minoritas dan mayoritas sering disalah gunakan untuk menyerang dan menyudutkan suatu kelompok, organisasi atau agama. Studi ini mencoba menyoroti minoritas dan mayoritas dalam Islam dan mendudukkannya menurut Al-Qur'an dan As-Sunnah. Islam telah memberikan panduan bagi masyarakat Muslim baik dia sebagai mayoritas maupun minoritas. Sehingga diharapkan dalam kehidupan bermasyarakat seorang Muslim tetap bisa menjalankan agamanya dan sekaligus tetap bisa berbuat adil terhadap orang lain. Hasil dari studi ini menunjukkan bahwa ketika kaum Muslimin menjadi mayoritas, maka dia harus tetap berlaku adil kepada kelompok atau agama lain. Demikian juga ketika kaum Muslimin menjadi minoritas, maka harus tetap diperlakukan secara adil, sehingga bisa menjalankan kewajiba-kewajiban agamanya.*

**Kata Kunci :** *Minoritas, Mayoritas, Fiqih*

## A. INTRODUCTION

The term minority and the weakest in Islamic literature is a new term that still contains many problems. According to Khalid Mas'ud, the word minority here is very problematic for three reasons: *First*, the lack of clarity of simplicity raises the sub-nation within the framework of a nation-state. The religious minority is even weaker than the sub-nation because it is an even smaller fraction; *Second*, this minority problem is related to other minority situations, such as the situation of minority Muslims in majority non-Muslim countries. *Third*, the condition of Muslim minorities in the West is not the same as Muslim minorities in non-Western countries, such as India and China. Meanwhile, Abdullah bin al-Shaikh al-Mahfud bin Bayyah, a member of the European Council For Fatwa and Research (ECFR), a fatwa and research institute in Europe that develops *Fiqh al-Aqalliyat* with fiqh laws relating to Muslims living outside the Islamic State. According to him, the naming of special fiqh with the term *Fiqh al-Aqalliyat* has indeed drawn a long debate between Islamic scholars, but the ECFR establishes the validity of this term because in fact in contemporary terms it is quite well understood. One form of debate in determining the word "minority" attached to this fiqh.<sup>1</sup>

As for the minority and the majority in terms of Islamic relations or attitudes towards minority non-Muslims, then in fact it already has a strong foundation in Islamic fiqh. The scholars have outlined the guidelines for how a Muslim interacts with non-Muslims in the Muslim majority area.

## B. DISCUSSION

### 1. Minority and Majority

In the large Indonesian dictionary it is stated that minorities are social groups whose citizens are much smaller when compared to other groups in a society and therefore discriminated against by that other group. Meanwhile, according to M. Ali Kettani, quoting from Webster's Seventh New Collegiate Dictionary, minorities are part of the population that have several different characteristics and often receive different treatment. A similar opinion

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<sup>1</sup> (Miskari, 2015) p. 3

was expressed by Ahmad Suaedy, et al from The Wahid Institute that minority is defined as a social group whose number of citizens is much smaller than other groups in a society.<sup>2</sup>

The minority groups based on religion are always described by the grouping of a certain number of religious people, who are quantitatively or qualitatively different from the religion of the majority group. In Indonesia, nationally, people always say that Indonesia is not an Islamic country but Indonesia is a country with a majority Muslim population. This means that the Islamic group is the majority, and other religious groups are the minority. However, in parts of Indonesia there is a majority group who are non-Muslim, such as in the province of NTT, it can be said that the province is Christian, which illustrates that the majority of the population of this region is Christian, while Islamic groups are a minority population.<sup>3</sup>

Meanwhile, the meaning of the majority is "the largest number of people who show certain characteristics according to a standard compared to the other numbers, who do not pay attention to those characteristics". Thus, majority implies the opposite of the word minority, namely a social group whose number of citizens is much larger and more numerous when compared to other groups in a society. The background to the emergence of majority and minority issues actually stems from the understanding of the word "majority" (al-Akthariyat) as opposed to the word "minority" (al-Aqaliyat) which is termed for religions where the majority and minority are smuggled by the West into modern Muslim literature and is the result of Jewish influence, Christians and several others who also adhere to monotheistic religions, including Muslims and people of the Book. The President of the World Jewish Association, in a speech in Paris at the Jewish Cultural Conference (1968) said: If we want Israel to be sustainable and stable in the Middle East region, then we must divide the people around it into a scattered minority.

