



## THE RELATIONSHIP BETWEEN POLITICS AND RELIGION (AN EXAMINATION OF THE CONCEPT OF THE ISLAMIC STATE IN THE PERSPECTIVE OF ABU AL-A'LA AL- MAUDUDI)

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### Abstracts

Islam, as a comprehensive and universal way of life, governs not only worship but also politics, statehood, economics, and social systems. Al-Maududi proposed an Islamic state based on the Qur'an, Sunnah, and practices of the companions, advocating for a caliphate system over a monarchy. He argued that the decline of Islamic politics began with the abandonment of the Khilafah system, emphasizing that true sovereignty belongs to God, with humans as executors of God's will. A government enforcing God's rules commands the people's obedience. Al-Maududi outlined three state institutions: executive, legislative, and judiciary, functioning independently. The head of state, also the executive leader, must consult the Shura Council but isn't bound by its majority opinion. The people must monitor the head of state, who can be dismissed if driven by personal desires. To prevent dictatorship, the head of state's powers should be administratively limited, though Al-Maududi did not specify the term of office. In legislative elections, self-nomination is discouraged as it undermines political and social morale, contrary to Islamic law. Al-Maududi also opposed Muslim women holding key government positions or sitting in the Shura Council and People's Council. Establishing an Islamic state is deemed essential to implement Allah's commands in all life aspects.

**Keywords:** Islam, politics, God's sovereignty, state model, political concept, state institutions, dzimmiy, Islamic state.

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## A. Introduction

Religion, as many have argued, can be seen as a divine instrument for understanding the world.<sup>1</sup> Islam, compared to other religions, is the easiest religion to accept such a premise. The main reason lies in Islam's most prominent feature, which is its "omnipresence". This is a view that recognises that "everywhere", the presence of Islam has always provided "the right moral guidance for human action".<sup>2</sup> This view has led some adherents to believe that Islam encompasses a total way of life.

One of the characteristics of Islamic shari'a is its comprehensive coverage. There is nothing in the rules of life that is not contained in the shari'a even if it is implicit. Therefore, in its texts, we find laws concerning worship, akhlaq, aqidah and mu'amalah with broad meaning that includes the regulation of the relationships of individuals with each other, both individually and socially. This is revealed in the Qur'an:

مَا فَرَطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ

"We have not spelt out anything in the Book".<sup>3</sup>

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<sup>1</sup> This argument has been put forward quite strongly by Robert N. Bellah. See his article, "Islamic Tradition and the Problems of Modernisation," Robert N. Bellah, *Beyond Belief : Essays on Religion in a Post-Traditionalist World* (Berkeley and Los Angeles: University of California Press, 1991), pp. 146. See also Leonard Binder, *Islamic Liberalism: A Critique of Development Ideologies* (Chicago and London: University of Chicago Press, 1988), pp. 4.

<sup>2</sup> Fazlur Rahman, *Islam* (New York, Chicago, San Francisco: Holt, Reinhart, Winston, 1966), p. 241. 241.

<sup>3</sup> Department of Religious Affairs of the Republic of Indonesia, *Al-Qur'an and its Translations* (Surabaya: Surya Cipta Aksara, 1999), pp. 192.

The content of the verse above supports the paradigm of thought that Islam is complete and in it, there are various life systems such as those related to politics, statehood, economics, social and so on. This means that Islam as a religion not only contains things that have a theological-ritualistic dimension but also provides guidelines on pragmatic social life. In this case, Islam has a political and state dimension known as: "*Al-Islam Din wa Daulah*", which implies the closeness of the state to religion.<sup>4</sup>

Although this closeness indicates a connection and emphasises the realisation of harmony between the interests of the world and the hereafter, the Qur'an does not explain the technical details of its implementation, but only in global statements. As a result, there are different views among Islamic political thinkers in understanding and interpreting Islamic teachings in politics and government.

In this paper, the author attempts to address the concept of the Islamic state from the perspective of al-Maududi, one of the leading Islamic political figures.

## **B. Abu Al-A'la Al-Maududi at a Glance**

Abu Al-A'la Al-Maududi was born in Aurangabad, a famous city in what is now known as Andra Pradesh, Central India on 3 Rajab 1321 AH, coinciding with 25 September 1903 AD. and died on 23 September 1979.<sup>5</sup> His father was Sayyid Ahmad Hasan<sup>6</sup>, a

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<sup>4</sup> Ahmad Syafi'i Ma'arif, *Islam and the Problem of Statehood: A Study of the Constituent Assembly* (Jakarta: LP3ES, 1996), pp. IX.

