

Implementing Islamic Law in Diaspora Naturalization: A Middle East, Southeast Asia, and West

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Abstract

This study examines the implementation of Islamic law in diaspora naturalization, comparing dynamics across the Middle East, Southeast Asia, and the West. While naturalization has expanded globally due to economic integration, political participation, and security concerns, the role of Islamic law varies regionally. Using a qualitative comparative approach, this research analyzes policies in the three regions, supplemented by a Quantitative Systematic Literature Review (SLR) of Scopus-indexed journals under the PRISMA model. Findings reveal stark contrasts: In the Middle East, Islamic law is central to citizenship, particularly in religion-based status and family law, with deep integration into national legal systems. Southeast Asia adopts a more adaptive approach, prioritizing economic and skill-based naturalization while retaining Islamic principles in marriage and inheritance. Conversely, Western secular frameworks exclude formal recognition of Islamic law in naturalization, though diaspora communities often navigate dual legal realities. The study highlights how regional legal traditions, socio-political contexts, and migration policies shape these disparities. It concludes that Islamic law's influence persists most strongly in the Middle East, remains contextually flexible in Southeast Asia, and operates informally in the West despite systemic secularization. These insights contribute to debates on religion, migration, and legal pluralism in global citizenship regimes.

Abstrak

Penelitian ini mengkaji implementasi hukum Islam dalam naturalisasi diaspora dengan membandingkan dinamika di Timur Tengah, Asia Tenggara, dan Barat. Meskipun naturalisasi telah meluas secara global karena integrasi ekonomi, partisipasi politik, dan pertimbangan keamanan, peran hukum Islam bervariasi secara regional. Menggunakan pendekatan kualitatif komparatif, penelitian ini menganalisis kebijakan di ketiga wilayah, dilengkapi dengan *Systematic Literature Review* (SLR) kuantitatif terhadap jurnal terindeks Scopus menggunakan model PRISMA. Temuan mengungkap kontras yang tajam. Di Timur Tengah, hukum Islam menjadi sentral dalam kewarganegaraan, terutama menyangkut status berbasis agama dan hukum keluarga, dengan integrasi mendalam ke dalam sistem hukum nasional. Asia Tenggara mengadopsi pendekatan lebih adaptif, mengutamakan naturalisasi berbasis ekonomi dan keterampilan sambil mempertahankan prinsip Islam dalam perkawinan dan warisan. Sebaliknya, kerangka sekuler Barat tidak mengakui hukum Islam secara formal dalam naturalisasi, meskipun komunitas diaspora sering menghadapi realitas hukum ganda. Studi ini menyoroti bagaimana tradisi hukum regional, konteks sosio-politik, dan kebijakan migrasi membentuk disparitas ini. Disimpulkan bahwa pengaruh hukum Islam paling kuat di Timur Tengah, tetap fleksibel secara kontekstual di Asia Tenggara, dan beroperasi secara informal di Barat meski ada sekularisasi sistemik. Temuan ini berkontribusi pada debat tentang agama, migrasi, dan pluralisme hukum dalam rezim kewarganegaraan global.

Keywords:

Islamic law; Naturalization; Middle East; Southeast Asia; West

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Introduction

Diaspora naturalization has become a widespread phenomenon in recent decades, driven by several factors, including economic and social integration (Chrysostome, 2014), political participation (Abdali, 2022), security, stability, immigration policies, education, and global mobility (Sahoo & Pattanaik, 2014), changes in international legal status, labor demand (Sahoo & Pattanaik, 2014) and emotional and identity aspects (Prasad, 2020). Immigrants often face significant economic disparities. For example, a longitudinal study conducted by Godin in Montreal shows that wage and job mobility for immigrants from East Asia, North Africa, and the Middle East remains stagnant, with many struggling to maintain positions in the labor market (Godin, 2008). Similarly, Elyakim Kuslev, a modern social scientist, reports that Sub-Saharan African immigrants in the U.S., despite having high levels of education, often suffer economically (Kislev, 2020). Zuqin Feng also highlights the challenges diasporas face internationally in the *Journal of Intercultural Studies*. Research on Chinese immigrants shows they heavily rely on Guanxi networks, including strong and weak ties, to navigate their new environments. However, these networks are often insufficient to fully support their integration, revealing a lack of alternative social capital (Feng & Patulny, 2023). The above cases further underline the complex and diverse experiences of immigrant diasporas in Western countries, emphasizing the need for a careful and comprehensive approach to support the integration and well-being of diasporas.

