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Beyond the Six Recognized Religions: Comparative Madhhab Perspectives on Religious Freedom and Indonesian Constitutionalism

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Abstract

This study examines the implementation of religious freedom in Indonesia through the perspectives of comparative madhhab scholarship and Indonesian constitutionalism. It aims to analyse the interaction between state law, *fiqh siyāsah*, and legal pluralism in protecting religious freedom within a multireligious society. The research employs a mixed-methods approach using a sequential explanatory design, integrating quantitative and qualitative data collected through questionnaires, interviews, observations, and document analysis. The findings indicate that, despite Indonesia's strong constitutional guarantees of religious freedom, a considerable gap persists between constitutional norms and their implementation. This disparity is reflected in institutionalised theological exclusion within state administrative systems, resulting in unequal access to public services, limited recognition of religious identities, restrictions on religious practices in public spaces, and continuing discrimination against adherents of religions beyond the six officially recognised by the state. From the perspectives of constitutionalism and comparative Islamic jurisprudence, protection of the *forum internum* is generally maintained, whereas the *forum externum* remains constrained by administrative, institutional, and social barriers. These findings demonstrate that Indonesia's legal framework has not yet fully accommodated religious diversity or legal pluralism. The Indonesian experience contributes to contemporary debates on the relationship between Islamic law, constitutionalism, and international human rights by revealing the tension between constitutional commitments to religious freedom and the persistence of discriminatory administrative practices. The study concludes that strengthening religious freedom requires a more inclusive reconstruction of Islamic legal thought through comparative madhhab discourse, constitutional reform that recognises legal pluralism, and the reinforcement of human rights-based public institutions to ensure equal protection for all citizens.

Keywords: Religious Freedom; Comparative Madhhab; Indonesian Constitutionalism; Legal Pluralism; Human Rights.



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source are properly credited.

Abstract

Penelitian ini mengkaji implementasi kebebasan beragama di Indonesia melalui perspektif perbandingan mazhab dan konstitusionalisme Indonesia. Penelitian ini bertujuan menganalisis interaksi antara hukum negara, *fiqh siyāsah*, dan pluralisme hukum dalam menjamin kebebasan beragama di masyarakat yang multireligius. Penelitian menggunakan pendekatan *mixed methods* dengan desain *sequential explanatory* yang mengintegrasikan data kuantitatif dan kualitatif yang diperoleh melalui kuesioner, wawancara, observasi, dan analisis dokumen. Hasil penelitian menunjukkan bahwa meskipun Indonesia memiliki jaminan konstitusional yang kuat terhadap kebebasan beragama, masih terdapat kesenjangan yang signifikan antara norma konstitusi dan implementasinya. Kesenjangan tersebut tercermin dalam eksklusi teologis yang terinstitusionalisasi dalam sistem administrasi negara, sehingga mengakibatkan ketidaksetaraan akses terhadap layanan publik, keterbatasan pengakuan identitas keagamaan, pembatasan pelaksanaan praktik keagamaan di ruang publik, serta diskriminasi yang terus berlanjut terhadap penganut agama di luar enam agama yang diakui secara resmi oleh negara. Dari perspektif konstitusionalisme dan fikih perbandingan, perlindungan terhadap *forum internum* pada umumnya telah terjamin, sedangkan *forum externum* masih menghadapi berbagai hambatan administratif, kelembagaan, dan sosial. Temuan ini menunjukkan bahwa kerangka hukum Indonesia belum sepenuhnya mampu mengakomodasi keragaman agama maupun pluralisme hukum. Pengalaman Indonesia memberikan kontribusi terhadap perdebatan kontemporer mengenai hubungan antara hukum Islam, konstitusionalisme, dan hak asasi manusia internasional dengan memperlihatkan adanya ketegangan antara komitmen konstitusional terhadap kebebasan beragama dan praktik-praktik administratif yang masih bersifat diskriminatif. Penelitian ini menyimpulkan bahwa penguatan kebebasan beragama memerlukan rekonstruksi pemikiran hukum Islam yang lebih inklusif melalui diskursus perbandingan mazhab, reformasi konstitusional yang mengakui pluralisme hukum, serta penguatan institusi publik berbasis hak asasi manusia guna menjamin perlindungan yang setara bagi seluruh warga negara.