<sup>5</sup> M. Amin Rais, "Foreword" in Abu al-A'la al-Maududi, *Khilafah and Kingdom*, trans. Muhammad al-Baqir (Bandung: Mizan, 1990), 7. See also,

descendant of the Sufi saint of the Chishti order who was among the spreaders of Islam on the Indian Continent<sup>7</sup> , a jurist who was very devoted to the teachings of Islam.

As a Muslim intellectual and statesman, in 1919, al-Maududi joined the caliphate movement in India. This movement was aimed at supporting the continuation of the *Islamic caliphate* of the Ottoman dynasty centred in Istanbul.<sup>8</sup> His talent for writing and oratory was a great contribution to the movement. He was one of the leading propagandists of the khilafat movement and was later entrusted with the publication of the leading *al-Jam'iyah* newspaper (from 1924 to 1928) in New Delhi at that time.

In the 1930s, al-Maududi's works attempted to solve many of the political and cultural problems faced by Indian Muslims and

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Munawir Sjadzali, *Islam and State Administration: Teachings, History and Thought* (Jakarta: UI Press, 1990), pp. 158. Compare also with Dedi Supriadi, *Comparative Fiqh Siyasah: Concepts, Schools and Figures of Islamic Politics* (Bandung: Pustaka Setia, 2008), p. 89. 89.

<sup>6</sup> From this lineage of his father, al-Maududi was still a descendant of the Prophet. Hence, he took the first name "sayyid". See A. Mukti Ali, *The Nature of Modern Islamic Thought; in India and Pakistan* (Bandung: Mizan, 1993), p. 241. And he was a direct descendant of Khawajah Maunuddin Ajmeri. See Maryam Jamilah, *Biography of Abul A'la al-Maududi*, ed. Dedi Djamiluddin Malik (Bandung: Risalah, 1984), 3.

<sup>7</sup> Sayyid Vali Reza Nashr, Editor Ali Rahnama, *The Pioneers of the New Age of Islam*, (Bandung: Mizan, 1995), p. 110. 110. See also Imam Ghazali Sa'id, *The Ideology of Fundamentalism, The Influence of al-Maududi's Political Thought on the Jama'ah Islamiyah Trans Pakistan Egypt Movement* (Surabaya: Diantama, 2003), p.11.

<sup>8</sup> See Budhy Munawar Rachman, *Pluralist Islam: A Discourse on the Equality of Believers* (Jakarta: Paramadina, 2001), p. 430. See also Edward Mortimer, *Islam and Power*, ed. Enna Hadi and Rahmani Astuti (Bandung: Mizan, 1984), pp. 78.

also criticised the modern ideologies that had begun to dominate the thinking of some Muslims.<sup>9</sup>

Reading al-Maududi's brilliant ideas, Muhammad Iqbal later persuaded him to move out of Hyderabad and live in the Pathankot district of eastern Punjab. There al-Maududi in collaboration with Iqbal established a research centre called *Dar al-Islam* to educate Islamic scholars so that they could work positively in the service of Islam.

In the 1940s, al-Maududi founded an Islamic movement which he led himself. It was called the *Jama'at Islami*. It was essentially a movement of Islamic cadres and never became a mass movement.

When Pakistan was born in 1947, al-Maududi immediately moved to Pakistan and began to concentrate all his energies and thoughts on helping to establish an Islamic state that was truly following the teachings of Islam. To realise his goal, for the first time, al-Maududi's writings highlighted the various dimensions of Islamic teachings, especially those related to social and political issues.<sup>10</sup> Among his works are 1). War in Islam, 2). The Method of Islamic Revolution, 3). Islamic Law and Its Methods of Implementation, 4). Codification of the Islamic Constitution, 5). The Rights of the Dhimmis in the Islamic State, 6). Basic Principles

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<sup>9</sup> M. Amin Rais, "Foreword" in Abu al-A'la al-Maududi, *Caliphate and Empire*, pp. 8.