Naturalization in Indonesia has become increasingly popular, particularly with the rise of naturalized football players. This has sparked skepticism and raised questions about national identity, citizenship, and representation in sports. Indonesia's approach to naturalization and citizenship for its diaspora is shaped by its single citizenship policy, as stipulated in Law No. 12 of 2006, which does not recognize dual citizenship except for children (Effendi, 2022). This policy contrasts with countries like the Philippines and Vietnam, which have more inclusive diaspora policies, including dual citizenship (Effendi, 2022). Indonesia maintains its single citizenship policy, which limits its diaspora's ability to hold dual citizenship. This policy is rooted in historical and constitutional identity aspects. To address the diaspora's demands for dual citizenship, a "semi-dual citizenship" scheme has been proposed. This scheme would grant certain legal rights and immigration privileges without full political rights, aiming to maintain social ties with Indonesia. Indonesia views its diaspora primarily as development partners rather than an integral part of its national identity, influencing its more restrictive citizenship policies. The legal framework provides some protections for the diaspora. However, the issue of rejection (denial of citizenship from other countries) is a complex matter that requires careful consideration of national values and democratic culture (Uyun et al., 2018).

The naturalization process in Indonesia is governed by Law No. 12 of 2006 on Citizenship, which outlines the requirements and procedures for foreign nationals to become Indonesian citizens. However, there are constitutional issues regarding naturalization approval, as Article 26(1) of the 1945 Constitution mandates that this must be determined by law, while Article 13(1) of Law No. 12 of 2006 states that citizenship is granted through a presidential decree (Bimasakti, 2023). The law also regulates special naturalization, particularly for athletes, raising concerns about its implementation and purpose. Naturalization affects property ownership rights, requiring naturalized citizens to relinquish ownership of certain properties within one year (Samsaimun, 2019). The government aims to simplify regulations through the Omnibus Law concept to address overlapping laws and facilitate investment.

The implementation of Islamic law in diaspora naturalization reveals a complex interplay between religious norms and modern citizenship frameworks. Existing studies often treat Islamic law and secular naturalization as mutually exclusive, overlooking their dynamic interactions. In the Middle East, Islamic law remains central to citizenship policies, particularly in religion-based status and family law, though economic pragmatism is increasingly shaping reforms (e.g., UAE's Golden Visa) (Kuran, 2005; Shebaita, 2024; Wahyuni, 2022). Southeast Asia adopts a hybrid approach, blending Islamic principles with skill-based naturalization (e.g., Malaysia's economic desirability criteria) (Anand et al., 2024; Lohlker, 2021; Steiner, 2018), while Western secular systems selectively accommodate Islamic practices (e.g., mahr recognition in EU courts) (Fournier, 2009). However, research remains fragmented, with a Eurocentric bias marginalizing non-Western adaptations and failing to capture how Islamic law evolves within migration governance. This study breaks new ground by systematically comparing how Islamic law shapes naturalization across three regions, challenging the secular-religious binary. It introduces the concept of "Islamic legal ecosystems"—where faith-based norms adapt to state priorities—and exposes contradictions (e.g., stricter religious criteria in the Middle East vs. informal pluralism in the West) (Shah, 2016). Methodologically, it combines quantitative SLR (Scopus) with policy analysis to reveal underexplored trends, such as the dominance of family law themes in Middle Eastern naturalization debates versus economic-focused discourse in Southeast Asia. Crucially, it demonstrates that Islamic law is not a barrier but a negotiated space in diaspora integration, urging policymakers to rethink its role beyond rigid binaries (Rudnycky, 2022; Shatzmiller, 2022).

This study aims to explore how Islamic law is applied in the context of naturalization across different regions, focusing on Western countries, the Middle East, and Southeast Asia. It seeks to examine the similarities and differences in the interpretation and implementation of Islamic principles within naturalization policies in these regions. Furthermore, the research will investigate the various factors that shape and influence these policies, such as religion, political frameworks, and societal values. Finally, the study aims to assess the broader social and political implications that arise from incorporating Islamic law into the naturalization process, particularly in terms of its impact on migrants and minority communities within each regional context.

