



# Islamic Law and Religious Moderation: A Transdisciplinary Perspective on the Protection of Minority Rights

Tedy Subrata 1\*, Hikmatullah 2

<sup>1,2</sup> Doctoral Program in Islamic Family Law, Sultan Maulana Hasanuddin State Islamic University, Indonesia

\*Corresponding Author: [tedy.subrata53@gmail.com](mailto:tedy.subrata53@gmail.com)

**Abstract:** This study aims to explore the relationship between Islamic Law, Religious moderation and the protection of minority rights in a pluralistic society. In an increasingly diverse society, religious moderation is an important approach to maintaining social harmony. Islamic law, with its principles of justice, equality, and respect for humanity, can serve as a strong foundation to support efforts towards religious moderation. Inclusive and protects minority rights. This study uses a transdisciplinary approach, combining perspectives from Islamic law, social sciences, and social justice theories to analyze how Islamic law can be applied fairly to ensure the protection of minority rights without causing discrimination or injustice. The findings of this study indicate that religious moderation Within the framework of Islamic law, it not only promotes peace between religious communities but also provides protection for minority groups, while upholding the moral and ethical principles contained in Islamic teachings. Therefore, religious moderation based on Islamic law can be an effective tool in strengthening social integration and reducing intergroup tensions, particularly in safeguarding minority rights amidst existing socio-cultural diversity.

**Keywords :** Islamic Law; Religious Moderation; Minority Rights; Social Justice; Transdisciplinarity.

## 1. INTRODUCTION

Indonesian society is known for its high religious, cultural, and ethnic diversity, making it one of the largest multicultural countries in the world. This diversity is both a national treasure and a challenge in maintaining social harmony and protecting the rights of all citizens, including minority groups. In this context, religious moderation is a crucial concept that plays a role in strengthening tolerance, creating balance within religions, and preventing potential conflicts that can arise from differences in belief (Mufid, 2017; Hassan, 2016).

Religious moderation is essentially an effort to create a balanced religious attitude between commitment to religious teachings and respect for diversity. Values such as tolerance, justice, and respect for human dignity are key pillars in building a peaceful and inclusive society. From an Islamic perspective, this spirit of moderation is known as the concept of wasathiyah, which means a middle position or balance in thought and action (Hassan, 2016; Nasr, 2009). This principle affirms that Islam rejects all forms of extremism and violence in the name of religion and encourages the creation of peace and social harmony amidst differences (El-Fadl, 2001).

As a legal system derived from God's revelation, Islamic law embodies universal values that align with the principles of social justice and humanity. Islamic law governs not only the relationship between humans and God (habl min Allah), but also social relations between individuals and groups (habl min al-nas). The principles of justice (al-'adl), equality (al-musawah), and respect for human dignity (karamah insaniyyah) are essential foundations for guaranteeing the rights of every citizen, including minority groups (Khan, 2004; Sachedina, 2001). Quranic verses such as Al-Baqarah: 256 emphasize that "there is no compulsion in religion," demonstrating Islam's recognition of freedom of belief as a fundamental human right.

Received: September 2<sup>nd</sup> 2025  
Revised: September 16<sup>th</sup> 2025  
Accepted: September 30<sup>th</sup> 2025  
Published: October 24<sup>th</sup> 2025  
Curr. Ver.: October 24<sup>th</sup> 2025



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However, the application of Islamic law in a pluralistic society often faces challenges, particularly in the context of social, political, and cultural diversity. Differences in interpretation of religious texts sometimes give rise to exclusive, even discriminatory practices against minority groups (El-Fadl, 2005; Wahbah, 1993). However, when interpreted contextually and inclusively, Islamic law can be an effective instrument in strengthening the protection of minority rights and creating comprehensive social justice (Siddiqui, 2018).

