

**POWER POLITICS IN THE QURĀN: HIZBUT TAHRIR INDONESIA AND THE  
CONCEPT OF CALIPHATE IN AL-WA'IE BY ROKHMAT S. LABIB**

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**Abstract:**

*Power politics* is a sovereign entity that aims to protect the interests of individuals and groups. The disharmony of Islamic politics triggered by stigma, discrimination, and persecution of the authorities against the people causes radicalism and intolerance of the concept of the state. Hizbut Tahrir, with textual interpretation dominantly intervened by ideological reasoning, produced controversial sectarian revivalist thoughts, far from the universal message of the verse and its *maqāṣidī* meaning. This study examines the concept of power politics in the *Quran* through the theological analysis of the *khilāfah* in al-Wa'ie. The method used in this study includes a descriptive-qualitative analysis of *mauḍū'ī* interpretation through a context and content approach. This study concludes that the power politics of scripturalist, textualist, and fundamentalist interpretations in al-Wa'ie is far from authoritative (*mu'tabar*) scholars' thoughts or interpreted by jumping to conclusions, such as in solving *al-Baqarah* [2]: 30, *al-Nisā'* [4]: 59, and *al-Mā'idah* [5]: 49. The verses of the power politics clearly state that the *khilāfah* is an institution of civilization within state sovereignty, not a political conception that is taken for granted that negates Islam or a modern Islamic government system that substantially contains the principles of *siyāsah* and *maqāṣid al-syāri'ah*.

**Keywords:** *Hizbut Tahrir, Khilāfah, Power Politics, the Quran Interpretation, Theological*

### Abstrak:

Politik kekuasaan merupakan entitas kedaulatan yang bertujuan melindungi kepentingan individu dan kelompok. Disharmoni politik Islam kerap dipicu oleh stigma, diskriminasi dan persekusi penguasa terhadap rakyat hingga menyebabkan radikalisme dan intoleran terhadap konsep negara bangsa. Hizbut Tahrir dengan penafsiran tekstual didominasi intervensi nalar ideologis, melahirkan pemikiran revivalis sektarian yang penuh kontroversial jauh dari pesan universal ayat dan makna *maqāṣidi*-nya. Penelitian ini bertujuan mengkaji konsep politik kekuasaan dalam perspektif Al-Qur'an melalui analisis teologis *khilāfah* dalam tafsir Al-Wa'ie. Metode yang dilakukan dalam penelitian ini meliputi analisis deskriptif kualitatif *tafsir mauḍū'ī* melalui pendekatan konteks dan konten. Penelitian ini menyimpulkan bahwa penafsiran politik kekuasaan (*khilāfah*) dalam tafsir Al-Wa'ie penafsiran skripturalis, tekstualis, dan fundamentalis jauh dari pemahan mayoritas ulama yang otoritatif (*mu'tabar*) atau ditafsiri secara *jumping conclusion*, seperti Qs. *al-Baqarah* [2]: 30, Qs. *al-Nisā'* [4]: 59, dan *al-Mā'idah* [5]: 49. Ayat-ayat politik kekuasaan ini secara jelas bahwa *khilāfah* merupakan institusi peradaban dalam bingkai kedaulatan negara, bukan konsepsi politik yang *taken for granted* yang menegasikan keislaman atau sistem pemerintahan Islam modern yang secara substansi memuat prinsip-prinsip *siyāṣah* dan *maqāṣid al-syarī'ah*.

**Kata kunci:** Hizbut Tahrir, *Khilāfah*, *Politik Kekuasaan*, *Tafsir Al-Quran*, *Teologis*

### Introduction

The Quran is a divine revelation and a guide for human life, and its content is full of meanings and miracles that are relevant to every time and place or "*ṣālih li kull zamān wa makān*."<sup>1</sup> The existence of the Quran as *hudan* and *furqān* has attracted commentators (*mufassir*) to study the message of revelation textually and contextually to reveal the meaning and purpose of the Quran (*maqāṣid*). The interpretation of the Quran related to the verses of the politics of power (*khilāfah*) is commonly understood rigidly, tendentiously, partially, and dominantly intervening the interpreter's substantive-infiltrative reasoning through objective and subjective approaches. Fundamentalist interpretation cannot be understood only based on religious texts, but external factors cause dogma's internalization, such as social, economic, and political structures. The objectivist view reacts to religious texts providing social legitimacy and political legality. At the same time, the subjectivist idea puts people on subjects who actively expose themselves to external conditions.<sup>2</sup>

<sup>1</sup> Abdul Mustaqim, *Pergeseran Epistemologi Tafsir* (Yogyakarta: Pustaka Pelajar, 2008).

<sup>2</sup> Ana Sabhana AZMY, "Fundamentalisme Islam: Telaah Terhadap Pemikiran Politik Hizbut Tahrir Indonesia (HTI)," *Jurnal Wacana Politik*, 2020, 5.

This interpretation causes eternal friction between authoritative interpretation and strict interpretation. In the end, it does not only produce a controversial performance that is far from its *maqāsidī* meaning message but causes the Quran to be used as an object to seek the truth and justification to legalize the political passions from the text. Resistance and pragmatism of interpretation are not existential if the instruments are correctly understood according to the purpose of the verses.<sup>3</sup> The performance of power politics has historically been a trend of progressive Islamic thought which experienced a shift in meaning and role in its development.<sup>4</sup> The interpretation of products produced by the commentators cannot be separated from the background of the living conditions. Even the interpretation results are separated from the nature of the Quranic verse. Tafsir Al-Wa'ie by Rokhmat S Labib tends to have a political interpretation of the nuances of *da'wah* and *harākah* by interpreting the caliphate as an absolute and sacred way because it is seen as a part of religious issues that must be enforced and should not be ignored (*al-malūm min al-dīn bi al-ḍarūrah*).<sup>5</sup>

Reconstruction of Islamic politics is not absolute and regulating precisely the same as the practice of *al-khulafā' al-rasyidū* n's Islamic government and its absolute divides the political area exclusively as *dār al-Islām* and *dār al-kufr*.<sup>6</sup> Likewise, the *khilāfah* should not be understood as a theological necessity that is rigid and seems forced. The *khilāfah* is a historical product and an open sociological experiment to realize the benefits and morality of state life. The absence of authoritative religious texts on the state format emphasizes that the state format is not bound. Even the state practice exemplified by the Prophet and the companions is a historical necessity in responding to the demands of the dynamics of the times.<sup>7</sup>

The *tajdīd* effort to actualize the power of politics has been initiated by traditionalist and modernist Islam figures. The Traditionalists, such as Ibn Jarīr al-Ṭabarī (d. 310 H), presented the concept of a welfare state as a relevant political idea through the *tahfīlī* method based on historical and language elements. Al-Ṭabari argued that the king was the organizer of the welfare of the people and residents of his country, tasked with managing their affairs, closing roads that led to despotic actions, preventing people from doing wrong, and defending the people from transgressing actions.<sup>8</sup> In addition to a-Ṭabarī, Muḥammad al-Zamakhsyarī (d. 538 H), by emphasizing aspects of Arabic literature and supporting Mu'tazilah theology, presented the concept of a moral state. He noted that the existence of the *Imāmah* was to reject

<sup>3</sup> Willy Aditya., "Restorasi Politik Gagasan," <https://mediaindonesia.com/read/detail/271929>, 2019, <https://mediaindonesia.com/opini/271929/restorasi-politik-gagasan.html>.

<sup>4</sup> Abdul Aziz, *Kontroversi Khilāfah* (Yogyakarta: LKiS, 2019). 1-2.