Method

This study employs a qualitative approach with a comparative methodology to examine naturalization policies under Islamic law across three regions—the Middle East, Southeast Asia, and Western countries. The research aims to systematically analyze differences and similarities in these policies' legal frameworks, implementation, and outcomes. Utilizing the Systematic Literature Review (SLR) framework (Karatas & Dalgic, 2020), the study seeks to transparently identify, screen, and synthesize relevant scholarly works while minimizing bias in evidence collection. A total of 36 journal articles from the SCOPUS database were reviewed, following the PRISMA model. Thematic coding was employed to identify key themes related to naturalization and Islamic law. These findings were then used to inform the qualitative comparative analysis, guiding the selection of case studies and the comparison of legal frameworks across regions. Additionally, secondary data from citizenship laws, academic publications, and international reports are analyzed to provide a comprehensive understanding of the subject. The findings aim to contribute to policy discussions and theoretical debates on naturalization in Islamic and secular legal contexts.

Comparison of the Application of Islamic Law in Naturalization Policies: A Contextual Analysis in the West, the Middle East, and Southeast Asia

Naturalization policies for diasporas in the West, the Middle East, and Southeast Asia exhibit fundamental differences in basic principles, requirements, and the rights granted to the diaspora. In Western countries, naturalization policies are often based on the principle of *jus soli* (right of the soil), which grants citizenship based on birthplace, as opposed to *jus sanguinis* (right of blood), where the nationality of one's parents determines citizenship (Balta & Altan-Olcay, 2016). Balta reports that *jus soli* are applied significantly in the United States, allowing children born in U.S. territory to acquire citizenship automatically. Upper-class groups from other countries, such as Turkey, have often utilized this to secure citizenship for their children (Balta & Altan-Olcay, 2016). In Italy, despite debates and reforms surrounding *jus soli* provisions in Italian Citizenship Law, it reflects broader trends of citizenship law adaptations in Europe aimed at addressing immigration and integration challenges (Tintori, 2018; Zada, 2021).

In contrast, the Dominican Republic, though not a Western country, has abandoned the *jus soli* principle and retroactively revoked citizenship based on birth, significantly affecting those of Haitian descent (Lyon, 2024). Studies show that *jus soli* regimes are generally associated with higher naturalization rates and a more inclusive definition of the national community than *jus sanguinis* regimes (Janoski, 2010). Furthermore, *jus soli* laws can contribute to political stability and social solidarity, as seen in the U.S., where it supports redistributive policies by integrating immigrant children into the political system (Ortega, 2010). Thus, *jus soli* remains an essential principle in Western countries, though its application varies and reflects complex socio-political dynamics.

In the Middle East, citizenship policies are generally based on the principle of *jus sanguinis* (right of blood), where citizenship is granted based on descent rather than place of birth. This approach is evident in several countries in the region. In Israel, as a Jewish state, citizenship laws are heavily influenced by *jus sanguinis* (Friedlander, 2010). The Law of Return (1950) — a foundational Israeli law that allows any person of Jewish descent, or those who convert to Judaism, to immigrate to Israel and obtain citizenship automatically — illustrates this principle. Meanwhile, non-Jews face significant barriers to obtaining citizenship. This policy aims to maintain a Jewish majority and preserve the Jewish identity of the state (Friedlander, 2010). This general trend is also seen in many other Middle Eastern countries, where the *jus sanguinis* principle is a common feature of their citizenship laws, emphasizing lineage and origin (Azizi et al., 2012). These approaches can be discriminatory or non-discriminatory, conditional or absolute, depending on the specific legal framework of each country. These policies reflect broader trends in the Middle East, where maintaining national identity and demographic composition is a top priority. The reliance on *jus sanguinis* ensures that citizenship is closely tied to ethnic and national heritage, often excluding those without the appropriate lineage from becoming citizens (Azizi et al., 2012).