If we look at history, before the collapse of the Uthmani Khilafah State, we will find that Western countries used minority issues, defense of minority rights, and support for them as a means to achieve their colonial interests.<sup>4</sup>

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<sup>2</sup> (Aravik, 2018) p.65

<sup>3</sup> (Umihani, 2019) p.251

<sup>4</sup> (Ali, 2015) p.143

Islam firmly rejects religious sectarianism which is based on the grouping of the majority and the minority, thus the issues about the emergence of minority and majority groups in Islam do not exist.

## 2. Minority and Majority in Al-Qur'an and As-Sunnah

In this sub-discussion, the terms minority and majority will be put in two definitions according to Islam. Namely the minority and the majority in terms of the relationship between the majority of Muslims and the minority non-Muslims. And minority and majority in the sense of how Islam is implemented or how a Muslim practices his religion when he is in the midst of the non-Muslim majority.

**First**, the majority of Muslims and adherents of other minorities.

When Islam began to spread to various regions in the early days, Islam had to face the problem of religious minorities. So that Islam develops comprehensive and specific legislation in the framework of how to treat these minorities.<sup>5</sup>

The fiqh scholars classified non-Muslims into two groups; ahl al-harb and ahl al-ahd. This division is based on the Word of Allah, Surat al-Mumtahanah: 8-9

لَا يَنْهَكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِّنْ دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ. إِنَّمَا يَنْهَكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَأَخْرَجُوكُمْ مِّنْ دِيَارِكُمْ وَظَاهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَن تَوَلَّوهُمْ وَمَن يَتَوَلَّهُمْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

*“Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just. Allah only forbids you, with regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong.”*

<sup>5</sup> (Aravik, 2018) p.66

Ahl al-harb are a group of infidels who were involved in or involved in wars with Muslims. The term kafir harbi is assigned by jurists to a group of non-Muslims who live in their territory called dar al-harb and express hostility towards Muslims and their leaders or who do not recognize an Islamic state. This harbi kafir class is all infidels who show enmity and attack Muslims, both among the polytheists (pagan) and the people of the book.

Meanwhile, ahl al-ahd are non-Muslims who are kind, maintain harmonious relations with Muslims, and do not engage in hostility towards them. This group is those who make peace and enter into agreements with Muslims, both those who choose to live in Dar al-Islam (Islamic territory) or those who remain in their territory. Ahl al-ahd are divided into three groups, they are ahl al-dzimmah, ahl al-hudnah, and ahl al-aman. Ahl al-dzimmah are non-Muslims who are the responsibility of Muslims because they have entered into an agreement in the form of submitting and obeying the provisions and laws of Allah and His Messenger while performing jizyah and they live in Islamic territory.

Rasulullah SAW, once said:

لَعَلَّكُمْ تُقَاتِلُونَ قَوْمًا فَتَظْهَرُونَ عَلَيْهِمْ فَيَتَّقُونَكُمْ بِأَمْوَالِهِمْ دُونَ أَنْفُسِهِمْ وَأَبْنَائِهِمْ " . قَالَ سَعِيدٌ فِي حَدِيثِهِ " فَيَصَالِحُونَكُمْ عَلَى صُلْحٍ " . ثُمَّ اتَّفَقَا " فَلَا تُصِيبُوا مِنْهُمْ شَيْئًا فَوْقَ ذَلِكَ فَإِنَّهُ لَا يَصْلِحُ لَكُمْ

" Probably you will fight with a people, you will dominate them, and they will save themselves and their children by their property. The version of Sa'id has You will then conclude peace with them. The agreed version goes: Then do not take anything from them more than that, for it is not proper for you." (Narrated by Abu Daud: 2653)

In another hadith, Rasulullah SAW said:

أَلَا مَنْ ظَلَمَ مُعَاهِدًا أَوْ انْتَقَصَهُ أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ أَوْ أَخَذَ مِنْهُ شَيْئًا بغيرِ طيبِ نَفْسٍ فَأَنَا حَجِيجُهُ يَوْمَ الْقِيَامَةِ

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. (Narrated by Abu Daud: 2654)

From these two hadiths, it can be understood that if non-Muslim citizens have entered into a peace agreement, then everything that belongs to them (in the form of property, buildings, honor and beliefs) should not be disturbed and treated arbitrarily. It is not justified to impose criminal laws against them. In other words, Islam does not allow to treat anything that is detrimental, cheating, persecuting, unkind and incompatible with one's abilities.<sup>6</sup>