In addressing this complexity, a transdisciplinary approach is needed to understand and implement Islamic legal values fairly and relevant to the dynamics of modern society. A transdisciplinary approach combines legal, sociological, philosophical, and social justice theory perspectives, thus providing a broader and more in-depth analysis of the interaction between religion and social life (Zein, 2015). This approach also opens up opportunities to reconstruct the understanding of Islamic law to be more responsive to the challenges of the times, without abandoning the moral and ethical principles contained in Islamic teachings.

This research is based on the view that Islamic law and religious moderation are two complementary entities in maintaining social harmony and protecting minority rights in a pluralistic society. Using a transdisciplinary approach, this research aims to explore how the principles of justice and humanity in Islamic law can serve as a foundation for the implementation of inclusive religious moderation. It is hoped that the results of this research will contribute to strengthening the values of tolerance, respect for human rights, and building a just and harmonious society in Indonesia.

## 2. RESEARCH METHOD

### 2.1 Types and Approaches of Research

This research uses a library research method, namely research conducted through searching and studying various scientific literature relevant to the topic "*Islamic Law and Religious Moderation: A Transdisciplinary Perspective in Safeguarding Minority Rights.*" This method was chosen because the main focus of the research is the exploration of concepts, theories, and normative values contained in Islamic legal sources as well as contemporary scientific studies related to religious moderation and the protection of minority rights. The approach used is a transdisciplinary approach, namely an approach that integrates various fields of science such as law, Islamic studies, sociology, philosophy, and social justice theory. This approach is used so that the results of the analysis are not only normative but also contextual, social, and philosophical, in accordance with the character of Indonesia's pluralistic society. According to Nicolescu (2008), a transdisciplinary approach transcends interdisciplinary boundaries by combining cognitive, social, and spiritual dimensions to obtain a complete understanding of reality. In the context of this research, this approach is relevant to examine the relationship between Islamic law and religious moderation within the framework of protecting minority rights.

### 2.2 Research Data Sources

This research uses two types of data sources, namely:

#### a. Primary Sources

- The Qur'an and Hadith of the Prophet SAW relating to the principles of justice, equality and tolerance.
- Classical books (*turats*) that discuss Islamic law, the rights of non-Muslims (*abl al-dhimmah*), and the principles of social justice.
- Modern Islamic legal documents such as fatwas of the Indonesian Ulema Council (MUI) or decisions of relevant international fiqh institutions.

#### b. Secondary Sources

- Academic books discussing Islamic law, religious moderation, pluralism, and human rights.
- National and international scientific journal articles (for example from *the Jurnal Studia Islamika*, *Al-Jami'ah*, *HTS Theological Studies*, *Journal of Islamic Law and Society*).

- Research results, theses, and dissertations related to the theme of religious moderation and protection of minority groups.
- Public policy documents, such as Law Number 39 of 1999 concerning Human Rights, and the Regulation of the Minister of Religion concerning Strengthening Religious Moderation.

### 2.3. Data Collection Techniques

Data collection was carried out through a systematic literature documentation study with the following steps:

- Literature Identification**  
Identify and collect relevant sources from various scientific databases such as Google Scholar , JSTOR , ProQuest , Sinta , and Garuda Portal .
- Source Suitability Evaluation**  
Assess the credibility and relevance of each literature based on the following criteria:
  - Suitability of the theme with the research focus.
  - Recency (last 5–10 years, except for classical sources).
  - Reputation of the publisher or journal.
- Collection of Legal Documents and Fatwas**  
Involves analysis of laws and regulations, fatwas, and decisions of religious institutions that regulate the protection of minority rights and religious moderation.
- Comparative and Contextual Studies**  
Tracing the practice and thought of Islamic law in various countries or eras (classical and modern) to understand the variations in the application of the values of justice and moderation.

### 2.4. Data Analysis Techniques

Data analysis was carried out qualitatively-descriptively , using the following analysis techniques:

#### a . Content Analysis (Content Analysis)

Used to study Islamic legal texts, Quranic verses, hadith, and related academic literature.