In Southeast Asia, several countries adopt a mixed approach to citizenship, combining elements of *jus soli* (right of the soil) and *jus sanguinis* (right of blood). This means citizenship can be acquired through birth within the country's territory or through descent from citizen parents. The Association of Southeast Asian Nations (ASEAN) is developing an informal and unconventional citizenship regime as part of its community-building efforts (Weinrich, 2021). This regime is shaped by policies related to rights, access, membership, and responsibilities, although it has not yet been fully formalized (Weinrich, 2021). In countries like Malaysia and

Singapore, naturalization regimes have historically been influenced by the appeal of migrants based on their economic contributions. Skilled professionals are often prioritized over low-skilled workers and marriage migrants, reflecting a hierarchy of desirability (Lynn-Ee Ho, 2008). The dynamics of transnational families, particularly in Singapore, highlight the complex interactions between family logic and citizenship regulations (Lynn-Ee Ho, 2008). These regulations affect how citizenship is practiced and negotiated within families, especially for marriage migrants. Efforts to integrate citizenship education in ASEAN aim to build regional identity and support social and economic goals. This educational framework is part of a broader strategy to establish the ASEAN community (Kennedy & Brunold, 2015; Nurhayati et al., 2024):

Table 1.

Comparative study of naturalization policies in the West, Middle East, and Southeast Asia

Aspect	Western	Middle East	Southeast Asia
Main Principles	<i>Jus soli</i> (rights based on place of birth)	<i>Jus sanguinis</i> (rights based on descent)	Mixture of <i>jus soli</i> and <i>jus sanguine</i>
Convenience for Diaspora	Diaspora can apply with the standard process	Stringent policies, little recognition for diaspora	The diaspora is recognized in some countries, but the process is not always easy.
Recognition of Dual Citizenship	Allowed in some countries	Generally, not recognized	Some countries allow it, but many prohibit it
Naturalization for Diaspora	The process is easier for the diaspora, especially direct descendants.	Generally not permitted, except in special cases.	The process can be easier, depending on the country's policy.
Special Rules (E.g., Athletes, Workers)	Sometimes, there are exceptions for talented or accomplished individuals.	There are limited exceptions for workers or athletes.	Some countries provide special naturalization for experts and athletes.
Political Rights After Naturalization	Full, including the right to vote and hold public office	Very limited, even after naturalization	Most countries grant full rights, but there are restrictions on some government positions.
Common Challenges	Bureaucratic processes and strict tests	The process is rigorous and exclusive	Lengthy procedures and overlapping regulations

The application of Islamic law in the context of naturalization reveals various similarities and differences across Western countries, the Middle East, and Southeast Asia. The similarities lie in the persistent influence of Islamic law, albeit in different forms. In the Middle East and Southeast Asia, Islamic law is often integrated into the national legal systems (Baderin, 2017; Zada, 2023), while in Western countries, it is more commonly applied within minority Muslim communities and adapted to the dominant secular law (Black et al., 2013). Islamic law also exhibits dynamics and adaptations to local social and cultural conditions. For

example, in Southeast Asia, Islamic family law has been adjusted to contemporary needs to meet the demands of modern society (Nasohah, 2024).

On the other hand, there are significant differences in applying laws related to naturalization. In Western countries, Islamic law is applied in a limited and minority context. In contrast, it is more deeply integrated in the Middle East and exerts considerable influence on the national legal system (Nasohah, 2024). The criteria for naturalization also vary. In Western countries, naturalization is more secular-based (Black et al., 2013), while in the Middle East, it is often linked to family and religious law (Darden & Hassan, 2024). In Southeast Asia, such as Malaysia and Singapore, naturalization focuses more on economic and skill criteria, with less emphasis on the social or religious contributions of migrants (Low, 2021). The following comparison table clarifies these similarities and differences:

Table 2.
Comparative study of naturalization policies in the West, Middle East, and Southeast Asia

Aspect	Western	Middle East	Southeast Asia
The Influence of Islamic Law	Minorities, adaptation to secular law	Integrated into the country's legal system	Integrated, adaptable to local conditions
Naturalization Criteria	Based on secular law	Based on family and religious law	Based on economy and skills

Thus, despite similarities in the influence and adaptation of Islamic law, differences in the approach and criteria for naturalization in Western, Middle Eastern, and Southeast Asian countries remain significant. For more clarity, this explanation can be seen in the diagram below:

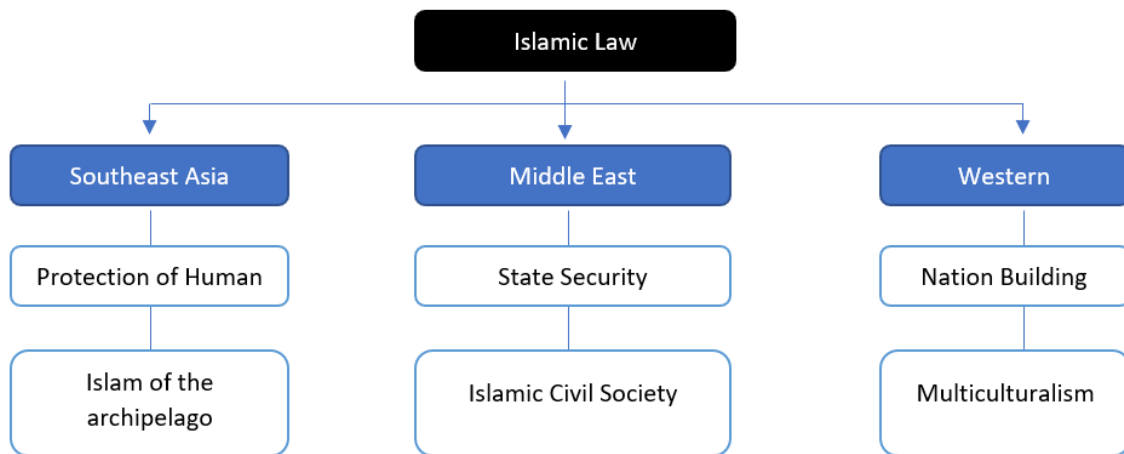


Figure 1.
Naturalization Policy in Southeast Asia, the Middle East, and the West

Determinant Factors in the Formation of Naturalization Policy: Interaction of Religion, Politics, and Social

The formation of naturalization policies is influenced by the complex interplay of religious, political, and social factors across various regions, such as the West, the Middle East, and Southeast Asia. The influence of religion plays a crucial role, especially in Southeast Asia, where religion significantly impacts identity politics. Religion is often utilized for political

mobilization to assert power by majority groups and resist the dominant ruling groups (Mukrimin, 2023). The connection between religion and politics is much deeper in the Middle East, with national identity and political culture heavily influenced by religious ideology. This illustrates how religion becomes integral to the region's policy construction and public life (Lee, 2018). From a political context, Western democracies show variations in the relationship between religion and the state. The United States has a clear separation between religion and the state, influencing a more secular naturalization policy (Fox & Sandler, 2005). However, in other Western democracies, some connections between government and religion still exist, which can influence policies. For instance, in France, a political orientation leaning toward anti-immigrant sentiments significantly affects naturalization behavior, particularly among Muslim immigrants who often feel marginalized in social and political life (Carrillo, 2015).

Social dynamics are also crucial factors in shaping naturalization policies. In Southeast Asia, cultural diversity and historical experiences play essential roles in identity politics, potentially leading to empowerment or conflict among ethnic and religious groups (Mukrimin, 2023). Additionally, the resurgence of East and Southeast Asian religious practices, influenced by post-colonial secularism and neoliberal discipline, contributes to shaping the social and political landscape and policies related to immigration and citizenship (Hefner, 2010). Lastly, security concerns are also significant factors in decision-making regarding naturalization policies. In Southeast Asia, governments often perceive religious issues as potential security threats, leading to more cautious and stringent decisions regarding naturalization and citizenship policies. Overall, the interaction between religion, politics, and social dynamics significantly contributes to shaping naturalization policies across various regions, with each factor impacting the complexity of policy formation.

In the Middle East, the influence of religion is particularly significant in shaping naturalization policies, impacting the socio-political landscape and the integration of various communities. Religious identity serves as a primary driver of immigration patterns, especially in Israel, where Jewish immigration is actively encouraged through policies like the Law of Return, allowing all Jews worldwide to obtain Israeli citizenship. Conversely, in neighboring Arab countries like Jordan and Lebanon, Palestinian refugees face more complex integration challenges, with many not being granted full citizenship, creating distinct social dynamics (Hamalian, 2017). Interfaith relations also play an important role, especially in politics. For example, in Lebanon, the confessionalism-based political system (religion-based quotas) has long underpinned the distribution of power among different religious groups. However, there has been a recent push to abolish confessionalism, aiming to create a more inclusive political system based on individual capacity rather than religion (Sarabiev, 2018). This reflects a shift in the self-perception of religion and political participation.