<sup>5</sup> Rokhmat S. Labib, *Tafsir Al-Wa'ie, Tafsir Ayat Pilihan Al-Wa'ie* (Bogor: Al Azhar, Fresh Zone Publishing, 2013).

<sup>6</sup> Mabroer Inwan, "Rekonstruksi Khilafah Dalam Al-Qur'an," *Al-Fanar: Jurnal Ilmu Al-Qur'an Dan Tafsir* 1, no. 1 (2018): 91-106.

<sup>7</sup> Muhammad Majdy KAMIL, M. Ilham; SYATAR, Abdul; AMIRUDDIN, "Caliphate; Is It Theological Inevitability or Sociological Experimentation?," *Jurnal Ushuluddin* 29, no. 1 (2021): 60–70.

<sup>8</sup> Abu Ja'far Muhammad bin Jarīr At-Thabari, *Jāmi' Al-Bayān an Ta'wīl Ayi Al-Qur'an*, 1st ed. (Mesir: Musthafā al-Bāb al-Halabi wa Awlādūhu, 1954).

injustice, become a role model to enjoin good deeds, establish justice and truth, and forbid what is wrong.<sup>9</sup>

In contrast to the two commentators above, Muḥammad al-Qurṭubī (d. 671 H.) and Ismā'īl ibn Kaṣīr (d. 774 H.) as purist Islam figures presented the legalistic ideas with different methods. Al-Qurṭubī presented aspects of Islamic law (*fiqh*) using the rules and understanding of language as well as a comparative analysis of *Imāmah* following the systematic discussion of *fiqh*.<sup>10</sup> While Ibn Kaṣīr wrote his commentary following the al-Ṭabarī method of interpretation by presenting the problem of *Imāmah* such as the analysis of al-Qurṭubī by adding important arguments based on rational arguments,<sup>11</sup> Ibn Kaṣīr has combined two strengths of argumentation in his interpretation which have not done before, the *fiqh* approach and rational arguments. A modernist Islamic figure also presented different thoughts, Muḥammad Abduh (1849-1905), as shown by Muḥammad Rasyīd Riḍā (1865-1935) in Tafsir al-Manār by using a socio-cultural approach which resulting political conception with sociological style. According to him, humans and politics are two inseparable entities in realizing the noble ideals of universal social benefits.<sup>12</sup>

The term political power (*khilāfah*) in Indonesia is still limited to the meaning of sultan or king in the period of Islamization of the kings of the archipelago. However, this term emerged into a political discussion in the public sphere when the Sarekat Islam (SI), led by H.O.S Tjokroaminoto (d. 1934 AD) and Haji Agus Salim (d. 1954 AD), initiated the Indies al-Islām congress nine times (1922-1932 AD).<sup>13</sup> The Islamic political debate began to feel fierce when H.O.S Tjokroaminoto was a figure of Islamic puritanism versus Soekarno. With his Nasakom ideology, Soekarno strongly rejected the *khilāfah* system. He considered it a form of regression and an illusion that was difficult to apply. He argued that religion and the state were two different entities, and there was no consensus that both should unite.<sup>14</sup>

The view of the Nationalist figures above, of course, is contrary to the fundamentalist group of HTI, which argues that the establishment of the *khilāfah* is an obligation as a form of loyalty to faith, worship, and *mu'āmalah* and in line with the *syara'* rule "*mā lā yatimmu al-wājib illā bihi fahuwa wājib*" (Should a duty not be fulfilled except by a matter, that matter becomes a duty).<sup>15</sup> Religion and power have a strong relationship, as evidenced by the character of the Prophet, who united the functions of prophethood and leadership (*nubuwwah wa risālah*), also by the nature of

<sup>9</sup> Mahmud bin Umar Az-Zamakhsyāri, *Al-Kasyāf Al-Haqa'iq Al-Tanzil Wa 'Uyu'ûn Al-Aqwâl Fî Wujûh at-Ta'wil*, 1st ed. (Mesir: Musthafa al-Bâb al-Halabi wa Awlâduh, 1972).

<sup>10</sup> Abû Abdillah Muhammad bin Ahmad Al-Qurthûbi, *Al-Jâmi' Li Ahkâm Al-Qur'an*, 1st ed. (Mesir: Dâr al-Kâtib al-'Arabî, 1967). 263-274.

<sup>11</sup> Abd al-Jabbâr bin Ahmad, *Syarh Ushûl Al-Khamsah* (Kairo: Maktabah al-Wahbah, 1965).

<sup>12</sup> Abdul Hayyi Al-Farmâwi, *Al-Bidâyat Fî Al-Tafsîr Al-Maudhû'i, Dirâsah Manhâjiyyah Maudhû'iyyah* (Mesir: Maktabah Jumhûriyyah, 1977).

<sup>13</sup> Deliar Noer, *Gerakan Modern Islam Di Indonesia 1900-1942* (Jakarta: LP3ES, 1998).

<sup>14</sup> Muhaemin, "Pemikiran Muhammad Natsir Tentang Pertautan Agama Dengan Negara," *Al FIKR Pemikiran Islam, UIN Alauddin, Makassar Sulawesi Selatan* 19, no. 1 (2015): 185.

<sup>15</sup> Labib, *Tafsir Al-Wa'ic, Tafsir Ayat Pilihan Al-Wa'ic*.

the Islamic religion, which is comprehensive in regulating all aspects of life (*al-Māidah*/5: 3 and *al-Naḥl*// 16:89).<sup>16</sup>

The construction of the *Khilāfah* as a political system does not mean that it is the ideal representation area of the state in the power system. Changing the perennial khilāfah into a cultural khilāfah should not impede the tamaddun or civilizational system in the moderation of political Islam. Political accumulation substantially becomes a middle way in realizing human duties as *khalīfah Allah fī al-Arḍ* (God's representative on earth) for the realization of *khilāfah Allah fī al-Arḍ* (God's power on earth). Based on the description above, the author tries to analyze the power politics (*khilāfah*) in the theological perspective of the HTI interpretation with the interpretation of the authoritative scholars.

### HTI's Authoritarian Interpretation of the *Khilāfah* in the Quran

The problem with the power model is purely from the interpretation of the reality of religious movements. From a political and theological perspective, the essence of the caliphate is not a form of power. Still, it lies in the substantive, embodied in general Islamic principles, such as the principle of deliberation, justice, equality, and loyalty. This religiously representative system becomes a system of tamaddun and civilization that can be affirmed in theoretical and practical contexts within the territory of the Unitary State of the Republic of Indonesia.□ The khilāfah's power system that had been recorded in the history of Islam should not be understood as a complete form. It could change with various global forms and formats, as implied in the Medina Charter.□ The *khilāfah* as a system of government can substantially shift to a theo-democratic system, namely a system of government limited by administrative and power areas. Even though upholding religious principles or the spirit of *maqāṣid al-syarī'ah* in power is more important and beneficial than promoting the formation of Islamic law.<sup>17</sup>

Several things underlie the strict interpretation of HTI, which requires an Islamic state system. *Khilāfah* is a religious obligation that must be enforced *kāffah*, and it is a big sin for those who refuse to implement it.<sup>18</sup> The *khilāfah* in Islam is proof of loyalty and obedience to Allah, the Messenger, and *Uḥī al-Amr*. The *khilāfah* system in which the sovereignty of the sharia belongs to God, and only the Caliph has the right to adopt sharia law and establish a constitution. Meanwhile, the democratic system is an ideological system that is not always identical to the truth values of sharia, ethics, justice, and honesty.<sup>19</sup>

<sup>16</sup> Nasrul Syarif, *Bunga Rampai Politik Intelektual Muslim Seputar Syariah Dan Khilāfah* (Yogyakarta: Deepublish, 2016).

