

ORIGINAL ARTICLE

Islamic Epistemology in the Socialization of Islamic Sharia and the Implementation of Democracy in Indonesia

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ABSTRACT

This paper discusses the importance of the formulation and dissemination of the epistemology of Islam in order to build nationalism in the implementation of Islamic laws and democracy in Indonesia. The national insight that is multidimensional and multicultural based on Islamic epistemology reasoning, is requisite and needs to be disseminated in the Islamic education domain in all levels of the institution. The descriptive analysis used in this paper reveals that the implementation of Islamic laws in society, especially in Indonesia, requires rationalization of laws, either those that have been applied or will be applied. This is necessary to ensure the existence and the role of religion in finding the solution to various problems faced by society. In politics, Islam recognizes democracy as a system imported from western countries. In normative and theoretical domains, democracy can be employed as a social-political system that is able to embody the principles of equality (*al-musawah*), freedom (*al-hurriyyah*), public accountability (*al-mas'uliyah*), and people sovereignty (*al-aghlabiyyah*).

Keywords Epistemology of Islam, laws, democracy.

INTRODUCTION

In a training event called *Penataran P4 (Pedoman Penghayatan, dan Pengamalan Pancasila)* held by IAIN Alauddin Makassar of Indonesia in 1992, a senior trainer asked,

“if you are asked to choose, which one do you take, implementing religious values or *Pancasila* values? “The trainer then asked, “if you only implement *Pancasila*, it means that you are not considered to implement God’s religion yet. However, if you have implemented religious values, it means that you have implemented *Pancasila* values as well”.

The case above shows a clear picture of the sharp debate between religion as an individual institution on one side, and nation that wants to create a national identity as a public institution on the other side. Substantially, there is no contradiction between religious values and the Basic Principles of the Republic of Indonesia (hereafter *Pancasila*), because *Pancasila* is a conception of nationality values that are inspired by and extracted from religious values adhered by Indonesian people. In social reality, however, we are sometimes faced by dilemmatic choice, whether we have to act based on religion, or *Pancasila* as the ideology of the nation. Due to this issue, we then arrive at a problem, that is, which value that we have to prioritize; the religious ones or the national interest.

Broadly speaking, there are two extreme tendencies that are clearly visible in the religious and national reality of Indonesian Muslim society, i.e. the tendency of fundamentalism-formalistic and substantialism/secularism. The first tendency reveals the consistent religious attitudes on the explicit evidentiary and manifestation of religious practice. Islam must be supported by the legal and formal aspects of value held by Muslims, which are considered as the main prerequisite of Islam itself. Extending beards, wearing a veil, radical attitude and hatred against "pro-Western pagan faction" are extremely urgent parts of Islamic practice. The enforcement of total Islamic sharia is absolute. Therefore, the demand for the establishment of an Islamic nation is not negotiable.

Nevertheless, the Muslim faction with the second tendency views religion as a matter of the afterlife, a private matter with God. In an ordinary matter, religion does not need to be involved beyond its capacity as an aspect of spirituality. If it must be involved, the religious values, inevitably, must be interpreted as a thing that should not contradict the intended pragmatic values. According to this faction, religiosity is not necessarily formalistic and rigid in any form of behavior or attitude. The point is that by applying the general principles of universal religious teachings, religiosity is considered to have been optimally materialized. The aspect of formal teachings and their symbols and religious practices are merely seen as the means of materializing those values and principles.

An interesting expression delivered by Mas’udi (1998, pp.34) reveals that the relationship between Islam (also other religions in general) and Indonesian nationality seems to be a continuous problem. He states that there is an assumption that no one can be a good Muslim as well as a good Indonesian citizen at the same time. To be a true citizen and let alone a national leader, a Muslim must first surpass (obscure) their boundaries of Islam. It seems difficult for a leader of majority religion like Islam in Indonesia, to be successful as a national leader.

Complicated problems can arise if "Islam" as a system of teaching, is understood, believed and used as a basic value to deal with a nation or solve the national problem if it has nothing to do with the nation. That is individual-personal Islam, and the farthest is Islam for domestic affairs. Nevertheless public Islam, in Madkur's (no date) view, Islam as a moral and ethical basis for public life has long been out of religious discourse.

