



**READING THE QUR'AN  
FROM THE CONTEMPORARY APPROACH  
OF MAQĀṢID AL-SHARĪ'A  
(A Case Study of Non-Muslim Leadership in Indonesia)**

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**Abstract:** This paper examines the Qur'anic verses on leadership from the perspective of *maqāṣid al-sharī'a*. There has been an assumption that the norms and practices of Islamic law are incompatible to modern ideas. The Qur'an as a major source of shari'ah is here interpreted through a system approach that includes several components, namely natural cognition, inclusiveness, interrelation of hierarchy, multi-division and meaningfulness. The analysis comprises of four stages: identifying the correlated-focus verses, identifying their meanings, exploring the *maqāṣid al-sharī'a* and contextualizing it to the Indonesian context. This method will be applied to conceive of the Qur'anic verses on leadership, including non-Muslim leadership. There are six special verses discussing about this issue and seven others in general. This study shows that although there are verses that restrict non-Muslim leadership for Muslims but other, more general, verses emphasize on the capability of leadership in upholding justice and peace. The ones that stress such general conditions are relevant to the Indonesian context.

**Keywords:** Quranic perspective, *maqāṣid al-sharī'a* system approaches, non-Muslim, Leadership.

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## Introduction

NATIONAL POLITICAL SITUATION has been increasingly inhospitable. This is not a common phenomenon that calls for a simple answer since it deals with theology and politics both at theoretical and practical aspects. The situation has created debates

regarding national leadership that features religious dimensions. The debates revolve around the status of non-Muslims in an Islamic state or a state with Muslim majority population (Muslim country). This is a polemic and at the same time is a logical consequence of confusion to decide whether the state is a religious or secular. The common discourse of Islamic state and politic do not give a chance to non-Muslims as leader in Muslim society.<sup>1</sup> Whereas, secular state gives possibility to any citizen to be leader. Indonesia does not strictly belong to these two opposing views.

The norm and political system in Indonesia suggest that every citizen, who is not excluded by the law, holds right to be elected as leader, regardless of their ethnic, cultural, language and religious backgrounds. However, current political discourse among particular groups of Muslim maintain that they should not elect non-Muslims as leader. This stance is dilemmatic since there is no such legal restriction on non-Muslims to be leaders, such president, governor or regents because Indonesia claims itself as a multi-cultural country, reflected in the core idea of “united in diversity” (*Bhineka Tunggal Ika*).

The controversy over non-Muslim leadership for Muslims stems from the classical discourse but hinges on current debates. The debates happen amongst lay Muslims, *‘ulamā’*, and political observer. One hand, *‘ulamā’* has agreed that non-Muslim are not able to be nominated as leader according to some of their interpretation on the Qur’anic verses. On other hand, they argue that the essence of leadership is not on whether leader is Muslim or not, but is on capability to act as leader in compliance with the basic principles laid down in the Qur’an and Hadith such as implementing justice, fairness and freedom.

The Qur’an seems to have not provided specific criteria of leadership. Criteria of leadership is subject to debate since they are always influenced by socio-political and history contexts that in

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<sup>1</sup> Mary Silvita, “Presiden Non-Muslim dalam Komunitas Masyarakat Muslim,” *ISLAMICA: Jurnal Studi Keislaman* 7, no. 1 (September 3, 2012): 45. For a comparative view on this issue in three different countries, see Hans Abdiel Harmakaputra, “Islamism and Post-Islamism: ‘Non-Muslim’ in Socio-Political Discourse of Pakistan, the United States, and Indonesia,” *Al-Jami’ah: Journal of Islamic Studies* 53, no. 1 (June 10, 2015): 179–204.

turn shape interpretation and meaning on them. For instance, the Qur'anic verses, stating "don't elect *al-kāfir* as your leader", entails more than one exegesis. One meaning can be acquired from the literal utterance of the verse while other meanings are extracted from the context of the revelation. The actual implementation of this verse and its various interpretations may vary from one place and time to the others within Islamic history. whether on its interpretation or Muslim practice and response. Because of that, it is necessary to re-read this Qur'anic injunction in order to find out its essential and contextual aim (*maqṣūd*). This effort fits to the theory of *maqāṣid al-sharī'a*, the highest objective of Islamic law, where all sharia prescription is built upon such objectives, including the matter relating to leadership.

This article employs the theory of *maqāṣid al-sharī'a* in understanding the Qur'anic verses regarding leadership, especially non-Muslim leadership. It attempts to find the Qur'anic worldview on leadership. It asks: 1) how the Qur'an addresses about non-Muslim leadership and 2) What is the ideal criteria of a leader according to the Quranic worldview. This article starts with the discussion on the classical Islamic jurisprudence on non-Muslim leadership. It continues to explore the theory of *maqāṣid al-sharī'a* and its development and applies it to re-read the Qur'anic verses concerning leadership. Specifically, this article adopts Jasser Auda's contemporary theory of *maqāṣid al-sharī'a* as system approach, which feature six main principles: natural cognition, inclusiveness, interrelation of hierarchy, multi-division and meaningfulness.