<sup>17</sup> Ahmad Atif Ahmad, *The Fatigue of the Sharia* (New York: Palgrave MacMillan, 2012).

<sup>18</sup> Hizbut Tahrir Indonesia, *Manifesto Hizbut Tahrir untuk Indonesia (Indonesia, Khilāfah, dan Penyatuan Kembali Dunia Islam)*, Jakarta: HTI Press, 2009, hal. 67.

<sup>19</sup> Taufiq Muhammad Asy-Syawī, *Syuro Bukan Demokrasi* (Jakarta: Gema Insani Press, 1997).

### Loyalty only to Allah, the Messenger, and Uli al-Amr

According to Rokhmat S. Labib,<sup>20</sup> obedience to Allah, the Messenger, and Uli al-Amr is obligatory (Qs. an-Nisa [4]: 59). This verse explains the pillars of Islamic governance and the obligation to implement Islamic law in the *khilāfah* state. Obedience to *Uli al-amr* is limited to a leader named *khalīfah*, not to a leader who adheres to a democratic system. *Khilāfah* is an inseparable part of Islamic teachings that must be fought for through an Islamic system, not a democratic system. The commandment of obedience necessitates the source of Islamic law as the final solution to the disputes of the ummah. While a democratic system with sovereignty in the hands of the people, the voice of the people is the voice of God, is born from a *kufir* secular ideology.<sup>21</sup>

Loyalty only to the Caliph with the *khilāfah* system is based on the following text:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأَطِيعُوا أُولِي الْأَمْرِ مِنْكُمْ ..... ﴿٥٩﴾

Translation: O you who believe! Obey Allah, and obey the Messenger (Muḥammad) and those of you who are in authority ...." (al-Nisā' [4]: 59)

السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ فِيمَا أَحَبَّ وَكَرِهَ مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ

Translation: A Muslim has to listen to and obey (the order of his ruler) whether he likes it or not, as long as his charges involve not one in disobedience (to Allah), but if an act of disobedience (to Allah) is imposed one should not listen to it or obey it (al-Bukhari from Ibnu Umar RA)

The interpretation of the law and the *khilāfah* above is not appropriate to be understood as the text rationally tends to be solipsistic and subjective. The confusion of interpretation can be seen in the following arguments:

#### Historical Context of Asbabun Nuzûl Ayat.

According to *Imām* al-Suyūṭī,<sup>22</sup> the verse of ulī al-amr (*al-Nisā'* [4]: 59) was revealed regarding the story of Abdullah bin Huzaifah bin Qais bin 'Adiy, who the Prophet delegated to lead the troops of the *sariyah* (war). He was angry when some troops did not follow the orders and obey him. This causality should not be understood partially limited to the meaning of the *khalīfah* through the *khilāfah* system. In *dalālah*, the knowledge of cause produces the effect (reason). The transformation from a special reality to a similar reality must rely on indications of the structure of the text that

<sup>20</sup> Labib, *Tafsir Al-Wa'ie, Tafsir Ayat Pilihan Al-Wa'ie*.

<sup>21</sup> M. Ismail Yusanto, *Khilāfah Jalan Menuju Kaffah*, II (Yogyakarta: Irtikaz, 2016).

<sup>22</sup> Jalāluddin Al-Suyūṭī, *Lubabun Nuqul Fi Asbâbin Nuzûl* (Beirut: Muassasah al-Kutub al-Tsaqafah, 2002).

supports the transformation of *dalālah* from the particular to the universal.<sup>23</sup> Fulfilling the mandate and upholding justice are the obligations of the authority to the people with the implications are not limited to obedience to the *khalīfah*, but also to *al-sultān*, *al-Mālik*, and al-Walī in general. On the other hand, political sanctions are also applied to *Uli al-amr* if they break the sharia rules (lower kufr) (hadith narrated by Muslims). Obedience to *ulī al-amr* is *ijbāriyah*, such as the command of piety and worship, while obedience to infidel authority is *ikhtiyāriyah*.<sup>24</sup>

The obedience to the Messenger is unconditional and has the authority to be obeyed. This obedient commandment is by the commandment in Ali 'Imrān [3]:35, although with a different redaction – without rephrasing the word "aḥī'ū" in the word "al-Rasūl," implies that direct obedience is binding and sourced from God, while repeated obedience orders are addressed to the other than the Messenger. In contrast, obedience to *uli al-amr* is not absolute or conditional as long as it does not disobey Allah and His Messenger "*lā ṭā'ata li makhluq fī ma'ṣiyah al-Khāliq.*" This verse also limits obedience to *uli al-amr* in society, nation, and state life.<sup>25</sup>

The command to obey Allah and His Messenger is contained in ten verses of the Quran, which were revealed after the migration to Medina (*madāniyah* verses). Chronologically, the first five verses are shown in a clause, while the other five verses are ordered to be revealed separately with different clauses. The first and second commands are contained in Ali 'Imrān/3:32 and 132, related to the nature of disbelief and God's grace, respectively. It means that turning away from Allah's commandments implies doubt, and obedience becomes mercy for the believers. The command of obedience related to the characteristics of faith and the prohibition of turning away is also found in al-Anfāl/8:1, 20, and 46.<sup>26</sup> Thus, adherence to Allah and the Messenger becomes a parameter of faith, intuitive factor, unity, and social order in society.<sup>27</sup>

Relating to the verse of the *khalīfah* mentioned in Adam (*al-Baqarah*/2: 30) and the verse of David (*Ṣād*/38: 26), both their historical contexts are without *asbāb al-nuzūl* verse. This shows that both were not revealed because of a special cause but as a warning sign and the glory of the human caliphate. The verse of Adam shows that Allah informs the angels about noble creatures as caliphs on earth to substitute the creatures that have been created before. While the verse of David's appointment as *khalīfah* is a guide in prospering the world and strengthening faith. The position of the two verses is also different. The verse of Adam is classified as Madaniyah verses, while the verse of David is classified as Makiyah verse. Therefore, according to Ibn Jarīr, the interpretation of this verse (إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً), I am going to place a successive

<sup>23</sup> Nashr Hamid Abū Zayd, *Mathūm Al-Nas; Dirāsah Fī Ulūm Al-Qur'an* (Mesir: Haiah al-Mishriyyah al-Āmmah, 1990).

<sup>24</sup> Said Hawa, *Al-Asās Fī Al-Tafsīr*, 2nd ed. (Kairo: Dār al-Salam, 2003).

<sup>25</sup> M. Quraish Shihab, *Tafsīr Al-Misbah, Pesan, Kesan, Dan Keserasian Al-Qur'an* (Jakarta: Lentera Hati, 2011).

<sup>26</sup> Abū al-Fidā' Ismā'īl Ibn Katsīr, *Tafsīr Al-Qur'an Al-Azhīm*, 1st ed. (Singapura: Al-Haramain, n.d.).