In contrast to public Islam, this personal and private Islam is concerned with standardized forms, symbols, and even ornaments. Mosque domes, Arabic names, robes, veils, turbans, and beards are personal and private representations of Islam. Nevertheless, public Islam establishes Islamic substances as a foundation and benchmark in assessing one's Islamic belief. Thus, the reified discourses of philosophical reflections on Islamic substances associated with the interests of society as a whole need to be developed, especially in forming the basic framework of national insight for the very diverse of Indonesian citizens.

The great hope is certainly addressed to Islamic education to provide understanding and socialization for learners, especially on a campus environment, about their position and the existence of Islam in the plurality map of Indonesia, which in turn they will be able to establish a clear distinction between Islam and nationalism. With Islamic reasoning as the epistemology, learners are able to see the national problems objectively, critically and comprehensively, and to affirm their attitudes and responses to these matters without having a religious ideological collision with the wider interests of nation and state.

METHOD

The study used in this research is library research conducted by collecting library data from books, documents, transcripts, journals, and magazines. The authors carried out a deep investigation of the epistemology concepts that are based on the rational principles of Islam in disseminating the implementation of Islamic laws and democratic values. Those principles are taken from the examination of library data, namely the Quran texts and the thoughts of Islamic scholars or ulama about the content of the Quran texts.

In this research, the author used a descriptive method by employing a content approach model and comparative analysis. These analytical tools were employed by describing and comparing thoughts and theories that are connected with rationality in applying Islamic laws and democracy in Indonesia. The source of the data was written materials that are closely related to the topic of investigation and research problem and these were taken from books and written documents. Based on the analysis, the authors found some ideas about the concept of epistemology, namely how to disseminate the implementation of Islamic laws and democracy from the perspective of Islam. The analysis of the data can be found in the following subsections of findings and discussion.

FINDINGS

It is generally acknowledged that Islamic sharia is Islamic law. However, the term *law* in the scope of understanding of ordinary people contains a rather limited understanding.

Due to the influence of Western law developed in Indonesia since the 17th century, the law tends to be interpreted only as order and prohibition. The reduction of this meaning can be seen in the formulation of *al-ahkam al-khamsah* (the five commandments), i.e. mandatory, *sunnah*, *mubah*, *makruh*, and *haram*. Whereas in fact, all human behaviors, both hidden and obvious, concerning morals or deeds, can be categorized as *baian* of sharia. It can also be said that Islamic sharia is worship and *muamalat*, which is the human relationship with Allah (*hablun min Allah*) and relationship among human beings (*hablun min al-nas*).

With the universality of the existing Islamic sharia, it is natural that devoted Muslims seek to implement – and enforce the laws as well as the order of life obliged by Allah consistently. In addition to being an ideological consequence of Islam and belief, the implementation and enforcement of Islamic sharia are seen as the best alternative means of all ideologies constructed by human beings in organizing and perfecting the order of human life, both in individual and social terms. So it is no wonder if the social imbalances and multidimensional crisis occurred in this nation are blamed as a result of the fragility of religious foundation and unwillingness in practicing total sharia.

Noer (2003, pp.76) states that the spirit of enforcing Islamic sharia in Indonesia seems never to go out. Since Islam was accepted as a formal religion in this country, when it has not been named Indonesia (7th century, or 14th century when Islam had been relatively spread out), the existing kingdoms always strived to establish Islamic sharia in their area. Even after the Dutch colonization, the existing Islamic reigns tried to enforce it, though gradually Western law or customary law – which had been separated from Islamic law – was applied. Nevertheless, the Islamic national movement (besides the secular movement) from the beginning of the 20th century has placed Islamic sharia as the enforced ideal.

For Muslims, according to Noer (2003), Islamic sharia must be enforced on oneself, family, society, and nation, depending on the level of Islamic understanding and the ability of Muslims to apply the sharia. If the teachings of Islam are noticed, then there are no other means of enforcing the law thoroughly. Nevertheless, such efforts need process and awareness that not all aspects of Islamic sharia are applicable to all plural and diverse Indonesian people, although the majority of its people are Muslims.