Oil wealth and regional political dynamics influence religion-related policies in religious freedom and repression. Despite being rich in oil, some Gulf countries, such as the United Arab Emirates and Kuwait, show a higher level of religious freedom compared to countries like Saudi Arabia and Iran, which apply strict interpretations of Islamic law. For example, according to a report from the Pew Research Center, Saudi Arabia is among the countries with the highest restrictions on religious freedom. At the same time, in the United Arab Emirates, there is greater religious freedom for non-Muslim communities (Albertsen & De Soysa, 2018). Religious education and activism also significantly impact the formation of naturalization policies. In Iran, religious education integrated into the national curriculum and the influence of religious activism from groups like Basij have strengthened state control over the naturalization and citizenship processes (Krishna-Hensel, 2016). This contrasts with Gulf countries focusing more on modernizing education with a more secular influence. Furthermore,

religious-based welfare systems are essential in meeting social and economic needs in various countries like Lebanon, Iran, and Turkey. In Iran, Bonyads, or religious charity foundations, play a crucial role in supporting communities, indirectly influencing naturalization policies by offering incentives to certain communities (Jawad & Yakut-Cakar, 2010). In Turkey, religious-based welfare organizations also have a significant impact on helping immigrant and refugee populations, which can subsequently influence integration dynamics and citizenship policies.

Political interactions significantly influence naturalization policies in Southeast Asia through various complex mechanisms. Democratization and national identity are among the main factors. The transition from authoritarian regimes to electoral democracy in this region has opened political space to redefine national identity, impacting naturalization policies. However, the lack of progress toward a fully consolidated democratic regime has hindered consensus on national identity issues, affecting domestic policies, including naturalization (Croissant, 2021). Economic and political stability also play important roles. Strong economic performance typically boosts political support for the government, which can influence naturalization policies to attract skilled labor and maintain economic growth. Conversely, weak economic performance often drives stricter policies to alleviate domestic dissatisfaction (Yap, 2018).

At the regional level, cooperation and policy harmonization through the Association of Southeast Asian Nations (ASEAN) also shape naturalization policies. For example, Thailand's leadership in ASEAN has been key in promoting changes in immigration laws to support economic growth and address statelessness issues (Kampan & Tanielian, 2017). Moreover, decentralization and local governance resulting from the democratization processes in countries such as the Philippines, Indonesia, and Cambodia have compelled central and local governments to innovate in intergovernmental relations. This impacts how naturalization policies are implemented at various levels of government (Turner, 2006). In Singapore, the socio-political dynamics showcase intense debates regarding immigration and naturalization policies. The Singaporean government strives to attract skilled labor while making citizenship more exclusive. This reflects the state's efforts to balance economic goals with social cohesion, demonstrating the socio-political considerations in naturalization policies (Mathew & Soon, 2016).

Socio-Political Implications of Islamic Law-Based Naturalization for Migrants and Minorities in the West, Middle East and Southeast Asia

The socio-political implications of naturalization policies based on Islamic law affect migrants and minorities differently in Western countries, the Middle East, and Southeast Asia. In Western countries, integration challenges are a major issue faced by Muslim immigrants. Military conflicts between Western countries and Muslim-majority nations increase the likelihood of violence and social tension, further complicating the integration process (Bayar & Ertan, 2016). Additionally, although Muslim immigrants gradually assimilate into the culture of the host country, this process remains fraught with challenges. A study shows that despite cultural assimilation, negative perceptions of Islam as the "enemy" post 9/11 exacerbate their social acceptance. Muslim immigrants often face stereotypes linking them to terrorism, making social acceptance difficult (Norris & Inglehart, 2012). In Europe, many countries impose legal restrictions on religious freedom, such as bans on wearing religious symbols in public spaces, to ensure socio-cultural integration. This move reflects the tension between

secular legal frameworks and religious practices (Mesraini et al., 2023; Mesraini & Yunus, 2023; Teterin, 2018).