<sup>27</sup> Abdul Muin Salim, *Fiqh Siyasah Konsepsi Kekuasaan Politik Dalam Al-Qur'an* (Jakarta: PT Raja Grafindo Persada, 2002).

human authority on earth to represent Me enforce the law fairly among My creatures, punishing with My guidance, namely Adam and whoever follows him in enforcing the guidance of God's revelation truly.<sup>28</sup> Meanwhile, al-Qurṭubī argued that this verse is proof of the obligation to appoint *khalīfah*, such as the appointment of Abu Bakr and Umar after the Prophet passed away through allegiance. In contrast, Muḥammad Ar-Rifa'i argued that humans are not *khalīfah* on earth because either explicitly, implicitly, or the results of inference, there is no evidence from the Quran or Hadiṣ, because Allah says, "I am going to place a successive human authority on earth", according to the majority of *mufasssīrīn*, *khalīfah* Allah is a people who substitute other people period after period and generation after generation.<sup>29</sup>

### The Interpretation Context of "*Uli al-Amr*".

The commentators have different opinions about *uli al-amr*. Some interpret with *umarā'*, *ahl al-'ilm wa al-fiqh*, the companions of the Messenger of Allah, and others are limited to Abu Bakr and Umar.<sup>30</sup> Imām al-Māwardi in his interpretation of *Nukat al-'Uyūn* mentions four opinions of *uli al-amr*. First, *uli al-amr* means *umarā'*, the leader of worldly problems. It is the opinion of Ibn Abbas, as-Suddī, Abū Hurairah, and Ibn Zaid, with differences in the historicity of verse revelation. Imam as-Suddi related to Amr bin Yasir and Khalid bin Walid, while Ibn Abbas related to Abdullah bin Huzaifah as-Samhi when both were delegated to lead the *sirriyah* war. Second, *uli al-amr* is interpreted by '*ulamā'*' and '*fuqahā'*' according to Jabir bin Abdullah, al-Hasan, and Abi al-Aliyah. Third, the opinion of the Mujahid, *Uli al-amr*, is the companion of the Messenger of Allah. Fourth, *Uli al-amr* is Abu Bakr and Umar RA based on Ikrimah's opinion.<sup>31</sup>

The interpretation above is in line with the opinion of al-Jaṣāṣ (d. 981 AD), specifically written in the chapter *Fī Ṭā'ah Uli al-Amr* by quoting the opinion of Jabir bin Abdullah and Ibn Abbas in the transmission of Hasan, Aṭa', and Mujahid who said that *uli al-amr* is *ulū al-fiqh wa al-'ilm* or *umarā'*.<sup>32</sup> Likewise, Al-Qurtubi<sup>33</sup> interpreted *umarā'* and *khulafā'* as general opinions, such as the interpretation of Imams at-Ṭabari, al-Zamakhsyari, al-Alūsī, al-Syaukāni, al-Baiḍawī, and al-Ajilī. While Sa'id Hawa interpreted it as '*ulamā'*' and *umarā'*.<sup>34</sup> It seems he wanted to combine commensurate cooperation between '*ulamā'*' and *umarā'*' in government. The view of leadership as part

<sup>28</sup> Ibnu Katsir, "Tafsir Ibnu Katsir," in *Jilid 1*, n.d., 81.

<sup>29</sup> Muhammad Nasib AL-Rifa'i, "Taisir Al-'Aly Al-Qadir Li Ikhtisar Tafsir Ibnu Katsir," in *Cet Baru* (Riyadh: Maktabah Ma'arif, n.d.), 104-105.

<sup>30</sup> At-Thabari, *Jāmi' Al-Bayān an Ta'wīl Ayi Al-Qur'an*.

<sup>31</sup> Ali Muhammad bin Habib Al-Māwardi, *Tafsir Al-Māwardi Nukat Wa Al-Uyūn*, 1st ed. (Beirut: Dār al-Kutub Ilmiyyah, n.d.).

<sup>32</sup> Abū Bakar Ahmad bin Ali al-Razi Al-Jashshāsh, *Ahkām Al-Qur'an* (Beirut: Dār al-Kutub al-Ilmiyyah, 2003).

<sup>33</sup> Al-Qurthubi, *Jami' Li Ahkam Al-Qur'an*, 3rd ed. (Beirut: Dār al-Kutub Ilmiyyah, 1993).

<sup>34</sup> Said Hawa, *Al-Asās Fī Al-Tafsīr* (Kairo: Dār al-Salam, 1999).

of a religious obligation, religion will not be established without a state. If both are united, then the benefit of human beings will be created perfectly.

Abdul Karim al-Khatib (d. 2008 AD) emphasized that this *uli al-amr* verse has continuity with the previous verse on law and justice. Obedience to *uli al-amr* is not absolute because they are the ones who enforce the benefit of society. If there is a dispute, it must return to the primary sources of the Quran and sunnah. Through his interpretation, the competence and capability of the authorities become the primary consideration even though the religious factor is not abandoned. Rationally, Muḥammad Abduh (d. 1905 AD) also did not limit *uli al-amr* to be a Muslim because *Uli al-amr* conceptually consisted of judges, scholars, and military commanders who provide benefits to the people. Obedience to *ahl al-Ḥall wa al-‘Aqd* in virtue and use is necessary.<sup>35</sup>

Analyzing the various meanings of *ulī al-amr* above is indeed part of a varied and tolerable interpretation (*ikhṭilāf tanawwu*) not contradicting each other (*ikhṭilāf taḍād*). Although some commentators try to narrow the specific meaning to Abū Bakr and 'Umar, there are also those who try to broaden the meaning to '*ulamā'* and *umarā'*, even to leaders in general crossing positions or professions. However, what becomes problematic is when *ulī al-amr* is understood textually and transformed with the meaning of *khalīfah* requires Muslims to enforce Islamic law in totality in the form of a *khalīfah*, not a democratic system. Whereas the requirements for quality, capability, and credibility of the leader mostly must be considered as the hadīṣ said: "*When the power or authority comes in the hands of unfit persons, then wait for the destruction*". (Narrated by Bukhari from Abu Hurairah RA).

### Contradictions to the Practice of the *Khilāfah*

The concept of the *khilāfah* which is only based on the Quran in *al-Nisā'* [4]:59, is quite controversial with the verse of government<sup>36</sup> because this verse indirectly causes three legal provisions in *fiqh siyāsah* and *fiqh* science. First, there is a formulation of Islamic government because the *uli al-amr* is interpreted as the head of government, and it is obliged to obey the leader who follows the law. Second, a leader has the authority to issue fatwas and policies on religion and politics, and it is forbidden to disagree with them even though the product of *ijtihād* is *ẓannī*. Third, a leader has absolute authority, and those who reject the legitimate government are considered separatists and *bugāh*.<sup>37</sup>

The validity of *Uli al-amr* as a legal basis is claimed to come from verses related to decisions and policies in the Quran and hadith. However, the application of the verse impacts the necessity of obeying the leader. It contradicts the obligation to

<sup>35</sup> Abdul Karim Al-Khatib, *Al-Tafsir Al-Qur'an Li Al-Qur'an* (Beirut: Dār al-Fikr al-Arabī, 1999).

<sup>36</sup> Hizbut Tahrir, *Ajhizah Al-Daulah Al-Khilafah Fi Al-Hukm Wa Al-Idarah* (Beirut: Dār al-Ummah, 2005).

<sup>37</sup> Muhammad Mustafa Al-Zuhayli, *Al-Tadaruj Fi Al-Tasyri' Wa Al-Tathbiq Fi Al-Syarī'ah Al-Islāmiyah* (t.t: Idārah al-Buhūts wa al-Isyārat, 2000).

enforce justice and *amr ma'rūf nahī Munkar*, in which there is no obedience to leaders who are disobedient to Allah (Ahmad). Of course, substantially, it triggers conflict in a tyrannical government, not only the '*ulamā'-umarā'* conflict, but even against the government means conducting separatist actions (*bughāh*). On the other hand, people can balance power to achieve good governance. The *uli al-amr* verse is not limited to the context of state leaders. Still, it includes a broad understanding of imām mujtahid and religious leaders who can establish religious laws.