The choice of Islam as the basis of nation, according to Singodimedjo (1982, pp.12) in a constituent assembly speech, is based on the reasons, among others, pp. *first*, Islam has become a national religion dominating the soul of Indonesian people. *Second*, Islam is a universal religion commanding every man to serve only Allah. *Third*, Islam guarantees human rights by prioritizing human obligations. *Fourth*, Islam requires deliberation in deciding a problem. *Fifth*, Islam enforces the inner and outer freedom for mankind. *Sixth*, Islam eradicates poverty as well as establishes prosperity. *Seventh*, Islam provides equality between men and women. *Eighth*, Islam guarantees the freedom (tolerance) of adhering and practicing religion for each adherent.

Thus, theoretically, the universal nature of Islamic sharia is to bring merit to every human being; regardless of their beliefs, Islam and non-Islam. Furthermore, the inclusiveness nature of Islamic sharia to be implemented in government life is the open Islamic sharia, in the sense that there is a desire to accept external contextual changes, both substantial and material changes. Similarly, the moderate nature of Islamic sharia, the ulamas firmly state that the struggle for Islamic law formalization will not resort to radical, exclusive and hard-line ways, but always take compromise and polite ways in achieving its goals. Nevertheless, it must be admitted that there are certain Muslim factions that legitimize and justify anarchist, extreme and radical ways in the name of 'jihad.'

Theoretically, the relationship between Islam and nation can be classified into three views, pp. *first*, an integralists paradigm that believes religion and nation as an inseparable entity. Both are two integrated institutions. This concept reaffirms that Islam does not recognize the separation between religion (*din*) and politics or nation (*dawlah*). In other words, a nation is a religion, and religion is a nation. The sources of its positive law of such a nation are the legalized Islamic sharia as national law.

Second, it is a symbiotic paradigm that views the relationship between religion and nation as mutual need and reciprocal (mutualistic symbiosis). According to this view, religion requires a nation as an instrument in preserving and developing itself. Similarly, the nation also requires religion as a moral, ethical and spiritual source of its citizens. Religion does not have to be the basis of the nation. The nation is an independent political institution and religion can only interfere if the national rules deviate from the religious norms. The governmental model of Egypt and Indonesia can be categorized in this paradigm.

Third, it is a secular paradigm that believes in a clear separation between religion and nation. Religion and nation are two different entities that have different scope. Their existence must be separated and should not intervene with one another. The nation is a public affair, while religion is private territory. This secular thought is conceived by one of Al-Azhar University professors; Shaykh Ali Abdurraziq. According to him, Islam does not determine the final system of government; none of the Quranic text explains that the nation must be built according to a certain system, republic, caliphate, democracy, theocracy, and others. Muslims can choose a form of government that suits their environment (Sadzali, 1993, pp.139).

There are peculiarities in the discourse of Islamic sharia enforcement in Indonesia. The term 'enforcement' is in fact not known in the sharia discourses. The Arabic references and writings of the theme mention more as the term '*tathbiq*' (تطبيق) which means 'implementation', not enforcement. The term enforcement is used more on the theme of justice and political power. In our perspective, the term 'implementation of Islamic sharia' is more in line with the spirit and the nature of the sharia itself as means, rules or guidance. The term 'enforcement of Islamic sharia' is more politically nuanced and has a correlation with the power structure rather than its religious-transcendental mission.

Furthermore, there is confusion in the understanding of the sharia itself, in which there is a terminological disagreement in Islamic sharia, jurisprudence, and *qanun* (Islamic legislation). The uncertainty in understanding these three concepts leads to the refraction of meaning, which will not only ignite religious radicalism but also can erase the essence and identity of authentic Islamic sharia with a dimension of *rahmah* (blessing). The blurring of the essence and the position between Islamic laws identical with Islamic jurisprudence as the result of *ijtihad*, with sharia identical with revelation as things beyond human reach, is a big problem that should be straightened out and put in the proper position.

Sharia according to the meaning of *syara'* is something obliged by Allah, revealed by Allah as the rule of life which includes *aqidah*, law and moral values in order to gain happiness in the world and in the afterlife. Based on this definition, it can be confirmed that the religious teachings brought by the Prophets and the Apostles are essentially the same; it is Islam. As for the formalities, symbolizations and implementations of the principles are very relative and dependent on the situations, conditions, and problems in each region and community.