The second group is ahl al-hudnah, namely non-Muslims who enter into a peace agreement with an Islamic state. The difference between this group and ahl al-dzimmah is the existence of those who do not live in Islamic territory, but have entered into a peace agreement with the Muslims. Against this group, Muslims have an obligation to maintain the agreement agreed upon by both parties. As stated in the QS. al-Taubah: 4 and 7:

إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُوكُمْ شَيْئًا وَلَمْ يُظَاهِرُوا عَلَيْكُمْ أَحَدًا فَأَتِمُّوا إِلَيْهِمْ عَهْدَهُمْ إِلَىٰ مُدَّتِهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ.

*(But the treaties are) not dissolved with those Pagans with whom ye have entered into alliance and who have not subsequently failed you in aught, nor aided any one against you. So fulfil your engagements with them to the end of their term: for Allah loveth the righteous.*

كَيْفَ يَكُونُ لِلْمُشْرِكِينَ عَهْدٌ عِنْدَ اللَّهِ وَعِنْدَ رَسُولِهِ إِلَّا الَّذِينَ عَاهَدْتُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ فَمَا اسْتَقَامُوا لَكُمْ فَاسْتَقِيمُوا لَهُمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ

*How can there be a league, before Allah and His Messenger, with the Pagans, except those with whom ye made a treaty near the sacred Mosque? As long as these stand true to you, stand ye true to them: for Allah doth love the righteous.*

The last group is *ahl al-aman*, namely non-Muslims who live outside the Islamic territory (dar al-harb) but have entered into an agreement to obtain security guarantees while living in Islamic territory for a certain period of time. The difference between this group and other groups is that their existence in the area of Islam (dar al-Islam) is not with the intention of staying forever.<sup>7</sup> The Word of Allah in Q.S At-Taubah: 6

وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّىٰ يَسْمَعَ كَلِمَ اللَّهِ ثُمَّ ابْنِغْهُ مَا مَنَّتَ بِذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ

<sup>6</sup> (Izomiddin, 2018) p.134

<sup>7</sup> (Untung, 2014) p.31

*If one amongst the Pagans ask thee for asylum, grant it to him, so that he may hear the word of Allah; and then escort him to where he can be secure. That is because they are men without knowledge.*

The Prophet sallallaahu 'alaihi wa sallam said:

وَدِمَّتْهُ الْمُسْلِمِينَ وَاحِدَةً يَسْعَىٰ بِهَا أَذْنَاهُمْ

*"Protection of Muslims (against infidels) is the same even though the guarantee is given by the lowest Muslims". (H.R Muslim No. 2344)*

**Second,** Muslim minorities and followers of other religions are the majority.

Islam is a universal and comprehensive religion that includes several theoretical conceptions of how humans live life both at the level of values of faith, spirituality and social communication. The concepts referred to are "aqidah," worship, and mu "amalah, each of which contains the teachings of faith. Besides containing the teachings of faith, these three concepts also include dimensions of Islamic teachings which are based on legal provisions in the form of shari'ah or fiqh.<sup>8</sup>

As the spread of Muslims is increasingly widespread to various countries, especially to Western countries, where Muslims are small or minority, the problems in the context of Islamic fiqh will also increase.<sup>9</sup> So that starting from the accumulation of restlessness from Muslim minority communities in the West, this has led to the birth of new ijtihad-ijtihad in Islamic fiqh. This fiqh is designed to provide guidance and guidance on what is prohibited and permissible for Muslim minorities living in the West to carry out their obligations as a Muslim.<sup>10</sup> That is why contemporary Muslim scholars have attempted to reinterpret existing laws in order to find fiqh that can answer the problems of Muslim minority communities in the West. It is this result which then bears what is known as Fiqh al-„Aqalliyât.<sup>11</sup>

Fiqh al-aqalliyât which is translated into Indonesian as "minority fiqh", consists of two words: fiqh and aqalliyah. The word fiqh, etymologically means "deep understanding". In

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<sup>8</sup> (Shomad, 2012) p.94