### The Necessity of Establishing *Khilāfah* Government

Establishing a government (Khilāfah) according to HTI is obligatory. HTI's opinion is based on the command in verse of Adam below:

وَإِذْ قَالَ رَبُّكَ لِلْمَلٰٓئِكَةِ اِنِّىْ جَاعِلٌ فِى الْاَرْضِ خٰلِٖفَةً ۗ قَالُوْۤا اَتَجْعَلُ فِىْهَا مَنْ يُّفْسِدُ فِىْهَا  
وَيَسْفِكُ الدِّمَآءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ ۗ قَالَ اِنِّىْۤ اَعْلَمُ مَا لَا تَعْلَمُوْنَ ﴿٣٠﴾

Translation: "And when thy Lord said unto the angels: Lo! I am about to place a ruler on the earth. They said: Wilt thou place one who will harm therein and shed blood, while we hymn Thy praise and sanctify Thee? He said: Surely I know that which ye know not." (Al-Baqarah [2]: 30)

The word "*khālifah*" in the Quran in the form of a *mufrād* (singular) is repeated twice related to the context of the Prophet Adam as. (Adam verse) in Surah Al-Baqarah (2): 30 and verse of David in Surah Sad (38): 26. The Adam verse contains the command to prosper the earth by the broad concept that He has set (macro). Meanwhile, The David verse implies an order to managing a limited area (micro). God as the Giver of the mandate and humans as the executor of the task is ordered to actualize the concept of God in the state's territory.<sup>38</sup> The word *khālifah* shows the meaning of more (*mubālagāh*), which means representative or substitute. The caliphate (*khilāfah*) was formed after the death of the Prophet Muhammad when Abū Bakr was elected as his successor. Abū Bakr, 'Umar, Usmān, is known as the al-khālifah al-Rāsyidūn (correctly guided) in *Sunni* theology. The practices of the *Rasyidūn* era provided a precedent for theories of the last caliphate.<sup>39</sup>

The commentators (*mufassirīn*) agreed that the word *khālifah* in al-Baqarah (2):30 means Adam as. To whom the khālifah Adam is? There are different opinions. Imam Nasafi interprets *khālifah* for the *banū al-Jān* (jinn), for angels, for fellow humans, and Allah on earth to enforce His laws and His statutes.<sup>40</sup> HTI recognizes this last opinion<sup>41</sup> as an essential point in the meaning of *khālifah*, which is meant by the

<sup>38</sup> Ahmad Thib Raya, *Ensiklopedia Al-Qur'an: Kajian Kosakata* (Jakarta: Lentera Hati, 2007).

<sup>39</sup> Peter. ROSE, Nikolas; MILLER, "Political Power beyond the State: Problematics of Government," *In: Foucault and Law. Routledge*, 2017, 191–224.

<sup>40</sup> al-Nasafi, "Madārik A-LTanzil Wal Haqāiq Al-Tawil," in *1* (Beirut: Dar al-Kutub al-Ilmiyyah, 2001), 33.

<sup>41</sup> Labib, *Tafsir Al-Wa'ic, Tafsir Ayat Pilihan Al-Wa'ic*.

Quran referring to the opinion of *Imām al-Bagāwi* (d. 1122 AD), al-Alusi (d. 1854 AD), al-Qinujī (w. 1891 AD), Ibn Juzi al-Kalbi (d. 725 AD), and Syanqīṭī (d. 1972 AD). HTI interprets it as an obligation to enforce the *khilāfah* system with the legal status of *farḍ kifāyah*. The interpretation is problematic because the *khalīfah* is one of the main prerequisites in the *khilāfah* system. However, it is recognized in the book *Ajhizah Daulah al-Khilāfah* that Adam's verse is not mentioned as the primary argument for the *khilāfah* as the representative of God or the previous vice-*khalīfah*.<sup>42</sup>

Imam Al-Qurtbi, as quoted by Imam Ibn Kathir, Al-Baqarah (2): 30, is the basis for the obligation to form a government. This argumentation is issued to stop disputes, decide disputes in the community, prosecute wrongdoers for the rights of those who have been wronged, enforce the law, provide sanctions for those who have been wronged, and solve other significant problems that are impossibly conducted without government.<sup>43</sup> This opinion can be seen from the triangular dialogue among Allah, the angels, and the devil, who questions Allah's prerogative to make Adam a *khalīfah*. This verse is a continuation of the previous verses, which explain the journey of human life globally. This verse of Adam talks about the creation of man and his existence in the world and then assumed by the Angels that humans will always spill blood and cause damage. The word *khalīfah* in verse indicates dispute resolution and law enforcement.<sup>44</sup>

Based on the description above, this verse is purely about the creation of humans as *khalīfah*, not about the government or the *Khilāfah* system. Justifying that the *Khilāfah* system of government is contained in the Quran is false because the government system is *ijtihādiyah siyāsah* area, which is dynamic, not static. It is too naive and romantic if the verses of Adam and David are interpreted as an argument for the obligatory *khilāfah* enforcement. Irrational interpretations are limited to the system, not to the functions and priorities of a just and trustworthy *khalīfah*. The politic of Islam should be understood broadly as a range of legal modern Islamic political movements, from state policies to minimizing ideological conflicts related to Islam as an authoritative position in political life. The politic of Islam must be understood as a legitimate political sphere, not seeing it as a single ideology.<sup>45</sup>

### Obligation to Apply Sharia

The obligation foundation to apply sharia is written in the following two verses of *al-Māidah* [5] verses 48-49:

<sup>42</sup> Taqī al-Dīn Al-Nabhānī, *Al-Dawlah Al-Islāmiyyah* (Beirut: Dār al-Islām, 1994).

<sup>43</sup> Al-Qurthūbi, *Al-Jāmi' Li Ahkām Al-Qur'an*.

<sup>44</sup> Shihab, *Tafsir Al-Misbah, Pesan, Kesan, Dan Keserasian Al-Qur'an*.

<sup>45</sup> Andrew F MARCH, "Political Islam: Theory," *Annual Review of Political Science*, no. 18 (2015): 103–23.

... فَأَحْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَا جَاءَ ..... ﴿٤٨﴾

Translation: "... So judge between them by what Allah has revealed, and follow not their vain desires, diverging away from the truth that has come to you. To each among you, We have prescribed a law and a clear way..." (al-Māidah [5]: 48)

وَأَنْ أَحْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَأَحْذَرَهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنْزَلَ اللَّهُ إِلَيْكَ ..... ﴿٤٩﴾

Translation: "And so judge between them by what Allah has revealed and follow not their vain desires, but beware of them lest they turn you far away from some of that which Allah has sent down to you..." (al-Māidah [5]: 49)

According to Rokhmat<sup>46</sup>, these two verses imply the regulation of totality even though the Prophet had passed away. The command generally applies to choosing a judge with the Quran's guidance. The power of this verse is firm because the object is obligatory. The word *fahkum* in verse indicates that the order is firm (*jazm*) and mandatory. The *hudūd* law and other obligations will not be realized except by the judge, namely *khalīfah* with a government system called *khilāfah* system, based on the fiqh rules "*mā lā yatimmu al-wajib illā bihi fahuwa wājib*" which must be enforced by a judge (*khalīfah*).<sup>47</sup> Abd reinforces this view. Qadim Zallum in *Nizām al-Ḥukm fī al-Islām* by writing a similar verse about the obligation to enforce the law by a judge or *sulṭān*, such as war orders (*al-Tasyrī' al-Ḥarbī*), politics (*al-Tasyrī' al-Siyāsī*), criminal (*al-Tasyrī' al-Jinā'ī*), social (*al-Tasyrī' al-Ijtīmā'ī*), muamalah (*al-Tasyrī' al-Mu'āmalah*) and other similar sharia to those practiced by the Prophet, *al-khulafā' al-rasyidūn*, and the later Islamic leaders. Furthermore, Zallum stated that Islam could be established only with an Islamic government system because Islam is the only institution of power capable of implementing Islamic laws. Institutions of governance are *basyarīyah*, not divine institutions with unique characteristics that are different from any other power system in the world. The institution was named Daulah Islamiyah, headed by a *khalīfah*.<sup>48</sup>

The interpretation above is quite problematic, and there is a transformation of meaning that seems forced, both in terms of meaning and munasabah between verses. First, from the meaning of the verse, the word "*ḥakama*", which has the basic meaning of blocking or controlling, such as *hakamtu al-dābbah manatuhā* or *ḥakamah al-*

<sup>46</sup> Labib, *Tafsir Al-Wa'ic, Tafsir Ayat Pilihan Al-Wa'ic*.