Keywords: Kebebasan Beragama; Perbandingan Mazhab; Konstitusionalisme Indonesia; Pluralisme Hukum; Hak Asasi Manusia.

Introduction

Freedom of religion is a fundamental human right, which in contemporary Islamic legal discourse is often positioned as an integral component of *al-ḍarūriyyāt al-khamsah* (the five essential necessities in Islamic law) through the preservation of religion (*ḥifẓ al-dīn*) (Ardiansyah et al., 2024; Fathollah et al., 2025; Sekarwati, 2025). Although this right is guaranteed internationally under the Universal Declaration of Human Rights, there is a rich dialectic among the various schools of Islamic law regarding the limits and implementation of freedom of belief in the public sphere (Faqih, 2021; Purwowidodo & Zaini, 2024). Indonesia as a country based on Pancasila and the 1945 Constitution also places religious freedom as a constitutional right of citizens, as stated in Article 28E and Article 29 paragraph (2) (Hadi et al., 2025; D. E. Ismail et al., 2024). Normatively, this shows Indonesia's strong commitment to guaranteeing religious freedom for all citizens without discrimination (Muhajarah & Soebahar, 2024; Ridwan et al., 2022; Subchi et al., 2022). In fact, in the latest legal developments, the state has recognized religious adherents through Constitutional Court Decision No. 97/PUU-XIV/2016, which allows the inclusion of religious beliefs in population documents (Aruan et al., 2024; Prianto et al., 2024; Ridwan et al., 2022; Septiadi, 2023).

Today, social reality demonstrates conditions that are not entirely in line with these normative guarantees. Indonesia is known as a country with a high level of religious and belief plurality, not limited to the six religions currently regulated by the state, but also encompassing various minority religions such as Baha'i, Sikh, Taoist, and Jewish, as well as various local belief systems such as Sunda Wiwitan, Kejawen, and Parmalim (Iwamony, 2020; Kusmayanti et al., 2019; Suryani, 2024). In practice, adherents of religions outside the six official religions still face various obstacles, both administrative, social and institutional (Abdulla, 2018; Akmal et al., 2024; Sekarwati, 2025). They often experience difficulties in registering their religious identity, obtaining public services, recognizing places of worship, and even face social stigma from society (Cholik & Jannah, 2025; Hidayati et al., 2025; Saehu & Muchtar, 2023). In some cases, they even have to conflate their religious identities to access certain administrative services. This situation highlights the gap between legal (normative) guarantees and social (empirical) reality in the implementation of religious freedom in Indonesia (Athambawa, 2025; Mohamed & Alkhateeb, 2024; Ramadhita et al., 2023). The above facts demonstrate that the primary problem with religious freedom in Indonesia lies not in the absence of regulations, but rather in weak policy implementation and suboptimal protection for religious minorities. Religious freedom tends to be strong only in the *forum internum* (the right to believe) aspect (Ahmad et al., 2024; Alidemaj & Maliqi, 2025; Sofyan et al., 2022), but remains weak in the *forum externum* (the right to express and practice one's religion openly) (Manese, 2021; Zefanya et al., 2022).

Based on previous research, several studies related to this research examine the issue of religious freedom in Indonesia from various perspectives. First, Haidarani et al.'s research shows that the state continues to discriminate against religious groups like the Towani Tolotang through regulations that restrict their freedom of movement (Haidarrani et al., 2024). Second, Manulang et al.'s research also found ambiguity in the guarantee of religious freedom in Indonesia, particularly regarding the Blasphemy Law, which is considered to be frequently used disproportionately (Manulang et al., 2024). Third, Hannan's research confirms that adherents of religious beliefs in Indonesia still face problems of freedom of belief that arise not only from regulations, but also from social and cultural pressure from the majority (Hannan, 2022). On the other hand, contemporary Islamic legal scholars such as Jasser Auda through the *Maqāṣid al-Sharī'ah* approach (Auda, 2008), Abdullahi Ahmed An-Na'im regarding the relationship between Islam and human rights (An-Na'im, 2008), and Tariq Ramadan through the idea of renewing *ijtihad* (Ramadan, 2009), affirming that protection of religious freedom is part of the goal of sharia in maintaining human dignity, justice and universal welfare.