### Islamic Law on Non-Muslim Leadership

The topic of non-Muslim leadership is always attracting debates amongst Muslims.<sup>2</sup> The controversies over this issue stem from their different method in understanding the major source of Islamic law, namely the Qur'an and hadith.<sup>3</sup> Up to the present

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<sup>2</sup> Mohamed Berween, "Non-Muslims in the Islamic State: Majority Rule and Minority Rights," *The International Journal of Human Rights* 10, no. 2 (June 1, 2006): 91–102.

<sup>3</sup> M. Muzar Ibnu Syarif, "Memilih Presiden Non-Muslim di Negara Muslim dalam Perspektif Hukum Islam," *Jurnal Konstitusi* 1 (November 2008): 89.

time, there is hardly any single opinion or consensus on it. Unfortunately, Muslims perceive that the prohibition of non-Muslim leadership for them is nearly final. Consequently, the debates will always appear and be heated whenever the time of election comes. This section will discuss the precepts of Islamic law concerning non-Muslim leadership.

### *The classification of non-Muslim*

The classification of citizen was based on religion and on the territory where non-Muslims lived in. There are two types of territory according to Islamic law: *Dār al-ḥarb* and "*Dār al-Islām*". The first refers to the region, state or country of war while the latter points to the Islamic state. Non-Muslims are categorically classified into three kinds:

- a. *Dhimmī*: they are *ahl al-kitāb* (people of the books) who pay tax (*jizya*)<sup>4</sup> to an Islamic state where they belong to. They are entitled of freedom to observe their religion and protection. They are protected citizens in which killing them is criminal act. According to one opinion, there are all non-Muslim citizens regardless of religious affiliations, such as Christians, Jewish, Atheists or infidels who live safely in in *Dār al-Islām*.<sup>5</sup> The protection is given because they are bound to contract<sup>6</sup> with the Islamic state and pay tax (*jizya*).<sup>7</sup>
- b. *Musta'mīn*: they are aliens that procure safety to enter and stay interim in Muslim territories.<sup>8</sup> They have no different status with the *dhimmī* and are granted peaceful conduct, allowed to

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<sup>4</sup> Abū Hāmid Muḥammad ibn Muḥammad al-Ghazālī, *al-Wajīz fī Fiqh al-Shāfi'i*, vol. 2 (Beirut: Dār al-Arqām, 1997), 197.

<sup>5</sup> T.M. Hasbie Ash-Shiddiqie, *Hukum Antar Golongan dalam Fiqh Islam* (Jakarta: Bulan Bintang, 1971), 71.

<sup>6</sup> Ibid., 124.

<sup>7</sup> The poll-tax (*al-Jizyah*) is a certain command as a pre-requirement for granting safety and rights for non-Muslim citizens. Khatijah Abu Utlah, *Al-Islām wa al-'Alaqāt al-Dawliyyah fī al-Silm wa al-Ḥarb* (Cairo: Dār al-Ma'ārif, 1983), 133–134.

<sup>8</sup> Mohammad Hashim Kamali, "Dhimmi and Musta'min: A Juristic and Historical Perspective," in *War and Peace in Islam: The Uses and Abuses of Jihad*, ed. HRH Prince Ghazi Muhammad et al. (Jordan: National Press, 2013), 306.

act of their religious practices and are only exempted to pay the poll-tax.<sup>9</sup>

- c. *Ahl al-Ḥarb*: they are non-Muslims that live outside of Islamic state (*Dār al-Islām*) and its territories. They do not hold any agreement with Muslim state and are thus excluded from peaceful contract and protection.<sup>10</sup>

Those classifications are the typical of classical Islamic political and legal discourse. Historically, the formulas were part of traditional Muslim jurists interpretation and response to the situation (*wāqiʿ*) in the second century after the formulation of Islamic law (*al-aḥkām al-sharīʿa*), which might had no a strong ground from the authoritative texts.<sup>11</sup> However, this still hinges on contemporary Muslim political discourses. Another related issue concerns the status of non-Muslim as leaders in a Muslim society or country.

#### *Traditional Islamic thought of non-Muslim leadership*

There are many Quranic verses talking about non-Muslim leadership. The 51<sup>st</sup> verse of al-Māʾida,<sup>12</sup> is just one popular example that deal with non-Muslims as close ally or leader. Al-Zamakhshārī, an outstanding interpreter from the Muʿtazila school, points out that it is forbidden for Muslims to take Jews and Christians their leaders, and seek help from them and make close relation with them. He argues that the phrase “*baʿduhum awliyāʾu baʿd*”, means that (such prohibition is because) they (Jews and Christians) are helper one another. To strengthen his argument, he

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<sup>9</sup> Bernard Lewis, *The Political Language of Islam* (Chicago: The University Press of Chicago, 1988), 77.

<sup>10</sup> Abu Utlah, *Al-Islām wa al-ʿAlaqāt al-Dawliyyah*, 144.

<sup>11</sup> Wahbah al-Zuhaylī, *Āthar al-Ḥarb fī l-Fiḥ al-Islāmī: Dirāsah Muqārīnah* (Damascus: Dār al-Fikr, 1998), 197.