The steps include:

1. Identifying major themes in the literature, such as *justice ('adl)* , *tolerance (tasamuh)* , and *protection of minorities (hifz al-'ird, hifz al-nafs)* .
2. Grouping data according to thematic categories (Islamic law, religious moderation, human rights).
3. Interpret the substantive meaning of each theme based on the theoretical framework and social context.

#### b . Thematic Analysis

Aiming to identify themes emerging from various literature, both normative texts and contemporary thought,

this analysis helps understand the relationship between **the principle of justice in Islamic law and the value of moderation in social life** .

#### c . Comparative Analysis

Used to compare:

- **international human rights** principles .
- The approach to religious moderation in Islam with the practice of moderation in Muslim-majority countries (such as Malaysia, Morocco, and Indonesia).

#### d . Critical Analysis (Critical Hermeneutic Analysis)

This technique is used to assess the extent to which current interpretations of Islamic law support or hinder the protection of minority rights. The analysis is conducted by

considering the historical, social, and ideological aspects of existing interpretations or fatwas.

## 2.5. Transdisciplinary Research Approach

This approach combines various disciplines to understand the phenomenon holistically:

| Field of Science          | Focus of Analysis  | Contribution   |
|---------------------------|--|--|
| Islamic Law               | The principles of justice, equality and minority rights in fiqh                  | Provides a normative and theological basis                     |
| Sociology of Religion     | Social interaction between religious communities in a plural society             | Explaining the social context of the application of moderation |
| Social Justice Theory     | The values of distributive and procedural justice (Rawls, Al-Farabi, Al-Ghazali) | Provides a universal ethical framework                         |
| Islamic Philosophy        | Universal values in Islam (tawassuth, i'tidal, tasamuh)                          | Affirming the philosophical foundation of moderation           |
| Politics and Human Rights | Constitutional protection for minorities   | Provide a legal and policy framework                           |

## Data Validity and Reliability

To ensure the validity of the research results, several verification steps were carried out:

1. **Source Triangulation** , namely comparing various sources from different disciplines.
2. **Interpretative cross-check** , by confirming the results of the analysis with the views of contemporary Islamic legal academics or experts.
3. **Contextual Critical Analysis** , to assess the suitability of the findings with the socio-political conditions of Indonesian society.

## 2.6. Synthesis and Conclusion Drawing

The final stage of the research is the synthesis of findings from various sources to build conceptual arguments about:

- The relevance of Islamic law in supporting religious moderation.
- A model for the fair application of Islamic law for minority groups.
- The contribution of a transdisciplinary approach to strengthening social harmony and human rights.

Synthesis is carried out by integrating the results of thematic, comparative, and critical analysis into coherent, objective, and applicable conclusions in the context of Indonesia's multicultural society.

## 2.7. Research Limitations

This research is limited to a theoretical, literature-based study , without involving field data or direct interviews. Therefore, the results are conceptual and analytical in nature, but they can still provide a theoretical basis for further empirical research on the application of Islamic law and religious moderation at the social level.

# 3. RESULTS AND DISCUSSION

## 3.1 Introduction

In the context of Indonesia's pluralistic society, the issue of minority rights poses a serious challenge to maintaining social cohesion and national stability. Religious, cultural, and ethnic diversity constitutes a national treasure, but can also become a source of conflict if not managed through a just and inclusive approach. Islamic law and religious moderation can be two important foundations in strengthening protection for minority groups and upholding the principle of social justice in national and state life. According to Esposito (2005) , Islam contains universal values such as justice ('adl), compassion (rahmah), and humanity (insaniyyah), which, if implemented contextually, can support social peace and respect for the rights of all citizens, including minority groups. Khaled

Abou El-Fadl (2001) emphasized that Islam is a moral religion that prioritizes respect for human dignity regardless of religious background.