<sup>9</sup> (Ghazali, 2012) p.42

<sup>10</sup> (Nurhayati, 2013) p.193

<sup>11</sup> (Khalil, 2016) p.38

terms of terminology, fiqh means the knowledge of the laws of syarak which is 'amaliyyah or practical which is extracted and discovered from detailed arguments. The word "amaliyyah" which is contained in the definition explains that fiqh only concerns human actions that are outward in nature. Thus, things that are not external, such as matters of faith or creed are not included in the scope of fiqh. The word "aqalliyyah" comes from the word qallala which means little, as opposed to many. The word al-qul is the opposite of many, and the word qawm-un qalîlu-n means a few in number and is physically weak. Tâhâ Jâbir al-,Alwânî states that etymologically, aqalliyyah means minority or group, is a political term that is defined as a group of people in a government which in terms of ethnicity, language, race, or religion is different from the developing majority group. According to Kamal Sa'id Habib, minority as a contemporary term is not known by Islamic culture, as is understood by the term sociology today. However, because it was widespread, it was accepted and restored its form and definition in accordance with Islamic culture.<sup>12</sup>

Whereas terminologically, fiqh *Aqalliyat* by Ṭaha Jabir al-Wani is defined, "Fiqh *Aqalliyat* is a form of fiqh that maintains the relationship between syar'i law with the dimensions of a community, and with the place where they live. This fiqh is a limited community fiqh which has special conditions that allow something that is not suitable for others to be suitable for other than them. Getting it requires the application of some social sciences in general and sociology, economics, culture, and some political science and international relations in particular."<sup>13</sup>

### ***Fiqh Aqalliyat Methodology***

*Fiqh al-Aqalliyat* as part of the legal problem that is 'considered' new, this fiqh demands application in ijtihad to find contemporary legal provisions. In this context, new ijtihad is an obligation in an effort: first, to explain that Islamic shari'ah is indeed suitable for all times and places; second, to be a real da'wah for all Muslims to solve legal problems in their lives by using Islamic law; third, as the main entry point for the tajdîd (renewal) process; fourth, as an effort to fulfill the basic needs of the Muslim community in answering their contemporary problems.

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<sup>12</sup> (Nurhayati, 2013) p.194

<sup>13</sup> (Miskari, 2015) p.3



a. Uşul Fiqh methodology in *Fiqh Aqalliyat*

Every fiqh in any form and context, of course, makes the Koran and al-Sunnah as the main source of law. Ijmā', only as an agreement by the scholars on the legal status of a matter which is obtained from a shared understanding of the arguments of the texts, and qiyās as a syllogism of 'illat Hukum a new event with 'illat Hukum an event which has been determined by the law by syar', is the next source of law that received recognition from the majority of Uşul Fiqh scholars.

*Fiqh al-Aqalliyat* is not an exception, because the four things mentioned above are also a source of law for him. However, *Fiqh al-Aqalliyat* emphasizes the general principles and universal values of the Koran as the main basis for determining the law of the problems it faces. In Yusuf Qarḍāwi's view, al-Sunnah is more often something that is juz'i and tafşīlī, can be related to legal issues that are general or specific, temporal or eternal, and can be a response to certain cases. Because al-Sunnah must not conflict with the Koran which has a higher position in the level of the source of Islamic law, then in its application it must comply with the general principles of the Koran.

Apart from the above sources, *Fiqh al-Aqalliyat* also uses several other sources or arguments that are disputed by the Fuqahās, such as terms (basing the law on the general principle of benefit when no clear argument is found), istihsān (moving from general naş or qiyās to specific naş or qiyās khofi due to the logical acceptance of the latter), sad al-ḍarā'i (closing the way to things that are detrimental), syar 'man qablanā (syari'at of the prophets before us), al-urf (habit), istişhāb, qawl al-şahābi (opinion of the Prophet's friends), and so on. Everything that has been mentioned above is intended to find benefit-oriented laws that can be applied in the context of Muslim minority communities in a country.<sup>14</sup>

b. *Fiqh Aqalliyat* Theoretical Framework

As usual classical fiqh, *Fiqh al-Aqalliyat* is also built on the foundation of legal principles (legal maxims) known as "al-qawāid al-fiqhiyyah". The number of jurisprudence rules is quite a lot and is a derivation of the five basic science principles known as "al-Kulliyat al-Khamsu", first, al- „umūr bi maqāşidihā (all matters depend on the intention), al-yaqīnu la yazālu bi al-

