

[ ARTICLE ]

## NEGOTIATING ISLAMIC IDENTITY AMID RELIGIOUS PLURALITY: Minority Fiqh Strategies in North Sulawesi

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**Abstract:** This study explores how minority Muslims in North Sulawesi negotiate their Islamic identity within a non-Muslim majority context by employing a progressive minority fiqh framework. In such settings, dominant social norms are often perceived as universal truths, placing Muslims at risk of losing their religious values. Using a qualitative field study—through observation, interviews, and documentation—this research identifies three key strategies: accommodative-adaptive, selective, and symbolic. The accommodative-adaptive strategy involves participation in local customs and communal events. The selective strategy reflects firm adherence to Islamic principles, such as rejecting non-halal food and interfaith marriage. The symbolic strategy includes mosque construction and displaying Islamic attributes to affirm identity. These findings challenge the reductionist view that minority fiqh is solely adaptive, proposing instead a multi-model approach that balances principled conviction and contextual flexibility. The study recommends enhancing literacy on locality-based minority fiqh for Muslim communities in predominantly non-Muslim regions.

**Keywords:** minority fiqh, muslim minority, religious pluralism, North Sulawesi.

**Abstract:** Studi ini mengkaji bagaimana muslim minoritas di Sulawesi Utara menegosiasikan identitas keislaman mereka dalam masyarakat mayoritas non-Muslim, dengan kerangka fikih minoritas progresif. Dalam situasi seperti ini, norma sosial mayoritas sering kali dipandang sebagai kebenaran universal, yang membuat Muslim berada dalam posisi rentan kehilangan nilai-nilai keagamaannya. Melalui studi lapangan kualitatif—meliputi observasi, wawancara, dan dokumentasi—penelitian ini mengidentifikasi tiga strategi utama: akomodatif-adaptif, selektif, dan simbolik. Strategi akomodatif-adaptif tercermin dalam partisipasi pada tradisi lokal dan kegiatan sosial. Strategi selektif tampak dari keteguhan memegang prinsip-prinsip syariah, seperti menolak makanan non-halal dan pernikahan beda agama. Strategi simbolik ditunjukkan melalui pembangunan masjid dan penggunaan atribut keislaman secara tampak sebagai penegasan identitas. Temuan ini menantang pandangan reduksionis yang melihat fikih minoritas semata-mata sebagai strategi adaptasi, dan justru mengusulkan pendekatan multi-strategi yang menyeimbangkan keteguhan prinsip dengan fleksibilitas sosial. Studi ini merekomendasikan penguatan literasi fikih minoritas berbasis lokalitas bagi komunitas Muslim di wilayah mayoritas non-Muslim.

**Kata Kunci:** fikih minoritas, muslim minoritas, pluralisme agama, Sulawesi Utara



## A. Introduction

In the lives of modern Muslims, the application of jurisprudence not only faces the challenges of changing times and technological developments, but also confronts the socio-demographic reality that Muslims are not always the majority in a given region.<sup>1</sup> The reality of the experience of Muslims when living as a minority community, as happens in the North Sulawesi region, with a social, cultural, and religious environment that is sometimes diametrically different or even opposite. Muslims in this area are therefore faced with various situations that demand adjustments to their cultural and spiritual practices without ignoring Sharia principles. Thus, this study is important not only for providing a portrait of the Muslim minority in North Sulawesi but also for exploring how the model of resilience among Muslims in North Sulawesi facilitates the implementation of sharia in a complex plural situation.

The approach taken as an analysis of this research is minority jurisprudence by understanding that the existence of fiqh as a discipline of Islamic law that regulates all aspects of the lives of Muslims is the result of ijtihad of scholars in understanding the texts of sharia (Al-Qur'an and Sunnah) not to limit the movement of a Muslim, but instead is required to always be responsive and dynamic by the development of the times by taking into account the social conditions of the community.<sup>2</sup> For a long time, Imam al-Syatibi has emphasized in al-Muwafaqat that Sharia law is revealed to benefit humans. Therefore, the entire legal principle that is issued demands attention to the context. It also includes the context of religious majorities and religious minorities as a social reality in which Islamic law will be applied.

This kind of condition is currently happening and ongoing, namely when Muslims become a minority, as happened in various non-Muslim regions such as Europe and America, contemporary scholars began to develop the idea of *fiqh al-aqalliyyāt* (minority fiqh). One of its pioneers was Dr. Yusuf al-Qaradawi, who in his book *Fiqh al-Aqalliyyāt al-Muslimah* stated that certain regions require a fiqh approach that takes into account the local context, time, and socio-political conditions in which Muslims reside, especially when they are in a minority position.<sup>3</sup> This approach becomes relevant when applied to Indonesia's domestic context, particularly in provinces such as North Sulawesi, where Muslims are a minority in a predominantly Christian society. In areas such as Manado City, North Minahasa, or Tomohon, Muslims coexist with people from diverse cultures and religious traditions. In daily life,

<sup>1</sup> Nur Alia et al., "Understanding and Implementing Islamic Law: Challenges and Solutions in Modern Contexts," *Antmind Review: Journal of Sharia and Legal Ethics* 1, no. 2 (2024): 72–82, <https://doi.org/10.63077/qgjzc372>.

<sup>2</sup> Defel Fakhyadi Fitria Zelfis, "Hermeneutika Kritis Khaled M. Abou El Fadl Dalam Rekonstruksi Hukum Islam (Studi Analisis Fikih Otoriter Menjadi Otoritatif)," *El-Ahli: Jurnal Hukum Keluarga Islam* 2, no. 1 (2021): 1–8.

<sup>3</sup> Slamet Arofik, "Elastisitas Hukum Islam Perspektif Yusuf Qardhawi," *Jurnal Pikir: Jurnal Studi Pendidikan Dan Hukum Islam* 1, no. 2 (2015): 165–91.

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Muslims must consider social interaction in matters that may be tolerated in fiqh, but at the same time, they must remain firm in matters of principle.