As for Islamic jurisprudence or *fiqh*, the etymological meaning is to know, understand and comprehend. Islamic jurisprudence initially means to understand or simply as the name of the process or activity of understanding and deducing the religious texts, by quoting Rahman (1979, pp.156), "only the name of a process or activity of understanding and deducing." when it turns to be an academic discourse, Islamic jurisprudence is understood as the result and thinking effort (*ijtihad*) of someone or several ulamas in understanding and doing *istimbah* on Islamic law from its authentic sources. The closeness of Islamic jurisprudence to the problems and needs of people makes it a representation of Islam and reduces the meaning of sharia from its existence and its right position.

The difference between Islamic sharia and jurisprudence are as follows, pp.

1. Sharia is identical to Allah's revelation; while jurisprudence (law) is a product of *mujtahidin/fuqaha*.
2. Sharia contains absolute truth; while jurisprudence contains *dzanni* (relative) truth as the result of human intellectuality.
3. Sharia does not change; jurisprudence can change according to the changes in the environment and its socio-cultural factors.

It should be pointed out that Islamic jurisprudence or law is, in fact, experiencing free dynamics throughout history. In its development, Islamic jurisprudence is defined as the science of theoretical problems of *syar'iyah*. Thus Islamic jurisprudence is praxis and regulating the human life cycle from waking up in the morning to going to bed at night. So it is not surprising that Islamic jurisprudence is often regarded as a representation of religion as mentioned above. In some countries that apply the formalization of sharia, Islamic jurisprudence has great authority in regulating human life as an individual, as part of society as well as in relation to his/her servitude to God.

Nevertheless, sharia in a wide sense is often understood as Islamic jurisprudence. The demand to formalize Islamic sharia in various regions in Indonesia, for example in practice, is merely the implementation of Islamic jurisprudence. When sharia formalization has been agreed upon, the first agenda to be applied is the obligation for women to wear headcover or *hijab*, the implementation of hand-cutting punishment for thieves, the caning law for a woman who is alone with a non-*muhrim* man, and other formal things that can be found in the religious texts. Sometimes, it develops into radical behavior and destruction of nightclubs and pubs that are solely based on emotional factors.

In the framework of building national insight that tries to put the interests of nation and state above the primordial interests, the efforts of Islamic sharia implementation should be based on openness and egalitarianism, and in turn, it will find a common thread which can knit various interests in national bond, especially between religious and nation interests. The active role of Islamic educational institutions is necessary to introduce, understand and bring around a more friendly, open, tolerant, flexible and responsive face of Islam to all changes and diversities. The Indonesian nation seems to miss the Islamic sharia form of *rahmah lil 'alamin* and *shalih li kulli zaman wa makan*.

Islamic education should take a role in building the concept of implementation of Islamic sharia with national insight. In this case, it can be realized by considering two things, which is essentially a basic substance (*maqashid*) of Islamic sharia which applies to all mankind, as follows, pp.

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First, the ultimate goal of Islamic sharia, with all the dimensions and normative orders, is none other than the realization of the common good (*mashlahat 'ammah*) in all human beings, regardless of their religious, cultural, physical, gender and nationality. The determination of *qishas* punishment, hand-cutting for thieves, stoning for adulterers, even in the scope of worship, such as *zakat* (almsgiving) and fasting, basically not only practicing the command of Allah SWT, but also aiming to realize the benefit, peacefulness, and regularity in the order of human life. Any forms of behavior and action tended to be hostile and violent to other factions, even in the name of religion (*jihad*), which is totally contrary to Islamic sharia's spirit of revert.

Second, in the framework of nationality, there are at least three *maqasids* as the indicators in the attainment of Islamic sharia implementation as follows, pp.

