



HARMONY IN DIVERSITY: THE ROLE OF MINORITY JURISPRUDENCE IN REALIZING RELIGIOUS HARMONY IN JAYAPURA, PAPUA

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Abstract: This research aims to answer how the ideal model of minority fiqh implementation in Jayapura Regency and its contribution to religious harmony in Indonesia. This research is a juridical-empirical research with normative theological and sociological approaches. The data was analysed using descriptive qualitative method. The research data was obtained through interviews and observations of informants and research locations in Jayapura. In contrast, document data was obtained from various literature sources, such as books, journal articles, and research reports. Based on the research conducted, the results show that the implementation of the fiqh of the Muslim Minority of Jayapura Regency can be formulated in 4 four models: 1) taking the opinion of the madzhab that facilitates the uncleanliness of dogs and pigs; 2) allowing Muslims to say Merry Christmas to Christians; 3) being able to participate in ceremonial activities and Christmas committees, and 4) the permissibility of electing non-Muslim leaders. Based on the research findings, it shows that there are factors driving the implementation of the fiqh of religious harmony by Muslim minority communities in Jayapura Regency. This research also contributes to realising religious moderation in a pluralistic society.

Keywords: Muslim Papua; religious harmony; minority fiqh.

Abstrak: Penelitian ini bertujuan untuk menjawab bagaimana model ideal implementasi fiqh minoritas di Kabupaten Jayapura serta kontribusinya terhadap kerukunan umat beragama di Indonesia. Penelitian ini merupakan penelitian yuridis-empiris dengan pendekatan teologis normatif dan sosiologis. Data dianalisis dengan metode deskriptif kualitatif. Data penelitian diperoleh melalui wawancara dan pengamatan terhadap informan dan lokasi penelitian di Jayapura. Sementara data dokumen diperoleh dari berbagai sumber literatur, seperti buku, artikel jurnal, dan laporan penelitian. Berdasarkan penelitian yang dilakukan Hasil penelitian

menunjukkan bahwa implementasi fikih Minoritas Muslim Kabupaten Jayapura dapat dirumuskan dalam 4 empat model: 1) mengambil pendapat madzhab yang mempermudah terkait najis anjing dan babi; 2) membolehkan muslim mengucapkan Selamat hari Natal kepada umat Kristiani; 3) dapat mengikuti kegiatan seremonial dan kepanitiaan Natal, serta 4) kebolehan memilih pemimpin non muslim. Berdasarkan temuan penelitian tersebut menunjukkan adanya faktor pendorong implementasi fikih kerukunan umat beragama oleh masyarakat minoritas muslim di Kabupaten Jayapura. Penelitian ini juga berkontribusi dalam mewujudkan moderasi beragama di tengah masyarakat majemuk.

Kata Kunci: Muslim Papua; kerukunan umat beragama; fiqih minoritas.



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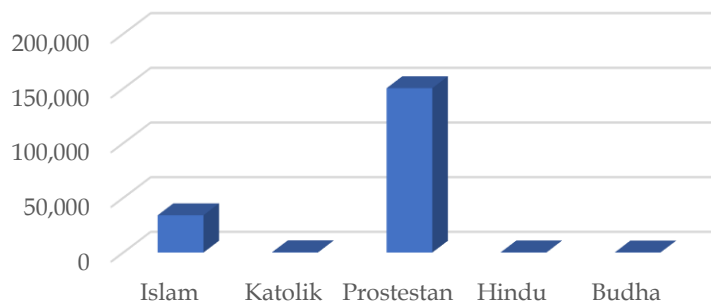
INTRODUCTION

The conditions faced by Muslims in Jayapura district are related to the impurity of dogs and pigs. A Muslim living in Jayapura Regency often finds many dogs and pigs roaming around residential areas. This is inevitable because of the intensive interaction between family, neighbors, and co-workers. The following condition concerns Muslims in Jayapura Regency at the moment of the Christmas celebration regarding containers or places of food served and concerns about the content of pigs and dogs in the food. The following condition is that if we do not wish Merry Christmas, it is considered intolerant for Christians. Choosing non-Muslim leaders is also a challenge because of the large number of candidates for leaders from non-Muslims and regulations that require indigenous Papuans as candidates for elected leaders.¹ So, from the conditions faced by Muslims in Jayapura-Papua Regency, Muslims must be able to adapt to these conditions and situations.

¹ Moh. Wahib, "Implementation of the Minority Fiqh Concept for the Papuan Muslim Community/Implementasi Konsep Fikih Minoritas Bagi Komunitas Muslim Papua," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 1 (2021): 97-112, <https://doi.org/10.18860/j-fsh.v13i1.11930>.

One of the minority Muslim communities is Muslims in Jayapura district. Data and surveys from the Central Bureau of Statistics prove this statement.²

Figure 1. Population by Religion in Jayapura Regency
Number of Religious Adherents in Jayapura Regency



Source: Central Bureau of Statistics of Jayapura Regency 2020

The data shows that the muslim population in Jayapura district is classified as a minority. The most significant number of Protestants in Jayapura Regency is 150,327, almost four times the number of Muslims. According to the data on the number of residents according to religion, Islam is the second religion the people of Jayapura Regency believed after Protestant Christianity. The phenomena that occur in Jayapura are very diverse. The plurality of life between religious communities demands the presence of the role of religious moderation.³ In this case, minority fiqh for Muslims in Jayapura district is necessary. The concept of minority fiqh is very suitable for many instances in the Muslim community in Jayapura Regency. Some implementation of minority fiqh applied by European Muslim minorities can be used because they are in almost the same conditions and situations.⁴

² Badan Pusat Statistik, "Jumlah Penduduk Menurut Kabupaten/Kota Dan Agama Yang Dianut di Provinsi Papua (Jiwa)," Badan Pusat Statistik Provinsi Papua, 2020.