<sup>12</sup> “O you who believe, take not the Jews and the Christian for friends, they are friends of each other. And whoever amongst you takes them for friends he is indeed one of them. Surely Allah guides not the unjust people”. Maulana Muhammad ʿAlī, *The Holy Qurʾān: Arabic Text, English Translation and Commentary*, 6th ed. (Lahore: Ahmadiyah Anjuman Ishaʾat Islam, 1973), 267. In another translation scripts, the word of *awliyāʾ* means leaders.

cites a hadith that sounds “look not for their lighting”<sup>13</sup>. The “lighting” has a meaning of authorization. So, Muslim is absolutely interdicted to take them as leaders and seek refuge under their authorization.<sup>14</sup>

In line with Zamakhshārī's statement, Ibn Kathīr maintains that the verse prohibits the appointment of leadership for non-Muslims. He argues that such probation is based on the fact that both Jews and Christians are enemies of Islam. And the sign of prohibition is the statement of “*wa man tawallahum minkum fa innahu minhum*” (whoever turns to them is part of them), meaning that Muslims are similar to Jews and Christians if they take them leaders. He also referred to the Prophetic tradition regarding Christians' slaughter which is forbidden for Muslims to eat.<sup>15</sup> His citation is not merely as complement statement, but is as another answer of his first answer.<sup>16</sup>

In modern era, we found Muslim scholar who has advanced those classical perspective. Wahbah al-Zuhaylī, in his exegesis “*al-Wajīz*”, argues that Muslim is prohibited to take non-Muslim for friends. Although he uses the word “friend”, but the meaning of it expands and includes leadership. So either making them friend or leader is restricted.<sup>17</sup>

According the interpretations above, there is inclination to see the Qur'an as it talks literally. There is trying to tell according the occasion of revelation, like al-Ṭabarī,<sup>18</sup> but, he concludes within literal frame of the Qur'an. Eventually, his argument is similar as with another traditional literal interpretation.

<sup>13</sup> *La tarā'i narāhuma....*

<sup>14</sup> Abū al-Qāsim Maḥmūd ibn 'Umar al-Zamakhshārī, *Al-Kashshāf*, vol. 3 (Riyad: Maktabah al-'Abikan, 1998), 249.

<sup>15</sup> حدثنا أبو سعيد الأشج حدثنا ابن فضيل عن عاصم عن عكرمة عن ابن عباس أنه سئل عن ذبائح نصري العرب فقال كل قال الله تعالى (و من يتولهم منكم فإنه منهم)

<sup>16</sup> 'Imād al-Dīn Abū al-Fidā' Ismā'īl ibn 'Umar Ibn Kathīr, *Tafsīr al-Qur'ān al-'Aẓīm*, vol. 5 (Lebanon: Mu'assasah Qurthubah, 2006), 252–254.

<sup>17</sup> Wahbah al-Zuhaylī, *Tafsir al-Wajīz alā Hamash al-Qur'ān al-Karīm* (Damascus: Dār al-Fikr, n.d), 117.

<sup>18</sup> See, 'Imām Abū Ja'far Muhammad ibn Jarīr ibn Yazīd al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl ay al-Qur'ān*, vol. 8 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1992), 504–510.

## Understanding *Maqāṣid al-Sharī'a*

*Maqāṣid al-sharī'a* consists of two basic words: *maqāṣid* and *al-sharī'a*. *Maqāṣid* is a plural (*jama'*) form of *qasada*, which means aim, purpose, intent or goal.<sup>19</sup> Meanwhile, *sharī'a* literally means "a path to the source of water". Terminologically, it has various meanings. Saltut points out that *al-sharī'a* is the rule of God revealed to humans as guidance to their life.<sup>20</sup> Ibn Taymiyya, as cited by Umar al-Ashqar, defines *al-sharī'a* as the law of God that covers theological (*aqidah*) and actual (*'amaliyah*) dimensions.<sup>21</sup> Al-Shāṭibī contends that *sharī'a* is a way or bridge (*waṣīlah*) that leads religious acts and deeds to God.<sup>22</sup>

Ibn 'Ashūr, a modern Islamic scholar, says that *maqāṣid al-sharī'a al-'amma* (global) is preferable terms that implies the meaning of the whole and total Islamic law prescription. In line with Ibn 'Ashūr's definition, Wahbah al-Zuhaylī proposes a similar definition, stating that the meaning of *sharī'a* refers to the whole commandment of God that humans need to build their civilization. Thus, according to definitions above, simply we can conclude that *maqāṣid al-sharī'ah* is aims of commandment to human kindness. From these definitions, *sharī'a* is not understood merely as law but also theology, social conduct and guide of Islam. *Maqāṣid al-sharī'a* is seen as the objective of Islamic law.

Conceptually, *maqāṣid* is developed by Muslim jurist al-Shāṭibī in his magnum opus *al-Muwāfaqāt*.<sup>23</sup> However, he did not build the theory by himself. Rather, he worked on it on the basis of his teacher-predecessor al-Ghazali and al-Juwaynī,<sup>24</sup> who for the first time formulated the five pillars of preservations (*faith, soul, mind,*

<sup>19</sup> Abu Ḥusayn ibn al-Fāris Ibn Zakariyya, *Mu'jam al-Maqāyīs fi al-Lughah* (Beirut: Dār al-Fikr, 1994), 891.