- Justice (*al-'adl*); the universal principle and value of all human beings. The whole implicit and explicit revelation in Quran directs people to bring about justice in all aspects of life, both to themselves and others. Injustice, authoritarianism, marginalization of minority groups and *mustadafin* are totally forbidden by Islamic sharia. In government, justice is an absolute necessity. In such urgent enforcement of justice, Ibn Taymiyyah once revealed the adage, pp. "Indeed, Allah upholds a just power though pagan, and does not uphold the unjust one though Muslim" (Madjid, 2003). In other words, a nation led by a just pagan is better than an unjust Muslim.
- Equality (*al-musawah*); i.e. every individual human being is equal and of the same level on their humanity aspect and their existence before God. Therefore, the principle of absolute equality must be the basic principle in the order of life of nation and state. This equality can be implemented through equal rights to protection, security, welfare, decent education, equality before the law, political rights and so on.
- Freedom (*al-hurriyyah*); i.e. every individual has the right to freedom and independence that becomes the spirit of humanity, and religion (in this case the sharia) appreciates and expresses that freedom with the responsibility of each individual to God. Although this

freedom should be restricted based on the morality value, human freedom must be guaranteed and maintained by Islamic sharia without exception. Islamic sharia gives freedom in choosing religion and belief, freedom of expression, freedom of profession and so on. Nations that run Islamic sharia should not impose a certain truth or ideology on the people. The hijab law for women should be delivered and disseminated through educational suggestion, not an obligation that is ultimately legal sanction.

According to Al-Jabiri (1992, pp.59), the formalization of Islamic sharia should be accompanied by 'rationalization of Islamic law' (*ma'quliyat al-ahkam al-syar'iyat*). This effort is absolutely necessary because the implementation of Islamic sharia, especially in the form of national policy, must be based on legal epistemology to respond and consider contemporary cases and problems. And just as the qiyas method and the 'illat analysis coined by Imam Syafi'y, the epistemology is rooted in the principle of the benefit and *maqashid* of *syar'iyah*. Both of these principles, according to al-Jabri, are the main basis of any law establishment and also on the implementation of *syar'i* laws.

The discourse of imposing hand-cutting law on thieves, for example, should be rationally understood of its historical sources (*asbab nuzul*) of the existence of the law. There are at least two arguments related to the discourse. Firstly, the hand-cutting law is not preceded by Islamic sharia but has been in forced and applied in Arabian peninsula long before the coming of Islam.

Secondly, if there is a question of why the Arabs did not imprison or inflict any other legal form rather than thieves and instead cut off their hand, it should be pointed out that Arabic tribes used to be nomads who did not settle in one place. Therefore it is unlikely for them to imprison a condemned person in such social condition.

Another aim of the hand-cutting law, in addition, to be a marker for the perpetrator (ex-perpetrator) of the crime, is to 'amputate' the possibility of the perpetrator to repeat his/her criminal actions. Such punishment is motivated by the conditions of their residence in the form of emergency camps, no fences, storage warehouses, vaults let alone banks. Thus it is understood that hand-cutting punishment is a rational and compatible form of execution with the nomadic condition of primitive Arabs. Finally, the punishment needs to be rationalized before it is applied to modern urban society.

DISCUSSION

Since the termination of the New Order regime in 1998, democracy has become a common term for anyone who wants to express his/her opinion. Intellectuals to ordinary people use democracy with their own understanding. And precisely with this disagreement of understanding, it is often contrasted with religion, until there are waves of rejection of the democratic system, which is seen as 'imported product' from the 'pagan' West. Alternatively, the concept of Shura is offered, which is usually translated with deliberation, as a Sunnah system by the Prophet Muhammad SAW.

Looking at the definitions by experts, it can be concluded that the essence of democracy is the main role of people in social and political processes. In other words, a democratic government is a government in the hands of people that implies three things, pp.

First, the government of the people implies that a legitimate government is a government that gains recognition and support from the majority of people through the mechanism of democracy, i.e. general election.

Second, the government by the people implies that a government exercises its power on behalf of the people, not on the personal impulse of the state or bureaucratic elite. In addition to this understanding, it can also be understood that in exercising its power, the government is in social control.