³ Benny Afwadzi, "Membangun Moderasi Beragama di Taman Pendidikan Al-Qur'an Dengan Parenting Wasathiyah Dan Perpustakaan Qur'ani," *Transformasi: Jurnal Pengabdian Masyarakat* 16, no. 2 (2020): 106-20, <https://doi.org/10.20414/transformati.v16i2.2647>.

⁴ Andryka Syayed Achmad Assagaf, "Legal Analysis of Freedom of Expression and Online Humour in Indonesia," *European Journal of Humour Research* 11, no. 3 (2023): 105-22, <https://doi.org/10.7592/EJHR2023.11.3.807>.

The teachings of Islam that form the basis of this minority fiqh are still not well understood by the Muslim community in the Jayapura district. Many Muslims ask questions regarding the permissibility of applying minority fiqh in their area. As a result, individual and community *masyaqqah* or difficulties occur, disrupting inter-religious harmony. They experience problems in practicing Islamic Law during Muslim minority life. Interaction and association with the Christian majority require special legal instruments that are different from the application of law in the Muslim majority.⁵

Based on initial observations, the researcher found that among the problems they face are being forced to vote (political vote) for non-Muslim leaders and political representatives, Christmas greetings and attending events of people of different religions, being on the Christmas committee, and coming into contact with the uncleanness of dogs and pigs around them. These conditions are similar to those faced by Muslim minorities in Europe and America. This calls for the application of minority fiqh as practiced by Muslim minorities in the West.⁶

The challenges faced by Muslims in Papua have relevance to the reality of Muslims in the West; as an illustration, the European Council of Ulama issued a fatwa that the saliva of dogs is sacred.⁷ Later, Europa's fatwa board allowed Christmas greetings verbally, but it was not believed in the heart.⁸ Then, in America, Muslims have problems in choosing non-Muslim leaders; in this case, a fatwa issued allows the election of non-Muslim leaders.⁹ So, the relevance of the challenges faced by Muslims in Jayapura Regency and the Muslims in the West are interrelated. With this, the implementation of minority fiqh between the two can be applied.

Although many studies specifically examine minority fiqh, the context and object are new in this study. For example, the fiqh research of the Abdurahman Kasdi minority, which was carried out, only looked at the reality of Muslims in Papua in carrying out daily activities to interact with the majority of Non-Muslims.¹⁰ Fathorrohman and Saifuddin's research describes the problems of Islamic Sharia in

⁵ Andryka Syayed Achmad Assagaf et al., "Public Debate and Artistic Expression: A Jurisprudential Analysis of Freedom of Expression in Europe And Indonesia," *Journal of Law and Sustainable Development* 11, no. 12 (2023): e2160, <https://doi.org/10.55908/sdgs.v11i12.2160>.

⁶ Zunly Nadia, "Minoritas Muslim Dalam Kontestasi Identitas di Eropa : Pemikiran Thariq Ramadhan Dalam Meneguhkan Identitas Muslim Bercita Rasa Eropa," *Borneo: Journal of Islamic Studies* 2, no. 1 (2021): 23-45.

⁷ Abdulllah Bin Biyyah, *Sinaat Al-Fatwa Wa Fiqh Al-Aqalliyat* (Kairo: Dar Al-Syuruq, 1999).

⁸ Biyyah, Hlm.431.

⁹ Imam Mawardi, *Fikih Minoritas, Fiqh Al-Aqalliyat Dan Evolusi Maqasid Al-Syariah Dari Konsep Ke Pendekatan* (Yogyakarta: LKiS, 2010).

¹⁰ Abdurrohman Kasdi et al., "Fiqh Minority for Papuan Muslims in the Perspective of Maqasid Al-Shari'ah," *International Journal of Islamic Thought* 20 (2021): 1-12, <https://doi.org/10.24035/ijit.20.2021.205>.

the minority Muslim community amid the Hindu Majority community in Bali.¹¹ This research emphasizes the difficulty of finding a place to carry out Friday prayers, obtaining halal food, and participating in religious activities other than Islam. The research of Hilmi Ridho et al. on the concept of fiqh in providing solutions to problems for Muslim minorities who live among the non-Muslim majority group in Western countries.¹² Based on some of these previous studies, no research has been found that analyzes the minority Fiqh paradigm in providing alternatives to interacting and getting along with Non-Muslims and their culture.

This research intends to analyze the Minority Fiqh paradigm applied by the people of Jayapura Regency in realizing religious moderation harmony in the region. Because Muslims in Jayapura Regency are a minority, so this research is essential to see what activities and practices in implementing minority fiqh in the daily life of Muslims in Jayapura Regency. Subsequently, this research will look at how the implementation carried out in the seasonal community in Merauke Regency to interact and get along with the majority of Christians through the Minority fiqh tool in maintaining harmony between religious communities.

This study aims to examine the implementation of minority fiqh in Jayapura Regency and its contribution to religious harmony. To explore the practice of minority forms of fiqh in Jayapura Regency, researchers use qualitative research. Qualitative research is a study that produces data in the form of written or spoken words from people and behavior observed by researchers.¹³ The data was collected through interviews with religious leaders and Muslim communities in the Jayapura district who have implemented minority jurisprudence. This research focuses on field studies with a case study approach in Jayapura Regency. Primary and secondary data sources were used in this research. Primary data sources come from in-depth interviews with the actors who practice Islamic law for Muslim minorities in Jayapura Regency. Then secondary data comes from books, journal articles, reports, BPS statistical data, etc. Interviews, observation, and documentation are

¹¹ Danial, Munadi Usman, and Nur Sari Dewi, "The Contestation of Islamic Legal Thought: Dayah's Jurists and PTKIN's Jurists in Responding to Global Issues," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022): 19-35, <https://doi.org/10.18326/ijtihad.v22i1.19-35>.