<sup>10</sup> Ibid., p. 9.

for the Islamic State, and 7). Islamic Government. All of his works mentioned above are presented in book form.<sup>11</sup>

At the risk of being a thinker and a fighter, in 1953 al-Maududi was sentenced to death on subversive charges relating to the Ahmadiyya Qadiani sect issue. However, due to pressure from both within and outside the country, the Pakistani government commuted al-Maududi's death sentence to life imprisonment.<sup>12</sup>

### **C. An Examination of the Concept of Islamic State in the Perspective of Abu Al-A'la Al-Maududi.**

#### **1. Definition and Purpose of the State**

The definition of state according to R. Kranen Burg is the organisation of power created by human groups called nations. Meanwhile, according to Logeman, the state is an organisation of power that unites human groups called nations.<sup>13</sup>

There are two conflicting modern theories of the state. *Firstly*, Hegel's theory says that the state is the embodiment of the sacred or divine idea on earth, where every citizen can identify his dignity, his status, and the direction of his life. The Hegelian image of the state is that it is the incarnation of the sacred idea and as such it should be above all else. The stronger a state is, the better it is for its citizens. As such, every citizen must give his or her entire

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<sup>11</sup> Munawir Sjadzali, *Islam and State Administration*, p. 165. See also Imam Ghazali Sa'id, *The Ideology of Fundamentalism*, pp.56-59.

<sup>12</sup> M. Amin Rais, "Foreword" in Abu al-A'la al-Maududi, *Caliphate and Empire*, pp. 10.

<sup>13</sup> Soehino, *Constitutional Law, Sources of Indonesian Constitutional Law* (Yogyakarta: Liberty, 1985), pp. 10.

dedication to the state. In other words, the state becomes a deified apparatus, which has the right to demand anything from its citizens.

In contrast to Hegel, according to Marx, the state is essentially an apparatus or machine of oppression, tyranny and exploitation of the workers by the owners of the means of production (the capitalists) and the holders of the distribution of wealth that harms the working class. So it is not strange to find in Marxism the concept of the exhaustion of the state after a socialist revolution. This means that after the socialist revolution, a dictatorship of the proletariat will be established and through the rule of the proletariat, class distinctions can be eradicated until a classless society is realised. In this classless society, the state as the oppressive apparatus of the capitalist class will wither away, disappearing forever.<sup>14</sup>

Al-Maududi's view of the state is different from the two theories above, according to him, the establishment of the state is only part of the great mission of Islam. Building the state is one of the religious obligations. Therefore, the state that has been built needs to be maintained, but it should not be deified. Islam - according to al-Maududi - also rejects Marx's utopia of eliminating the state, which in turn would inevitably lead to anarchy.<sup>15</sup>

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<sup>14</sup> M. Amin Rais, "Foreword" in Abu al-A'la al-Maududi, *Caliphate and Empire*, pp. 30.

<sup>15</sup> Ibid.

Furthermore, al-Maududi explained some of the objectives of organising the state based on the Qur'an and the sunnah of the Prophet, namely:

- a. To avoid exploitation between people, between groups or between classes in society.
- b. To preserve the freedoms (economic, political, educational and religious) of citizens and protect all citizens from foreign invasion.
- c. To uphold a balanced system of social justice as desired by the Qur'an.
- d. To eradicate every evil and encourage every virtue that the Qur'an has emphatically outlined.
- e. Make the country a shady and nurturing place to live for every citizen by enforcing the law without discrimination.<sup>16</sup>

## 2. *The Relationship between Religion and State.*

In al-Maududi's view, Islam is a complete religion, complete with instructions governing all aspects of human life, including in the field of politics and statehood. Therefore, in the state, Muslims should apply the Islamic state system that refers to the example of the Prophet Muhammad and the caliphs after him and do not need to imitate the Western state system. Political figures who were in line with al-Maududi's view were Hasan al-Banna, Sayyid Quthub and Rashid Ridha.<sup>17</sup>

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<sup>16</sup> Ibid., p. 31.