Third, the government for the people implies that the power granted by people to the government must be run for the benefit of the people. The interests of the common people should be the main foundation of the policy of a democratic government. (Ubaidillah & Rozak, 2000, pp.39)

The main principle of democracy is equality. It affirms that all people are equal. Any form of discrimination based on race, gender, religion, and ancestry is essentially invalid. All people are granted human rights that cannot be revoked by anyone. To guarantee these rights, the government gains its legitimacy based on the consent of its people. If the above description is observed, it is unfortunate if there is still a fraction of Muslims who are suspicious and skeptical of the concept of democracy as a very feasible system for a nation that shelters various ethnic, cultural, religious and political interests such as Indonesia. There is no contradiction between Islam, as a religion that calls for freedom, justice, and equality, with the spirit of a democratic system. Indeed, it is acknowledged that in real practice, democracy still has shortcomings, but until now an only democratic system that is able to provide assurance of the realization of Islamic *shariah* principles (*shariah maqashid*).

It is often argued that a democratic system is a bad political system. However, according to Madjid (2000), it is the only (system) which is believed to be able to selfcorrect. Therefore people choose democracy in the hope of its continuous improvement. If possible, to perfection, if not - given that nothing will be perfect in this world - then democracy is expected to accommodate the desires of continuous changes, in accordance with the general proposition of 'everything changes, except the essence of God.'

Therefore, democracy as a procedure cannot be underestimated in the efforts of human beings to carry out self-improvement. In the experience of Western nations, it is the culmination of their turbulent socio-political history and bloody catastrophes. Currently, democracy has become the cultural treasury of mankind, and all nations are eager to follow and apply it. Nations based on Islam or with Muslims as the majority of the population inevitably pay special attention to the democratic system and try to test the extent of the system feasibility in realizing the welfare and progress of their people,

without sacrificing the Islamic principles and values they embrace. The founding fathers of the Indonesian nation turned out to be wise enough in choosing democracy as our political system and bureaucracy.

The substance of democracy is respect for human rights. In order to actualize these rights, Islamic conception identifies some rules that support the enforcement of democracy and one of them is Shura or deliberation. This is one of the theoretical reasons to emphasize that Islam is not opposed to democracy and is even adopted as a system supporting the realization of the basic values of Islam in social life, in which the concept of Shura is identified with people's sovereign system.

In line with the above argument, Al-Qardhawi (1997) apologetically affirms that the substance of democracy is even derived from Islam. In Islam, there is a recognition of people's sovereignty as reflected in congregational prayer worship. Islam refuses a leader of a prayer who is disliked by the congregation behind him. According to al-Qardhawi, it is the essential substance of democracy that gives practical form and systems. Principally, it is a good idea to adopt useful thoughts, systems, methods and rules that are not contradicted with the obvious meaning and law of religious texts.

The concept of Shura has always been an important theme in any discussion of democratic politics, and in particular, cannot be separated from Islamic political concepts. According to Madjid, Shura or deliberation is a direct command of God given to Prophet Muhammad SAW as an example for his people. Shura is a process of decision making in society engaging in common interests. Shura is also a description of how faith solves their social matters. Therefore, it is remarkable that Indonesia – which based on Pancasila establishes the principle of deliberation to reach consensus as a means of common problem-solving of society (Madjid, 2000, pp.8)

Furthermore, Madjid agrees that Shura is an essential element for the implementation of democracy in Muslim societies. The procedure of Shura as one of the democratic views must be born from the conviction of the meaning and spirit of Shura itself, in which the deliberation process is open to accept compromise or even lose votes. In this case, Madjid refers to the experience of the Prophet Muhammad who accepted the fact of being outvoted in determining war strategy against the pagans of Mecca. With such a principle of Shura, it is believed that the acceptance of Muslims to modern democracy becomes very natural.

It is admitted that the majority of Muslims accept democracy in the belief that the adopted Western system is not contrary to Shura's principles adhered to in Islam. According to Sulaiman (2000, pp.128), as a concept as well as a principle, Shura in Islam is not different from democracy. Both Shura and democracy arise from the notion that collective deliberation is more likely to produce fair and reasonable results for common good than individual choice. Both concepts also assume that majority considerations tend to be more comprehensive and accurate than minority assessments. However, it is critically questionable whether Shura essentially can be aligned, and even synonymous, with democracy or not. If so, there is still a question of whether democracy is applicable to a

nation based on Islam, even without calling it Shura that normatively seems more Islamic or not.