¹² Hilmi Ridho, Hamim Maftuh Elmi, and Muhammad Sibawaihi, "Fiqh al-Aqalliyat; Jurisprudence For Muslim Minorities as A Guide To Living In Non-Muslim Countries," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023): 25-35, <https://doi.org/DOI.10.18592/sjhp.v23i1.8611>.

¹³ Norman K. Denzin & Yvonna S. Lincoln, *HandBook Of Qualitative Research* (Yogyakarta: Pustaka Belajar, 2009), P. 41.

data collection methods. Data analysis techniques are done by editing, organizing, and analyzing.

THE IMPLEMENTATION OF MINORITY FIQH IN JAYAPURA REGENCY

In many papers, the fiqh practices of Muslim minorities occur not only in the Jayapura-Papua Regency but in various parts of the world.¹⁴ They experience difficulties in practicing Islamic law during a non-Muslim majority. Interaction with the Christian community in the fields of social, economic, and political becomes a separate background for Muslims in Jayapura Regency to apply the practice of Islamic law differently from in areas that are majority Muslim. Thus, this requires a unique legal tool to describe the problems of practicing Islamic law for Muslims in Jayapura Regency.

The following are some descriptions of the implementation practices of minority fiqh faced by Muslims in Jayapura Regency, including:

1. Dog and Pig Impurity

Looking at the conditions in Jayapura Regency, the roaming of dogs and pigs has become commonplace. Because these animals are kept mainly by non-Muslims, especially by indigenous people, this phenomenon is interesting to study in terms of minority fiqh if it is based on Muslims living side by side with non-Muslims. First, it is related to the impurity of dogs and pigs. Muhammad Yusuf, the imam of Al-Falah Sentani mosque, stated:

The uncleanness of dogs is a minority fiqh issue. In this case, it isn't easy to hold the opinion of the Shafii madhhab regarding uncleanness or thaharah. Many of the congregants of our mosque are market people, so the traders often interact with dogs. We all know that Indonesian Muslims are more inclined to the Shafii madhhab, which considers that the uncleanness of dogs is najis mughalladzah, which has the consequence that unclean objects must be washed seven times and mixed with soil. The Shafii madhhab also equates the dog's entire body, including its fur, with mughalladzah impurity. I think this isn't easy. So, for fiqh, the minority is more inclined to use the Hanafi madhhab or the Maliki madhhab. Although in practice, I see not much done by the people who are the congregation of my mosque in the Pasar Baru neighborhood, Jayapura district.¹⁵

¹⁴ Fathor Rahman, "Praktik Fikih Keseharian Minoritas Muslim Di Bali," *Jurnal Studi Agama Dan Masyarakat* 16, no. 2 (2020): 85-98.

¹⁵ "Muhammad Yusuf (Mosque Imam in Jayapura), Jayapura Regency, *Interview*, September 12 2022,"

Then, another opinion from Lilis Nurul Fatimah, a Muslim youth activist in Jayapura Regency, stated:

The practice of minority fiqh also occurs when dealing with the uncleanliness of dogs that roam so much in Sentani's housing estate or Baru market. Of course, as a Muslim minority, we find it difficult to apply the rules of the Syafii madhhab, which defiles the weight of the dog, its fur, and its body. We are more inclined towards the Hanafi madhhab, which only defiles the saliva, and even easier to practice the Maliki madhhab, which only defiles the container licked by the dog's tongue.¹⁶

Muhammad Yasin, the imam of the Ababil AURI mosque who lives in the AURI housing complex, stated:

About the cooking vessel served during the Christmas visit and used to eat pork, this will be difficult if we follow the Shafii madhhab. So, we have adopted the Maliki madhhab, which does not regard dogs as unclean unless they lick the vessels. We concluded that it is difficult for dogs to lick vessels, springs, or food containers because they are usually placed in front of the house to guard them. It is rare in this neighborhood for dogs to wander into the kitchen or dishwashing area. Thus, the name is Dog Licks. Therefore, containers served with liquid food, such as meatballs or soto, are considered holy because we follow Malik's madhhab, as a practice of minority fiqh, practiced by European Muslim minorities.

Based on this explanation, it can be stated that dog impurity is one of the fiqh practices of Muslim minorities in Jayapura Regency. What is experienced by Muslims in Jayapura Regency is the same as that experienced by European Muslim minorities, namely related to dog impurity. The fatwa of the Fatwa Council of European scholars includes the following fatwa decision:

Are dogs holy? We often have difficulties with Europeans who keep dogs; we are concerned about the legal status. What is the ruling on dog impurity if it gets on clothes or other objects? Is there a school of jurisprudence that believes that dogs are pure so that we can get out of trouble? Answer: Yes, the Malik bin Anas school thinks dogs are pure. The Hanafi school believes that the dog's body is pure according to the most correct opinion; saliva is unclean.¹⁷

¹⁶ "Lilis Nurul Fatimah, Sentani, *Interview*, September 10 2022,"

¹⁷ ECFR, "Hal Alkilab Tahiratun," European Council For Fatwa and Research (ECFR), n.d.