<sup>20</sup> Muḥammad Saltut, *Aqidah wa Sharī'ah* (Cairo: Dār al-Qalam, 1966), 12.

<sup>21</sup> 'Umar Sulaymān Ashqar, *Al-Mudkhal ila al-Sharī'ah wa al-Fiqh al-Islām* (Ardan: Dār al-Nafāis, 2005), 14.

<sup>22</sup> Abū Ishāq al-Shāṭibī, *Al-Muwāfaqāt*, vol. 1 (Beirut: Dār al-Kutub, 2003), 41.

<sup>23</sup> Mufti Hasan, "Mekanisme Penyelesaian Ayat Kontradiktif Berbasis Maqāṣid Al-Sharī'ah: Studi terhadap Ayat Perkawinan Beda Agama," *Jurnal THEOLOGIA* 28, no. 1 (September 2017): 128.

<sup>24</sup> Jasser Auda, *Maqasid Al-Shariah As Philosophy of Islamic Law: A System Approach* (London: International Institute of Islamic Law, 2007), 28.

off spring and wealth).<sup>25</sup> After the al-Shatibi's era, the discourse of *maqāṣid al-sharī'a* did not develop well. Not until in the later period did Ibn 'Ashūr extended the theory by promoting new pillars of necessity. He added freedom, equality, holiness, tolerance and justice as the principles or pillars of *maqāṣid*.

What Ibn 'Ashūr did was not without any reasons. Jasser Auda stated that contemporary jurists/scholars have developed the traditional concept of necessity depending to their reaction on various issues such as human right. Because of that, they have significant developing concepts of *maqāṣid al-sharī'a* in which they try to make new concern depending to contemporary issues. Generally, they give more attention on three fields complementary to the traditional *maqāṣid*: 1) the scope of the *maqāṣid* is considered on its purpose. They divide into three levels: general, specific, and partial *maqāṣid*/purpose. (2) The notion of *maqāṣid* has been extended to include a broader scope than individual, such as the community, nation or even humanity. (3) The source of *maqāṣid* now includes in the traditional concept is limited. Contemporary scholars directly take its sources from the scriptures, the Qur'an and the *Sunnah*.

One of the contemporary scholars who is concerned with this endeavor is Jasser Auda. He promotes a theory to read and build a more accommodative and relevant Islamic law from the *system approach*. This theory applies six components, namely *natural cognition, holistic, openness, interrelated of hierarchy, multi-division and purposefulness*.<sup>26</sup>

### *System Approach to the Qur'an*

Jasser Auda offers six features of system approach to the Qur'an. This approach purports to re-read or re-interpret the

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<sup>25</sup> The purpose of *maqasid* is divided into 3 aspect: necessities (*ḍarury*), needs (*hajiyyat*) and luxuries (*taḥsiniyyat*). Traditional scholars divide the "necessities" into five pillars of preservations, faith, souls, mind, offspring and wealth. Those pillars have to be the priority of creating Islamic law because they are the essential matter of human life. In further development, some *uṣulis* order the preservation of honor with considering on the necessity of human this era.

<sup>26</sup> Auda, *Maqasid Al-Shariah*, 45.



classical formulation of Islamic law and its two main sources: the Qur'an and the *Sunnah*.

The first feature of the system approach is natural cognitive. Auda states that Islamic law is a result of human effort (*ijtihād*) to discover the answer of the questions where the texts are silent. Islamic law is not created directly by God because He is not jurist. Following this argument, it is similar as the case of Quranic exegesis. No one of Quranic interpretations is directly from God but from human understanding as part of their cognitive work. Due to this, it is exactly not possible to have a precisely same interpretation from one scholar to another. Clearly, the result of such reading is different from the verbal utterance of the verses themselves.

The second feature is holistic system. The holistic system aims to see the entire of the involved themes, not the partial side. In other words, it wants to approach the Qur'an as a whole system of message where none of its verses part is disassociated with the others. This approach differs greatly from the classical method where interpretation is occasionally based on one verse regardless of similar messages brought up by other verses.<sup>27</sup>

The third is openness. This one is more life in factual condition. It demands us to read and build Islamic law with respecting the condition of environment. *Ijtihād* is important to preserve Islamic law and keeps it open to change. The concept of *qiyās* and *ijma'*, for example, suggest that interpretative device is needed so *ijtihad* remains relevant.<sup>28</sup> With this necessity, Islamic law can survive in any condition or context and is able to problems and difficult realities that call for solution from it. According the principle of openness, it is possible to read the Quranic as open discourse and text.

The fourth is interrelated hierarchy system. The hierarchy consists of some classifications and degrees. But, in this concept, every classification is linked to another. The classification is categorized by the purpose. Muslim jurists divided the purpose of law into three categories: general, specific and partial. Each of

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<sup>27</sup> Ibid., 46.

<sup>28</sup> Ibid., 48.

them is interrelated to another, so there is no fixed separating boundary. General purpose is what the Qur'an wants to talk generally. The specific purpose is all about certain subjects. The last, the partial purpose is meaning or sense of every verse, or in another world, the smallest entity of Quranic purpose.