In this case, religious moderation (*wasathiyah*) is a relevant approach. Hassan (2016) and Mufid (2017) state that religious moderation teaches balance in thinking and acting, and rejects extremism and excessive fanaticism. Religious moderation is expected to be a bridge between faith and humanity, between religious ideals and social reality. This research uses a transdisciplinary approach, namely an approach that integrates legal science, Islamic theology, sociology, and political science to gain a comprehensive understanding of how Islamic law and religious moderation play a role in protecting minority rights. As emphasized by Zein (2015), a transdisciplinary approach enables dialogue between normative texts and social reality to find solutions relevant to contemporary challenges.

### 3.2 Islamic Law and Protection of Minority Rights

Islamic law has a broad conceptual framework for ensuring justice and protecting minority groups. Basic principles such as justice (*'adl*), equality (*musawah*), and tolerance (*tasamuh*) serve as essential foundations for establishing an inclusive social order.

#### 1. Protection of Religious Freedom

Islam recognizes diversity of beliefs and grants every individual the freedom to choose their religion. This is affirmed in the Quran, Surah Al-Baqarah, verse 256, "*There is no compulsion in religion*," which serves as the theological foundation for religious freedom.

Sachedina (2001) explains that Islam does not impose beliefs because true faith can only arise from awareness, not pressure. In a social context, Islamic law recognizes the existence of *ahl al-dhimmah*, namely non-Muslims living in Islamic territories, who are guaranteed protection of their lives, property, and freedom of worship. This principle demonstrates that Islamic law has had mechanisms for protecting minorities from the outset.

#### 2. Protection of Social and Economic Rights

Islamic law also emphasizes socio-economic justice for all levels of society, including minority groups. Khan (2004) asserts that the principle of economic justice in Islam is universal and prohibits discrimination in ownership, employment, and access to resources. The Prophet Muhammad (peace be upon him) also guaranteed social rights for the Jewish community and non-Muslim tribes in the Charter of Medina to coexist peacefully.

The implementation of this principle confirms that Islamic law is not a system exclusive to Muslims alone, but rather a universal ethical system that can guarantee justice for all humans.

### 3.3 Religious Moderation as an Approach to Safeguarding Minority Rights

The concept of religious moderation (*wasathiyah*) is a middle value in Islamic teachings that rejects extremism and intolerance. In the context of protecting minority rights, religious moderation serves as a social and spiritual mechanism that fosters tolerance, mutual understanding, and cooperation between religious communities.

According to Hassan (2016), religious moderation reflects a balance between faith and rationality, as well as between individual rights and social interests. Meanwhile, Mufid (2017) asserts that moderation is a national strategy for maintaining harmony amidst Indonesia's diversity.

Some principles of religious moderation that are relevant to protecting minority rights include:

#### 1. Tolerance and Living Together.

Islam encourages its followers to respect the rights of others, including those of different faiths. The principle of *ta'aruf* (getting to know one another), as mentioned in QS. Al-Hujurat: 13, serves as an ethical foundation for living together.

## 2. **Interfaith Dialogue.**

Moderation opens up space for interfaith dialogue. Esposito (2003) emphasized that dialogue is key to building mutual understanding in a multicultural society. Through dialogue, religious values can be understood constructively and without mutual exclusion.

## 3. **Balance between Faith and Humanity.**

Islam teaches a balance between steadfast faith and respect for fellow human beings. El-Fadl (2005) states that true moderation demands a moral understanding that places humanity at the center of Islamic ethics.

Thus, religious moderation can be an effective instrument in preventing conflict, upholding social justice, and strengthening protection for minority groups.

### 3.4 **Transdisciplinary Perspectives in Safeguarding Minority Rights**

A transdisciplinary approach combines theological, legal, social, and political dimensions to understand the issue of protecting minority rights. This approach emphasizes that minority issues cannot be resolved solely through a single discipline but require cross-disciplinary collaboration.