The impetus for understanding this urgency stems from the lack of attention to the reality of minority fiqh in Indonesia's local context. This is in contrast to Western countries, where Muslims are a minority, but the ideas and discourses of minority fiqh have developed so rapidly.<sup>4</sup> However, the reality in Indonesia is that the discourse of minority fiqh has not become the main discourse. There are still many areas in Indonesia that are inhabited by the majority of non-Muslims and Muslims as minority groups, such as in Papua, North Sulawesi, West Papua, Maluku, East Nusa Tenggara, and Bali. Therefore, the need for Muslims in these minority areas, including North Sulawesi, for a contextual approach to minority fiqh is essential. This can be observed in various situations, where they can adapt and adjust to the lives of the majority, who have different norms and traditions, as well as those that are opposed to Sharia provisions, such as interfaith marriage and the consumption of non-halal food and drinks.

To strengthen the relevance and academic contribution of this study, several previous works have highlighted the complexities faced by Muslim minorities in pluralistic settings. Dedah Jubaedah<sup>5</sup> discussed how *fiqh al-aqalliyāt* serves as a negotiating tool between Islamic tradition and modernity in Western societies. Tibi<sup>6</sup> emphasized the ethical flexibility of Islam in plural societies, while Gilani and Waheed proposed that Muslim minorities in the West could serve as bridges of interfaith understanding through contextual interpretations of sharia.<sup>7</sup> In the Southeast Asian context, Yusuf et al. analyzed the difficulties faced by Muslim minorities in accessing halal food in Manado, North Sulawesi.<sup>8</sup> Despite these valuable insights, most of the studies focus on theoretical or macro-social analyses without offering a grounded, field-based framework that integrates lived experiences of Muslim communities. This article offers a novelty by providing an empirical and contextual model of *minority fiqh* practice in North Sulawesi, combining adaptive, selective, and symbolic strategies, which contribute to both scholarly debates and practical Islamic jurisprudence in multicultural societies.

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<sup>4</sup> Said Fares Hassan, "Fiqh Al-Aqalliyat: Negotiating Discourse of Tradition, Modernity and Reform," *Faculty of Languages and Translation's Journal, al-Azhar University* 2, no. 5 (2013): 219–44.

<sup>5</sup> Dedah Jubaedah et al., "Strengthening Sharia Economics in Jayapura's Muslim Minority Communities through Fiqh al-Aqalliyat," *Jurnal Ilmiah Al-Syir'ah* 23, no. 1 (2025): 21–36, <https://doi.org/10.30984/jis.v23i1.3265>.

<sup>6</sup> Bassam Tibi, "Social Change and the Potential for Flexibility in Islamic Law: The Shari'a between Ethics and Politicisation," in *Islam between Culture and Politics* (Springer, 2017).

<sup>7</sup> Syed Iftikhar Ali Gilani and Abdul Waheed, "Current Challenges in Interfaith Relations within the Muslim Ummah: An Analysis of Muhammad Hamidullah's Contributions," *Southern Journal of Arts & Humanities* 3, no. 1 (2025): 78–116.

<sup>8</sup> Nasruddin Yusuf et al., "The Difficulty of Finding Halal Food for Muslim Minorities: Analysis of Maqasid Sharia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (2023): 325–46, <https://doi.org/10.29240/jhi.v8i2.8182>.

This research presents a novelty in the study of minority fiqh by offering a contextual analysis of how Muslims in North Sulawesi, as a religious minority, negotiate between maintaining Islamic legal principles and adapting to a predominantly non-Muslim social environment. The novelty lies in demonstrating that the application of fiqh in minority contexts should not be reduced to a single model of adaptation. Still, it should instead embrace a dynamic and multiple-model framework that reflects both principled steadfastness and contextual flexibility. This contribution is significant not only for the development of contextual fiqh but also for promoting peaceful coexistence in plural societies. It highlights the ethical and inclusive dimension of Islam as *rahmatan lil-alamin*, where plurality is not merely a reality to be tolerated, but a space to actualize Islamic values openly and constructively. Furthermore, this research encourages the formulation of fiqh guidelines that are grounded in local realities. Such efforts aim to prevent two extremes: the rigidity of fiqh that isolates Muslims from society, and the over-lenency that compromises Islamic identity. Based on this background, the study addresses two main questions: (1) What are the forms of adaptation and steadfastness among Muslims in practicing fiqh as a minority in North Sulawesi? (2) What compromises are made on contested religious issues in a pluralistic society?

This research adopts a qualitative, socio-legal approach<sup>9</sup> to explore how Muslim minorities in North Sulawesi negotiate their religious identity within a pluralistic, Christian-majority environment. Field data were collected through in-depth interviews, participant observation, and documentation in communities such as Manado and Tomohon. The study analyzes primary data interactions, practices, and local expressions of Islam supported by secondary literature on minority jurisprudence. Thematic analysis was employed to categorize findings into three strategies: adaptive, selective, and symbolic. These were interpreted using the framework of *maqāṣid al-sharī‘ah*, emphasizing *hifz al-dīn*, as well as classical fiqh maxims such as *al-mashaqqah tajlib al-taysīr* and *lā darar wa lā dirār*, to ensure contextual rigor and normative consistency.<sup>10</sup>

## B. Quo Vadis Muslim Minority: Between Majority Norms and Islamic Identity

In a pluralistic society, the relationship between majority and minority groups is often characterized by social tensions of a structural and cultural nature. Antonio Gramsci, an Italian philosopher, developed the concept of cultural hegemony to explain how dominant groups maintain power not only through violence or coercion, but also through the consensus formed in civil society. According to Gramsci, this dominance occurs when the values and norms of the dominant group are considered

<sup>9</sup> Sarah Blandy, "Socio-Legal Approaches to Property Law Research," in *Researching Property Law* (London: Macmillan Education UK, 2016).

<sup>10</sup> Yusuf Al-Qardhawi, *Dirasah Fi Fiqh Maqashid Al-Syariah (Terjemahan)* (Pustaka Al-Kautsar, 2007).