<sup>17</sup> Abu al-A'la al-Maududi, *Qur'an Al-Islamamy wa Thuruq Tanfizhihi*, (Bairut: Muassasah al-Risalah, 1975), p. 23. 23. See also Sirajuddin, *The Politics of Islamic*



To support their argument, the figures above propose a historical fact, that the leadership of the Prophet Muhammad in Medina was not only as a religious leader or apostle in charge of conveying the prophetic message but also acted as the leader of society and the state, therefore having power in the political field. Religion and the state-run integrally without separating the two affairs. That is why the Prophet had the capacity as head of religion as well as head of state and accumulated two powers, spiritual power and worldly power.<sup>18</sup>

In contrast to al-Maududi, according to Ali Abd al-Raziq, religion and the state are two different poles. Each pole has different dimensions. Therefore, the two must run separately. Ali Abd al-Raziq further explained that in the Qur'an and hadith, no text was found that explicitly ordered Muslims to establish a state. Therefore, the formation of the state is not from the teachings of Islam, it is only a social and political demand.<sup>19</sup>

If the formation of the state is one of the religious orders – said al-Raziq –, why did the Prophet never make changes to the model of government, administrative and judicial systems that have been prevailing in the Arab tribes? Similarly, the Prophet did not regulate the recruitment of a judge, or the dismissal of the governor and issued economic system regulations such as trade, agriculture and so on.

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*Statehood: A Study of A. Hasjmy's Thought* (Yogyakarta: Pustaka Pelajar, 2007), pp. 20.

<sup>18</sup> Sirajuddin, *Islamic Constitutional Politics*, p. 23.

<sup>19</sup> Ali Abd al-Raziq, *Al-Islam wa Ushul al-Hukm* (Egypt: Mathba'ah Misr Syarikah Mushahirah Mishriyah, 1925), p.83.

To strengthen his argument, al-Raziq explained that if the Prophet Muhammad was declared to have formed political power and statehood, why the state that was formed did not have a government device that was a guide to Muslims about the system of government and the rules of deliberation.<sup>20</sup> This is certainly an indication of his position which is not related at all to political power, and his government is a separate task from the task of preaching Islam which is beyond the limits of his kerisalah. In other words, the government formed by the Prophet arose from worldly practices that were completely unrelated to his apostolic duties.<sup>21</sup>

Based on the above arguments, al-Raziq rejects the opinion that establishing an Islamic state is obligatory based on shara'.

In response to al-Raziq's opinion above, Muhammad Bakhit al-Muthii said that what al-Raziq said showed that he did not know about the government. Because the Apostle has explained to his people and his people about the theory of the kingdom and the rules of deliberation as Allah says:

وَأَعِدُّوا لَهُمْ مَا سَتَطَعْتُمْ مِّنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ

"And prepare against them whatever force you can, and of horses harnessed for battle."<sup>22</sup>

The above verse according to al-Muthii, indicates the obligation to know the rules of war. The consequence of the rules of war is that there must be sufficient and perfect state and government support

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<sup>20</sup> Ibid., p. 57.

<sup>21</sup> Ibid., pp. 53-55.

<sup>22</sup> QS. Al-Anfal [8]: 60.

joints that ensure the rule of government with a perfect model. The Prophet also conveyed to his people about deliberation.

In the hadith narrated by Abu Hurairah, he said:

مَا رَأَيْتُ أَحَدًا أَكْثَرَ مُشَوَّرَةً لِأَصْحَابِهِ مِنْ رَسُولِ اللَّهِ

"I did not see anyone who consulted with his companions more than the Messenger of Allah".<sup>23</sup>

The opinion that religion and the state are a unity that cannot be separated from one another is not only recognised by Islamic political figures, but also by orientalist such as W. Montgomery Watt who stated that the Prophet Muhammad was not just a Prophet, but also a state leader.<sup>24</sup> While Schacht in his study states that Islam is more than just a religion, it also describes law and politics. Islam is a complete cultural system that includes religion and state at the same time.<sup>25</sup>

### 3. *The Islamic State Model According to al-Maududi.*

In al-Maududi's view, the Islamic model of state uses the caliphate system. Hence, he strongly criticised the system of kingship or monarchy which, according to him, had no place in Islam. Borrowing the Prophet's term, al-Maududi warned that all monarchies inevitably impose hereditary rule and because of this they become *mulk adhudh* or biting monarchies that oppress the

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<sup>23</sup> Abu Isa Muhammad ibn Isa ibn Surah, *Al-Jāmi' al-Shahih (Sunan al-Tirmidhi)*, vol. 4 (Cairo: Maṭba'at Mustāfa al-Bābi al-Halbi, 1962), p. 213.

<sup>24</sup> W. Montgomery Watt, *Mohammad: Prophet and Statesman* (London: Oxford University, 1969), p. 85.