Bin Biyyah, a member of the European Fatwa Council, responded that the European Fatwa Council's answer concludes that the Malik Madhhab considers the body and saliva of dogs to be pure. The Hanafi madhhab states that the most authoritative view is that the dog's body is pure, while its saliva is unclean.¹⁸ The European fatwa council takes the view of Imam Malik that dog saliva is pure. As for the Prophet's command to wash the container that was exposed to dog saliva is a matter of worship, and not because it is unclean. As Ibn Rushd said, the command to wash the container seven times is because of the health element, not the uncleanness.¹⁹

Khalid bin Abdul Qadir, author of *Fi fiqh Aaliyah*, commented on this. *There are three opinions about dogs' uncleanness.*²⁰ First, its entire body is unclean. This is the view of Imam Shafii, Imam Malik, and Ahmad in a narration. Second, all of its body is pure, including its saliva. This is the well-known opinion of Imam Malik and the Malik madhhab.²¹ Third, His body is pure, apart from his saliva. This is the opinion of Imam Hanafi. In the context of this minority fiqh, the third opinion, namely Imam Hanafi, is applicable. Khalid recommends the Hanafi view because the body is sacred. It should not be defiled except with solid evidence.²² However, if it is still difficult, the alternative second opinion, which is in the Malik madhhab, which considers all dog bodies and saliva sacred, can be applied. This is because Muslim minorities in countries near the Poles, such as Russia and Siberia, use dogs to pull trains. These dogs often drool profusely.

The same applies to the uncleanness of pigs. Often, a Muslim will have friendly relations with his Protestant Christian neighbors. This is inevitable due to intensive interaction between neighbors, workmates, and business relations. In the Shafi'i school of thought, pork is a *mughallazah* impurity that must be washed seven times, one of which must be mixed with dust.²³ Imam Shafi'i's opinion is so tricky when practiced against Muslim minorities. Imam Malik's opinion is more lenient. He states that pigs only contain *mutawassitah* najis that only need to be washed once.

¹⁸ 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>.

¹⁹ Abd 'Allah Bin Biyyah, *Sina'ah Al-Fatwa Wa Fiqh Al-Aqalliyyat*, Cet. I (Beirut: Dar al- Kutub, 2003).

²⁰ Khalid Abdul Qadir, *Fi Fiqh Al-Aqalliyyat Al-Muslimah*, n.d., 87-88.

²¹ Ainul Asyraf Lokman and Mohd Roslan Mohd Nor, "Navigating Peace: Al-Qaradawi's Critique of Arab-Israeli Relations in the Trump Era," *International Journal of Islamic Thought* 25 (2024): 1-14, <https://doi.org/10.24035/ijit.25.2024.281>.

²² Qadir, *Fi Fiqh Al-Aqalliyyat Al-Muslimah*.

²³ Sayyid Sabiq, *Fiqh Al-Sunnah*, Beirut (Dar al-Fikr, 1994), 52.

The homeowner would have washed the container or plate once in this case. Thus, it is considered pure and sufficient for use. In this context, Imam Malik's opinion is more relevant than Imam Shafi's. The existence of the fiqh of the minority is the *tarjih* (superiority) of the most suitable madhhab and is lightening by avoiding difficulties.

This includes Muslim minorities in Indonesia, for example, in Papua, who often have neighbors who keep dogs. So, in this case, coexisting with Christian neighbors is hard. Even a *laundry* worker finds it difficult when his customers leave their clothes to be washed in the washing machine. There were many dog hairs scattered in it. This is because the neighborhood consists of many people who keep dogs. Therefore, the best legal solution is to take the opinion of the Malik school of thought. Thus, this fatwa of leniency in dog impurity provides leeway and convenience for Muslims. An *ijtihad* model like this is called *ijtihad tarjih intiqai*, which favors one opinion that is considered relevant and under the conditions of the minority, including facilitating conditions. This is based on the hadith, which states when the Prophet Muhammad SAW. Faced with two alternatives, he took the easier one, as long as it did not contain sin.

2. Candidate Selection in Jayapura Regency

This essay will focus on Fiqh Siyasah, a Muslim who chooses a diverse non-Muslim leader candidate. According to the Special Autonomy Law, candidates for regent and governor must be Indigenous Papuans.²⁴ Thus, the Muslim minority in Jayapura Regency must choose a Papuan candidate leader who is a non-Muslim. Choosing Non-Muslim leaders, according to scholars and MUI Fatwa in Indonesia, is allowed in emergency conditions.²⁵ The interview results also corroborate that minority Muslims in the Jayapura district choose non-Muslim leaders because there is no Muslim candidate leader, and it is known that the majority of Muslims in the Jayapura district become deputy leaders.²⁶

According to Jana Nur Hasanah, a member of the Jayapura Regency BKMT

²⁴ Article 12 Law Number 21 of 2001 Jo Law Number 2 of 2021, Those who can be elected as Governor and Deputy Governor are citizens of the Republic of Indonesia with the following conditions:

- a. Indigenous Papuans;
- b. Have faith and devotion to God Almighty;
- c. Have at least a bachelor's degree or equivalent;
- d. At least 30 years old;
- e. Physically and mentally healthy;
- f. Loyal to the Unitary State of the Republic of Indonesia and serve the people of Papua Province.

²⁵ Sippah Chotban, "Hukum Memilih Pemimpin Non Muslim," *Al-Qadau: Jurnal Peradilan Dan Hukum Keluarga Islam* 5, no. 1 (2018): 59-72.