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<sup>14</sup> (Miskari, 2015) p.5

shak, al-mashaqqoh tajlib al-attaisir (Faith cannot be removed by doubt), al-ḍarar yuzāl (Difficulty brings ease), and al-'ādah muhak Court (Adat can become law) ". The five main principles above have actually provided an initial description of how jurisprudence must consider the most essential things, namely the intention and things that make it easy to bring benefits to the benefit. This was then used as the basic foundation by Yusuf Qardawi and Ṭāha Jabi al-Wani, even though they did not provide a specific explanation of which fiqh rules and theories were predominantly used in Fiqh *Aqalliyat*.<sup>15</sup>

Meanwhile, Abdullah Bin Bayyah, a scholar of the Maliki school of thought from Mauritania, a country in West Africa. Is one of the leading figures in the development of *Fiqh al-Aqalliyat* in the European Council of Fatwa and Research (al-Majlis al-Arubi li Alifta wa al-buhuth) where he is a member. Institution chaired by Dr. Yusuf al-Qardhawi was founded in Dublin in 1997 and is headquartered in London and aims to provide Islamic services to Muslims living in Europe. He mentioned 6 principles adopted by fiqh aqaliyyat. The six rules are as follows:

The rules facilitate and eliminate difficulties (al-taysir wa raf'al haraj)

Rules of changing fatwas due to changing times (tagyiru al-fatwa bi tagyiru al-zaman)

The rule of positioning needs in an emergency position (Tanzil al-hajah manzilat al-darurah)

Rule of habit ('Urf)

The Rule considers the Legal Consequences (al-Nazar ila al-ma'alat)

Principles of Positioning the General Public in the Position of Judges (Tanzil al-Jama'ah manzilat al-Qadi).<sup>16</sup>

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<sup>15</sup> (Miskari, 2015) p.6

<sup>16</sup> (Habibi, 2018) p.160

### 3. Islam and Minority Relations

It is well known that when the Prophet Muhammad arrived in the city of Medina, several elements of different groups of people met, which is a challenge for him to shape it into a dignified society, built on solid foundations, and have rules that regulate behavior and ways of interacting among them.

After the Messenger of Allah strengthened the unity of the Muslims, and had succeeded in establishing the foundations of a new Islamic society, by creating a unity of faith, politics and a system of life among Muslims, then the next step that the Prophet did was to offer a peace agreement to groups or parties outside of Islam. His concern at that time was how to create security, happiness and goodness for all human beings, arranging life in that area in one agreement.<sup>17</sup>

The agreement on the text of the Medina Charter as a common rule for the people of Medina, became a new milestone for human life. The society that was built by the Prophet Muhammad Sallallahu „Alaihi wa Sallam after moving from Mecca to Medina is the forerunner of modern civilization that prioritizes togetherness rather than war, upholds human values, and prioritizes the spirit of nationality rather than the spirit of ethnicity or stability.<sup>18</sup>

The formation of the Medina society guided by Islamic values is a historical moment for the birth of a new culture and civilization that will illuminate the world. The charter that was agreed upon in the first year of the hijrah, which coincides with AD 622, is a written law that aims to tie the strings of differences between ethnicities, beliefs and ethnicities among the people of Medina. The effort to build a modern civilized society by upholding human values and justice was spearheaded by the Prophet Muhammad Sallallahu „Alaihi wa Sallam long before the United Nations Universal Declaration on Human Rights in 1948, the French Revolution in 1789 or the birth of the American constitution in 1776.<sup>19</sup>

The Medina Charter is an agreement established by the Prophet Muhammad sallallaahu ‘Alaihi wa Sallam after moving to Medina between him and the Muslims (Muhajirin and Anshar) and the Jews of Medina. Experts mention the various political texts written by the

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<sup>17</sup> (Syaikh Shafiiyyur Rahman Al-Mubarakfury, 1999) p.192

<sup>18</sup> (Sholikhah, 2015) p.86

<sup>19</sup> (Natsir, 2019) p.108-109

Prophet, among others: W. Montgomery Watt named it "The Constitution of Medina", R.A. Nicholson in his book A literary History of The Arabs called it "Charter", Majid Khaddury in his book War and Peace in The Low Of Islam called "Treaty", Philip K Hitti in his book Capital Cities Of Arab Islam "agreement", Zainal Abidin Ahmad named it " Charter".<sup>20</sup>

The Medina Charter formally regulates social relations between components of Medina society, namely: *First*, among Muslims, that fellow Muslims are one ummat even though they are of different ethnicities. Second, the relationship between Muslim and non-Muslim communities is based on the principle of "good neighbors", helping each other in facing common enemies, defending those who are persecuted, giving mutual advice and respecting religious freedom. The constitution regulates civil rights or better known as human rights, long before the 1948 UN Universal Declaration of Human Rights.