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to be "common sense" by the entire society, including the dominated group.<sup>11</sup> In this context, the majority group can often establish widely applicable social standards, whether consciously or unconsciously. They define what is considered normal, natural, and acceptable in society. On the other hand, minority groups are often positioned as parties who must adapt to remain accepted in the existing social order. This process can cause minorities to assimilate, that is, dissolve into the dominant culture and slowly lose their own identity.

This phenomenon can be observed in various regions in Indonesia, including in North Sulawesi Province. In this province, Muslims are a minority among the Christian majority, especially Protestants. Statistically, North Sulawesi Province is one of the provinces in Indonesia with a predominantly Christian demographic. According to BPS data from 2024, only around 32% of the total population of North Sulawesi identifies as Muslim.<sup>12</sup> The concentration of Muslim communities is mostly found in coastal areas such as Manado, Bitung, Bolaang Mongondow, and a small part in North Minahasa. Meanwhile, inland areas such as Minahasa Induk, Tomohon, and most mountainous regions are predominantly inhabited by Protestant and Catholic Christian communities. This dominance not only has implications for numbers but also the influence of culture, local policies, and the social structure of society.

The social life of the community, general norms, and public cultural expressions are indirectly dominated by the values that develop from the traditions of the majority. As a minority, Muslims are required to maintain their existence and religious values amid social pressure that demands uniformity. In this context, Muslims not only face social challenges, but also moral and spiritual dilemmas, because they live in an environment that often practices culture and lifestyles that are not fully in line with Sharia principles. Traditions that are not by Islamic law, such as the waruga tradition, which contains elements of ancestral rites and typical Minahasa funeral practices involving certain traditional symbols, as well as the habit of consuming non-halal drinks and foods such as pork or dogs in conventional events, become a reality that must be faced every day.<sup>13</sup>

However, the fact of the dominance of majority norms and cultures does not necessarily mean that minority groups must lose their identity. Muslims in North Sulawesi demonstrate their ability to build distinctive patterns of endurance. One way is through the establishment and maintenance of Muslim residential areas, such as Arab Villages and Islamic Villages in Manado City, and Javanese Villages in Tondano Belang, Southeast Minahasa. These areas serve not only as residences but also as social

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<sup>11</sup> Roger Simon and Stuart Hall, *Gramsci's Political Thought* (Lawrence & Wishart, 2002).

<sup>12</sup> Badan Statistik Provinsi Sulawesi Utara, "Persentase Penduduk Menurut Kabupaten/Kota Dan Agama Yang Dianut 2022-2023."

<sup>13</sup> Rina Palisuan Pamantung, "Tradisi Minahasa Terkait Dengan Makanan Tradisional," *Kajian Linguistik* 7, no. 1 (2019), <https://doi.org/10.35796/kaling.7.1.2019.24774>.

and cultural spaces where Islamic values are maintained and passed down.<sup>14</sup> The existence of such communities proves that Muslims in North Sulawesi have a form of resilience. They built alternative social spaces that allowed Islamic values to remain alive and develop collectively. They built internal solidarity, maintained religious practices, and formed a micro-social system that was independent of majority pressure.

In this context, it is essential to recognize that identity resilience is not always evident in the form of confrontation or overt resistance. Resilience can be a subtle but effective social strategy, such as strengthening communities, maintaining culture, or managing relationships with other groups wisely. Muslims in North Sulawesi have shown that being a minority does not mean losing power, but requires social and spiritual intelligence in sustainably maintaining identity. Because in any case, the tug-of-war between the majority and the minority will continue as long as this plural social structure exists. The primary difference lies in the extent to which minority groups can survive and maintain their distinct identity. In many cases, the minority that is unable to build a strong internal system will dissolve and disappear within a generation or two. However, Muslims in North Sulawesi demonstrate that, with community consolidation, family support, and courage, they are still able to uphold Islamic values in the public sphere. Their communities and identities can survive and even thrive amid the challenges of dominating the norms of the majority. Muslims in North Sulawesi, as a minority, are not only required to practice religion as a spiritual obligation, but also are required as a community to maintain social identity and symbols of existence in a pluralistic society on the one hand. But on the other hand, they also do not want to be seen as an exclusive group or intolerant of the norms and culture that prevail in the majority.

### C. Minority Fiqh as an Instrument of Tolerance and Guardian of Plurality

Minority fiqh (*fiqh al-aqalliyāt*) emerged as a response to Islamic law to the reality of the lives of Muslims who are a minority group in a pluralistic society. This idea was first systematically explored by contemporary scholars, such as Yusuf al-Qaradawi, who proposed that Islamic law should be interpreted contextually in light of the benefits of Muslims living in non-Muslim conditions. This concept does not replace the basic principles of Sharia, but adapts branch law to face the social challenges faced by minorities.

Within the framework of Minority Fiqh, two main tasks—adaptation and Protection—derived from classical principles, as explained by Imam Mawardi in *Fiqh Al-Aqalliyāt*, demonstrate that Islamic law is indeed flexible to the conditions of place

<sup>14</sup> Kadir Sahril, "Enam Kampung Muslim, Bukti Harmoni Dalam Keberagaman Di Kota Manado," Manado.Pikiran-Rakyat.Com/, 2024.

and time. However, it still demands considerations of justice and locality.<sup>15</sup> Norm *al-mashāqqah tajlib al-taysīr* becomes the basis for minority Muslims to get ease in carrying out their worship so that they are not pressured in the majority society. Meanwhile, the rules *lā darar wa lā dirār* underpin a protective attitude so that Muslims are not trapped in the practices of the majority that are contrary to the sharia, such as aspects of faith and basic morals. Thus, in minority jurisprudence, Muslims have two fundamental functions: adaptation, to facilitate their social life and worship, and protection, to maintain the fundamental values of Islamic teachings. This approach is based on *maqāṣid al-shari'ah, especially religious protection (hifz al-dīn), and strikes a balance between the ease of living together and firm principles*.<sup>16</sup>

Based on this foundation, the practice of minority fiqh among Muslims in North Sulawesi can be categorized into three main approaches in responding to pluralistic social situations, namely the accommodative adaptive approach, the selective approach, and the symbolic approach. These three approaches serve as a direction that fences minorities in the context of their association with the majority, as well as a form of their communication model to maintain harmony in a pluralistic society.

