The Shura Concept of Government in the View of Islam and Democracy

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Abstract.

This paper aims to briefly describe shura and will culminate in explaining the differences between shura and democracy which are products of secularism. This study uses a juridical theoretical approach by analyzing various kinds of literature, both Islamic literature and other documents about the concept of Majlis Shura and Democracy. The primary materials are in the form of Al-Qur'an and Sunnah Studies and the book Asy Shura fi al-Kitab wa as-Sunnah wa 'inda Ulama al-Muslimin by Prof. Dr. Muhammad bin Ahmad bin Salih ash-Salih. Then analyzed by reducing the data then concluded. The results of this study explain the basic concept of Shura in Islam, the urgency of the concept of Shura and the conditions for becoming a member of Shura and the similarities and differences between the concept of sura and democracy. The conclusion of this study is that shura and democracy are not the same, because shura is a method that originates from Rabb al-Basyar (Rabb of mankind), namely Allah, while democracy is the fruit of thought from weak humans which of course cannot be separated from deficiencies.

Keywords: Concept; Democracy; Government; Shura.

1. Introduction

According to the language, shura[1] has two meanings, namely showing and explaining something or taking something [Mu'jam Maqayis al-Lughah 3/226]. Meanwhile, in terms of terms, several previous scholars have provided definitions of shura, among them is Ar Raghib al-Ashfahani who defined shura as

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[1]Aat Hidayat. (2015). Syura Dan Demokrasi Dalam Perspektif Al-Qur'an, Vo.9 No. 2, *ADDIN Media Dialektika Ilmu Islam*, https://journal.iainkudus.ac.id/index.php/Addin/article/view/621 see Bakry, K. (2018). Konsep Syura dalam Alquran. *NUKHBATUL 'ULUM: Jurnal Bidang Kajian Islam*, *4*(1), 70-83. https://doi.org/10.36701/nukhbah.v4i1.35

the process of expressing opinions by revising each other between shura participants [Al Mufradat fi Gharib al-Quran p. 207][2].

Ibn al-Arabi al-Maliki defines it as gathering to ask for opinions (on an issue) where shura participants share their opinions [Ahkam al-Quran 1/297]. While the definition of shura given by contemporary fiqh experts includes the process of exploring the opinions of experts on a problem to reach a solution that is close to the truth [Asy Shura fi Zhilli Nizhami al-Hukm al-Islami p. 14].

From the various definitions presented above, we can define shura as the process of presenting various diverse opinions and accompanied by an argumentative side in a case or problem, tested by intelligent and reasonable experts, in order to be able to trigger the right and best solution to be practiced so that the expected goals can be realized [Asy Shura fi al-Kitab wa as-Sunnah p. 13].

2. Research Methods

This study uses a juridical theoretical approach by analyzing various kinds of literature, both Islamic literature and other documents about the concept of Majlis Shura and Democracy. Primary materials are in the form of Al-Qur'an and Sunnah Studies and the book Asy Shura fi al-Kitab wa as-Sunnah wa 'inda Ulama al-Muslimin by Prof. Dr. Muhammad bin Ahmad bin Salih ash-Salih. Then analyzed by reducing the data then concluded.

3. Results and Discussion

3.1. The Concept of Shura in Islam

Imam Ibn Kathir said, The meaning of the word of Allah (which means), "If both of them want to wean (before two years) with the consent of both and deliberation, then there is no sin on both of them" is if both parents agree to wean before the baby is two years old, and both of them are of the opinion that it is beneficial for the baby, and both of them have consulted and agreed to do it, then there is no sin for both of them[3]. Thus, the benefit that can be drawn from this is not enough if this is only supported by one parent without the other's approval. And it is not permissible for one of the two parents to choose to do so without consulting the other [Tafsir al-Quran al-'Azhim 1/635].