<sup>47</sup> Tahrir, *Ajhzah Al-Daulah Al-Khilafah Fi Al-Hukm Wa Al-Idarah*.

<sup>48</sup> Abdul Qadim Zallum, *Nizham Al-Hukm Fi Al-Islam* (Beirut: Dār al-Ummah, 2002).

*dābbah*, is interpreted as "*khalīfah* and his system of *khilāfah*". The word "*ḥakama*" has a similar meaning to the word "wisdom," which means to prevent stupidity or the judge as an arbiter from the disputes caused by indiscretion (*Sād*/38: 20)<sup>49</sup> The word *ḥākīm* is an attribute of God that is repeated 97 times has the meaning of an expert who decides cases, and there is no doubt in his actions. Then the diversion meaning from the definitive meaning of *ḥākīm* to the meaning of *khalīfah* is an ambiguous and problematic interpretation that seems forced, even though it is related to the verse *bimā anzal Allāh* and *ḍamīr hum* which was previously addressed to *ahl al-kitāb*.<sup>50</sup> Interpreting the judge as *khalīfah* is a constructive sign of the application of Islamic values, not a justification for the obligation of the *khilāfah*. Interpretation transformation is separated from the essence of truth by interpreting Allah's law as a form of government (*khilāfah*). Allah's law can mean the Quran, *sunnah*, *ijmā'* and *qiyās*. Likewise, the form of Islamic political government does not have to be a *khilāfah*.<sup>51</sup> The idea of the caliphate comes from the texts Ibn Taymiyyah doubted and considered as nothing more than an accident, not a representation of life. The Prophet was sent to enforce God's message that social rules must be obeyed. Therefore, the success of the Prophet in politics became an indication of the importance of Islamic leadership.<sup>52</sup> According to Husain Haikal, there is no standard system of government (*nizām ṣābit*) in Islam. Islam only provides a set of values and ethics (*al-mabdi' al-asāsiyah*) as the basic guideline for the principle of monotheism, the focus of sunnatullah, and the direction of equality between humans to regulate human behavior (*suluk*) in life and association with others (*mu'āmalah*). This opinion is also the same as Qamaruddin Khan's concept of the state. Although the word *khilāfah* is found in the Quran, it does not have a political connotation. The absence of the Quran from the concept of *khilāfah* is acknowledged by *khilāfah* activists HTI<sup>53</sup>, who stated that there is no Quranic text that explicitly instructs it. Still, it shows that sharia will only be applied with the establishment of the *daulah*.

Second, from *munāsabah* between verses, the above verse strongly correlates with the verses that talk about the previous Torah and the Bible. This verse is generally valid even though the command is addressed explicitly to the Prophet. According to Ibn Abi Hātim (d. 940 AD), Verse 48 relates to Allah's power to the Prophet to decide the case of the Jews or the scriptures with Allah's law, as well as the

<sup>49</sup> Abu al-Fatah Al-Matharazi, *Al-Mugharabu Fi Tartib Al-Mu'rab* (Mesir: Maktabah al-Tsaqafah al-Diniyah, 2007).

<sup>50</sup> Burhanuddin Abi al-Hasan Ibrahim bin Umar Al-Baqā'i, *Nazmu Al-Durar Fī Tanāsuh Al-Suwar Wa Al-Ayāt* (Kairo: Dār al-Kitāb al-Islāmī, n.d.).

<sup>51</sup> Lufaei Lufaei, "Jumping Conclusion Tafsir: Penyimpangan Ayat-Ayat Khilafah HTI Dalam Kitab Daulah Islamiyyah," *SANGKĒP: Jurnal Kajian Sosial Keagamaan* 2, no. 2 (July 25, 2019): 139–50, <https://doi.org/10.20414/sangkep.v2i2.802>.

<sup>52</sup> Qamaruddin Khan, *The Political Thought of Ibnu Taimiyah* (, Islamabad: Islamic Research Institute, n.d.).

<sup>53</sup> Fahmi Amhar, "Metode Menangkal Pengahncuran Islam," *Dalam Al-Wai'e* 58, no. 5 (2005): 13–14.

prohibition of deciding cases based on lust.<sup>54</sup> This verse was addressed to the Prophet when he faced two groups of Jews in dispute of *zinā* case, denying the punishment based on the Torah. After the revelation of the verse "*faḥkum bainahum bimā anzal Allāh*", the Prophet decided it according to the law in the Torah and hoped that hatred or strife would not encourage injustice.<sup>55</sup>

Verse 48 of *al-Mā'idah* does not nullify the law of verse 42 but as an explanation before a new legal stipulation is revealed. At-Tabari reinforces the basis of this verse that the Prophet is a judge who decides cases according to the law revealed by Allah, not based on lust as assumed by the Jews.<sup>56</sup> Whereas verse 49 is an affirmation (*ta'kīd*) of the previous verse, the command to enforce Allah's law and the prohibition of disputing it. The repetition form of the verse, according to al-Biqā'i, is to make the command as most robust affirmation (*gāyah al-ta'kīd*)<sup>57</sup>. Still, some other commentators disagree with the purpose of the repetition because it was revealed to different objects. Verse 48 was related to the law of *rajam* for *zinā muḥṣān*, while verse 49 was related to blood and *diyāt*.<sup>58</sup>

Verse 49 of *al-Mā'idah* establishes the obligation to decide cases based on Allah's law, and the law's object has a general meaning. The verse 49 *faḥkum bainahum bimā anzal Allāh* assumed to abrogate the verse 42 with the sentence *faḥkum bainahum aw a'riḍ 'anhum* is a weak assumption because there is no strong indication (*qarīnah*) to prove it, even though it seems contradictory, but it does not automatically show the *nāsikh-mansūkh*. According to Ibn' Arabī (d. 1149 AD), if verse 49 is abrogating the previous verse, then the period of *asbāb al-nuzūl* of the last verse can be known certainly and must be determined as it is.<sup>59</sup> The commentators and jurists, such as Imam al-Syāfi' compromise (*al-jam'u baina dalīlain*), these two verses. The first verse relates to *kāfir mu'āhid*, while the second verse describes the *kāfir zimmi*.<sup>60</sup> The interpretation of the word *hākim* into the *khilāfah* system is an interpretation without strong legitimacy in the text. The government system always develops dynamically and changes according to the conditions and demands of the times, while the principles and values are contained in the Quran. The two verses above exemplify prioritizing

<sup>54</sup> Muhammad Abi Hâtim bin Idris bin Mundzir bin Dawūd bin Mihran bin al-Handhali Ar-Râzi, *Tafsîr Al-Qur'an Al-Azhîm Musnadān 'an Rasulillah Saw Wa Al-Sahâbah Wa Tâbi'în* (Riyad: Al-Mamlakah al-'Arabiyah al-Suudiyah, 1997).