Despite their important contributions, these studies are still dominated by normative analysis, case studies, or sociological approaches that have not systematically

connected the dialectic between *qanun*, legal pluralism, and the development of contemporary Islamic legal thought from a comparative school perspective. This research gap lies not only in the limited use of empirical data, but also in the absence of any attempt to examine whether the practice of state law enforcement in Indonesia is in line with or deviates from the principles of rights protection developed in the *maqāṣid al-sharī'ah*, *fiqh al-muwāṭānah*, and inter-school *ijtihad* regarding religious freedom. Therefore, this study combines a mixed methods approach to generate empirical evidence that can validate and critique the implementation of *qanun* in guaranteeing religious freedom, thereby providing a conceptual contribution to the development of comparative school studies, particularly regarding the relationship between state law, legal pluralism, and the protection of civil rights in multireligious societies in Indonesia.

This study aims to analyze the effectiveness of the implementation of the right to religious freedom in Indonesia, examining the issue from a human rights perspective, and identifying various obstacles faced by adherents of religions outside the six officially recognized religions. This research is important because religious freedom is not only related to legal and formal aspects, but also closely related to the quality of democracy, social justice, and respect for human dignity. In a multicultural country like Indonesia, failure to guarantee equal religious freedom has the potential to lead to marginalization, discrimination, and even broader social conflict. Therefore, this research has high urgency, both academically and practically, to contribute to strengthening more inclusive and human rights-based policies.

The novelty of this research lies in its attempt to synergize the analysis of Indonesian national legal policy with a multidimensional comparative school perspective. This study not only describes administrative failures but also re-evaluates the implementation of inclusive citizenship in Islam (*al-muwāṭānah*) to address the challenges of discrimination against minority groups.

Methods

This research uses a mixed-methods approach with a sequential explanatory design, combining quantitative and qualitative methods sequentially. This approach was chosen because the issue of religious freedom requires not only statistical measurement but also a deep understanding of the social experiences and discriminatory practices experienced by minority groups (Ivankova et al., 2006; Wipulanusat et al., 2020). The research was conducted on four minority religious communities: Baha'i, Sikh, Taoist, and Jewish. The selection of these four communities is not only empirical but also has comparative significance for the development of legal theory and public policy, as they represent the varied experiences of minorities in dealing with state regulation, social

acceptance, and majority-minority relations. Thus, the comparison between these communities allows for a more in-depth analysis of how the concepts of citizenship (*muwāṭānah*) and religious freedom are practiced in the context of legal pluralism in Indonesia.

The initial stage of the research involved collecting quantitative data through questionnaires from respondents selected using purposive sampling techniques combined with snowball sampling, given the limited access to minority populations. The sample size (N) in this study was 120 respondents, consisting of members of minority communities, religious leaders, elements of the public service bureaucracy, and the general public who interact directly with these groups. Quantitative data were measured using a 1–5 Likert scale with indicators including legal guarantees, administrative services, freedom of worship, recognition of religious identity, and social acceptance. The next stage involved collecting qualitative data through semi-structured interviews, field observations, and documentation to deepen the quantitative findings. Quantitative data were analyzed using descriptive statistics, while qualitative data were analyzed using the Miles and Huberman interactive model through the stages of data condensation, data presentation, and conclusion drawing (Miles et al., 2014).