<sup>25</sup> Muhammad Yusuf Musa, *Politics and the State in Islam*, ed. M. Talib (Surabaya: Al-Ikhlās, 1990), p. 26.

people and deprive them of their rights in the political, economic, legal and other fields.<sup>26</sup>

Al-Maududi added that the political downfall of Muslims began with the abandonment of the khilafah system and the adoption of the royal system. Therefore, in his view, the royal system or the emirate system should be eliminated.<sup>27</sup>

In contrast to al-Maududi, according to Hasan al-Banna, shari'a (religion) does not require a particular form of government, the most important thing is that the government is following the general principles of Islamic governance.<sup>28</sup>

In line with al-Banna, according to Asymawi, religion does not mandate and require a government with a particular model and does not formulate a model of government.<sup>29</sup> All rules are the work and ijtihad of humans therefore it will always develop and change forever. Things that are formulated by God are things that are *qath'i*, namely the basics, and humans are authorised to do ijtihad about laws that are closer to this *qath'i*.<sup>30</sup>

Ahmad Syafi'i Ma'arif corroborates the opinion of Al-Banna and Asymawi above, according to him the Qur'an does not propose a specific model of government that must be implemented by

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<sup>26</sup> M. Amin Rais, "Foreword" in Abu al-A'la al-Maududi, *Caliphate and Empire*, pp. 12.

<sup>27</sup> Ibid., p. 13.

<sup>28</sup> Cahyadi Takariawan, *Menyongsong Mihwar Daulah* (Solo: Era Adicitra Intermedia, 2010), p. 102.

<sup>29</sup> Muhammad Said al-Asymawi, *Al-Islam al-Siyasi* (Cairo: Arabiyat li al-Thaba'at wa al-Nashr, 1996), pp. 122.

<sup>30</sup> Muhammad Imarah, *Suqut al-Ghulu al-Ilmani* (Cairo: Dar al-Syuruq, 1995), p. 140.

Muslims. The main concern of the Qur'an is to create a society and state based on justice and morality. Therefore, the model and structure of Islamic political organisation can still be debated, improved and adjusted according to the needs demands and conditions of Muslims, as long as the basic principles are observed.<sup>31</sup>

#### **4. *The Concept of Politics and Governance in Islam.***

According to al-Maududi, the concept of politics and government in Islam is as follows:

- a. No person, group of people or even the entire population of a country can claim *sovereignty* (sovereignty). God alone holds sovereignty in the true sense. All human beings are merely the executors of God's sovereignty.
- b. God is the true creator of law, so He alone has the absolute right to legislate. Humans are allowed to legislate as long as the legislation does not contradict the basic legislation derived from revelation.
- c. A government that carries out the basic rules of God as explained by His Prophet is obliged to gain the obedience of the people because such a government is in principle acting as a political body enforcing God's rules. <sup>32</sup>

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<sup>31</sup> See Moh. Toriquuddin, *Relation between Religion and State in the View of Contemporary Muslim Intellectuals* (Malang: UIN Malang Press, 2009), p. 85. 85.

<sup>32</sup> M. Amin Rais, "Foreword" in Abu al-A'la al-Maududi, *Caliphate and Empire*, pp. 21 - 22.



Here, it appears that Al-Maududi is not in line with the concept of popular sovereignty *a la* Western democracy. According to him, Islam has given limited sovereignty to the people. The people cannot and should not exercise their sovereignty at will, because there are God's rules, norms and divine values that must be obeyed. These divine norms and values must become the paradigm of social, political and economic programmes determined by the people through their representatives.<sup>33</sup>

Furthermore, al-Maududi explained that the government established by Islam is not to be ruled by a particular religious community or clergy (like the European model of theocracy), but by the entire Muslim community, by the masses of the people themselves. Here al-Maududi's views do not differ from those of leading Islamic thinkers such as Dr Ali Shariati of Iran, in emphasising the importance of the inclusion of the masses of the people in government and in affirming Islam's anti-elitism and anti-discrimination.<sup>34</sup>

al-Maududi's rejection of the theory of popular sovereignty was not primarily based on evidence of democratic practices that too often went astray, but primarily on his understanding of the Qur'anic verses that indicate that ultimate authority and sovereignty are in the hands of God.

The theory of al-Maududi's sovereignty has been criticised that by limiting the sovereignty of the people and absolutising the

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<sup>33</sup> Ibid., p. 24.

<sup>34</sup> Ibid., p. 22.

sovereignty of God, this kind of political theory will never make modern man mature and less responsible, because God is still brought into the affairs of politics and government.