The fifth is multi-dimension. It recalls us upon methodology of traditional schools of Islamic law in which they only consider a single evidence (*dalīl al-mas'ala/evidence of the case*). Despite of that, there is, however, other important evidences. In this regard, we are not going to perpetuate that method, but reconstruct it in order to gain the second step, namely "holistic system". In the theory of Islamic jurisprudence, there is a term *ta'arud al-adillah* (disagreement between evidences).<sup>29</sup> By this model, the multi-dimension is being operated with confronting them to one unit. This model accommodates the different theme of verses and connect them with the others so not to make dichotomy amongst them.

The sixth is purposefulness. The key of this system is the identity of purposefulness itself. Auda calls this system with *purpose-seeking system*.<sup>30</sup> It could follow a number of means to gain the same end or purpose and also could produce various outcomes for the same field as long as these various outcomes achieve the intended purpose. Qur'anic interpretation is an outcome of understanding the Qur'an, and not the Qur'an itself. A reading to a Quranic discourse/theme from a different perspective is very possible to create various interpretations so long as the intended purpose of the verse is still fully kept.

The six features of the system approach will be presented in integrated-four proses. Before getting into integrated-four process, it should be known that every single proses is a tool to represent each or some theories. First, the first step is exploring all related verses on non-Muslim leadership. In this step, we do apply the second and the fifth theory of the holistic of the Qur'an in which it can be read separately and also that every single verse is a part of every or some other verses in single theme though they are not in

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<sup>29</sup> Ibid., 49–50.

<sup>30</sup> Ibid., 50–51.

line or opposition. The second step is determining of single mean. It leads to understand the partial goal of each verse in which the meaning is not only being inducted from the literal utterance, but also from its socio-history of the revelation. In this part, we employ the fourth theory of interrelated hierarchy system and in following step is the further discussion of the fourth theory. Third, this step is the main process of *maqāṣid al-sharī'a* application. The partial goal (*maqāṣid*) that has been achieved from the second step will be explored to gain specific goal/purpose with making thematic-group verse. And the general purpose will be sourced by confronting the partial purpose of the same topic verses (non-Muslim leadership) against general and opposite verses (leadership verses in general) and by following the past thought. The next step is analytical to connect the result of the *maqāṣid* interpretation with the context of Indonesian. The last one is the final applying of the six theories, especially according to the sixth theory in which we face the reality of Indonesian context and system of law in Indonesia. Thus, we, therefore, will seek to look at the Constitution (UUD) to help seeing the context of law in Indonesia in any hierarchy elements.

### ***Maqāṣid al-Shārī'a* on Non-Muslim Leadership**

There are at least six specific verses that are often considered as the textual ground for the prohibition on non-Muslim leadership for Muslims. They are chapters *Āli-'Imrān*: 28, *al-Mā'idah*: 51, 57, *al-Mumtaḥana* : 1, *al-Nisā'*:144, *al-Tawba*: 71.

#### a. *Āli-'Imrān*: 28

لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ إِلَّا أَنْ تَتَّقُوا مِنْهُمْ تُقَاةً وَيُحَذِّرْكُمْ اللَّهُ نَفْسَهُ وَإِلَى اللَّهِ الْمَصِيرُ.<sup>31</sup>

#### b. *Al-Mā'idah*: 51

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<sup>31</sup> "Let not the believers take not the disbelievers for friends rather than believers. And whoever does this has no connection with Allah except that you guard yourself against them, guarding carefully. And Allah cautions you against his retribution. And to Allah is the eventual coming." 'Ali, *The Holy Qur'an*, 136.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَى أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ.<sup>32</sup>

c. Al-Mā'idah: 57

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الَّذِينَ اتَّخَذُوا دِينَكُمْ هُزُؤًا وَلَعِبًا مِنْ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَالْكَافِرَ أَوْلِيَاءَ وَاتَّقُوا اللَّهَ إِنَّ كُنْتُمْ مُؤْمِنِينَ.<sup>33</sup>

d. Al-Mumtahanah: 1

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّي وَعَدُوَّكُمْ أَوْلِيَاءَ تُلْقُونَ إِلَيْهِم بِالْمَوَدَّةِ وَقَدْ كَفَرُوا بِمَا جَاءَكُمْ مِنَ الْحَقِّ يُخْرِجُونَ الرَّسُولَ وَإِيَّاكُمْ أَنْ تُؤْمِنُوا بِاللَّهِ رَبِّكُمْ إِنْ كُنْتُمْ حَرَجْتُمْ جِهَادًا فِي سَبِيلِي وَابْتِغَاءَ مَرْضَاتِي تُسِرُّونَ إِلَيْهِم بِالْمَوَدَّةِ وَأَنَا أَعْلَمُ بِمَا أَخْفَيْتُمْ وَمَا أَعْلَنْتُمْ وَمَنْ يَفْعَلْهُ مِنْكُمْ فَقَدْ ضَلَّ سَوَاءَ السَّبِيلِ.<sup>34</sup>

e. Al-Nisā': 144

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ أُرِيدُونَ أَنْ تَجْعَلُوا لِلَّهِ عَلَيْكُمْ سُلْطَانًا مُبِينًا.<sup>35</sup>

f. Al-Tawbah: 71

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ.<sup>36</sup>

<sup>32</sup> "O you who believe, take not the Jews and the Christian for friends. They are friends of each other. And whoever amongst you takes them for friends he is indeed one of them. Surely Allah guides not the unjust people". Ibid., 257.