In this study, the authors observed and ensured informed consent, maintained the confidentiality of respondents' identities, and obtained research permits from relevant parties, considering that the research subjects were a minority group that was socially and politically vulnerable. Data validity was maintained through triangulation of sources and methods, as well as member checking. This approach not only produced measurable and in-depth findings, but also contributed to the development of comparative jurisprudence, particularly in understanding how the concepts of religious freedom and citizenship (*muwāṭānah*) for non-mainstream groups are negotiated within the Indonesian national legal system, thus providing a basis for formulating more inclusive and equitable policies.

Result and Discussion

Effectiveness of the Implementation of the Right to Freedom of Religion in Indonesia

The effectiveness of the implementation of the right to freedom of religion in Indonesia requires a comprehensive analysis that integrates positive legal nomenclature with the reality of implementation, which, in the discourse of comparative schools, reflects the dialectic between constitutional texts and the sociological application of Islamic sharia principles in a pluralistic public space. The normative dimension relates to the existence of regulations that guarantee freedom of religion, while the implementation dimension relates to how this right can actually be enjoyed by citizens, including adherents of religions other than the six religions that have so far been more commonly regulated in

the state bureaucratic system. In this study, this effectiveness is measured through five main indicators, namely: (1) legal guarantees, (2) public administration services, (3) freedom of worship, (4) recognition of religious identity, and (5) social acceptance by society.

Based on the results of a field questionnaire with respondents, it was found that normatively, the implementation of the right to freedom of religion in Indonesia is considered quite good, but in terms of implementation, it is still not fully effective. This finding indicates a legal paradox; despite strong recognition of the rule of law, there is also a decline in the fulfillment of civil rights (*al-ḥuqūq al-madaniyyah*) for minority groups—a phenomenon that indicates the need for a cross-school reinterpretation of legal protection for every citizen regardless of theological differences.

Table 1. Distribution of Respondents' Assessments of the Effectiveness of the Implementation of the Right to Freedom of Religion in Indonesia

No	Indicator	SS (%)	S (%)	N (%)	TS (%)	STS (%)	Mean	Category
1	The state guarantees freedom of religion through the constitution and law	34,2	44,2	10,0	8,1	3,5	3,98	Higt
2	Adherents of religions outside the six religions receive equal administrative services	8,4	20,2	17,2	35,1	19,1	2,64	Low
3	Adherents of minority religions are free to practice their religion openly	7,6	17,3	13,8	38,5	22,8	2,48	Low
4	Religious identities outside the official religion are properly recognized in public services	9,1	22,7	14,0	33,6	20,6	2,66	Low
5	Society accepts the existence of minority religious adherents equally	10,2	16,2	16,0	36,1	21,5	2,57	Low

Information:

SS = Strongly Agree, S = Agree, N = Neutral, TS = Disagree, STS = Strongly Disagree

Overall average (grand mean) = 2.87 = "quite low/not yet effective" category

Based on Table 1 above, the indicator with the highest score is legal guarantee Freedom of religion, with an average score of 3.98, means that the majority of respondents acknowledged that Indonesia constitutionally guarantees the right to freedom of religion. This finding indicates that from a regulatory perspective, the state has

provided a relatively strong legal basis. This is in line with the provisions of Article 28E paragraphs (1) and (2) of Law No. 1945, Article 29 paragraph (2) of Law No. 1945, and Law No. 39 of 1999 concerning Human Rights, which expressly guarantee every citizen the right to embrace a religion and worship according to their respective religions and beliefs. However, when the indicators shifted to the realm of practice, the effectiveness score experienced a fairly sharp decline. The indicator of equality of administrative services only scored 2.64, the indicator of freedom of open worship scored 2.48, and the indicator of social acceptance scored 2.57. This finding indicates the existence of a legal-structural paradox, namely a condition in which normative affirmation of religious freedom is not effectively converted into the fulfillment of civil rights (*al-ḥuqūq al-madaniyyah*) in social practice (Hadi et al., 2025; Manese, 2021).