This text explicitly states that it is a "community agreement" written by the Prophet Muhammad Sallallahu „Alaihi wa Sallam as a leader who holds the mandate, among the people of various national and religious groups, as stated in his preamble:

"In the name of God, the Most Merciful, Most Merciful. This is the written Charter of the Prophet Muhammad Sallallahu 'Alaihi wa Sallam to believers and embracing the religion of Islam, whether from Quraish or Yathrib, and to all citizens who follow them, who have formed common interests with them and have fought with them. "

Among the experts there was disagreement about the groups referred to in this pajama. Dr. Hasan Ibrahim Hasan mentioned 4 groups, namely:

1. Muhajirin, namely Muslims who migrated from Mecca;
2. Ansar, namely Muslims from the inhabitants of Medina;
3. Munafiqun, namely the residents of Medina who had not embraced Islam;
4. Jews, namely the Jews who lived in Medina.

Likewise Emile Dermenghem in his book Le Vie Mahomet mentions the 4 groups mentioned above. Meanwhile, Majid Khadduri, George E. Kerk and Prof. Ahmad Shalaby only mentions 3 groups, namely:

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<sup>20</sup> (Sukardja, 2012) p.2

1. Muhajirun;
2. Ansar;
3. Jews.

In addition, there are also writers on the Medina charter which reduced the number to 2 groups, like Muhammad Khalid in his book *Khatam An-Nabiyyin*, and Abdul Muta 'al Shu' aidi in his book *As-Siyasah Al-Islamiyyah* only mentions; Muslims and Jews or Arabs and Jews only.

In its development, the Medina Charter has undergone several amendments, at least the Prophet sallallaahu „Alaihi wa Sallam himself has made two amendments to the Medina Charter. *First*, the treatment of Christians, the agreement with Christians from Najran in 625 AD; related to articles 24 to article 35 regarding minority groups; previously only addressed to the Jews, with this agreement was expanded to include Christians. "Religious belief in carrying out religious deeds will not be interfered with; There will be no change in habits and rights, and no bishop or pastor has been revoked." *Second*, the agreement with the Magi, was made with Farrukh bin Syaksan, the head of the Yemeni region who is a Magi. This agreement is also related to articles 24 up to. Article 35 that the Magi group is treated the same as the Jews and Christians, it makes no difference whether they will become Muslims or remain in their original religion.

While the validity period, according to historians, the Medina Charter that the Prophet made lasted for one and a half centuries, starting from its formation in 1 H (622 AD) to the collapse of the Umayyah dynasty and the establishment of the Abbasids in 132 H (750 AD).<sup>21</sup>

### C. CONCLUSION

The terms minority and majority are unknown terms in Islamic literature. It is a term that the West smuggled into Islamic literature in order to achieve its colonial goals. Minority and majority issues are often used to attack and bring down a group, organization or religion that is their political opponent. Even so, the minority and the majority have become part of the reality of the life of the Muslims, so it is inevitable to provide an explanation and position them

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<sup>21</sup> (Lukman, 2020) p.30

according to Islam. If we want to find the equivalent meaning of minority and majority in Islam, we will find the concept of *ahl Dzimmah*, where this concept is already established in Islamic fiqh literature which has grown along with the development of Islam to various countries. The concept of *ahl Dzimmah* in Islam is proof that Islam is a religion of rahmatan lil 'alamin which always stands on the principle of justice.

As for Minority Fiqh, which is a translation of *Fiqh Aqalliyyat* in Arabic, is a new ijtihad in Islamic fiqh, in response to various kinds of problems in the life of a Muslim in the midst of a majority non-Muslim community. Where the Muslims cannot carry out their religious syari'at properly, because the prevailing social and state system does not provide room for that. Although there is still a lot of debate among Muslim scholars because it differs from the classic Islamic fiqh methodology that is already established and is the grip of the majority of Muslims. Fiqh Aqalliyyat which was pioneered by Tâhâ Jâbir al-Alwânî and Yusuf Qarḍâwi, has become a temporary solution for Muslims who live in the midst of a non-Muslim society. Of course, deeper studies on *fiqh aqalliyyat* are still very much needed, in order to be able to place it properly.

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