## 1. Minority Adaptive and Accommodative Approaches

In the context of pluralistic societies, the two social responses that often arise from minority groups to the majority are adaptation and accommodation. Adaptation refers to the ability of minority groups to adjust to the dominant social environment, encompassing language, customs, and social norms, thereby avoiding conflict and maintaining harmony within their communities. Meanwhile, accommodation means an active adjustment that is not only sustainable but also provides space for mutual respect and cooperation within an inclusive social order.<sup>17</sup> In a position as a minority, Muslims in North Sulawesi also take the path of adaptation and accommodation as a religious strategy that allows them to continue to practice their beliefs without being disconnected from the social life of the community dominated by followers of other religions.

There are several social practices among minority Muslims in North Sulawesi that demonstrate forms of adaptation and accommodation, reflecting the approach of minority fiqh in a practical manner. For example, their participation in various social activities initiated by the majority community, such as attending celebrations or interfaith family gatherings, working together in community events like village cleanups, and serving as guests or committee members in regional traditional events,

<sup>15</sup> Ahmad Imam Mawardi, *FIQH MINORITAS; Fiqh Al-Aqalliyat Dan Evolusi Maqashid al-Syari'ah Dari Konsep Ke Pendekatan* (Lkis Pelangi Aksara, 2010).

<sup>16</sup> Nurhayati Nurhayati, "Fikih Minoritas: Suatu Kajian Teoretis," *AHKAM : Jurnal Ilmu Syariah* 13, no. 2 (2013), <https://doi.org/10.15408/ajis.v13i2.932>.

<sup>17</sup> Nadila Opi Pratitha Sari and Turnomo Rahardjo, "Akomodasi Komunikasi Antarbudaya (Etnis Jawa Dengan Etnis Minang)," *Interaksi Online* 7, no. 4 (2019): 1–10.

including the Mapalus event among the Minahasa or the Tulude among the Sangihe tribal community.<sup>18</sup> In these activities, Muslims are not only present as a form of respect, but also contribute actively as part of a larger community.

In addition, in the context of non-Muslim religious holidays, Muslims often give congratulations and even participate in public celebrations such as Christmas Together and New Year. The presence is not interpreted as a form of theological recognition of other religions, but rather as a sign of respect and a form of social solidarity.<sup>19</sup> This practice has become part of fluid and mutually respectful social relations among the people of North Sulawesi. Several Islamic religious leaders were also invited to deliver national remarks or prayers during interfaith activities, demonstrating that their presence was recognized and appreciated by the broader community. Activities such as halal bi halal, held by Muslims after Eid al-Fitr, which are sometimes accompanied by eating ketupat, are often attended by other religious leaders and non-Muslim government officials, demonstrating that there is a social space open to each other.<sup>20</sup> In certain practices, Muslims also participate in non-Muslim funerals as a form of empathy and respect for neighbors or relatives. Although they do not participate in religious rituals, their presence is seen as very positive and strengthens social solidarity between religious communities.

Other forms of accommodation are in the field of Education and institutions. In some private schools run by non-Muslim majority communities, Muslims continue to participate in sending their children to school there by negotiating in advance about the provision of Islamic teachers for their religious lessons. To ensure that Muslim students continue to receive the services of Islamic Religious Teachers or teachers of the same faith, thereby ensuring that students and parents have peace of mind and can fulfill their worship obligations, such as prayer and fasting. At certain times, they are even given special space and time.<sup>21</sup> This has been established through good communication between the Muslim community and the school, so that even though it is in a non-Muslim majority environment, the religious identity of Muslims can still be carried out without discrimination.

In the world of office work or workplaces that are mostly non-Muslim, Muslims get comfort to carry out daily worship and are even given a special time during the month of Ramadan. Some mosques in North Sulawesi also maintain good relations

<sup>18</sup> Davidson Takasana et al., "TOLERANSI ANTAR UMAT BERAGAMA DI KELURAHAN SANTIAGO KECAMATAN TAHUNA KABUPATEN KEPULAUAN SANGIHE," *JURNAL PARADIGMA: Journal of Sociology Research and Education* 2, no. 2 (2021): 110–19.

<sup>19</sup> Oksimana Darmawan, "Perlindungan Hak Atas Kebebasan Beragama Dan Berkeyakinan Bagi Kelompok Minoritas Agama Dan Aliran Kepercayaan," *Penanggung Jawab: DR. Mualimin, SH, MH Pimpinan Redaksi: Ir. Maruahal Simanjuntak, SH, MM*, 2013, 61.

<sup>20</sup> Prasetyo Rumondor and Anisa Jihan Tumiwa, "Kebiasaan Yang Menjadi Hukum Adat Lintas Keluarga (Studi Kasus Kunjungan Setiap Hari Raya Besar Antar Umat Beragama Di Sulawesi Utara)," *Al Mabhat: Jurnal Penelitian Sosial Agama* 4, no. 2 (2019): 165–80.

<sup>21</sup> Ridwan Ilahude, "Peran Guru Agama Islam Dalam Membina Akhlak Siswa Muslim Di Yayasan Kristen," *Journal of Islamic Education Policy* 6, no. 2 (2021): 70–77, <https://doi.org/10.30984/jiep.v6i2.1462>.

with the churches surrounding them. In fact, on several occasions, mosques and churches provide each other with logistical assistance or personnel for joint social activities, such as disaster relief fundraising, blood donations, or environmental service work.<sup>22</sup> This demonstrates that Muslims are not only able to adapt but also play an active role in the broader community's social life. With this open and socially responsible attitude, minority Muslims in North Sulawesi are not trapped in religious exclusivity that can trigger tensions, but rather appear as an inclusive, proactive community, and can maintain their Islamic identity amid the dominance of the majority's culture and beliefs. With the minority fiqh approach, their presence does not become a nuisance, but rather becomes the glue that holds harmony together, as reflected in the high index of religious harmony in North Sulawesi.

