



## God and Human Sovereignty in Islamic Political Tradition

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### Abstract

The debate on the concept of political sovereignty leads to the question of whether sovereignty comes from God or humans. It is related to the foundation of state management and has implications for the political system. Islamic political tradition has not an authoritative text that explains sovereignty. This thesis was conducted based on the evidence of Islamic political history which did not present a concept of universal and standard sovereignty. Muslim thinkers proposed some alternative ideas of sovereignty such as nomocratic, theo-democracy, and democracy. The author sees that the sovereignty concept in Islam is discussed as *ijtihad* (intellectual interpretation and judgment) which leads to multiple interpretations in some contemporary Muslim countries show that the sovereignty concept in Islam is dynamic and can be negotiated according to the political needs of the society.

**Keywords:** *political sovereignty, nomocratic, theo-democracy, democracy*

### A. Introduction

The study of the relationship between state and religion in Islam has been a classical discourse, but it seems to be contemporarily actual and academically debatable among Islamic scholars. The attempts to find the bases for the conceptualization of the relationship between state and religion, including the concept of sovereignty, can be easily found in classical literature as well as contemporary ones. The conflict between Islamic and Western civilization in terms of political ideas, such as the concepts of nation-state, nationalism, and sovereignty has led to different responses and debates among Muslim scholars (Azra, 1996: 10).

Sovereignty is one of the essential elements of a state and represents the highest authority to govern the nation (Suryadi, 2007: 35). H.A. Fuad said stated that, the sovereignty of a nation can be originated from God, the nation itself, people, or constitutions. Further, he added that for Muslims, the sovereignty is originally from

Allah since He is the source of all sovereignty on the earth (Said, 2002). According to the discussion of a nation, Taufiq bin Abdul Aziz stated that a nation consists of three elements; people, area, and government (Taufiq, 2004: 49). In Islam, a nation is viewed as an instrument to run *syari'ah* (Al-Ghazali, 1997: 29). Religion cannot be separated from politics and politics should be based on moral values (Lambton, 1974: 404).

According to the development of political thoughts in any civilization, the sovereignty of a nation has been continuously debatable, particularly about its sources. A particular political community (citizens) determine the source of sovereignty based on many variables such as religion, social system, and the degree of their civilization. The discourse of political sovereignty is classical, but it is temporarily debatable and always actual to discuss.

## **B. Debates on Sovereignty Concepts**

The term *sovereignty* has the same meaning as words such as "*soverainette, sovereigniteit, souveryn, superanus, summa potestas, maiestas (majesty)*", in French, German, and Dutch, and derived from Latin. All these words mean the highest authority in a state. In the Indonesian language, this term is equivalent to *kedaulatan*, which is adopted from Arabic *daulat* or *dulatan*, meaning a turn or a rotation. The word "*dulatan*" or "*daulah*" was found Quran [3]: 140 in the word "*nudawiluha*" and in Quran [59]: 7 was found the word "*duulatan*." The first contains political meaning, while the second refers to the economy.

In Western political discourse, the concept of sovereignty was firstly popularized by Jean Bodin in the 16<sup>th</sup> century, whereas the term nation was introduced by Nichollo Machiavelli (1469-1527). Jean Bodin stated that sovereignty has three basic elements. First, it is the highest and original authority meaning that there is no higher authority or another source of authority. Second, it is absolute and complete, meaning that sovereignty has no limit and there is no authority that limits its existence.

Another Western scholar, J.J. Rousseau, stated that the concept of sovereignty is based on the common will of the people and actualized in constitutions. Based on his statement, further J.J. Rousseau stated that the concept of sovereignty has four characteristics. The first characteristic is *the unity* which means that people's spirit and desire, in general, is one single unit that has the right to govern or reject to be governed. The second characteristic is *indivisibility*, which means that since people are unity, a state should also be a unit that cannot be divided. The third is *inalienability*, which means that it is people who possess the sovereignty so that they hold the highest authority since the sovereignty cannot be handed to others. The fourth is the *imprescriptibility*. This means that sovereignty belongs to every citizen as a unity because it is inherited from their ancestors and as a result, it is permanent and does not change.