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2 https://muslim.or.id/6055-syura-dalam-pandangan-islam-dan-democracy.html, accessed on 12 January, 2023

3As-Sayuti, Jalaluddin, (2013), *Rekam Jejak Para Khalifah, Berdasarkan Riwayat* Hadits, diterj. Oleh Nabhani Idris, Jakarta, As@-Prima Pustaka, lihat Hamka, (2016), *Sejarah Umat Islam*, Jakarta, Gema Insani, First Ed.

In social and state life, the Koran has narrated that shura had been carried out by the former people such as the Sabaiyah people who were led by their queen, namely Balqis. In the letter an-Naml verses 29-34 describes the deliberations conducted by Balqis and the dignitaries from his people to find a solution to face the prophet Sulaiman 'alahissalam[4].

Similarly, Allah has ordered the Prophet sallallaahu'alaihi wa sallam to consult with his companions in every matter. Allah Ta'ala says,

"So it is because of mercy from Allah that you are gentle with them. If you had been tough and hard-hearted, they would have distanced themselves from around you. Therefore, forgive them, ask forgiveness for them, and consult with them in this matter. Then when you have made up your mind, put your trust in Allah. Verily, Allah loves those who put their trust in Him." [Ali 'Imran: 159].

In another verse, in the Ash Shura verse 38, Allah Ta'ala says,

"And (for) those who accept (obey) the call of their Lord and establish prayer, while their affairs are (decided) by deliberation between them; and they spend part of the sustenance that We give them ". [Asy Shura: 36-39].

The meaning of the word of Allah Ta'ala (which means), "while their business is (decided) by deliberation between them" is that they do not carry out an affair until they consult each other about it so that they support each other with their opinions such as in matters of war and the like [Tafsir al-Quran al-'Azhim 7/211].

All the verses of the Koran above state that shura (deliberation) is prescribed in Islam, and some scholars even state that shura is an obligation, especially for leaders and rulers and those holding office. Ibn Taimiyah said, "Indeed Allah Ta'ala ordered His prophet to consult to unite the hearts of his companions, and to be emulated by people after him, and so that he was able to explore their ideas in issues in which revelation was not revealed, both problems that related to wars, partial problems, and others. Thus, apart from him shallallahu'alaihi wa sallam, of course it is more appropriate for deliberations" [As Siyasah asy-Syar'iyah p. 126].

The sunnah of the Prophet sallallaahu 'alaihi wa sallam also shows how the Prophet sallallaahu'alaihi wa sallam was very concerned about always consulting with his friends in various matters, especially matters related to the interests of many people. He once consulted with his companions during the Battle of Badr regarding the departure to confront the Quraysh infidels. In addition, the

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4Lukman Santoso, (2013), Eksistensi Prinsip Syura Dalam Konstitusional Islam, Vol.3 No. 1, *IN RIGHT: Jurnal Agama dan Hak Azazi Manusia, DOI:* https://doi.org/10.14421/inright.v3i1.1256

Prophet sallallaahu 'alaihi wa sallam once consulted to determine the location of the camp and he accepted the opinion of al-Mundzir bin 'Amr who suggested camping in front of the enemy.[5].

In the Uhud war, he asked for the opinion of his previous companions, whether to stay in Medina until waiting for the enemy to arrive or whether to welcome them outside Medina. Finally, the majority of the Companions suggested leaving Medina to face the enemy[6]and he agreed. In another matter, when the hadith al-ifki incident occurred, the Prophet sallallaahu'alaihi wa sallam asked for the opinion of 'Ali and Usamah regarding the mother of 'Aisyah radhiallahu 'anhum. Likewise, the Prophet sallallaahu 'alaihi wa sallam also consulted with his companions both on war and other issues[7].

3.2. The Urgency of the Shura Concept and the Requirements to become a Shura Member

Ibn 'Athiyah said, "Shura is the most important rule in the shari'ah and legal provisions in Islam" [Al Muharrar al-Wajiz]. What he said about shura is true because Allah ta'ala has made shura an obligation for His servants in finding solutions to various problems that require a common mind with other people.[8]. In addition, Allah has made shura as one of the names of the letters in the Al-Quran al-Karim. These two things are enough to show how shura has an important position in this religion.