In the Middle East, refugees from Islamic countries face different challenges. Refugees from Syria, Palestine, and Afghanistan, for example, are often not accepted in Western countries due to the general violence in their home countries. This situation complicates their legal status and makes it difficult for them to obtain protection and social integration in host countries (Juss, 2021). In Southeast Asia, naturalization policies are more economically oriented, prioritizing skilled labor over low-skilled migrants or migrants through marriage. Singapore, for instance, has a highly selective immigration policy focused on skilled labor, aimed at supporting economic growth, while low-skilled migrants often struggle to obtain citizenship (Low, 2021). In India, new amendments to citizenship laws have introduced criteria based on religion, where non-Muslim migrants from neighboring Muslim-majority countries like Pakistan, Bangladesh, and Afghanistan are provided with a fast track to citizenship. This raises concerns about exacerbating the refugee crisis and harming Muslim minorities in the country (Singh, 2022).

Thus, socio-political and economic factors in the West, the Middle East, and Southeast Asia significantly influence naturalization policies for Muslim migrants and minorities, demonstrating the diversity of approaches shaped by legal frameworks, international relations, and domestic priorities in each region. For further details, please see the table below:

Table 3.
Comparative study of Socio-Political Implications of Islamic Law-Based Naturalization for Migrants in the West, Middle East, and Southeast Asia

Aspect	Western	Middle East	Southeast Asia
The Role of Religion in Naturalization	Islamic law is not applied; it is more secular. Religion is not a major factor in naturalization policy.	Islamic law is dominant; citizenship is often linked to religion (Islam).	Islamic law influences policy in Muslim-majority countries but still maintains pluralism.
Implications for Muslim Migrants	Muslim migrants face integration challenges and discrimination related to Islamophobia.	Muslim migrants from Muslim countries are given priority for naturalization, but it remains rigorous.	Muslim migrants tend to have an easier time gaining naturalization in Muslim-majority countries such as Indonesia and Malaysia.
Implications for Non-Muslim Minorities	Non-Muslim minorities face no religious barriers to naturalization, but Muslim immigrants are often the target of political discrimination.	Non-Muslim minorities have difficulty gaining citizenship and are often marginalized socially and politically.	Non-Muslim minorities in Muslim-majority countries face a more complicated naturalization process, although pluralism is maintained.
Political Challenges	Islamophobia and strict immigration policies, especially from right-wing parties.	Authoritarian politics maintain stability by controlling access to	The politics of nationalism and religious identity shape naturalization policies,

		citizenship based on religion.	but they tend to be more pragmatic and focused on social cohesion.
Involvement in National Identity	Muslim migrants are seen as a threat to secular national identity in some Western countries.	The policy strengthens national identity based on Islam and ethnicity by limiting citizenship for minorities.	Naturalization policies aim to balance ethnic and religious pluralism with national identity in countries such as Indonesia and Malaysia.
Post-Naturalization Political Rights	Naturalized Muslim migrants are granted full political rights, but still face discrimination.	Political rights are limited for minorities and migrants, even if naturalized.	Full political rights for those naturalized, but there are restrictions in Muslim-majority countries regarding ethnic and religious identity.
Social Dynamics	Social polarization regarding Muslim immigration and naturalization policies, especially in countries facing large immigrant influxes.	Socio-political is very exclusive, with the marginalization of non-Muslim minorities.	Although religious tensions remain, pluralist societies try to balance socioeconomic interests and national identity.

Dynamics of Diaspora Naturalization: The Perspective of *Wasathiyyah* and *Maqāṣid al-Sharī'ah*

Naturalization, the process of granting citizenship status to non-citizen individuals, has become an important phenomenon in globalization and cross-border migration (Goodman, 2023). In Islamic law, discussions on naturalization are often linked to the concept of *maqāṣid al-sharī'ah*, which refers to the fundamental objectives of sharia to protect five main elements: religion (*dīn*), life (*nafs*), intellect (*‘aql*), lineage (*nasl*), and property (*māl*). Through the perspective of *maqāṣid al-sharī'ah*, naturalization should be understood not only as a legal instrument but also as a means to safeguard and protect the welfare of humanity comprehensively (Raisuni, 1995). Thoughtfully granted naturalization can help individuals secure their fundamental rights, such as protection from persecution and access to education, healthcare, and economic opportunities, all of which fall within the objectives of sharia (Kislev, 2020).