At first glance, this criticism seems strong, but on closer reflection, it will fall by the wayside. No matter how clever and modern man is, he still needs God. Modern history also shows that without the guidance of revelation, humanity has proven to be trapped in fatal destruction. The first and second world wars are concrete examples. Humans can become barbaric and horrible creatures because they abandon the guidance of life that comes from God.

Any duty is only successful when it is accountable before a higher authority. If a person is accountable to God, not only will he become a full-fledged adult, but he will also carry out the duty conscientiously.

God's sovereignty as explained by al-Maududi is not intended to eliminate human freedom but rather to preserve and secure it so that it does not fall into the wrong choices.<sup>35</sup> That is why God has

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<sup>35</sup> Al-Maududi wanted to expose the fact of human limitations, and he gave the example that it has been rationally proven that alcohol damages health and leads to mental deterioration and brain power, as well as damaging society. The American public recognised this fact and agreed to the enactment of the *Prohibition Law*. Accordingly, the bill passed with a majority vote. But when the bill was enacted, the same people who passed the bill opposed it. The most dangerous types of wine were abundantly produced and consumed, and their use and consumption were more widespread than ever before. The number of crimes soared. This sudden change in public opinion was not the result of any new scientific discoveries or the revelation of new facts that allowing liquor is more beneficial than forbidding it, but was due to the fact that these people had become completely enslaved to their habits and could not escape the pleasures of

placed limits on human freedom called *hudud Allah* or divine limits.<sup>36</sup>

## 5. Structure of State Institutions and Relationships between Institutions.

In a state - according to al-Maududi - there are three institutions or bodies, namely the executive, the legislature and the judiciary.<sup>37</sup>

### a. Executive Agency.

In al-Maududi's view, the Head of State who is also the head of the executive or head of government is the supreme leader in the state.<sup>38</sup> And he is also the supreme leader of all state institutions, namely the legislature, the executive and the judiciary. Nevertheless, these three state institutions function separately and independently of each other.<sup>39</sup>

The executive officers work directly under the head of state, and he cannot dismiss them or influence their decisions at will.

The task of the executive is to enforce God's guidelines as laid out in the Qur'an and sunnah and to prepare the people to recognise and implement these guidelines in their daily lives.

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drunkenness. See Abu al-A'la al-Maududi, *Law and Constitution: The Political System of Islam* (Bandung: Mizan, 1990), p. 162.

<sup>36</sup> An example of the divine limits imposed on mankind is, for instance, man's economic life. In this sector, God has placed certain restrictions on human freedom. The right of private ownership is recognised, but it is tempered by the obligation to pay zakat and the prohibition of engaging in interest, gambling and speculation. *Ibid.*, p. 163.

<sup>37</sup> *Ibid.*, p. 245.

<sup>38</sup> *Ibid.*, p. 250.

<sup>39</sup> *Ibid.*, p. 249.



The executive is obliged to be obeyed by the community or people as long as it obeys Allah and His Messenger. If this institution deviates from the guidance of the Qur'an and Sunnah, then there is no obligation for the people to obey it.<sup>40</sup>

In carrying out his duties, the Head of State must always consult the Shura Council, which enjoys the confidence of the Muslims or the legislature, but he does not have to follow the opinion of the Council, even if that opinion is supported by a majority vote. The Head of State can take the opinion supported by a minority group in the Assembly, or even completely ignore the opinions of the Assembly, whether majority or minority. In other words, the head of state can always exercise his right of veto. However, the people must keep a close eye on the head of state's policies, and if it turns out that he is more concerned with his desires, they have the right to dismiss him.<sup>41</sup>

Al-Maududi realised that the current head of state cannot be the same as the leadership of the Khulafa al-Rashidin, so the powers of the head of state can be limited to administrative powers to guard against dictatorial tendencies.<sup>42</sup>

From the above, there are some peculiarities in al-Maududi's view. One can imagine how chaotic it would be in the administration of government if, as al-Maududi suggests, the head of state did not have to follow the opinion/decision supported by the majority vote in the Shura Council and he could follow the opinion of the minority

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<sup>40</sup> Ibid., p. 247.

<sup>41</sup> Ibid., p. 252.

<sup>42</sup> Ibid., p. 250.

and could even exercise his right of veto to ignore the decision of the Council altogether. In countries with a presidential system such as the United States of America, the head of state can veto bills introduced by Congress, but there is still a way for Congress to resubmit the vetoed bills to the president and the president must approve them.