Within the framework of comparative madhhab, this phenomenon demands a re-reading of the concept of *ḥurriyyat al-‘ibādah* as an integral part of *maqāṣid al-sharī‘ah*, especially in the dimension of *ḥifẓ al-dīn* which in principle is not exclusive, but rather inclusive of all legal subjects in a plural society (Azis et al., 2024; Bustamam & Hardivizon, 2025; Hamid, 2020; A. M. Ismail & Baharuddin, 2025). The low level of social acceptance (mean 2.57) indicates that the problem of religious freedom is not merely administrative but also rooted in deeper normative and cultural constructs. In the Shafi'i madhhab, this condition gives rise to an epistemological problem in the form of a tendency to limit the religious expression of certain groups in the public sphere (Faiz et al., 2024; Nasution et al., 2025; Suhantoro et al., 2025). In recent developments, Shafi'i scholars have emphasized that relations between citizens can no longer be based on protectionist categories such as *dhimmi*, but must be based on the principle of legal equality (S. Z. Ismail & Mat, 2016; Mujib & Hamim, 2021). Therefore, the empirical findings regarding low social acceptance are more appropriately understood as a form of asynchrony between social praxis and the direction of contemporary *ijtihād*, while also contradicting the universal principles of *maqāṣid al-sharī‘ah* which emphasize non-discriminatory protection of religion.

From the perspective of the Hanafi school of thought as formulated by Abu Hanifah, the administrative practices found in this study actually show a deviation from the basic principles of *fiqh* which are relatively adaptive to social plurality, because the Hanafi tradition is known to provide flexibility through the *istiḥsān* instrument and consideration of *maṣlaḥah* in managing relations between Muslims and non-Muslims (Bulan et al., 2025; Hanafi & Ikhsan, 2019; Hassan, 2023). Thus, the low level of social acceptance and the high level of administrative barriers cannot be understood as a reflection of the teachings of the school of thought, but rather as an indication of the narrowing of interpretation in modern bureaucracy which has not fully internalized the principles of justice (*al-‘adālah*) and equality (*al-musāwah*) inherent in the Hanafi

epistemological framework (Na'imah et al., 2023; Robbi & Mahmud, 2020). Therefore, the findings are a sociological indicator of the tension between inclusive constitutional norms and public policy practices that have not been able to actualize the potential of Hanafi fiqh in supporting the transformation towards the concept of equal citizenship (*al-muwāṭanah*).

Overall, these findings confirm that the ineffectiveness of implementing religious freedom in Indonesia is not merely a matter of technical policy or institutional weaknesses, but also reflects the incomplete epistemological transformation from a protection system based on theological differentiation to an inclusive citizenship system based on equality. Therefore, a conceptual reconstruction is needed through a comparative madhhab approach that places the principles of *hurriyyat al-'ibādah*, *al-'adālah*, and *al-muwāṭanah* as the normative foundation in the formulation of public policy, so that religious freedom is not only formally recognized but also substantively guaranteed in the social life of modern society.

Human Rights Review Regarding the Right to Freedom of Religion in Indonesia

The right to freedom of religion from an Islamic perspective is not merely a modern construct, but has a strong normative foundation in classical Islamic jurisprudence and the thought of ulama. Within the framework of the *maqāṣid al-sharī'ah* (obligatory purposes of the law), Al-Shatibi places the protection of religion (*ḥifẓ al-dīn*) as a fundamental objective of universal sharia, encompassing all humankind without discrimination. This principle is relevant to constitutional guarantees in Indonesia, but the main problem lies in its implementation in social life and state bureaucracy (Al-Raysuni, 1995; Azis et al., 2024; Hamdi, 2017). In the Islamic jurisprudence tradition, religious freedom is related to freedom of belief (*hurriyyat al-i'tiqād*) and freedom of worship (*hurriyyat al-'ibādah*). Al-Mawardi emphasized the state's obligation to guarantee the safety of non-Muslim religious practices, even though they have historically been within the framework of *dhimmi* (Al-Mawardi, 2006). However, contemporary thought has transformed this concept towards *al-muwāṭanah* (equal citizenship), as emphasized by Yusuf al-Qaradawi, that justice (*al-'adālah*) and equality (*al-musāwāh*) must be the basis of relations in a modern state (Al-Qaradawi, 2016).