On the other hand, the phenomenon of diaspora naturalization through the lens of religious moderation, which emphasizes inclusive, dialogical, and tolerant approaches (al-Qaraḍāwī, 2009), also plays a significant role in framing the naturalization process. The approach of religious moderation stresses the importance of accepting diversity and bridging differences in beliefs or cultural identities without losing the essence of Islamic teachings themselves (al-Maidānī, 1996). For example, an individual seeking citizenship through naturalization is not solely assessed based on their religious background or ethnic origin but rather on their contributions and commitments to universal humanitarian values. Here, *maqāṣid al-sharī'ah* and religious moderation promote social harmony and broader integration among Muslims and other communities. Studies within the *maqāṣid al-sharī'ah* perspective also

highlight that naturalization can serve as a tool to protect human dignity (*karāmah insāniyyah*), one of the main principles in Islam. By obtaining citizenship status, an individual acquires fundamental rights protected by state law, enabling that individual to play an active role in society. In this regard, naturalization is not merely a legal formality but also a mechanism to shield individuals from discrimination or social injustice that could occur without citizenship status (Bimasakti, 2023). Practically, this recognition of citizenship reflects the values of moderation that appreciate the role of each individual in a broader society.

While naturalization offers many benefits, it also presents complex challenges. On the one hand, naturalization provides individuals the opportunity to obtain legal protection, access to fundamental rights such as education and healthcare, and contribute to their new country's social and economic life (Chrysostome, 2014). It also helps promote cultural diversity and more inclusive integration within society. On the other hand, naturalization can raise challenges related to dual loyalty, potential identity conflicts, and the possibility of increased xenophobic sentiments among native citizens. Additionally, an overly easy or uncontrolled naturalization process can lead to social instability and security issues, particularly if a deep understanding of the norms and values of the new country does not accompany it.

In facing these challenges, the concepts of *wasathiyyah* (moderation) and *maqāṣid al-sharī'ah* can serve as bridges to ensure that Islam can be embraced within a more inclusive state framework. According to al-Qaraḍāwī, *wasathiyyah*, with its principle of moderation, emphasizes the balance between commitment to Islamic teachings and acceptance of cultural and religious diversity in society (al-Qaraḍāwī, 2008). This means that individuals undergoing the naturalization process are not forced to abandon their religious identity but are taught to live harmoniously within the framework of shared values supporting peace and justice. Meanwhile, *maqāṣid al-sharī'ah* provides a theological foundation for flexible and progressive decision-making, aiming to protect fundamental rights and the welfare of each individual. Combining these two approaches can create a social environment where Islam is valued as an adaptive and inclusive religion, capable of building a harmonious society while upholding principles of justice and humanity.

As Alī Jum'ah, former Mufti of Egypt, emphasized, Islam is a religion rich in the essence of compassion and mercy (Jum'ah, 2011). This was exemplified by Prophet Muhammad in his approach to community and state life (Jum'ah, 2008). Thus, the approach of *maqāṣid al-sharī'ah* and religious moderation in the study of naturalization provides a holistic understanding that considers the interests of individuals, society, and the state. Naturalization based on sharia principles and moderation can create an inclusive social environment, where human rights are protected, and opportunities to contribute to social, economic, and political advancement are wide open for everyone. Through this perspective, Islamic law is relevant in religious rituals and in addressing contemporary challenges related to migration and citizenship in this modern era.

Conclusion

This study fundamentally transforms our understanding of Islamic law's role in naturalization processes across three key regions. In the Middle East, Islamic law remains central to citizenship policies, particularly in religion-based status determinations. At the same time, Southeast Asia demonstrates a more adaptive approach that balances sharia principles with economic considerations. Western nations maintain secular frameworks but show limited accommodation through private international law mechanisms. Our findings reveal Islamic

jurisprudence as a dynamic legal ecosystem capable of engaging with modern migration governance, challenging traditional secular-religious dichotomies. The research highlights how Muslim-majority states often implement more pragmatic naturalization policies than their Western counterparts, creatively reinterpreting sharia principles to address contemporary challenges. The study identifies critical needs for policy reform, including standardized Islamic naturalization criteria in Muslim-majority states and alternative dispute resolution mechanisms in Western nations. Future research should employ computational analysis of fatwas and track emerging phenomena like "digital diaspora" and blockchain-based citizenship initiatives. These investigations will illuminate how transnational Muslim communities navigate the complex intersection of religious identity and national belonging in our increasingly digital world, while maintaining the flexibility and adaptability inherent in *maqāṣid al-sharī'ah* principles.

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