The next stage of its development was the correction and criticism of this relatively permanent concept of sovereignty given by later scholars, such as Montesquieu (1689-1755). Montesquieu suggested that the concept of united and

undivided sovereignty was mere mythology. To assure that the process of democracy is actualized, the sovereignty must be divided into some authorities which control and balance one another. Further, he stated that state power should be divided into three elements, which he called *trias politica*; legislative, executive, and judicative (Jimly, 1995: 9).

Among Muslims scholars, there are some different interpretations of the concepts of sovereignty. The first group of scholars tends to view sovereignty as a concept of law authority (nomocracy), while the second group of scholars tends to emphasize on Islamic concept about a divine-democracy state. Muhammad Muslehuddin, for instance, has a different view from Western scholars, who stated that sovereignty is held by people. He suggests that in Islam, sovereignty belongs to God. He stated that “*a nation ruled by divine laws which precede it and to whose dictates it has ideally to conform*” (Muslehuddin, 1977: 57). Whereas Al-Maududi prefers to refer to the term divine democracy, often called *theo- democracy*, as a foundation of a state and represents its sovereignty (Jimly, 1995: 17).

Those who stated that Islamic nation applies a nomocratic system build their statement on juridical arguments of a philosophical basis. In the philosophy of Islamic law, the law has already existed before a state is built and it is ruled by the law originated from Allah. People build a country just to actualize God’s laws (Al-Mawardi, 2002: 5). Based on this point, Abdul Karim Zaidan stated that a state in the Islamic concept is nomocratic. However, to carry out state functions in a more operational stage, the discussion among community members must be applied.

Another scholar, such as Ibnu Sina, built a theory of people sovereignty although many scholars rejected it. In his opinion, the election of a state leader can be done in two different ways, namely through appointment by previous *khalifah* (state leader) or elected by certain people who are elected by people. In conclusion, the theoretical differences in the concept of sovereignty represent a heritage of the Islamic world in which its existence depends on whether the theories are acknowledged in the history of Islamic politics or not. In other words, the theories will be examined through historical periods, whether they can exist and be institutionalized in political practices of Muslims or not.

Ibn Khaldun stated that mapping the concept of sovereignty in Islam is complicated because the search for the concepts requires dynamic dialogues between cultural values and revelation, between racially (*aṣābiyyah*) social justice and justice of God. In his opinion, there are at least four models of the state which influence the concepts of sovereignty existing in the history of human politics (Black, 2006: 324).

*First*, natural sovereignty (*siyasah thabi'iyat*), that is sovereignty which emerges due to group sentiment. The sovereignty in such a state is really organized and its main goal is to save the leaders’ interests. As a result, this kind of state will lead to tyranny and cruel regime, which will no longer exist because people will rebel. *Second*, sovereignty based on rationality (*siyasat 'aqliyyat*), that is a kind of sovereignty designed by intelligent and just people who intend to achieve welfare for all the members of the society. According to Ibnu Khaldun, however, this kind of sovereignty will fall into hedonistic orientation. *Third*, sovereignty described by

philosophists as an ideal state (*Madīna al-Munawwarah*), that is a type of sovereignty that totally lies on its people; even the people can rule themselves without any single authority. In Western political tradition, this kind of sovereignty is shown in Plato's idea about republic state, and in Islam it is shown in al-Farabi's the idea about *Madīna al-Munawwarah*. Meanwhile, Ibn Khaldun stated that this model of state sovereignty is impossible to be realized since it is just a hypothesis or theory. *Fourth*, sovereignty originated from God (*siyasaḥ al-dīniyya*). Lawmaker in this type of state is God and it is taught by a person who gets a revelation. The goals of this kind of state are to achieve virtues in this world and in the hereafter. Ibnu Khaldun stated that it is the state of prophets and his substitutes, called *khalifa*. In such a position, the prophet apparently played his leadership roles both as spiritual and political/ legal authority.