Amir al-Mukminin, 'Ali radhiallahu 'anhu also explained the benefits of shura. He said, "There are seven virtues of shura, namely obtaining the right solution, getting brilliant ideas, avoiding mistakes, guarding against blame, surviving disappointment, uniting many hearts, and following atsar (dalil) [Al Aqd al-Farid p. 43].

The urgency and benefits of shura have been explained by many scholars, including Imam Fakhr ad-Din ar-Razy in Mafatih al-Ghaib 9/67-68. In summary, he stated that shura has benefits, including the following:

5Hasan, Hasan Ibrahim, (2009), *Sejarah dan Kebudayaan Islam I*, diterj. Oleh, H.A. Bahauddin, Jakarta, Kalam Mulia, The 3rd ed.

6Muhammad Husain, (2012), *Utsman bin Affan, Antara Kekhalifahan dan Kerajaan*, diterj. Oleh Ali Audah, Bogor, Pustaka Litera AntarNusa, cet. Kesepuluh, lihat Syalabi, A., (2003), *Sejarah dan Kebudayaan 1*, Jakarta, Pustaka Al Husna Baru

7Mulyana, A. (2017). Ade Mulyana Pembentukan Majlis Syura oleh Umar bin Khaththab untuk Menyelenggarakan Pemilihan Khalifah. *Al Ahkam*, *13*(1), 21–46. https://doi.org/10.37035/ajh.v13i1.1752

8*N Nurkhalis*, (2010), Syura dalam Pemikiran Nurkhalis Madjid, Vol. 12 No. 1, *SUBSTANTIA Jurnal Ilmu-ilmu Ushuluddin,* DOI: http://dx.doi.org/10.22373/substantia.v12i1.3781

1. The deliberations that the Prophet sallallaahu'alaihi wa sallam held with his companions showed their high status (in the presence of the Prophet) and this also proved how much they loved him and their willingness to obey him. If he did not invite them to deliberation, of course this would be a form of humiliation to them.

2. Deliberations need to be held because someone's opinion may arise that contains benefits and does not occur to the waliy al-amr (ruler). Al Hasan once said, "Every people who deliberate, will undoubtedly be guided so that they are able to carry out the best decisions in their problems" [Al Adab by Ibn Abi Syaibah 1/149].

3. Al Hasan and Sufyan ibn 'Uyainah said, "Indeed the prophet was ordered to consult so that he could be used as an example for others and so that it would become a sunnah (custom) for his people"

4. Shura told the Prophet sallallaahu'alaihi wa sallam and also the rulers after him about the level of reason and understanding of the people who accompanied him, and to find out how much their love and sincerity were in obeying him. Thus, it will appear to him their rank in excellence.

The most important thing in Syuro is the requirements to become a Syuro Member, Based on the book Ath-Thariq Ila Jama'atil Muslimin Pages 94-96 (This should also be the main requirement for Members of the DPR/MPR)[9].

1. 'It is (justice), with all its conditions the Khiththah (policy) of the caliphs after the Messenger of Allah was to consult with people who are just and trustworthy from the knowledge experts in this ummah at every age and every meal. Bukhari said, "The leaders after the Messenger of Allah always asked for opinions (deliberations) with trusted people from among the experts in knowledge." (Bukhari 9/138-139, Fathul Bari 13/339: in explaining Bukhari's words Ibn Hajar said 'There are many narrations about the deliberations of the Imams after the Prophet saw.') The scholars concluded the conditions 'is that in Islam there are five things, namely: Islam, intelligent, independent, male, baligh. (Quote from Imam Mawardi's conclusion in Al Ahkam Al Sulthaniyah page 6)

2. Have piety and be "clean" from sin towards Allah and the people. Knowledgeable people who are nominated to become members of this shura should be people who have white papers with Allah and maintain their morals (not perpetrators of sin). Because, when Allah ordered His Messenger to consult with his companions, He asked the Messenger of Allah to first forgive them for