## 2. Minority Selective Approach

Although in some respects, Muslims exhibit an attitude of adaptation and accommodation to the social environment of the majority, they still maintain certain limits to avoid straying from the basic principles of their teachings. For this reason, social selection Theory suggests that minority groups often employ a filtering mechanism to resist external influences, serving as a form of community protection to prevent their dissolution under the dominance of the majority's culture, while maintaining the group's identity.<sup>23</sup> This selectivity is not merely a form of rejection of the environment, but a strategy to preserve values and norms that the community considers fundamental. In the context of Muslim minorities in North Sulawesi, a selective approach can be seen from a cautious attitude in responding to social norms and practices that have the potential to be contrary to the principles of Islamic teachings.

One of the manifestations of this selective approach is the firm stance of Muslims towards the issue of interfaith marriage, which is socially very loose in a non-Muslim and pluralistic majority society. Because not all religions explicitly prohibit it.<sup>24</sup> On various occasions, Islamic religious leaders in North Sulawesi expressed their objections to the occurrence of an official interfaith marriage event. Although in Indonesia's positive law, there is a gap in the opportunity for interreligious marriage to occur, namely through smuggling efforts that legalize interfaith marriage.<sup>25</sup> As a

<sup>22</sup> Nasruddin Yusuf et al., "Donations And Disaster Relief From Non - Muslims In Manado City Islamic Legal Perspective," *Asian Journal of Management Entrepreneurship and Social Science* 03, no. 03 (2023): 321-37.

<sup>23</sup> Alejandro Portes and Min Zhou, "Segmented Assimilation: Some Reflections on a Three-Decade Concept," *Ethnic and Racial Studies*, Taylor & Francis, 2025, 1-9.

<sup>24</sup> Danu Damarjati, "Menyoal Edaran MA, Apakah Semua Agama Melarang Nikah Beda Agama?," *Detiknews*, 2023.

<sup>25</sup> Dian Khoreanita Pratiwi, "Tinjauan Yuridis Penyaludungan Hukum Perkawinan Beda Agama Berdasarkan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *JURNAL HUKUM MEDIA BHAKTI* 2, no. 1 (2020), <https://doi.org/10.32501/jhmb.v2i1.15>.

selective attitude, minority Muslims still refer to the fiqh law, which does not allow marriage because it is considered to threaten the purity of the faith and the stability of the family.

The approach through a selective attitude in responding to the use of symbols or attributes of other religions is a concern for the Muslim minority in North Sulawesi, especially its use in the context of interfaith events or national celebrations that often include non-Muslim religious elements. During any national Christmas celebration or other religious holiday, Muslims generally refrain from wearing other distinctive religious symbols, such as Santa Claus hats or crosses. However, the event may be observed in a social capacity. In the celebration of the holiday, the presence of Muslims is an accommodating and adaptive form, but they are still selective about the series of events. They usually only follow the ceremonial part after the religious ritual is over. This is done as a form of respect for differences in beliefs and values. This attitude also reflects a mature tolerance, where Muslims deliberately wait until the completion of the ritual procession to then join in a ceremonial and hospitable session. The same is true in Islamic religious events, such as Ramadan, where non-Muslims usually wait until Muslims have finished performing the maghrib prayer ritual before joining in ceremonial and hospitality activities. This attitude of mutual respect demonstrates a shared understanding of the boundaries of beliefs, yet still allows for social interaction within a framework of harmony and diversity.

The selective attitude of minority Muslims in North Sulawesi is also reflected in their food consumption patterns, especially related to their commitment to halal. North Sulawesi, in terms of food and beverages, is dominated by the local culinary culture, which is non-muslim primarily and does not always pay attention to halal and haram standards for Muslims.<sup>26</sup> Here, Muslims show great caution in choosing food. Belief in the importance of consuming halal is a principle that is strictly adhered to, not only as an obligation under Sharia but also as a means of strengthening religious identity and commitment.

Muslim minority communities in North Sulawesi carry out several selection models to obtain halal food. First, they pay attention to official halal certificates and labels from authoritative institutions such as the MUI, especially when buying packaged products in the modern market. Second, they use Islamic symbols, such as displays of the words of Allah and Muhammad, Qur'anic verses, and Islamic-themed posters in food stalls, as indicators that the sellers are Muslim and the food sold tends to be halal. Third, they rely on the identification of Islamic social attributes, such as the sellers' tribes (Javanese, Bugis, Gorontalo), who are culturally associated with Islam, or physical appearances, such as hijab-wearing women and men wearing skullcaps,

<sup>26</sup> Syarifuddin Syarifuddin et al., "Pendampingan Dan Penyuluhan Literasi Makanan Halal Dan Standar Sertifikat Halal Bagi Masyarakat Muslim Kelurahan Kampung Jawa Tomohon Sulawesi Utara," *NYIUR-Dimas: Jurnal Ilmiah Pengabdian Kepada Masyarakat* 4, no. 2 (2024): 68-85.

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which are considered signs that sellers understand and maintain halal principles.<sup>27</sup> If all these indicators still raise doubts, do not hesitate to ask the seller directly about the ingredients and methods of food processing as a form of prudence in maintaining the principle of halal consumption, as outlined in Islamic teachings.

In general, this selective approach shows how Muslims in North Sulawesi can coexist peacefully with the majority community while maintaining the principles and boundaries of Islamic teachings. They choose to participate actively in social spaces, but still filter the values and practices they adopt according to their religious beliefs. This approach not only strengthens the spiritual resilience of minority Muslims but also shows religious maturity in the face of the dynamics of social and cultural pluralism in North Sulawesi.

### 3. Symbolic Approach in Minority Fiqh

The symbolic approach in the context of the Muslim minority is the way Muslims express their religious identity through visible symbols and spiritual rituals. In the relationship between the minority and the majority, symbols are important because they serve not only as personal expressions of faith but also as a medium of collective representation for a community in the broader social space. This Theory of the symbolic approach emphasizes that religious symbols are cultural languages that convey messages of existence, identity, and boundaries of belief. Émile Durkheim explained that religious symbols, such as totems in primitive societies, were not only representations of sacred objects, but also a reflection of the collective consciousness of a group.<sup>28</sup>

Durkheim's view suggests that religious symbols are integral to the expression of shared values that bind individuals together in a social community. Symbols are not just visual symbols, but social communication tools that convey messages about existence, community boundaries, and solidarity. When the symbol is expressed as a religious symbol, it serves a strategic function in maintaining the group's identity, especially when the group is in a minority position and is naturally under pressure from the majority group due to its cultural context.