²⁶ "Jana Nur Hasanah, Jayapura, *Interview*, July 27 2022."

stated:

Minority jurisprudence in Sentani, Jayapura district, relates to the election of non-Muslim leaders. Because Muslims are in the minority here, the regent candidates are usually Christian. Under such circumstances, Muslims are faced with the choice of voting for them. If they abstain, their votes will be wasted, which will harm the interests of Muslims. What is good is that the Regent candidate is paired with a Muslim candidate for Vice Regent because the votes will be maximized by combining the two religions, so the vote acquisition is significant. For example, the regent in this period is Mathius Awoitauw, who is paired with Giri Wijayantoro. And proved to be elected because it represents two major camps among voters, the citizens of Jayapura Regency.⁶³

Makmun Rasyidi stated:

The practice of minority fiqh also occurs in the election of the regent of Jayapura district because usually the regent candidate is non-Muslim. So this minority condition requires the permissibility of electing non-Muslim leaders.²⁷

Habib Abdul Wahab, one of the Muslim leaders and administrator of the Insan Cendekia Foundation in Jayapura district, stated:

The practice of minority fiqh is realized in the election of non-Muslim regents. In Jayapura district, the election of non-Muslim leaders is common. This is because the Special Autonomy Law requires that the regional leadership come from indigenous people. In this case, indigenous Papuans are usually Christian, so they are candidates for regent. Of course, we vote. And to maintain a balance, they usually partner with Muslims who are migrants so that they can win the contestation. Like this time, Mr. Mathius Awoitau partnered with Giri Wijayantoro.²⁸

The daily life of Muslim minorities in Jayapura Regency is undoubtedly a problem in practicing Islamic Law, which is permitted or prohibited by Allah SWT. The difficulties faced in applying Islamic law for Muslim minorities in Jayapura Regency are related to Fikih Ibadah and Fikih Siyasah. Then, in the field of Fiqh Siyasah, which is a problem for Muslim minorities in Jayapura Regency, related to the prospective leader (Regent) they choose. With the issues of Muslim minorities,

²⁷ "Makmun Rasyidi, Jayapura, *Interview*, September 10 2022,"

²⁸ "Habib Abdul Wahab (Muslim Scholar), Jayapura Regency, *Interview*, October 1 2022,"

of course, they have the basics so that they do it. The following discussion in this study will explain how Muslim minorities apply the practice of Islamic Law, which can be allowed.

3. Christmas Greetings and Christmas Committee

One of the phenomena that occurs every Christmas celebration is the Christmas greetings from Muslims to Christians. This often causes quite a debate every time the Christmas celebration approaches. The pronunciation of Christmas greetings in Jayapura Regency has become a phenomenon that occurs during Christmas celebrations, namely the greetings of Muslims to Christians. Christmas greetings have become a matter of debate among the community. The chairman of MUI of Jayapura district, Makmun Rosyidi, stated:

The practice of minority fiqh applied in Europe, for Jayapura district, is related to Christmas greetings. Until now, the Central MUI has not issued a fatwa prohibiting Christmas greetings. So, this Christmas greeting is still in the realm of differences of opinion among scholars. So, we, MUI of Jayapura Regency, do not prohibit a Muslim from saying Merry Christmas for those who have a need, such as a working relationship or family and friendship, and it is limited to tongue talk only, not a belief in their religious willingness. We find many Muslims who wish us a Merry Christmas, but it does not become something that makes a fuss or creates unrest in the community. Everything goes well because we all understand this is a matter of difference of opinion (*khilafiah*). We also received an invitation for a joint Christmas commemoration, and I saw Muslims from Jayapura district who attended the event. In this case, we attended the event only ceremonially and did not participate in rituals such as blowing out candles and singing religious songs or worship.²⁹

Muhammad Yasin, the imam of the Ababil AURI mosque who lives in the AURI housing complex, stated:

The practice of minority fiqh in members and ranks of the Air Force occurs at Christmas. Muslims here also visit the homes of neighbors in the same complex who celebrate it. So, it is not uncommon to hear Christmas greetings from Muslims. The Air Force Commander is Muslim, but he also has subordinates who are Christian Air Force leaders. In this case, Christmas greetings are unavoidable.³⁰

²⁹ " Makmun Rasyidi, Chairman MUI of Jayapura Regency, *Interview*, September 13 2022,"

³⁰ "Muhammad Yasin, Imam AURI Sentani, *Interview*, September 15 2022,"

Wisnu Indradi, a judge at the Sentani Religious Court, stated:

The practice of minority fiqh in Jayapura district occurs when attending joint Christmas celebrations. This is merely ceremonial because Christians also usually come to the Halal Bihalal celebration held by Muslims after Eid al-Fitr. They also wish them a happy Eid. So, of course, the Muslims reciprocate by wishing them a merry Christmas. I have also heard that Shaykhul Azhar and Baba Shanuda visit each other and wish each other a happy Eid and a merry Christmas.³¹

Some Muslims refrain from giving Christmas greetings because it is considered to recognize the truth of other religions. However, some Muslims can say it by seeing that the purpose of the greeting does not lead to the invalidation of the person's aqidah belief.³² From the results of interviews with all informants in Jayapura Regency, which is a Muslim minority area, the practice of congratulating Christmas has become a habit to maintain religious harmony without following the religion. Therefore, the problem of the practice of Islamic law regarding worship aimed at the pronouncement of Merry Christmas by Muslims in Jayapura Regency towards Christians is not very serious.

Another problem regarding Muslims in Jayapura Regency about Christmas celebrations is being part of the committee for activities to welcome Christmas. Usually, the Regent will instruct Muslim employees to participate actively in the committee of Christmas activities, such as the event committee, consumption committee, equipment and security section, and even being in charge of competition activities commemorating Christmas Day. The joint Christmas celebration involving ASN in the Regency Government, TNI / Polri, religious leaders, and the community is packaged with Holy Night worship, a Christian worship ritual. Therefore, this condition will undoubtedly be a problem for the Muslim minority in Jayapura Regency regarding the permissibility and participation in religious activities of other religions.