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9   https://www.kompasiana.com/adisupriadi/5508fbd0813311be1cb1e397/mpr-majlis-syuro, accessed on 12 January, 2023

their mistakes against him. Besides asking Allah for forgiveness for their sins related to Allah, so that they are worthy of deliberation and become members of shura. God's Word: "... therefore forgive them, ask forgiveness for them, and consult with them in this matter." (TQS. Ali 'Imran: 159) With this condition, it means that there is no place in the Islamic Shura Council for immoral people, fasiq people, and dishonest scholars.

3. Knowing the Qur'an and As Sunnah, as well as linguistics, interpretation, hadith science, and others. Shura members should be the ones who have the most knowledge of the Al-Quran and As-Sunnah, because they are the ones who can make the path of this ummah according to the book of Allah and the Sunnah of His Prophet. "…And if they handed it over to the Apostle and Ulil Amri among them, surely those who wanted to know the truth (would be able to) find out from them (Rasul and Ulil Amri)…" (TQS. An Nisaa': 83) Bukhari said, "The members of the shura umar are a Qari'." (Bukhari 9/138-139, Fathul Bari 13/339: in explaining these words of Bukhari Ibn Hajar said 'There are many narrations about deliberations of the Imams after the Prophet saw.')

4. Experienced with the issues being discussed, as well as intelligent and mature, Apart from 'is' (see discussion of the first point), Imam Mawardi in Al Ahkam Al Sultahniyah page 6 concluded that the next condition for shura members is to have knowledge and expertise in the issues being discussed , and have smart and wise thoughts in choosing opinions. Imam Al Qurthuby distinguishes the nature of people who consult in religious affairs and in worldly affairs. Shura members in religious matters should be knowledgeable, religiously observant, and intelligent; while in world affairs one should be wise, experienced, and love those who invite deliberations. (Al-Jami' 4/251)

5. Honest and trustworthy, Al Qurthuby said, quoting from Sufyan Ats Thauri, "Let those who become members of your shura be people who are pious, trustworthy, and fear Allah." (Al Jami' 4/251). If it is sunnah for those who stand behind the prayer imam (minor imam) to be wise and able to prevent it, it is even more sunnah for people who will become members of the Islamic Shura Council and accompany those holding the 'uzhma (big leadership) imamate, because he will straighten out the imam. when he strayed and supported him when he was weak. The words of Rasulullah saw: "Let the people who accompany me be people who are wise and have the ability to prevent among you." (Issued by Muslim 1/323, Tirmidhi 1/110, Abu Daud 1/80, Nasa'i 2/87-88, Ibn Majah *Ahmad with tahqiq Shakir* 6/712, Musnad Ahmad 1/57, Ad Darimi 1/ 290)

3.3. Difference between Shura and Democracy

It has been mentioned before that this article attempts to explain the differences between shura and democracy considering that some circles equate the two. Although, the comparison between the two is not correct considering that shura means asking for opinions (thalab ar-ra'yi) so that it is a mechanism for taking opinions in Islam and is part of the process of the Islamic government system (nizham as-Siyasah al-Islamiyah). Meanwhile, democracy is a way of life and a collection of provisions for all constitutions, laws and government systems, so that it is not just a process of taking opinions [Shura is not Democracy by M. Shiddiq al-Jawi]. Thus, what is appropriate is when we compare the Islamic government system with democracy itself.

The differences between the Islamic government system, one of the foundations of which is shura, and the democratic system are summarized in the following points:

1. The ummah (people) in a democratic system can be defined as a group of people who occupy a certain area, where each individual in it gathers because of the awareness to live together, and among the factors that help form the ummah is the existence of racial and language unity [Mabadi Nizham al-Hukm fi al-Islam p. 489]. Whereas in the Islamic system, the definition of umma is very different from what was mentioned earlier, because in defining ummah, Islam is not limited to the factors of unity of region, race, and language. However, the ummah in Islam has a broader definition because it is the Islamic faith that is the bond between every individual Muslim without discriminating against region, race, and language. Thus, even though the Muslims are diverse in terms of race, language, and region, they are all one people, one unit in the Islamic view [Asy Shura wa ad-Dimuqratiyyah al-Ghariyyah p. 25].