In the life of the Muslim minority community in North Sulawesi, which is in a non-Muslim majority society, this symbolic approach is important as a marker of identity as well as a tool of social resilience. Mosques, for example, not only serve as places of worship for Muslim minority communities, but also as community centers that revive the collective consciousness of Muslims amid plurality.<sup>29</sup> The existence of

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<sup>27</sup> Yusuf et al., "The Difficulty of Finding Halal Food for Muslim Minorities: Analysis of Maqasid Sharia."

<sup>28</sup> Emile Durkheim, "The Elementary Forms of Religious Life," in *Social Theory Re-Wired* (Routledge, 2016), <https://doi.org/10.4324/9781315775357-6>.

<sup>29</sup> Bambang Sutrisno, "Meningkatkan Kemakmuran Masjid Melalui Regulasi Pemilihan Ketua BTM Dan Imam," *Transformasi* 5, no. 1 (2023): 178–202.

mosques in areas not demographically dominated by Muslims carries its symbolic meaning: as a statement of presence as well as a resistance to the possibility of being absorbed into the dominant culture.

Personal symbols such as hijab for Muslim women and kippah or skullcaps for men are also maintained by Muslims in various social spaces, including when attending official invitations from local governments, interfaith activities, and traditional events.<sup>30</sup> This shows that symbolic expression is not a form of isolation, but rather is used by minority Muslim communities as a means of identity communication that still allows for coexistence. Even in national ceremonies, such as the commemoration of Independence Day, Muslim representatives are often seen wearing their distinctive attire that still reflects their Islamic identity. Other symbols are also evident in the efforts of the Muslim community to maintain the tradition of Islamic Education, such as madrasas, TPA, and regular recitation activities, despite being in a non-homogeneous social sphere.

In public spaces, the presence of these symbols is not just a religious expression, but part of a social strategy to maintain identity, build internal solidarity, and strengthen identity boundaries amid possible assimilation. Thus, Durkheim's symbolic approach provides a relevant analytical framework for understanding how the Muslim minority in North Sulawesi interprets and manages its religious symbols as a form of social resilience, as well as a cultural and spiritual statement, amidst the societal dynamics of plurality.

In addition, mass religious activities, such as the implementation of Eid prayers in an open field, are essential moments in affirming the existence of the Muslim community to the broader community. Activities like this are often greeted with respect by non-Muslim citizens who provide space and even technical support, such as traffic security or the provision of public facilities. In this context, Islamic symbols do not cause friction, but rather become part of a pluralistic landscape that respects each other. This approach aligns with Esposito's view that religious symbols in minority communities serve a dual function, both as a means of identity and as a means of internal social cohesion.<sup>31</sup> Similarly, Nasr emphasized that displaying religious identity peacefully is a form of strengthening healthy and tolerant pluralism.<sup>32</sup>

## D. Contextualization Analysis of Minority Fiqh in the Plural Society of North Sulawesi

Muslims in North Sulawesi, as a minority community, play a strategic role in maintaining the continuity of their Islamic identity amid a predominantly non-Muslim

<sup>30</sup> Wishela Wulandari et al., "Religiulitas Gaya Berbusana Mahasiswa Muslim Di Kota Manado," *Jurnal JINNSA (Jurnal Interdisipliner Sosiologi Agama)* 3, no. 2 (2023): 79–90.

<sup>31</sup> John Esposito, *The Oxford Dictionary of Islam* (Oxford University Press, 2003).

<sup>32</sup> Seyyed Hossein Nasr, *The Heart of Islam: Enduring Values for Humanity* (Zondervan, 2009).

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social environment. This role is reflected not only in religious life, but also in social interactions that demand a balance between integration and principle. With sensitivity to local dynamics, Muslims can formulate a contextual approach within the framework of contextualizing minority fiqh through three main attitudes: accommodating, selective, and symbolic. An adaptive attitude can be observed in the ability of Muslims to adapt the implementation of some fiqh laws to local social conditions without compromising the basic principles of Sharia. An accommodating attitude reflects a willingness to accept and respect the customs and traditions of other communities as long as they do not conflict with Islamic law. Meanwhile, a selective attitude is reflected in the prudence of Muslims in sorting out social norms and practices that can be followed and those that need to be avoided. The symbolic attitude is a form of expression of Islamic identity through rituals and symbols that are consistently maintained, even in a plural environment.

The use of an accommodative and adaptive approach by the Muslim minority in North Sulawesi is based on several main factors. First, there is a need to maintain harmonious social relations amid a majority community that strongly upholds the values of kinship and cooperation. This is reflected in the activities of togetherness in the community residence, which is plural in terms of environmental cleanliness and order, as well as the activities of the Mapalus tradition (cooperation) that have grown in the Minahasa community.<sup>33</sup> Second, social and cultural pressure to display an open and inclusive attitude can, if not handled wisely, give rise to prejudice or social distance. This is primarily reflected in hierarchical bureaucratic and government structures, where minority Muslims are often in a position that demands adjustments to the norms and work culture dominated by the majority group. Such as religious activities that are part of the ruler's annual schedule, Ramadan safaris, Christmas safaris, or joint Christmas activities.<sup>34</sup> Third, the awareness of Muslims themselves that their existence as a minority requires active involvement in maintaining harmony, not only for the sake of stability, but also for the sake of the sustainability of peaceful religious life. This is reflected in the joys and sorrows of the marriage and death community, where the majority and minorities work hand in hand to succeed and attend the activity.<sup>35</sup> The success of Muslims in adapting and accommodating through the minority fiqh approach has also contributed to the high level of religious harmony in North Sulawesi. This is reflected in the data of the Religious Harmony

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<sup>33</sup> Gerry Nelwan, "Mapalus Dalam Konteks Hubungan Kristen-Muslim: Studi Perdamaian Di Kota Manado," *Pute Waya: Sociology of Religion Journal* 3, no. 2 (2022): 1–14, <https://doi.org/10.51667/pwjsa.v3i2.1220>.