It is tracing the case if a common thread is drawn from the case of a country on the European continent. The European fatwa council was asked about the law of Merry Christmas. The social life of fellow citizens requires intensive social interaction between neighbors, workmates, and schoolmates. There are even many non-Muslims who contribute to Muslims, such as a non-Muslim teacher who

³¹ "Wisnu Indradi, PA Sentani Judge, *Interview*, August 6 2022,"

³² Bobby Harianto, "Pengucapan Selamat Natal Oleh Umat Islam Kepada Umat Kristiani Perspektif Hukum Islam," *Qiyas: Jurnal Hukum Islam Dan Peradilan* 1, no. 1 (2016).

teaches sincerely or a non-Muslim doctor who sincerely treats his patients. Of course, these social relationships are unavoidable in everyday life. The European Fatwa Council permits *tahniah* or Christmas greetings either personally or on behalf of an organization, orally or in writing. They provided that it is not accompanied by religious symbols such as crosses. It should be noted that this greeting is not a *pledge of allegiance* to their religion; instead, it is a common phrase used by many people and circulated in the community. It is also permissible to accept gifts from them. The Prophet accepted gifts from the Egyptian Coptic Christian leader Muqauqis, so long as they did not include alcohol and pork. Attending their religious celebrations or festivals is not permissible.³³

In response to this fatwa, Bin Biyyah explained that scholars have different opinions about the greeting of Christmas. Imam Ahmad narrated three opinions: forbidding, disliking, and permitting. Ibn Taymiyyah narrated that he allowed it on the grounds of Maslahat. Mirdawi narrated this in *Al-Inshaaf*. Ibn Taymiyyah said that it is permissible if one hopes to become Muslim, and this is what leads to the truth.³⁴ If it is clarified with the comments of Yusuf Al-Qaradhawi, the initiator of minority fiqh, then congratulating Christmas is permissible as an expression of *mujamalah* or doing good *deeds* on the tongue, not believing in the heart. This is because it is in response to their congratulations on Eid al-Fitr.³⁵ This is based on QS Al-Mumtahanah/60:8. "*Allah does not forbid you to do good and to be just to those who do not fight you for religion nor drive you out of your country; indeed, Allah loves those who are just.*"

Yusuf Qardawi, referring to the above verse, argues that it is permissible for a Muslim to wish Christians a Merry Christmas. Because when a Muslim coexists with *zimmi* infidels who are willing to live in peace, then Muslims must do *birr* (kindness) and also be fair to them. The Qur'an describes *birr* as *birr al-waalidain*. This illustrates that we must do good sincerely to them, as long as it is not related to their faith and worship.³⁶ If analyzed with fiqh rules, the habit is a good custom expressing respect for other religions. This rule reads *Al'aadatu Muhakkamatun* (Customs may be made into law). Europeans are accustomed to congratulating

³³ Biyyah, *Sina'ah Al-Fatwa Wa Fiqh Al-Aqalliyyat*.

³⁴ Yusuf Qaradaawi, *Fatawa Mu'asirah*, Cet. I (Beirut: Dar al-Kutub al-Ilmiyyah, 1998), 45.

³⁵ Ahmad Zabidi, "Sayyid Qutb's Concept of Da'wa in His Fi Zilal Al Quran," *Ilmu Dakwah: Academic Journal for Homiletic Studies* 14, no. 2 (2020): 167–86, <https://doi.org/10.15575/idajhs.v14i2.9660>.

³⁶ Yusuf Al-Qaradhawi, "Fi Fiqh Al-Aqaliyat Al-Muslimah, Terjemah Oleh Adillah Obid, Fiqih Minoritas: Fatwa Kontemporer Terhadap Kehidupan Kaum Muslimin Ditengah Masyarakat Non Muslim," in *Fi Fiqh Al-Aqaliyat Al-Muslimah* (Jakarta: Zikrul Hakim, 2004).

each other during holidays, so this custom is permissible because it does not contradict the shari'ah.

The scholars who allow this *tahniah* state that it is not a pledge or acknowledgment of the Christian faith, nor a form of prayer, because it is not the word *al-salam* but the word *tahniah* (congratulations). The usual Arabic Muslim wording for *tahniah* is *uhanni'ukum* and not *ad'uu lakum*. Thus, this is just an expression of *shari'ah*, which means please rejoice and be happy with Christmas. This is consistent with the phrase *haniian mariia*, which means please enjoy the food with joy and merriment. The opinions of many contemporary scholars differ from those of the salaf of old. All four madhhabs forbid greeting Christmas. The Ijtihad of modern scholars is different from that of other scholars. The illat of prohibition is not found today. In the past, this greeting meant an acknowledgment or pledge to the truth of another religion. But nowadays, there is no such acknowledgment.

Qaradhawi also stated that the change in the current situation demands that the ruling be permissible. He argues that Ibn Taymiyyah issued a fatwa prohibiting wishing people a merry Christmas. This is because the situation is different. He would have changed his opinion if Ibn Taymiyyah had lived in today's world, where Muslims and non-Muslims interacted closely. Especially between siblings, workmates, neighbors, and school or college friends with whom there is a close relationship, it is very natural to say *tahniah*.³⁷ If the Imams of the madhhab were alive today, they would have changed their opinions about the changing times in many cases.

Tahni'ah or *tahiyyah* to the Christians is a reply to the *tahiyyah* described in Surah al-Nisa' verse 86. This *tahni'ah* is not a prayer or a pledge. The scholars who allow this Christmas greeting do not mean confession or praying for salvation but an expression of *tahni'ah* (greeting). It's just that when translated into Indonesian, it usually has editorial congratulations, which seems to connote praying for congratulations, even though it is not like that.