The research results show that religious freedom in Indonesia is relatively guaranteed at the forum *internum* level, in line with the principle of *lā ikrāha fī al-dīn* (There is no compulsion in religion). However, at the forum *externum* level, significant obstacles remain to religious practice in the public sphere. This reflects an imbalance in the implementation of *ḥifẓ al-dīn*, where protection of belief is not accompanied by protection of religious expression (Albani et al., 2022; Amin et al., 2024; Edyar et al., 2022; Lestari et

al., 2023). These obstacles are not only administrative but also structural and cultural. From the perspective of the Hanafi school of thought, pioneered by Abu Hanifah, there is a flexible approach through *istihsān* and *maṣlaḥah*, which allows for legal adaptation to social plurality (Hamid, 2020; Muslimin & Kharis, 2020; Susanto et al., 2023). Therefore, the high level of administrative barriers actually indicates that the inclusive principle has not been optimally internalized within the state bureaucracy. On the other hand, low social acceptance reflects a hierarchical structure within society that contradicts the principle of universal justice, as emphasized by Ibn Taymiyyah (Taymiyyah, 1998). In the contemporary perspective of *maqāṣid*, Jasser Auda emphasizes that religious protection must be understood systemically, including in aspects of identity and access to public services (Auda, 2015; Mutholingah et al., 2018). Thus, administrative obstacles are not merely technical issues, but reflect a failure to realize the objectives of sharia comprehensively.

Overall, the ineffectiveness of religious freedom in Indonesia demonstrates the incomplete transformation from the paradigm of theological differentiation to equal citizenship. Therefore, a reconstruction is needed through a comparative madhhab approach that emphasizes the principles of *ḥurriyyat al-‘ibādah*, *al-‘adālah*, and *al-musāwah* as the foundation of public policy, so that religious freedom is not only formal but also substantive.

Obstacles Faced by Adherents of Religions Outside the Official Religion

The obstacles faced by adherents of religions outside the six commonly recognized religions are complex issues involving administrative, social, legal, and cultural dimensions. Based on field research conducted through questionnaires, interviews, and observations, it was found that these obstacles are not only individual in nature but also structural and systemic in nature, thus directly affecting the quality of the fulfillment of the right to religious freedom.

To measure the level of obstacles faced, this study uses five main indicators, namely: (1) administrative obstacles, (2) social obstacles, (3) legal and regulatory obstacles, (4) institutional obstacles, and (5) obstacles to the recognition of religious identity.

Table 2. Level of Obstacles Faced by Adherents of Religions Outside the Official Religion

No	Constraint Indicator	SS (%)	S (%)	N (%)	TS (%)	STS (%)	Mean	Category
1	Difficulties in recording religious identity in official documents	36,5	33,7	12,4	10,3	7,1	3,82	High

2	Obstacles in public administration services (KTP, KK, marriage, etc.)	31,2	34,6	13,1	12,5	8,6	3,67	High
3	Difficulty in establishing or using a place of worship	28,4	36,8	14,0	11,9	8,9	3,64	High
4	The existence of stigma and discrimination from society	33,1	34,5	12,3	11,0	9,1	3,71	High
5	Lack of protection from the authorities or the state	29,7	32,8	15,2	13,0	9,3	3,60	High

Grand mean = 3.69 (Category: High)

Based on Table 2, all barrier indicators are in the high category, indicating that adherents of religions outside those more commonly administered by the state still face serious obstacles in practicing their religious lives freely and equally. This condition cannot be understood solely as an administrative or technical policy issue, but rather as a reflection of the less than optimal implementation of the basic principles of sharia in national life. From the perspective of *maqāṣid al-sharī‘ah*, Ibn Ashur emphasized that the purpose of sharia is not only to safeguard religion within the realm of belief, but also to ensure the continuity of religious practices fairly in the social sphere (Ibn ‘Ashur, 2001; Mujib & Hamim, 2021; Roslan, 2024). Therefore, the various obstacles that arise—both in identity recognition, public services, and religious practices—indicate a mismatch between the normative objectives of sharia and the reality of implementing public policy.