Among Western scholars, the theories of sovereignty were divided into five theories. *The first* is God sovereignty theory, which states that the highest sovereignty belongs only to God and a king as His representative. This theory was developed in the Middle Age, from 5<sup>th</sup> to 15<sup>th</sup> centuries. This theory was introduced by Agustinus, Thomas Aquinas and Marsilius. *The second* is King Sovereignty theory, which states that the highest sovereignty is on a king's hand. This theory was introduced by Dante. *The third* is state sovereignty theory, which states that sovereignty belongs to the state. The scholars who held this theory were Jean Bodin, Thomas Hobbes and Jellinek. *The fourth* is the theory of supreme law, which states that it is a law that has the supremacy in a state. The scholars who supported this theory are Hugo Krabbe and R. Kranenburg. *The fifth* is the theory of people sovereignty, which states that the highest authority belongs to people and the state gets the authority from its people. The scholars who introduced this theory are Locke and Jean Jacques Rousseau (Amiruddin, 2006: 101).

### C. Institutionalization of Sovereignty

The discussion on the concept of political sovereignty in Islam will be closely related to the concept of religion-state relationship. According to al-Ghazali (1058-1111), the pattern of the religion-state relationship is a mutually symbolic pattern. Further, he stated that religion is the foundation, while authority (*sulḥtaḥ*) is its guard. Something without a foundation will fall down while something without guard will be useless. From this explanation, it can be concluded that the religion-state relationship has a complementary nature with an interdependent relationship. Religion plays its role as a source of moral inspiration to build integrity of state organizers' morals while a state functions as an instrument of an authority to support the effectiveness of religion missions. The case of the possession of land as a part of a law of religion will be effective when it is supported by effective political and judicial authorities.

Concerning the function of government as a state organizer, Abi Hasan al-Mawardi stated that governance (*imamah*) is established to continue the prophetic mission (*khilafah al-nubuwwah*) in protecting the religion and organizing social values (Al-Mawardi, 2002: 5). Protecting a state and organizing the world are two

different activities but they have a symbiotic relationship. Both are included in prophetic missions. Al-Mawardi stated that religion has a central position for the source of the legitimacy of political reality (Lambton, 1974: 411). In his other statement, al-Mawardi tried to compromise political reality and political ideals, and made a religion a justification of political policy (Engineer, 1979: 71). A state has some authority to manage the use and possession of the land. The use of regulative authority owned by the state should be realized to build common goodness (*mashalih al-'ammah*), that is the better for all people.

In Islamic history, the institution which functions to give some considerations to an *imam* or *khalifah* (a leader of a state) is known as *ahl al-hal wa al-aqd* or, referring to present term, parliament. The membership of this board included some people having certain qualifications. Al-Mawardi suggested three main requirements for those who will be a member of this board. *First*, he or she has to be a just person (*istiqamah, amanah, dan wara'*). *Second*, he or she must have enough knowledge about this field, so that he/she can understand the existing political reality, especially to be able to understand the candidate of *khalifah* to be elected. *Third*, he or she has to be wise in order to make the right decision (al-Mawardi, 2002: 6).

In relation to performing the functions of a state, the Islamic world has introduced two different boards, namely *hai'at al-tasyri'iyat*, a board which makes acts or regulations (legislative board) and *hai'at al-tanfidziyah*, a board which actualizes the acts and regulations (executive board).

In the early period of Islamic order, both in the period of the Prophet and *Khulafa al-rasyidin*, there were some closed mates who had some positions in a considerate board and they gave some considerations for an *imam* to make a decision. The member of the board consisted of mates (*Sahabat*) and tribe leaders and they were called *Majelis Sahabat* or *Majelis Syuyukh*". In Islamic history, there was some information about the members of *Majelis Sahabat* in the period of the prophet as well as in the period of *khulafa al-rasyidin*, such as:

1. In the period of the prophet, *Majelis Sahabat* contained 14 members, 7 of them were from Muhajirin and 7 others were from Anshar. Some of them were: Hamzah, Ja'far, Abu Bakar, Umar ibn Khattab, Ali ibn Abi Thalib, Ibn Mas'sud, Sulaiman, Amru, Khudzaifah, Abu Dzar, Miqdad and Bilal. In the period of Abu Bakar anggotahe some of the members of *Majelis sahabat* are: Umar ibn Khattab, Utsman ibn 'Affan, Ali ibn Abi Thalib, Abdurrahman ibn 'Auf, Muadz ibn Jabal, Ubay ibn Ka'ab dan Zaid ibn Tsabit.
2. In the period of *khalifah* Abu Bakar, the members of *Majelis Sahabat* were: Umar ibn Khattab, Utsman ibn 'Affan, Ali ibn Abi Thalib, Abdurrahman ibn 'Auf, Muadz ibn Jabal, Ubay ibn Ka'ab dan Zaid ibn Tsabit.
3. In the period of *khalifah* Umar ibn Khattab, the members of *Majelis Sahabat* were Abbas ibn Abdul Muthalib, Abdullah ibn Abbas, Utsman ibn 'Affan, Abdurrahman ibn 'Auf, Ali Ibn Abi Thalib, etc. Among the members of the board, one who always accompanied *khalifah* was adalah Abdullah ibn Abbas.

4. In the period of *khalifah* Utsman and Ali, there weren't any historical names since the members of *majelis* had no more fame than the *khalifah* (Said, 2002: 92).

Some Western scholars made some analysis of Islamic states and their relation to the sources of sovereignty. One of the analyses was from De Santillana who stated that Islam is a state governed by God. It is God that leads the state and manages the people and civil servants, who are called God's servants. De Santillana stated that Islamic state has theocratic form. The other analysis was made by W. Muir who stated that the form and model of Islamic government is totally dictator. Besides the two analyses, there is also an analysis made by D.S Margoliouth who stated that autocratic and despotic governance characterizes the system of governance in Islam and has been accepted for centuries (Rais, 2001: 298). The three analyses above seem to be very tendentious and ignored history because all of them view the concept of Islamic theocracy similar to theocracy in the Western tradition, that is Christianity as a state of God. Asshiddiqie gave a relatively clear description of how the concept of Islamic and western theocracy differ in their nature as shown in the figures below.

Figure 1. Western Theocracy Model

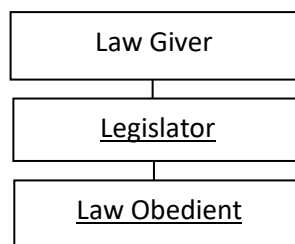
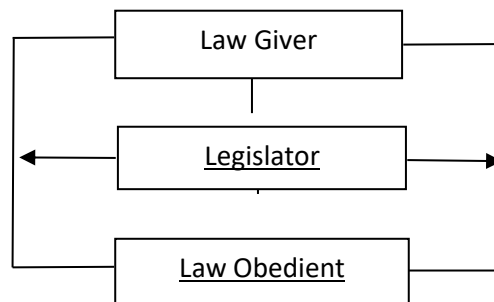


Figure 2. Islamic Theocracy Model



The above two different models are further explained as follows. In model I, the idea of this sovereignty model views God as a *Law Giver* and the authority is held by a state leader who defines laws by the name of God. Conversely, in model II/Islamic theocracy, the sovereignty is interpreted to be actualized in any authorities related to the individual functions of the human being as *khalifatullah fil ardh*. This means that the sovereignty of God is actualized as people's sovereignty which is then given to the leaders of the state they elect as their mandatory, and the leaders elect *ahl al-hal wa al-aqd*.

According to Dhiyauddin Rais, Islamic mode of sovereignty is very specific. He stated that sovereignty does not belong to the leader because Islam neither applies

autocracy system nor takes the source of law from the religious leaders (*ulama*, priest). Islam is not a theocracy, not even theocracy in western terminology. Islam is not merely a constitution because it is not a nomocratic system, or not merely people because Islam does not apply the democratic system in western perspective. Islam considers sovereignty belongs not only to one single holder, but it belongs to two united holders that have interrelationship, and the existence and sustainability of a state depend on these two matters, namely the people and sharia. Both people and sharia hold sovereignty in Islam and are called as Islamic democracy (Rais, 2001: 312).