#### 1. **Islamic Law and State Law.**

Transdisciplinary studies examine the synergy between Islamic law and national law. Islamic law can contribute to the formation of just and inclusive positive law, particularly in the context of protecting human rights. Wahbah (1993) points out that throughout Islamic history, the principles of justice and equality have been the basis for public law.

#### 2. **Social and Political Perspective.**

The social perspective emphasizes the importance of a societal structure that supports tolerance and equality. In politics, religious moderation has been adopted as a strategic policy, as mandated by the Regulation of the Minister of Religious Affairs of the Republic of Indonesia No. 18 of 2019 concerning Strengthening Religious Moderation, which aims to create a safe space for minority groups to express themselves and participate equally.

#### 3. **Thoughts of Ulama and Academics.**

Collaboration between ulama, academics, and legal practitioners is crucial for formulating a contextual Islamic approach. Siddiqui (2018) emphasizes that this academic synergy allows for the reinterpretation of Islamic law to remain relevant in a modern and pluralistic context.

Thus, a transdisciplinary perspective strengthens the integration between religious values and public policies in protecting minority rights comprehensively.

### 3.5 **Challenges in Safeguarding Minority Rights**

Although Islamic law and religious moderation have great potential to protect minority rights, there are a number of challenges that must be faced in their implementation, both at the level of thought and social practice.

#### a. **Misunderstanding of Islamic Law.**

Some people still understand Islamic law textually and exclusively, without considering the social context. This understanding can lead to discrimination against minority groups. El-Fadl (2001) emphasizes the need for a moral reading of religious texts to avoid the abuse of religious authority.

#### b. **Radicalism and Extremism.**

The phenomenon of religious radicalization often threatens the values of tolerance and moderation. Nasr (2009) asserts that extremism arises when Islamic spiritual values are ignored and replaced with narrow political ideologies.

#### c. **Lack of Tolerance Education.**

Limited education on pluralism and human rights leaves society susceptible to intolerant narratives. Therefore, it is crucial for educational and religious institutions to integrate the values of moderation and social justice into their curricula.

#### d. **Lack of Cross-Disciplinary Collaboration.**

Efforts to safeguard minority rights are often hampered by a lack of cooperation between academics, religious leaders, and policymakers. A transdisciplinary approach is expected to bridge this gap, resulting in more comprehensive and applicable solutions.

From the discussion above, it can be concluded that Islamic law and religious moderation play a strategic role in safeguarding minority rights in pluralistic societies. A transdisciplinary approach is key to integrating religious values, social justice, and public policy. By applying the principles of justice, tolerance, and balance, Islamic law can serve as both a moral foundation and an effective legal instrument in creating a peaceful, inclusive, and civilized society.

## 4. CONCLUSION AND SUGGESTIONS

### Conclusion

This study confirms that Islamic Law and Religious Moderation have a very significant role in maintaining and protecting the Rights of Minority Groups in a pluralistic society like Indonesia. Through the principles of justice ('adl) , equality (musawah) , and respect for religious freedom (hurriyah al-din) , Islamic Law provides a strong normative basis for the creation of a social order that guarantees protection for every individual, regardless of religious background, ethnicity, or social status. Historically, the application of these principles has been seen in the Medina Charter , which is clear evidence that Islam respects diversity and guarantees the rights of minorities to live side by side peacefully. This shows that Islamic Law not only functions as a religious normative tool, but also as a social instrument that prioritizes universal human values. Meanwhile, Religious Moderation (Wasathiyah) plays a role as a practical approach that balances religious beliefs and social realities. Religious moderation teaches Muslims to avoid extremism, intolerance, and discrimination, and encourages the formation of harmonious social relations between religious communities. Values such as tolerance, respect for differences, and interfaith dialogue are the moral foundation for the realization of a peaceful and inclusive social life. The Transdisciplinary approach in this study shows that the issue of minority rights cannot be resolved only from one scientific perspective. Integration between law, religion, sociology, politics, and public policy studies is needed in order to produce comprehensive and applicable solutions. Through interdisciplinary synergy, protection strategies can be found that are not only normative, but also responsive to social dynamics and challenges of the times, such as radicalism, misunderstanding of religious teachings, and weak tolerance education . Thus, it can be concluded that Islamic Law and Religious Moderation , if implemented synergistically through a transdisciplinary approach, can become a conceptual and practical foundation for realizing a just, peaceful, and civilized society , where minority rights are maintained intact and sustainable.