Qaradhawi's fatwa on the permissibility of Christmas greetings was conveyed to European Muslim minorities. He considers the conditions that exist there. On various occasions, he strongly considers *fiqh waqi'* or the reality of society. Minority conditions are very different from conditions in other places.³⁸ If it is relevant to the

³⁷ Al-Qardhawi.

³⁸ Mursyid Djawas et al., "The Construction of Islamic Inheritance Law: A Comparative Study of the Islamic Jurisprudence and the Compilation of Islamic Law," *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022): 207-19, <https://doi.org/10.31958/juris.v21i2.7495>.

conditions of Muslim minorities in Indonesia, such as in Papua and West Papua, the permissibility of Christmas greetings provides leeway and ease in interacting in a pluralistic society.³⁹ If analyzed, the opinion of the permissibility of Christmas greetings is the opinion of contemporary scholars who are different from the scholars of the past. The majority of the salaf and four madhab scholars forbade Christmas greetings.⁴⁰ Contemporary scholars make *ijtihad* by using Surah *al-Mumtahanah* verse 8 by including *tahni'ah* as a *birr* that Allah swt permits. In this verse, Allah SWT does not prohibit it.

This does not mean they should ignore *sharee'ah* or acknowledge their religious beliefs; instead, it is a matter of *tahni'ah*. If there is no need to congratulate them, then one can take the view that Christmas greetings are forbidden. However, public officials, such as the president, minister of religion, mayor, his deputy, and participants, should be allowed to participate in Christmas celebrations and committees related to the ceremonial, not the greeting. They think the greeting is a prayer and acknowledgment of salvation to Christians. In contrast, the Christmas greeting is only a reply to invite Christians to celebrate Christmas, just as they say happy Eid to their Muslim brothers and sisters.

THE EXPERIENCE CONTRIBUTION OF MINORITY FIQH IN JAYAPURA REGENCY TOWARDS RELIGIOUS HARMONY

In the context of the practice carried out by Muslims in Jayapura related to participating in Christmas activities, interacting with people who associate with unclean goods, and choosing candidates for leaders with different beliefs solely has a purpose. For example, according to Quraish Shihab, an expert in the field of interpretation, saying Christmas greetings and following Christmas celebrations are not prohibited as long as the goal is for the benefit and brotherhood without sacrificing the *aqidah* beliefs that are owned.⁴¹ The chairman of the MUI of Jayapura Regency also conveys that, until now, the MUI has yet to give a fatwa about saying or following Christmas celebration activities because this is related to inter-religious harmony and avoiding conflicts between religions.

³⁹ Ade Yamin et al., "The Tradition of Pilgrimage to the Grave of Muslim Missionaries in Misool Island, Papua," *International Journal of Islamic Thought* 22, no. December (2022): 1-11, <https://doi.org/10.24035/ijit.22.2022.234>.

⁴⁰ Al-Qardhawi, "Fi Fiqh Al-Aqaliyat Al-Muslimah, Terjemah Oleh Adillah Obid, Fiqih Minoritas: Fatwa Kontemporer Terhadap Kehidupan Kaum Muslimin Ditengah Masyarakat Non Muslim."

⁴¹ Juhra Muhammad Arif, "Ucapan Selamat Natal Menurut Quraish Shihab Dalam Tafsir Al Misbah (Studi Analisis Terhadap Q.S. Maryam Ayat 33)," *Jurnal Aqlam: Jurnal Of Islami And Plurality* 2, no. 1 (2016): 20-21.

Habib Abdul Wahab, one of the mosque administrators in Jayapura Regency, explains: "*that the practice of minority fiqh provides support for religious harmony.*"⁴²

Mimi Krisbianti, one of the BKMT administrators, stated: "*Community life in Jayapura district is very pluralistic. Muslims in Jayapura district often intersect with non-Muslims, especially Protestant Christians. This minority fiqh practice has a positive impact on maintaining religious harmony.*"⁴³

Jayapura Regency is a religious harmony zone. This was initiated during the declaration of this district by the Deputy Governor of Papua and the Minister of Religious Affairs of the Republic of Indonesia. As seen in the results of research data exposure through interviews, minority fiqh positively impacts religious harmony in the people of Jayapura district. Moreover, Jayapura district has been named an area or zone of spiritual harmony. The interview results show that the Muslim community feels the religious harmony in the Jayapura district. This is due to the implementation of minority fiqh in daily life.

Based on an interview with the Deputy Chairman of FKUB Sentani Regency, as well as the chairman of MUI Jayapura Regency, stated:

The religious harmony zone for residents of Jayapura district is supported by the practices of the Muslim minority, including Christmas greetings. Until now, MUI has never issued a fatwa on the prohibition of Christmas. Because it realizes that Christmas greetings are the realm of differences of opinion by scholars, this minority fiqh practice contributes to religious harmony in Jayapura district.⁴⁴

This statement clearly illustrates that the practice of minority fiqh plays a significant role in maintaining religious harmony in Jayapura Regency. This is in line with what the informant said that all activities or daily life of Muslim communities in Jayapura district related to the practice of Islamic law that can damage beliefs aim to maintain brotherhood so that there are no differences between religions and other religions.⁴⁵ It can be concluded that the practice of Islamic law in the people of Jayapura Regency is different from Muslims in Muslim-majority areas because there is an element of emergency conditions.

The practice of Islamic law by Muslims in Jayapura Regency described above

⁴² "Habib Abdul Wahab, Mosque Administrator, Jayapura, *Interview*, October 1 2022,"

⁴³ "Mim Krisbiani, BKMT Taklim Assembly Jayapura Regency, *Interview*, July 25 2022,"

⁴⁴ "Makmun Rasyidi, Chairman MUI of Jayapura Regency, *Interview*, September 13 2022."