2. The democratic system only seeks to realize various material goals in order to elevate the nation's dignity from an economic, political and military perspective. This system does not pay attention to spiritual aspects. Unlike the Islamic system, of course, he still pays attention to these factors without leaving aside the ruhiyah diniyah aspect, in fact this aspect is the basis and goal of the Islamic system. In the Islamic system, the ruhiyah aspect is a priority goal and human benefit related to the world behind him [Asy Shura wa ad-Dimuqratiyyah al-Ghariyyah p. 25].

3. In a democratic system, the people are in full control. A law is drawn up and amended based on public opinion or views. Any regulations that are rejected by the community can be countered, as well as new regulations that are in accordance with the wishes and goals of the community can be drafted and implemented. Unlike the case with the Islamic system, all control is based on the law of Allah suhanahu wa ta'ala. Society is not allowed to set any regulations

unless these regulations are in accordance with Islamic law which He has explained in the Koran and the words of His Prophet sallallaahu 'alaihi wa sallam. Likewise in matters of ijtihadiyah, a regulation is formed in accordance with political laws that are in accordance with the shari'a [An Nazhariyaat as-Siyaasiyah al-Islamiyah p. 338].

4. The authority of the shura assembly in Islam is tied to the texts of the shari'at and obedience to the waliyul amr (government). Shura is limited to problems that do not have a text (firm argument) or problems that have a text but the indications shown have some understanding. As for issues that have clear texts and clear legal indications, shura is no longer needed. Shura is only needed in determining the implementation mechanism of the Shari'at texts. Ibnu Hajar said, "Deliberations are held if in a matter there is no syar'i text which states the law clearly and is in mubah law, so that it contains the same possibility of doing it or not. As for issues whose laws are already known, they do not require deliberation [Fath al-Baari 3/3291]. As for democracy, the authority of parliament is absolute. It is true that the law regulates authority, but once again the law is vulnerable to change [Asy Shura wa Atsaruha fi ad-Dimuqratiyah p. 427-428].

5. Syura which is based on Islam is always bound by moral values originating from religion. Therefore, these values are permanent and not subject to various changes in interests and goals. Thus, it is these values that will determine the law for various activities and goals of the people. On the other hand, democracy adheres to relative values because it is controlled by various interests and goals desired by the majority [Asy Syura wa Atsaruha fi ad-Dimuqratiyah p. 427-428].

6. Democracy has a close relationship with the existence of political parties, even though this is not in line with Islamic teachings because it will foster a spirit of division and division.

7. Islamic Shari'ah has outlined syar'i boundaries that are permanent and may not be violated by the shura assembly. These limitations are eternal as long as Islam exists. Meanwhile, democracy does not recognize and acknowledge fixed boundaries. Precisely the rules that are made in a democratic system will always evolve and lead to the attainment of laws that contain total tyranny wrapped in the slogan of majority law [Fiqh asy-Syura wal al-Istisyarah p. 12].

8. Democracy considers that it is the people who have the highest authority in a country which is based on majority law, it is the majority vote that holds control over the shari'a of a law in making it legal and forbidden. As for the shura system, the people submit and obey Allah and His messenger then to the leaders of the Muslims [Asy Shura la ad-Dimuqratiyah p. 40-41, Ad Dimuqratiyah Din p. 32].

9. Shura aims to produce a solution that is in harmony with al-Haq even if it conflicts with the majority vote, while democracy is on the contrary more concerned with solutions that are the embodiment of the majority vote even though it contradicts the truth [Hukm ad-Dimuqratiyah p. 32].