Some of the theological legitimacy in building legislative institutions as a symbol of sovereignty are explained in the Holy Qur'an as quoted below.

“...and consult with them upon the conduct of affairs. And when thou art resolved, then put thy trust in Allah. Lo! Allah loveth those who put their trust.” (QS. Alī Imrān [3]: 159)

“And if any tidings, whether of safety or fear, come unto them, they noise it abroad, whereas if they had referred it to the messenger and to such of them as are in authority, those among them who are able to think out the matter would have known it. If it had not been for the grace of Allah upon you and His mercy ye would have followed Satan, save a few (of you).” (QS. al-Nisa' [4]: 83)

Based on the above verses, it can be inferred that during the life period of the prophet, there were two legislative authorities, namely the authority of revelation and the authority of *ulil amri*. The authority of God represents in the allowance or disallowance related to rituals, while human authority is related to social matters such as safety, war, policy, administration, etc (Kurzman, 2003: 21).

God's delegating worldly human matters to Muslims and his permitting Muslims to decide what they think will be advantageous to public interest, will help us when we see al-Qur'an al-Maidah verses 101-102, which means:

O ye who believe! Ask not of things which, if they were made unto you, would trouble you; but if ye ask of them when the Qur'an is being revealed, they will be made known unto you. Allah pardoneth this, for Allah is Forgiving, Clement. A folk before you asked (for such disclosures) and then disbelieved therein. (QS. al-Maidah [3]: 101-102)

The prophet built a legislative authority to consider and decide any human problem. There was no specific place for this board. The members met the prophet in a certain place that they chose, or anywhere they were available to discuss certain problems. Mosques and house of the prophet were often used for them to meet.

Seeing the development of contemporary Islam, the institutionalization of the sovereignty concept in a political institution takes different forms among Muslims states. When Khomeini ruled Iran in 1979, he stated, "Islamic governance is governance under God's laws by the name of human". Khomeini prefers a republic

system, a system which is limited by laws representing the interest of people or congregation, as an ideal form of state. The important authority in Iran government was the board called *wilayat al-faqih* (Black, 2006: 600). In the constitution of Iran, in Chapter V madah 57 about leadership and authority from the people, it is stated "The government of Iran Republic consists of *tasyri'iyah* (legislative), *tanfidziyah* (executive) dan *qadha'iyah* (judicative), and their position were under *imam* (the highest leader)'s agreement (Banna, 2006: 322).

Al-Maududi called the legislative board as *majelis al-tasyri'*, whose main duty is determining a consensus about contemporary laws that need a certain interpretation based on Quran and al-Hadith (Banna, 2006: 244). In Indonesia, the implementation of *syura* as a board of people's representation lays in People's Consultative Assembly whose main duty is as legislative and it actualizes the sovereignty of Indonesian people. According to Fazlur Rahman, the concept of *syura* as a symbol of sovereignty needs to be institutionalized in a *legislative assembly* which is aimed at making the performance of legislative other duties easier as a representation of people sovereignty.

#### D. Conclusion

The concept of sovereignty in Islamic political discourse has become a debate which bears various theories. The debate related to sovereignty seems to be important because the concept of sovereignty includes certain areas that are principle to the establishment of a state. The debate also becomes more complicated along with the penetration of Western civilization and political tradition to the Islamic world which tries to introduce new political issues such as the concepts of *nation-state*, *nationalism* and *sovereignty*.

Among Muslims, some scholars build some theories of sovereignty about so by offering a concept like nomocratic state, *theo-democracy*, and people sovereignty (democracy). Eventually, some existing concepts of sovereignty have served as historical experiments in which their effectiveness is highly dependent on the ability of such theories in dealing with the dynamics of history. Institutionalization of the concepts of sovereignty in the context of contemporary Muslim states is dynamic and negotiable in accordance with the different circumstances.

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