<sup>33</sup> "O you who believe, take not for friends those who take your religion as a mockery and a sport, from among those who were given the Book before you and the disbelievers; and keep your duty to Allah if you are believers". Ibid., 259.

<sup>34</sup> "O you who believe, take not your my enemy and your enemy for friends, would your offer them love, while they deny the truth that has come to you, driving out the messenger and your selves because you believe in Allah, your Lord. If you have come forth to strive in my way to seek my pleasure, would you love them in secret? And I know what you conceal and what you manifest. And whoever of you does this, he is indeed strays from the straight path". Ibid., 1051.

<sup>35</sup> "O who you believe, take not the disbelievers for friends rather than the believers. Do you desire to give Allah a manifest proof against your selves?". Ibid., 228.

<sup>36</sup> "And the believers, men and women, are friends, one of another, they enjoin good and forbid evil and keep up prayer and pay the poor-rate and obey

Those verses point to several key terms associated with non-Muslim leadership. These include *al-kāfir*, *ahl-kitāb*, and *‘aduww* in which each of them is a vice key of the verse. *Al-kāfir*<sup>37</sup> is initially sign to unthank person for his/her achievement. But, in the period of the revelation, this word had changed its meaning for the first time. It is pitted against the word *Iman* and refers to unbelief. *Ahl-kitāb* refers to the people of the book Books and is linked to the Jews, the Christians and the *Sabi’ah*. *Al-‘aduww* means enemy of God or devout nation (*ummah*). Commonly, it is used to underscore those who deviate God or worship Him along with other creatures.

Historically, the adherents or groups of those names are part of the history of Islam. As well-known, since the birth of Islam, they had been members of Arabs land. *Al-‘aduww*, including *mushrikīn* (infidels), had been first group in contact with Muslims in Mecca. They were like *ahl-kitb*, who had established close relationship with the first Muslim generation when they migrated to Medina and stayed there. They together set up a pact or agreement to manage plural societies and was laid down in a charter called Medina Charter. From this history, we can get a hypothesis that the Qur’an is response to this early situation of intra-religious relationship. Interestingly, all of the verses above were revealed in Median (*madaniya*), so were connected with the external-side of Muslim life.

The first verse responded *Ansār* companions. They were discussing in secret with the Jews (al-Hajjāj bin Amr, Ibn Abi al-Ḥuqāiq, Qis bin Zaid), in which the Jews were giving rulings to their religion (Islam). But, this is opposed by Rifā’ah ibn al-Mundhīr ibn Zanbar and Abdullāh Ibn Jubayr. They commanded the companions to leave away the Jews and to be careful with their secret intents and, because the Jews could not preside over their

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Allah and His messenger. As for these, Allah will have mercy on them. Surely, Allah is mighty, Wise”. Ibid., 402.

<sup>37</sup> See, Toshikko Izutsu, *God and Man in The Qur’an: Semantic of the Qura’nic Weltanschauung* (Tokyo: Keio University, 2002), 32.

religion. With this condition, immediately, the verse was revealed.<sup>38</sup>

Second, al-Ṭabari concluded this verse responded to the problem encountered by 'Ubadah ibn Samat al-Ḥaris and Abdullāh ibn Ubay ibn Salūl. They had different perturbation. 'Ubadah wanted to leave away from his Jewish employer. He reported this to the Prophet Muhammad because his employer was too excessive. Meanwhile Abdullāh ibn Salūl wanted to stay with his Jewish employer.<sup>39</sup>

The third verse, in the same *sūra* of the second verse, refers to the treason made by Rifā'ah ibn Zayd and Suwaid ibn al-Ḥaris, who converted to Islam but later betrayed their new religion. Knowing that, a flock of Muslim tried to accept them in affection. Because of their affection, this verse was revealed. In addition, the term of *kuf*r in this verse is not meant to be the Jews and the Christian, but to *al-mushrikūn* (polytheism adherents).<sup>40</sup>

The fourth verse has historical event which is in line with the term of *'aduww* (enemy). It happened that there was a man, namely Hāṭib ibn Abi Balta'ah, from the *mushrikīn*, wanted to accomplish with the *Quraysh* about a particular matter. To gain his purpose, he wanted to ask his relative to be emissary to the *Quraysh* because he did not have any family or friend in Mecca. He saw that the companies of the Prophet Muhammad were from Mecca who promised not to leave Islam. Instantly, he asked the Prophet to give him a judgment of his demand. The Prophet just gave an answer, saying "you have witnessed". Responding the man, Umar ibn al-Khaṭṭab wanted to hit him because he taught the man was hypocrite man. The Prophet restrained him from doing so.<sup>41</sup>

The fifth verse has in particular no specific background-history that surrounded its revelation. Al-Ṭabari, however, stated that this verse is a warning against imitation of hypocrites who

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<sup>38</sup> Īmām Abū Ja'far Muḥammad ibn Jarīr ibn Yazīd al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl ay al-Qur'ān*, vol. 5 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1992), 316.