<sup>55</sup> Muhammad al-Thahir Ibnu Asyur, *Tafsîr Al-Tahrîr Wa Tanwîr*, 6th ed. (Tunis: Dâr al-Tunisiyyah li an-Nasyr, 1984).

<sup>56</sup> Abi Ja'far Muhammad bin Jarir Al-Thabari, *Jami' Al-Bayân 'an Takwil Al-Qur'an* (Mesir: Dâr al-Salam, 2007).

<sup>57</sup> Ibrahim bin Umar bin Hasan ar-Ribat bin Ali bin Abi Bakar asy-Syafi'i Al-Biqâ'i, *Nazham Al-Durar, Vol.2, Beirut: Dâr Al-Kutub Al-Ilmiyyah, 1995, Hal. 479.* (Beirut: Dâr al-Kutub al-Ilmiyyah, 1995).

<sup>58</sup> Sulaiman Ibnu Umar al-Ajili Asy-Syafi'i, *Al-Futuhāt Al-Ilahiyyah: Bi Taudhihi Tafsîr Al-Jalalain Liddaqâiqi Al-Khafîyyah, J. 4* (Beirut: Dâr al-Fikr, 2003).

<sup>59</sup> Abû Bakar Muhammad bin Abdullah Ibnu 'Arabi, *Ahkâm Al-Qur'an, Vol. 3.* (Beirut: Dâr al-Kutub Ilmiyyah, 2003).

<sup>60</sup> Wahbah Zuhayliy, *Al-Tafsîr Al-Munîr Fî Al-Aqîdah Wa Al-Syarî'ah Wa Al-Manhaj, J. 5* (Beirut: Dâr al-Fikr, 1991).

justice in establishing the law. If these verses are interpreted widely, they are not substantially limited to the *khilāfah* system.

### The Implementation of Islamic Law as Evidence of Faith

The authorities should not ignore the order to implement sharia in the government system. Allah SWT says:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا ﴿٦٥﴾

Translation: "But no, by your Lord, they can have no Faith, until they make you (O Muḥammad SAW) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission." (an-Nisâ' [4]: 65)

This verse became the ultimate argument that was very popular for the HTI group who support *khilāfah*. To HTI, it refers to the obligation to apply Islamic law as a requirement of faith and Islamic standard in a specific "container" named *khilāfah*. A person is called a believer when these three conditions are fulfilled. First, be willing to obey the Messenger of Allah on every matter; second, accept the decision with pleasure, graceful, and undoubtful, and third, be ready to attend to and implement the conclusion of the Prophet.<sup>61</sup> An interpretation inspired by al-Nabhanī and Sayyid al-Quṭb about the implementation of Islamic law (*hakīmiyah Allah*) places the *khalīfah* which is bound by sharia law, as a legislator. Therefore, the government activities (*al-ḥukm*) must be oriented to Allah's law, not to the direction of *ṭāgūt*, because it causes denying faith (*kāfir*).

Through analyzing the interpretation of the verse above, historically (in terms of *asbāb al-nuzūl*), the verse has three interpretive meanings; First, the meaning of this verse was revealed regarding the dispute between a Jew and a hypocrite. A Jew tends to appoint the Prophet as a judge, while the hypocrite chose Ka'ab bin Asyraf and then *al-Nisā'* [4]: 60 revealed. This verse is not explicitly addressed to Muslims but to the Jews and hypocrites. Second, this verse has a strong correlation of meanings to individuals and should not be transferred to a general-purpose or transformed the meaning generally. This verse was revealed in connection with a dispute between Zubair bin al-Awwam and an *Anṣār* group regarding the garden's irrigation, which made the Prophet angry. This case is closed with the decision to give Zubair rights (HR. al-Jamaah). Third, the appointment of a judge to the Prophet saw. Indicates that a fair decision is a characteristic of the judge or leader.

The difference in *asbāb al-nuzūl* verse by positioning the Prophet as the judge who decides the case should not be understood with theological arrogance and political fiqh arrogance or by positioning historical-sociological verses to convict a Muslim or

<sup>61</sup> Labib, *Tafsir Al-Wa'ic, Tafsir Ayat Pilihan Al-Wa'ic*.

judges who do not establish God's law of *kafīr*. The issue of *takfīr* is not an easy matter without evidence and criteria (*ḍawābīṭ*) of *takfīr* because the strict legal requirements and the procedures must be fulfilled. To convict a Muslim of the infidel (*takfīr*) or leaving Islam is the last effort of law enforcement decided collectively by the authorized institutions belonging to the ummah and the state, not the right of individuals or groups who do not have credibility and competence. The scholars emphasized that the verdict of the infidel is determined after the fulfillment of strict conditions, such as words or actions that result in disbelief that is conducted by a *mukallaf* without any element of force (*ikrāh*), emotional or mental instability, ignorance, or the absence of clear proof and the evidence, *syubhāt* and *ta'wīl* or opinion and lust unless it is clear and certain that the defendant is doing one of the causes of disbelief. First, *i'tiqādi* disbelief (*mukaffīrah i'tiqādiyyah*) which is all kinds of beliefs that are contrary to the pillars of faith and deny the *qaṭ'i* teachings of Islam (*ma'lūm fi al-dīn bi al-darūrah*). Second, disbelief in speech (*mukaffīrah qauliyyah*) is every utterance that contains the proofs of *kufīr*; rejection of the Islamic faith, which is a religious blasphemy. Third, disbelief in actions (*mukaffīrah 'amaliyyah*) is every act that contains accurate indicators of belief and disbelief.<sup>62</sup>

Ibn Qayyim explained that judging other than Allah's law includes two kinds of *kufīr*; minor and significant, depending on the judge's condition (authoritative). *Kufīr al-asgar* is the judge's condition who still believes in the truth of God's law, but he turns away because of his lust. *Kufīr al-Akbar* is the condition of the judge who disbelieves the obligation to judge by Allah's law by choosing another rule that is considered to be better. If the judge rejects Allah's decree and replaces it with human law, the judge has left the *millah*.<sup>63</sup>

The historical context of the obligation to judge by God's law (*fa ulāika hum al-kāfirūn, al-zālimūn, al-fāsiqūn*) must be analyzed ontologically. The verse, originally related to the criminal law of murder and *zinā*, cannot be separated from the *jahiliyyah* political system, which tends to ignore the principle of justice and equality. Associating legal verses with the interpretation of the political system is automatically less relevant. Moreover, by leading political opinions of *da'wah salaf al-sāliḥ*'s is an example of carelessness towards *hadīṣ* which tends to text rationality.<sup>64</sup>

### The Democratic System Contradicts the Spirit of Islam

HTI argues that the secular and *kufīr* system of democracy is not by Islamic principles. Democracy was born from the secularism ideology that separates religion from life. In contrast, the Islamic system was taken from the faith Allah revealed as a guide for human beings. Determining the law in Islam does not depend on the opinion

<sup>62</sup> Utsman bin Muhammad Al-Khamis, *Al-Baraah Wa Al-Tahdzīr Min Khathr Al-Takfīr* (Kuwait: Ghars li al-Nasyr wa al-Tauzi', 2011).

<sup>63</sup> Ibnu Qayyim Al-Jauziyah, *Al-Madārij Al-Sa'āikīn, Juz 1* (Beirut: Dār al-Kutub al-Ilmiyyah, 1988).