10.   The criteria for shura experts are very different from the criteria for constituents and members of parliament in a democratic system. Al Mawardi has mentioned the criteria for shura experts, he said, "First, have a perfect and experienced mind; Second, intense towards religion and piety because both are the foundation of all goodness; Third, have a character that likes to give advice and is compassionate, not jealous and jealous, and stay away from discussing with women; Fourthly, be of sound mind, free from preoccupation with anxiety and confusion; Fifth, do not have personal tendencies and are controlled by lust in discussing issues that are the topic of deliberations [Adab ad-Dunya wa ad-Din p. 367; Al 'Umdah fi I'dad al-'Uddah p. 116; Al Ahkam as-Sulthaniyah p. 6; Al Ahkam as-Sultaniyah by Abu Yala p. 24; Ghiyats al-Umam p. 33]. As for the democratic system, every citizen has the same portion in expressing opinions, whether he is an infidel, wicked (perpetrator of immorality), zindik, or secular. Al 'Allamah Ahmad Muhammad Syakir said, "Among the concepts that have been proven and no longer need proof is that the Messenger of Allah shallallahu 'alaihi wa sallam has ordered government officials after him to consult with those who are known for their piety, uphold Allah's rules, fear Allah to Him, establishing prayer, paying zakat and jihad in His way. Rasulullah shallallahu 'alaihi wa sallam has mentioned about them in his words, "Let those who are close to me (in the row of prayers) are those who are intelligent and sensible" [HR. Muslims: 974].

11.   Shura experts prioritize deliberation and advice to leaders and they are obliged to obey them in matters that are ordered. Thus, power is held by the leader. It is the leader who determines and dismisses the shura council depending on the benefit he sees [Al 'Umdah fi I'dad al-'Uddah 112]. Whereas in a democracy, the power is held by the parliament, the leader must obey and the parliament has the authority to dismiss leaders and block credible people from government.

12.   If there are syar'i texts from the Koran and hadith, then the shura experts are obliged to adhere to them and set aside opinions that differ from the two, whether these opinions are minority or majority opinions. Al Bukhari said in his Sahih, "The priests/leaders after the death of the Prophet sallallaahu 'alaihi wa sallam consulted with knowledgeable people who were trustworthy on permissible problems in order to be able to find the easiest solution. When the Al-Quran and hadith clearly explain a problem, they do not turn to other things in order to follow the Prophet sallallaahu 'alaihi wa sallam. Abu Bakr had the view to fighting people who refused to pay zakat, so Umar said, "How can you fight

them when the Messenger of Allah -peace and prayer of Allah be upon him- had said, "I was ordered to fight people until they say laa ilaha illallah. If they have said it, then their blood and wealth have been preserved except for reasons that are right and later the reckoning is with Allah ta'ala. So Abu Bakr replied, "By Allah, I will fight the person who separates something that the Prophet sallallaahu 'alaihi wa sallam actually combined." Then Umar also followed his opinion. Abu Bakr no longer needed deliberations on the above issues, because he already knew the Messenger of Allah's decree against those who tried to separate prayer and zakat and wanted to change the rules and laws in religion [Shahih al-Bukhari 9/112; Asy-Syamilah]. As for democracy, then the texts of the Shari'at are worthless because democracy is built on the principle of al-Laadiniyah/al-'Ilmaniyah (atheism). Therefore, democracy often dispenses with various principal teachings in Islam such as the prohibition of usury, adultery, and various laws that are not in line with what was revealed by Allah ta'ala.

4. Conclusion

There is no gap to equate between the system formed and blessed by Allah for all His servants with a system from humans who come to make up for deficiencies, but still contain deficiencies, and try to solve problems, but they themselves are problems that require solutions. Although there are similarities between shura and democracy as stated by some circles. However, there is a very substantial difference between the two, bearing in mind that indeed shura is a method that originates from Rabb al-basyar (Rabb of mankind), namely Allah, while democracy is the fruit of thought from weak humans which of course cannot be separated from flaws.

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