<sup>34</sup> Jouke J Lasut, "Kerukunan Antar Agama Dan Budaya Di Kota Manado," *JURNAL LOGOS SPECTRUM*, no. 3 (2010): 44–61.

<sup>35</sup> Muh Hidayat H Yusuf, "Manajemen Konflik Dalam Membangun Harmonisasi Muslim-Kristen Pada Masyarakat Plural Di Batulubang, Lembeh Selatan, Kota Bitung Sulawesi Utara," *Uin Sunan Kalijaga Yogyakarta*, 2018.

Survey published by the Ministry of Religion of the Republic of Indonesia in 2019, where North Sulawesi Province ranks fourth as the region with the highest harmony index in Indonesia.<sup>36</sup>

The accommodative approach in minority jurisprudence emphasizes the importance of ease and tolerance in interacting with the social norms of the majority, as long as it does not conflict with the basic principles of Islamic sharia. Many tenets of fiqhiiyah are based on this attitude, including the rules of "al-'ādah muhakkamah" (customs can be used as the basis of law) and "al-ḍarūrah tubīh al-maḥzūrāt" (emergency allows the forbidden).<sup>37</sup> These two principles are the basis for Muslims living as minorities to adapt their religious practices to the local social context without neglecting the basic principles of Sharia. Or follow the rules of classical fiqh *al-mashaqqah tajlibu al-taysir* (difficulty brings convenience), which allows for legal ease when facing difficulties as a minority.<sup>38</sup>

The selective approach and attitude in *minority fiqh* held by minority Muslims in North Sulawesi has an important role because of their position in the majority social, cultural, and political environment to maintain the firmness of Islamic values. In this context, not all norms and practices of the majority society can be accommodated without the risk of obscuring religious identity. Selective attitude functions as a fortress that protects the basic principles of Sharia from being diluted, especially in matters of a principled nature, such as in family law and halal consumption. This selectivity is not a rejection of everyday life, but a means to maintain the integrity of faith amidst intense interaction with the majority social system.

Two main factors can be concluded to be the fundamental reasons why selective attitudes should be considered in the context of minorities. First, to preserve the sharia and Islamic traditions intact, without being compromised by conflicting external values. In a plural and dominant social atmosphere by non-Muslim groups, the opportunity for violations of the sharia becomes greater, whether intentionally or unintentionally. By living in a group in one community, it is easy to enforce Sharia and Islamic traditions and avoid the penetration of the majority culture, so that the fear will be dissolved in the norms of the majority that can erode religious identity, such as in the case of interfaith marriage and promiscuity. Because, from the available data, it appears to be a very plural society with intense interfaith interaction and high social

<sup>36</sup> Esthi Maharani, "Sulut Urutan Keempat Kerukunan Umat Beragama," Republika.Co.Id, 2020.

<sup>37</sup> Mohammad Sofi and Tutik Hamidah, "Qawa'idhul Fiqhiyyah (Sejarah Dan Lima Kaidah Pokok): Pengertian Kaidah Fiqhiyyah," *JURNAL PUSAKA* 14, no. 2 (2024): 126–40.

<sup>38</sup> Mardia Mazri et al., "Aplikasi Kaedah Al-Mashaqqah Tajlib Al-Taysir Dalam Pengurusan Ibadah Pesakit Skizoafektif: The Application Of Al-Mashaqqah Tajlib Al-Taysir Method In Worship Management Of Schizoaffective Patients," *Al-Qanatir: International Journal of Islamic Studies* 33, no. 5 (2024): 1–12.

openness, the opportunity for interreligious marriage to occur will also increase.<sup>39</sup> Even though this is opposed by religion and the laws of the land.

The second factor of this selective attitude is to maintain Islamic identity so that it does not dissolve in the flow of cultural homogenization of the majority. Including maintaining Islamic identity through a selective attitude is the firmness of minority Muslims in seeking and consuming halal food amid the dominance of culinary culture that is not always in line with Sharia principles. This is not only related to individual obedience, but also a collective marker that distinguishes the identity of Muslims from other groups.<sup>40</sup> In the context of a non-Muslim majority society, such as in North Sulawesi, consistency with halal principles is a symbol of commitment to religious teachings and a means of maintaining the presence of Islamic culture in everyday life. This selective attitude has succeeded in raising the awareness of the majority and minority of Muslims in North Sulawesi to provide halal food and beverages through halal certification.<sup>41</sup>

In contrast to the accommodative and adaptive approach that prioritizes the aspect of convenience in plural life, the selective approach in the context of the Muslim minority develops a defense of identity when interacting with the majority. The minority fiqh highlighted is protective fiqh, based on the concept of *sadd al-dhari'ah*, which involves protecting the values of the majority while allowing minorities to retain their identity.<sup>42</sup> The use of this protection model is a more effective strategy in maintaining the integrity and continuity of their Islamic life. This is in line with the thought of Ibn Qayyim al-Jawziyyah, who stated that preventing damage (*dar' al-mafāsid*) takes precedence over attracting benefits (*jalb al-maṣāliḥ*) in the determination of the law.<sup>43</sup>

Minority jurisprudence that relies on *maqāṣid al-syāri'ah* not only opens up space for convenience (*rukhash*) in the accommodating and adaptive, but is also required to form a protective framework (*sadd dzariah*) for Islamic expression, especially in safeguarding religion (*hifż al-dīn*) and heredity (*hifż al-nasl*) through a selective approach. This approach will conduct a rigorous screening of the majority's values and practices that have the potential to erode identity, such as the rejection of interfaith marriage and caution in choosing halal food consumption. This strategy serves as a mechanism to maintain the integrity of Sharia law in the daily lives of the

<sup>39</sup> Cut Salma and Tri Vosa Ginting Ginting, "Nikah Beda Agama Ternyata Paling Banyak Terjadi Di Surakarta, Kok Bisa?", Kumparan News, 2022.