<sup>64</sup> Khalil Abd. Karim, *Li Tathbīq Al-Syarī'ah Lā Lil Hukm* (Alexandria Mesir: Al-Hay'ah al-'Ammah li Maktabah al-Iskandariah, n.d.).

of the majority or minority but the sharia arguments. In contrast, in a democratic system, the law depends on the people's voice or representatives. The democratic system is a system that has been adopted from the West and aimed to destroy the morals of Muslims. In Islam, the democratic system is more identical to worshiping humans than God.<sup>65</sup>

HTI's view is not entirely correct because democracy is a tradition of Islamic governance that teaches the rights and obligations of the people to control, supervise, advise, and criticize the leaders. Such conditions open space for the establishment of *amr ma'rūf nahī al-Munkar* as the main pillars of religion, prophetic mission, and faithful characteristics. On the other hand, without *amr ma'rūf nahī al-Munkar*, the prophetic mission will not be realized and even cause greater *mafsadah*, such as the appearance of authoritarian leaders, such as Namrud and Pharaoh, due to the weakness of the people to advise the authorities. A democratic system based on justice, equality, freedom, and people's supervision can systematically encourage people to report and criticize the leaders. Through the democratic system, the charged party is obliged to accept constructive critics from the people because it is the characteristic of a healthy country that can provide physical and spiritual welfare to its people. The constructive advice and critics are evidence of early Islamic leadership, and the information comes from the heart and sincerity of the heart in implementing the mandate of God. This kind of openness is in line with the statements of al-Khulafā' al-Rāsyidūn. Allah SWT said in explaining the principle of democracy:

...وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ ﴿١٥٩﴾

Translation: "...and consult them in the affairs. Then when you have taken a decision, put your trust in Allah. Certainly, Allah loves those who put their trust" (Ali Imran [3]: 159)

The principles of democracy (*syūrā*) are generically compatible with the universal values of Islam. However, it is still problematic on the implementation level due to sovereignty and guarantees of unrestricted freedom. The meeting point of democracy in Islam lies in the substance of democracy as a filtering tool to produce fair and trustworthy political leaders, even though the reality is still far from *al-Khulafā' al-Rāsyidūn*. The principle of leadership is not only loved by the people but owning the characteristics of integrity (*ṣiddīq*), credibility (*amānah*), capability (*faṭānah*), and transparency (*tablīg*). The democratization process occurred in the era of Abū Bakr and 'Umar with the changes in election patterns. 'Umar bin Khattab did ijtihad by dividing power into three parts, namely *khalīfah*, *ahl al-ḥall wa al-'Aqd*, and *qāḍī*. At the same time, the three powers were previously under the control of the Prophet Muḥammad. Does that mean every change and improvement is considered a *bid'ah* and a *kufri* system? Of course not, because political reform through a democratic

<sup>65</sup> HTI, *Manifesto Hizbut Tahrir Untuk Indonesia (Indonesia, Khilafah, Dan Penyatuan Kembali Dunia Islam)* (Jakarta: HTI Press, 2009).

system in the area of *ijtihādi*, not the area of *uṣūlī*. Dichotomizing democracy and the *khilāfah* is not appropriate. It is more suitable if democracy vis a vis theocracy, while the *khilāfah* system is different from the two. The *khilāfah* system contains elements of democracy and some elements of theocracy. The scholars agreed to reject the rule of law being handed over to the people because it is God's prerogative.<sup>66</sup>

Rejecting all elements of democracy is as inappropriate as judging them with Islamic parameters because democracy is a foreign term that needs to be critically studied. It is not considered haram, dirty, kufr, *tasyabbuh bi al-kuffār*, or others. The problem of *khilāfah* and democracy needs to be appropriately put. The *khilāfah* is a distinctive and unique Islamic political system that needs to be supported by a political strategy to exist and develop. Nevertheless, that does not mean the existence of everything in the *khilāfah*. Even though the Caliph had great authority in the *khilāfah* system, many historical facts are considered the sources of slander problems for Muslims due to the despotic Caliph. The democratic system is more open to freedom of expression for the *khilāfah* da'wah group (HTI) than anti-democratic Islamic countries such as Saudi Arabia and Egypt. Another inappropriate statement is that if *khilāfah* were established, the people's problems would be resolved. It is an absurd dogmatic statement and forced assumption. It is more appropriate to prepare the quality of generation mentally and spiritually.

Islam does not inherit standard rules regarding ready-to-use political issues such as faith aspects. The Prophet saw himself rarely promoting to his companions to establish a state even though it is inseparable because various aspects of law and people's lives are related to the state.<sup>67</sup> Likewise, the system of government, whether *khilāfah* or the other forms, must follow the current social and political realities. Muslims are obliged to interpret the politics of power as a power of Islamic knowledge and responsibility, even though it triggers an intense political-theological debate that causes internal conflicts and produces the various sects and schools of thought. This debate is a political responsibility as well as the mandate of the Quran to promote what is right and prevent what is wrong or called *ḥisbah*.<sup>68</sup>

## Conclusion

The power politics, based on al-Wa'ie's interpretation of the *khilāfah* verses (*al-Baqarah* [2]:30, *Ṣād* [38]:26, *al-Nisā'* [4]:59, and *al-Mā'idah* [5]:49) as a proposition the validity of the obligation to uphold the Islamic government system, is a scripturalist, textualist, and fundamentalist interpretation that is far from the understanding of the authoritative scholar's majority. From Al-Wa'ie's performance, it is understood that the concept of the *khilāfah* is interpreted in a sectarian perspective as a leader or successor,

<sup>66</sup> Tohir Bawazir, *Jalan Tengah Demokrasi Antara Fundamentalisme Dan Sekularisme* (Jakarta: Pustaka Al-Kautsar, 2015).

<sup>67</sup> Dhiauddin Rais, *Teori Politik Islam* (Jakarta: Gema Insani Press, 2001).

<sup>68</sup> MOOSA, Ebrahim; ROBERTS. Nicholas, "Expressions of Political Quietism in Islamic History," *Political Quietism in Islam: Sunni and Shi'i Practice and Thought*, 2019, 33.

not in a universal perspective as a mandate that closely relates to the territory of power. The framework for interpreting the *khilāfah* by positioning the text of the Quran as a legal basis should not be understood as absolute and contradictory to the democratic system. Power politics (*khilāfah*) in the context of the obligation to obey, follow Islamic law, and *amr ma'rūf nahī al-munkār* does not mean that it is obligatory to establish the *khilāfah* form, as long as the substantial Islamic values such as justice, equality, freedom, democracy do not break the values and principles of Islamic teachings.

The political interpretation of HTI has raised radicalism, exclusivism, and authoritarianism. The intervention of ideological reason in interpreting the *khilāfah* tends to cause a revivalist-sectarian arrangement. The conception of the *khilāfah* is normative and far from the validity of absolute truth and representation of the ideal territory of the state. The *khilāfah* is a unique leadership system and civilizational institution. To interpret the *khilāfah* verses to their original meanings (*maqāṣid*) is the right step to suppress the *khilāfah*'s ideological political thought in Indonesia. The characteristic of HTI's rigid and literal understanding does not only impact non-parallelism with the Unitary State of the Republic of Indonesia as *Dār al-Miṣāq* but also affects the harmonization of moderate Islamic politics in the territory of the Republic of Indonesia, which is substantially *Dār al-'Ahd* (state of agreement) in which state sovereignty is based on the monotheism of the Almighty God One and the leaders and the people believe and fear Allah SWT.

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