⁴⁵ Zuly Qodir, Haedar Nashir, and Robert W. Hefner, "Muhammadiyah Making Indonesia's Islamic Moderation Based on Maqāsīd Shari'ah," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023): 77-92, <https://doi.org/10.18326/IJTIHAD.V23I1.77-92>.

is only in the measure of conditions where if the practice is not carried out, something difficult life (*masyaqqah*) will occur. Islamic Sharia practices can still be carried out, but taking easy ones or other alternatives is necessary to avoid difficulties.⁴⁶ For example, dog filth, invitations to Christmas celebration ceremonies, and choosing non-Muslim leaders, usually top leaders, namely the Regent of Jayapura Regency. If the concept of minority fiqh is not applied, there will be difficulties in social interaction in daily life.

Talking about conditions means things or emergencies, so the prohibited practice can be done. According to Imam Suyuti, an emergency is the position of someone already at the maximum limit. Imam Ahmad Bin Hambal explained that an emergency is the condition of a person whose life is threatened if he does not do something.⁴⁷

By looking at the conditions of practicing Islamic law that are prohibited from being done according to the two scholars, it can be concluded that the practice of Islamic law that is not careful in the cruelty of forbidden things done by Muslims in Jayapura Regency is in an emergency condition. The emergency here is that if it is not done, something that is not desired will happen, such as division and mutual hatred between religious communities. So, it can be concluded that the practice carried out by the Muslim community of Jayapura Regency aims at interfaith harmony.

As creatures of God and social creatures, we must cooperate with others to fulfill our needs. The teachings of Islam instruct humans to help each other (*ta'awun*) with fellow humans in terms of goodness regardless of race, culture, or religion.⁴⁸ Furthermore, Islam emphasizes the importance of maintaining *ukhuwah* between religious communities; the word "brotherhood" appears 52 times in the Quran, emphasizing the brotherhood of family, community, nation, and religion.⁴⁹ There are many ways to maintain inter-religious harmony, namely by respecting the rights and obligations of people of other faiths and respecting the holidays of

⁴⁶ Sahari Sahari, "Implementasi Al-Masyaqqoh Al-Tajlibu Al-Taisyir Di Tengah Pandemi Covid-19," *Aqlam: Journal of Islam and Plurality* 5, no. 2 (2020): 1–19, <https://doi.org/10.30984/ajip.v5i2.1367>.

⁴⁷ Muhammad Natsir et al., "Legal Forms Against Corporations as Perpetrators of Environmental Crime in Indonesia: Study Based on the Environmental Protection and Management Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 646–64, <https://doi.org/10.22373/sjhk.v8i2.22071>.

⁴⁸ Amri, "The Implementation Of Religious Moderation Values In State Madrasah Aliyah Keerom Papua," *Jurnal Dinamika Penelitian: Media Komunikasi Sosial Keagamaan* 22, no. 01 (2022): 54–69, <https://www.ptonline.com/articles/how-to-get-better-mfi-results>.

⁴⁹ Toto Suryana, "The Concept and Actualization of Interfaith Harmony," *Ta'lim: Journal of Islamic Religious Education* 9, no. 2 (2022): 127.

different religions. In this context, of course, Muslims in Jayapura Regency cling to religious harmony even though, in practice, it can plunge them into their Aqidah.

An undesirable event occurred, namely the emergence of inter-religious conflicts that could cause division. The Muslim community of Jayapura Regency did not want conflict between religions to happen, where, at that time, the sentiment (rejection) of non-Muslim communities towards the construction of the Al-Aqsa Sentani Mosque.⁵⁰ The Muslim community in Jayapura Regency wants the inter-religious life in Jayapura Regency to be well maintained by associating with them and participating in the activities of non-Muslim holidays. As a district with a high sense of tolerance, It is only natural that people in Jayapura Regency maintain values to establish interfaith harmony continuously. Currently, conditions in Jayapura Regency are peaceful and harmonious. There was a conflict between the tower of the Al-Aqsa mosque, which was considered too towering, triggering a protest by several church youths. This condition can explode again if interfaith harmony is not maintained. The current condition is conducive to declaring the integrity zone by the Minister of Religion of the Republic of Indonesia; there is no more intimidation and provocation. However, it must be maintained to avoid horizontal conflicts with religious backgrounds.

CONCLUSION

The problems faced by the Muslim minority in Jayapura district, Papua, are related to the impurity of dogs and pigs, social interactions with non-Muslims, especially concerning Christmas greetings, the celebration of religious holidays together, and the election of non-Muslim leaders. The solution to the problem is the application of minority jurisprudence, which focuses on four aspects. First, choosing a lighter opinion, in this case, the Hanafi and Maliki madhhabs regarding the impurity of dogs and pigs. It is second, allowing Christmas greetings. Third, participants should be allowed to participate in Christmas celebrations and committees related to the ceremonial, not a ritual event, and fourth, they should be permitted to vote for non-Muslim executive and legislative officials. In general, the practice of fiqh of Muslim minorities in Jayapura Regency finds its relevance to the concept of fiqh Al-Aqalliyat. Several factors encourage Muslim minority communities in Jayapura Regency to implement it because it encourages Muslims to maintain

⁵⁰ Fajar Pratama, "Church in Jayapura Demands Demolition of Mosque, Menag Intervenes," Detik News, accessed 2018, <https://news.detik.com/berita/d-3923779/gereja-di-jayapura-tuntut-demolition-mosque-menag-intervenes>,

religious harmony, and its application is quite significant. However, further comprehensive research is still needed to be carried out related to the problems and practices of the jurisprudence of the Jayapura minority, issues of marriage, inheritance, and the legalization of fatwas or rules that allow implementation of minority fiqh in Jayapura district, Papua.

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