Etymologically, Shura comes from the word “شورى” which means to take something from its source. The term Shura can be understood in the sense of “taking someone’s opinion who is deemed competent or worthy to be consulted”. According to Al-Jabiri (1992, pp.61), such opinion does not oblige to apply and implement the opinion received, moreover, those whose opinion is deemed worthy, are general and not limited to certain criteria. In the Shura system, the leaders are accountable to God, not to the people they lead. Therefore, when democracy is interpreted as the necessity of the leader to take the most votes and be responsible to the people to implement it, then there is a huge difference between the principles of Shura and the values of democracy. In this connection, Karim (1995, pp.46) argues that global socio- politic developments and changes tend to be a compelling reason to say that the democratic system is basically more feasible than the Shura system, to be enforced in Muslim nations. Democracy is not a forbidden *bid’ah* or *kufur* system, even it ensures more the realization of optimal benefit and justice for all people, which is actually the main focus of Islamic sharia practice. Shura is actually part of an ancient Arabic tradition that has been known and applied long before the apostle of Muhammad SAW. This system or social institution survived until the advent of Islam, and ultimately Islam does not abolish the traditional system. As a matter of fact, it is maintained in resolving the problems in the Muslim community in Medina.

The Arab tribes at the time were a small unit of a socio-political community that had not yet merged in the form of nationalism. Each tribe had a bureaucratic structure led by a ‘*Sayyid*’ or ‘*Shaykh*’ and was accompanied by a ‘*shura majlis*’ or council which was more or less functioned as an agency of consideration. Members of this *majlis* sometimes reach to 40 people and were selected from people who were deemed to have decent ancestry status. They had full authority and freedom to convey opinions and suggestions to the *Shaykh* of their tribe, but in reality, whatever they convey was merely consideration, not binding and not demanding the *Shaykh* to execute or comply with such consideration, even though it was the majority of *majlis*. Each *Shaykh* was entitled to take the opinion of one person as he wished, and to reject the opinion of the majority of *majlis*. Moreover, he had the right to reject all opinions and decide the appropriate ones himself.

In history, Rasulullah Muhammad SAW had once received and approved the opinion of one man, Salman al-Farisi, to make a trench around the city of Medina, although most of the Companions had different arguments. Similarly, the Caliph Abu Bakr al-Siddiq still decided to fight against the Arabian tribes who refused to submit *zakat*, although the Companions, both of the Muhajirin and Ansar, had agreed (*ijma*’) not to act hard on them and tended to take a persuasive action.

From this point, Islamic education at all levels and institutional formats is necessary to socialize insights which so far seem 'against' the adopted mainstream that the Shura system is more likely to emerge the potentials of authoritarianism, collusion and political exploitation in power structures. And if these are directly applied in democracy system,

ideological contradictions will have certain implications on the misappropriation of the value of justice, equality of rights and freedoms contained in democracy.

CONCLUSION

Since the beginning of Indonesia as a nation, the attraction between religious and national entities has accompanied the journey of the socio-political history of this nation. Religion and nation each have their own ontological and epistemological scopes. On the other hand, Indonesia is a nation that stands on the plurality and diversity of its people. Therefore, it is necessary to have a multidimensional and multicultural national insight based on Islamic epistemological reasoning, both in religious and national matters.

The enforcement of Islamic sharia, in the sense of political power enforcement that has overmatched, is not the only means intended by God from the meaning of revelation. The achievement of common benefit, equitable justice, equality of rights and moral freedom is the main substance (*maqashid*) of the implementation of Islamic sharia. In addition, in the framework of Islamic sharia implementation in the life of people, it is necessary to rationalize the products of Islamic law, whether it has been enacted or not so that the existence and role of religion can reach the actual problems and needs of society.

Islam has the flexibility in determining the system, method, approach, and strategy of developing people, as long as not against the basic principles of Islam itself. Democracy is a Western-derived system, yet theoretically, democracy is a socio-political system that is better in embodying the principles of equality (*al-musawah*), freedom (*al-hurriyyah*), public accountability (*al-mas'uliyah*) and people sovereignty (*al-aghlabiyyah*). While Shura, in essence, cannot be identified with democracy, because in Shura there is no people sovereignty which can give social control to the authorities and it is not intended as a system in favor of the majority vote. Shura is merely a method of the decision-making through the consideration of certain people, without any claim to take such consideration.

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