<sup>40</sup> Yusuf et al., "The Difficulty of Finding Halal Food for Muslim Minorities: Analysis of Maqasid Sharia."

<sup>41</sup> Syarifuddin et al., "Pendampingan Dan Penyuluhan Literasi Makanan Halal Dan Standar Sertifikat Halal Bagi Masyarakat Muslim Kelurahan Kampung Jawa Tomohon Sulawesi Utara."

<sup>42</sup> Arif Sugitanata, "Pendekatan Saddu Adz-Dzari'ah Sebagai Salah Satu Sumber Hukum Islam," *Researchgate. Net*, 2020, 1–10.

<sup>43</sup> Isniyatin Faizah et al., "Implementasi Kaidah Dar'ul Mafasid Muqaddamun 'ala Jalbil Mashalih Terhadap Pencatatan Perkawinan Di Indonesia," *As-Sakinah Jurnal Hukum Keluarga Islam* 2, no. 1 (2024): 1–9.

Muslim minority in North Sulawesi. Thus, maintaining religion is not only interpreted as an expression of belief, but as an attitude of normative prudence in interacting with the dominant culture, especially towards practices that can substantially loosen the boundaries of Islam.

The symbolic approach in minority fiqh is important for North Sulawesi Muslims as a form of expression of religious identity that is still socially recognizable even though they are in a non-Muslim majority community. In a pluralistic environment, where the majority largely determines public cultural norms and expressions, religious symbols are a means of affirming the existence and identity of Muslims. Islamic symbols such as the hijab, Ramadan fasting, and salam are an essential part of the social existence of minority Muslims.<sup>44</sup> By defending these symbols, Muslims have shown courage while building authority in the eyes of the majority in maintaining their identity without having to be confrontational with the dominant culture.

The existence of religious symbols that are consistently displayed in the social space will have a significant impact on the formation of the collective identity of Muslims as a culturally and spiritually organized unit (Islamic brotherhood). Moreover, when symbols such as mosques, hijabs, religious activities, and Islamic rituals continue to be presented openly, this is not just a representation of faith, but an affirmation of the symbolic boundary between Muslims and non-Muslims. Furthermore, such identity symbols, such as the hijab, have not only served as a shari'a obligation but have also evolved into a widely accepted style of fashion and cultural expression.<sup>45</sup> This symbolization process fosters a shared understanding that Islamic identity is not only personal but also has a social dimension that must be maintained, passed down, and defended. This collective consciousness makes minority Muslims more solid in building and preserving religious-based social networks.

The persistence of the symbolic approach in the lives of minority Muslims in North Sulawesi has had a positive impact in strengthening religious identity while expanding the community's collective awareness of the existence of Islam. Mosques are now crowded with worshippers, especially during Friday prayers, which shows a growing spiritual awareness among Muslims. Similarly, the use of the hijab, which was once considered taboo or awkward, about two decades ago, has now become a common sight and socially accepted, even by the surrounding non-Muslim community. This phenomenon reflects the success of symbolic expression in maintaining Islamic identity without creating conflict with local culture. On the contrary, it strengthens the spirit of tolerance and demonstrates that harmony is maintained even when religious identity is openly displayed. According to Durkheim, this symbolic approach provides a relevant analytical framework for understanding how the Muslim minority in North Sulawesi interprets and manages its religious

<sup>44</sup> Tariq Ramadan, *Western Muslims and the Future of Islam* (Oxford University Press, 2003).

<sup>45</sup> M A Murodi, *DAKWAH PADA HIJABERS COMMUNITY*, n.d.

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symbols as a form of social resilience, as well as a cultural and spiritual statement, amidst the dynamics of societal plurality.<sup>46</sup>

Firmness towards religious symbols and social bonds based on Islamic values not only reflects a form of cultural solidarity but is also a direct embodiment of *maqāṣid al-shari'ah*, especially in terms of *hifz al-dīn* (religious observance). Minority jurisprudence that has developed in various parts of the world, including Europe and other plural regions, emphasizes that Muslims living in an environment dominated by non-Muslims must maintain the continuity of their religious teachings and symbols as a means of safeguarding their spiritual and social identity. In this case, *hifz al-dīn* is the primary goal. At the same time, the protection of soul (*hifz al-nafs*), property (*hifz al-māl*), intellect (*hifz al-'aql*), and offspring (*hifz al-nasl*) is in a supportive position. It should not interfere with the continuity of religious values.

Overall, the contextualization of fiqh that prioritizes the three main attitudes — adaptive-accommodating, selective, and symbolic — not only maintains the integrity of Islamic identity but also serves as a social glue in a pluralistic society. This approach not only enables minority Muslims to survive as a community but also empowers them to be active actors in building harmony and peace amidst complex diversity.

## E. Conclusion

Muslim minorities in North Sulawesi have successfully played a significant role in contextualizing fiqh through three primary attitudes: adaptive, accommodating, and symbolic. An adaptive attitude enables them to adjust their religious practices to social conditions without compromising the principles of Sharia. In contrast, an accommodative attitude becomes a tangible manifestation of tolerance by respecting the cultural and religious diversity around them. On the other hand, symbolic attitudes strengthen religious identity while maintaining internal solidarity within the community, without causing exclusivity that disrupts social harmony. These three attitudes demonstrate that minority jurisprudence is a dynamic and relevant tool in addressing the challenges of religious life in a pluralistic society.

However, the application of these attitudes must still be carried out carefully and vigilantly. If it is too loose in adjusting the fiqh law, it is feared that it will violate Sharia principles and weaken faith. On the other hand, if it is too strict and rigid, this attitude can lead to fundamentalism that ignores the values of tolerance and plurality, thus damaging inter-religious relations. With the right balance, minority Muslims in North Sulawesi have successfully maintained social harmony and strengthened inter-

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<sup>46</sup> Durkheim, "The Elementary Forms of Religious Life."

religious harmony, as reflected in North Sulawesi's position among the top ten regions with the best harmony index in Indonesia.

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