<sup>39</sup> al-Ṭabarī, *Jāmi' al-Bayān*, 8:504.

<sup>40</sup> Ibid., 8:533–534.

<sup>41</sup> Īmām Abū Ja'far Muḥammad ibn Jarīr ibn Yazīd al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl ay al-Qur'ān*, vol. 22 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1992), 559–560.

preferred infidels as leader to Muslims.<sup>42</sup> The last verse is the one that usually used by the conservative group to assess appropriateness of leader. They hold that leaders must have good conducts and worship to Allah.<sup>43</sup>

The first verse bans Muslims from appointing leadership those who are not knowledgeable about their religion and affairs. This prohibition is reasonable because leaders must know and be aware of their subject. The next verse suggests that it is very often the failure in leadership and management is due to unawareness and unprofessionalism of leader. This implies that leader has to show good attitude and give the best serve for his/her subjects. Third, every institution forbids treason, because it can damage the institution itself. It is reflected in this verse. Islam has rule on this and violation against it is labeled as *bugāt* (rebel). Forth, it concerns suspicion to those not part of the community while his/she has no honorable conduct. This verse responds to Umar's hesitancy for a person beyond the community member of Islam who behaved impolitely to the Prophet. The fifth verse has a similar content with the fourth one. It prohibits Muslims to carelessly take everyone as close allies or leaders because he/she can betray them. The last verse talks about specific criteria for a leader who has to lead the adherents to worship to Allah and do good conduct. From these verses, it appears that the instruction of taking or leaving a particular leadership for Muslims is considered on emergency situation. The fear of disunity and of lost of peace among Muslims constitute the reason why the Qur'anic verses are understood to be hesitate to offer leadership for persons out of Muslim community.

But looking at the whole message of the verses it may be conclusive that this issue is very debatable. Some verse opposes the prohibition underlined by the other verses. These are more general in addressing leadership and use specific terms such as *khalīfa*, *imām* and *ulu al-amr* that directly indicate different to the term *awliyyā* itself. The *khalīfa* term is represented in *al-Baqara*

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<sup>42</sup> Īmām Abū Ja'far Muḥammad ibn Jarīr ibn Yazīd al-Tabarī, *Jāmi' al-Bayān 'an Ta'wīl ay al-Qur'ān*, vol. 7 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1992), 617–618.

<sup>43</sup> Īmām Abū Ja'far Muḥammad ibn Jarīr ibn Yazīd al-Tabarī, *Jāmi' al-Bayān 'an Ta'wīl ay al-Qur'ān*, vol. 11 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1992), 557–558.

(2:30),<sup>44</sup> *Ṣād* (38:26),<sup>45</sup> and *al-An'ām* (6:165).<sup>46</sup> *Khalīfa* literally means leader. In the early Islamic period, however, this word refers to the Prophet's companions who replaced his position as the leader of Muslim community. The content of *al-Baqarah* (2:30) is about the Angels' protest because of the destructive deeds of *khalīfa*. The other verse is concerned with the story of David (*Dāwūd*). He was commanded to hold up justice on earth. Last, in this term, it is a general verse, it only talks about the destiny of human as ruler on earth. By this term, we know that *khalīfah* is a concept of leader's group (as *Dāwūd* leadership) and personal leader. As leader group, there are some rulers to obey including not to take destructive act, give just judgment and not to follow lustful desire.

The other important term is *imam*, explained in two verses *al-Baqarah* (2:124)<sup>47</sup> and *al-Furqān* (25:75)<sup>48</sup>. The first is God's promise

<sup>44</sup> "And when thy Lord said to the Angels, I am going to place ruler in the earth, they said: wilt Thou place in it such as make mischief in it shed blood?" and we celebrate Thy praise and extol Thy holiness. He said: surely I know what you know not". 'Ali, *The Holy Qur'an*, 17.

<sup>45</sup> "O david, surely we have made thee a ruler in the land; so judge between men justly and follow not desire, lest it lead thee astray from the path of Allah. Those who go astray from the path of Allah, for them is surely a severe chastisement because they forgot the day of reckoning" "And when thy Lord said to the Angels, I am going to place ruler in the earth, they said: wilt Thou place in it such as make mischief in it shed blood?" and we celebrate Thy praise and extol Thy holiness. He said: surely I know what you know not". Ibid., 870.

<sup>46</sup> "And He it is Who has made you successors in the land, and exalted some of you in rank above others, that He may try you by what He has given you. Surely thy Lord is Quick in requiting (evil) and He is surely forgiving, the merciful. 'And when thy Lord said to the Angels, I am going to place ruler in the earth, they said: wilt Thou place in it such as make mischief in it shed blood?' and we celebrate Thy praise and extol Thy holiness. He said: surely I know what you know not". Ibid., 316.

<sup>47</sup> "And when his Lord tried Abraham with certain commands he fulfilled them. He said: surely I will make thee a leader of Men.(Abraham) said: And of my offspring? My covenant does not include the wrong doers, said He. 'And when thy Lord said to the Angels, I am going to place ruler in the earth, they said: wilt Thou place in it such as make mischief in it shed blood?' and we celebrate Thy praise and extol Thy holiness. He said: surely I know what you know not". Ibid., 53.