In state governance, Al-Juwayni emphasized that political power must be directed towards realizing the public interest (*maṣlaḥah ‘āmmah*), including guaranteeing the basic rights of all citizens without discrimination (Al-Juwayni, 2007; Al-Muthahhiri et al., 2023; Yumarni & Mubarak, 2025). However, obstacles to the recognition of religious identity and access to public services indicate that the principle of welfare has not been fully realized in bureaucratic practice. This indicates a gap between the normative principle of justice and policy implementation, which is still limited to certain groups. Furthermore, Al-Ghazali also emphasized that law must be oriented towards realizing welfare and preventing harm (Al-Ġazālī, 1904; Hamdi, 2017; Kepplinger, 2024). In this regard, the various administrative and institutional barriers experienced by minority groups demonstrate that public policy does not fully reflect this principle. Meanwhile, the obstacles to religious practices in public spaces demonstrate the weak protection of religious freedom, which, in Fakhr al-Din al-Razi's view, is part of recognizing God's will for human diversity (Al-Razi et al., 2024; Ar-Razi, 1981; Fakhruddin et al., 2024).

On the other hand, social barriers in the form of stigma and discrimination can be explained through the concept of *‘aṣabiyyah* (tribal solidarity) put forward by Ibn Khaldun,

where the solidarity of the majority group often gives rise to the exclusion of minority groups (Amaliyah & Kausari, 2025; Aristya et al., 2024; Sopyan et al., 2025). This phenomenon demonstrates that the issue of religious freedom is not only related to state policy, but also to the social construction of society, which is not yet fully inclusive. In reformist thought, Rashid Rida emphasized the importance of renewing Islamic thought to align it with the principles of justice and the needs of modern society (Irfan & Purwasari, 2025; Manullang et al., 2021; Rahman et al., 2025). Therefore, the obstacles identified in this study do not reflect Islamic teachings normatively, but rather demonstrate the need for a reconstruction of understanding and policies based on the *maqāṣid al-sharī'ah*. Therefore, strengthening religious freedom in Indonesia requires an integration of the values of justice, public welfare, and respect for diversity, so that religious rights are not only guaranteed formally but also substantively realized in community life.

Conclusion

This study demonstrates that although Indonesia possesses a robust constitutional and legal framework for protecting religious freedom, a substantial gap persists between constitutional guarantees and their implementation. Unequal access to administrative services, limited recognition of religious identities, restrictions on the public manifestation of religion, and continuing social discrimination reveal that constitutional protections have yet to be translated into equitable legal and institutional practices, particularly for followers of religions beyond the six officially recognised by the state. From the perspective of comparative madhhab scholarship, these findings indicate that the classical objective of *ḥifẓ al-dīn* should be interpreted through a more inclusive jurisprudential framework that safeguards the religious rights of all citizens irrespective of their religious affiliation, school of thought, or belief system. While the protection of the *forum internum* is generally maintained, the *forum externum* remains constrained by administrative, institutional, and societal barriers. This condition highlights the need to reconcile constitutional commitments to religious freedom with contemporary Islamic legal reasoning capable of addressing the realities of legal and religious pluralism within a democratic constitutional state.

The principal theoretical contribution of this research is the development of an integrative analytical framework that brings together *maqāṣid al-sharī'ah*, *fiqh al-muwāṭanah*, *fiqh al-aqalliyyāt*, comparative madhhab perspectives, and constitutional principles to reinterpret religious freedom in contemporary Indonesia. Rather than viewing Islamic law and constitutionalism as competing normative systems, this framework demonstrates their potential complementarity in strengthening equal citizenship, legal pluralism, and the protection of fundamental rights. By extending

comparative madhhab discourse beyond doctrinal comparison to constitutional governance and public policy, this study contributes to contemporary debates on the relationship between Islamic jurisprudence, constitutionalism, and religious freedom in plural societies and offers a conceptual model that may inform future comparative research in other Muslim-majority democracies.

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