### Recommendations (Suggestions)

Based on the results of the analysis and discussion, the following recommendations can be strategic steps in strengthening the protection of minority rights through Islamic Law and Religious Moderation:

#### 1. **Education and Counseling on Religious Moderation and Minority Rights**

**Recommendation:** Enhance religious education, counseling, and literacy programs that emphasize the importance of religious moderation and respect for minority rights at all levels of education and in community forums.

**Objective:** To develop a generation with a high level of social awareness, respect for diversity, and reject all forms of intolerance and discrimination.

#### 2. **Integration of Islamic Legal Principles into State Policy**

**Recommendation:** Align the principles of justice and equality in Islamic law with state policies oriented towards protecting minority rights, such as strengthening human rights regulations and religious freedom.

**Objective:** Realizing inclusive and just public policies, in line with Islamic values of rahmatan lil 'alamin.

3. **Strengthening Interfaith and Cross-Cultural Dialogue**  
**Recommendation:** Expand the space for interfaith, intercultural, and cross-community dialogue by involving religious leaders, academics, and civil society.  
**Objective:** To build shared understanding, reduce social prejudice, and strengthen cross-group solidarity in maintaining diversity.
4. **Empowerment and Protection of Minorities through Legal and Social Institutions**  
**Recommendation:** Strengthen the role of legal institutions, the National Commission on Human Rights, and religious organizations in protecting minority rights through preventive and repressive means.  
**Objective:** Ensure substantive justice through legal mechanisms that are transparent, accountable, and pro-vulnerable.
5. **Development of Transdisciplinary Research and Studies**  
**Recommendation:** Develop research that integrates legal, religious, social, and political dimensions to identify new forms of discrimination and adaptive protection strategies.  
**Objective:** To provide a scientific basis for the formation of national and regional policies on the protection of minority rights.
6. **Developing Practical Guidelines for Religious Moderation in Daily Life**  
**Recommendation:** Develop operational guidelines explaining the application of moderation values in the social, educational, and economic life of society.  
**Objective:** To establish the principle of moderation as a living culture that shapes peaceful, inclusive social behavior and respects differences.
7. **Enhancing the Role of Mass and Digital Media in Promoting Tolerance**  
**Recommendation:** Optimize the role of print, electronic, and social media in disseminating messages of tolerance, diversity, and peaceful Islamic values.  
**Objective:** Increase public awareness and shape positive opinions toward minority groups, as well as reduce hate narratives and disinformation.
8. **Training and Capacity Building for Law Enforcement Officials**  
**Recommendation:** Provide ongoing training for law enforcement officials on the principles of justice in Islam and human rights, particularly in the context of minority protection.  
**Objective:** Increase the professionalism of law enforcement officials so they can enforce the law without discrimination and based on the values of moderation.
9. **Tripartite Collaboration between the Government, Religious Leaders, and Civil Society**  
**Recommendation:** Build synergy between the government, religious institutions, and civil society in formulating and implementing policies to protect minority rights.  
**Objective:** Ensure that all policies are participatory, representative, and responsive to the needs of minority groups.

With consistent application of the values of **Islamic law and religious moderation** , along with cross-sectoral policy support based on a **transdisciplinary approach** , it is hoped that Indonesian society can develop into an **inclusive, tolerant, and socially just society** . Protecting minority rights is not only a legal and moral obligation, but also a key indicator of the success of Islamic civilization in bringing blessings to all of nature.

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