<sup>48</sup> "And they who say, Our Lord, grant us in our wives and our offspring the joy of our eyes and make us leader for those who guard against evil" "And when thy Lord said to the Angels, I am going to place ruler in the earth, they said:



to Ibrahīm to make him human leader in the world. Interestingly, the God's promise is not for *zalim* (despotic person), as it is the opposite of balanced or just (*'adl*). The second verse is specific about leader for pious community. This position resembles to socio-religious leader such as *syekh*, *kyai* (Javanese term for great Islamic teacher).

Meanwhile *ulu-amr* is explained in two verses of the same chapter of *al-Nisā'* (4:59<sup>49</sup> & 83<sup>50</sup>). Al-Ṭabarī commented that *ulu al-amr* is the expert of fiqh/law or the jurist. Historically, the verse is revealed in conjunction with Khālīd ibn Walīd's refusal to the Prophet Muhammad's explanation of his and 'Ammār ibn Yassār's report about their problem in which the Prophet defended 'Ammār.<sup>51</sup> *Ulu al-amr* is thus more than such a leader; it includes whoever has authority to give judgment and decision. The second verse tells that *ulu al-amr* and the Prophet are settled down in the same position, where the community can ask for solution or response to their questions or problems.

### Non-Muslim leadership based on Maqāṣid in the Indonesian context

The above discussion leads to a lesson on the prohibition of, or caution on, taking non-Muslim leadership in the past. There were some occasions in the past in which Muslims should not appoint others as their closed-friend, ally and even leader. Such warning is

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wilt Thou place in it such as make mischief in it shed blood?" and we celebrate Thy praise and extol Thy holiness. He said: surely I know what you know not". Ibid., 708.

<sup>49</sup> "O you who believe, obey Allah and the Messenger and those in authority from among you; then if you quarrel about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day, this is best and more suitable to (achieve) the end." "And when thy Lord said to the Angels, I am going to place ruler in the earth, they said: wilt Thou place in it such as make mischief in it shed blood?" and we celebrate Thy praise and extol Thy holiness. He said: surely I know what you know not". Ibid., 207.

<sup>50</sup> "But if any news of security or fear comes to them, they spread it abroad. And if they had referred it to the Messenger and those in authority among them, those of them who can search out knowledge of it would have known it. And were it not for the grace of Allah upon you and His mercy, you would certainly have followed the devil save a few". Ibid., 213.

<sup>51</sup> al-Ṭabarī, *Jāmi' al-Bayān*, 7:178.

reasonable due to undesirable outcome of such leadership or friendship because this was unaware of Muslim community needs, and not because of personal predisposition. The other verses suggest a more general prerequisite of leadership. Here leadership can be bestowed upon those able to uphold justice and maintain peace and harmony.

To decide whether non-Muslim have chance to be leader in Indonesia, we should consider two conditions: internal and external. The internal condition is about good personality. According to the Qur'an explanation, there are, at least, three main conditions for leader. They must be just, able to constraint desire and moderate. Justice will preserve harmony of society. Law should be applied in its place. Desire is one of the dangerous human traits that will lead leader to break law or behave according to corrupt ambition. Moderate and attentive in dealing with every matter is the other requirement. All these three characters will deflect leaders from committing corrupt deeds.

The external condition refers to the context or the situation in Indonesia. It has two sub-conditions, the nature of the state of Indonesia and its constitution. It is a nation-state based on law and the 1945 Constitution. It is neither secular or religious country. According to the law and Constitution every citizen deserves being appointed as leader, such as president or governor, if they are qualified. The Constitution speaks this very clearly in its chapters, for example Article 27 [1] and article 28D [3], article 43 [1]. This is also laid down in many statutes, for example Law on Election 8/2002 Election. All these laws guarantee citizens' right to be elected as leader regardless of their physic, race, religion, and gender.<sup>52</sup>

## Conclusion

The topic regarding politics and leadership in the Qur'an is not given in one verse but in many places of its chapter. There are also different explanations on the interpretative level of those

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<sup>52</sup> Wendy Budiati Rakhmi and Elfia Farida Rahayu, "Pelaksanaan Kewajiban Negara Terhadap HAM Kaum Transgender (Studi terhadap Pemenuhan Hak Untuk Dipilih di Indonesia)," *Diponegoro Law Journal* 1, no. 4 (October 1, 2012): 3.

verses. This study offers the perspective of *maqāṣid al-sharī'a* as a method to find out the main purpose and meaning of the verses, which may subject to negligence to the formulation of classical Islamic law.

This study reveals that reading the Qur'anic verses on this matter from that perspective does not restrict appointing non-Muslims as leader. But, for Muslims, it is a relative matter. The condition to appoint non-Muslims as leader is that they must meet the Quranic basic requirements, which also apply to Muslims. The verses that prohibit seeking leaderships from non-Muslims and the verses that do not specify such prohibition must be read together and compromised. The prohibiting verses concerned unsafe and fragile position of the Muslim community at that time. Consequently, the limitation is lifted out when the condition is stable such as today. This interpretation is relevant to the stipulations laid down in the Constitution, state regulation and wisdom, within the Indonesian context.

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