Another oddity is when al-Maududi explains the need to limit the administrative powers of the head of state so as not to fall into the trap of dictatorship. Here he does not explain his views on the term of office of a head of state, whether for a specific time or life. Term limits for the head of state are an effective way to stop the abuses of a ruler from being prolonged. A head of state, at the end of his term, can be re-elected, but if it turns out that his leadership during his tenure was unfavourable the people can elect another leader.

When al-Maududi explains that the head of state who deviates from the guidance of the Qur'an and sunnah can be dismissed. But unfortunately, al-Maududi himself did not explain how to sack the head of state.

#### **b. Legislative Institutions.**

The legislature is a fatwa-giving institution (*ahl al-hall wa al-'aqd*). This institution can provide fatwas or advice to the head of state regarding law, government and state policy. The legislature

also directs the head of state to carry out what has become an agreement in deliberation.<sup>43</sup>

In the Consultative Assembly, if there is a difference of view on a matter between the head of state and the members of the legislature and each remains firm in his personal view and neither party is willing to respect the truth of the other's view, then - according to al-Maududi - a referendum should be held in which the person whose view is rejected after the referendum must resign. Furthermore, al-Maududi explains that if the state has not been able to establish a Consultative Body and is unable to foster the spirit of the caliphs, then according to him there is no alternative but to limit and subordinate the executive to the decision of the majority of the legislature.<sup>44</sup>

Al-Maududi further asserted that a state established based on God's *de jure* sovereignty cannot legislate contrary to the Qur'an and sunnah, even if popular consensus demands it.

In al-Maududi's view, the legislature in an Islamic state has many functions that it must perform, namely:

1. If there are clear guidelines from God and the Messenger, even though the legislature cannot change or alter them, then only the legislature will be competent to enforce them in article-by-article form and structure, using relevant definitions and details, and creating regulations and laws to promulgate them.

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<sup>43</sup> Ibid. 252.

<sup>44</sup> Ibid., p. 254.

2. If the Qur'anic and Sunnah guidelines have more than one possible interpretation, it is for the legislature to decide which interpretation should be placed in the Constitution.
3. If there is no clear indication in the Qur'an and Sunnah, the legislature's function is to enforce the laws relating to the same issue, always keeping the spirit of Islamic law in mind. And if there are already rulings in the same field that have been listed in the books of fiqh, then he is tasked with adhering to one of them.
4. If there is an issue that is not addressed in the Qur'an or Sunnah, nor the conventions of al-Khulafa' al-Rashidun, it is understood that God leaves us free to legislate on the matter according to what is best. The legislature can formulate laws without restriction as long as they do not contradict the spirit and soul of the Shari'ah.<sup>45</sup>

In the above description, it appears that al-Maududi is inconsistent, where in the discussion of the executive branch, al-Maududi explains that there is no obligation for the Head of State to follow the opinion or decision of the Shura Council even if that opinion is supported by the majority, and even the head of state can exercise his right of veto to reject the decision of the Council. But here al-Maududi states the opposite, that the executive can be restricted and subjugated to accept the decision of the majority of the legislature.

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<sup>45</sup> Ibid., pp. 245-246.

### c. Judiciary.

The judiciary is outside the executive, which means that it is independent because the judge's job is to execute the laws of Allah upon His servants, not on behalf of or on behalf of the head of state, but on behalf of and on behalf of Allah. In the courtroom, the position of the head of state is as high as any other person, and it is unjustifiable to grant a dispensation to someone not to appear at a court hearing simply because of his position in government or society.<sup>46</sup> The judiciary can also annul all laws and regulations that contradict the Qur'an and Sunnah.<sup>47</sup>

### 6. *Conditions of a Leader.*

According to al-Maududi, determining the conditions for government officials is very urgent for the implementation of good Islamic governance.

The requirements to be the Head of State and a member of the Consultative Assembly are as follows:

- a. Citizens who are Muslims;
- b. Male;
- c. Must be an adult and physically and mentally fit; and
- d. Must be a citizen of an Islamic country.<sup>48</sup>

Among the several conditions proposed by al-Maududi, there is a rather peculiar point regarding eligibility for becoming the Head

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<sup>46</sup> Ibid., pp. 245-248.

<sup>47</sup> Ibid., p. 251.

<sup>48</sup> Ibid., pp. 266-267.

of State or a member of the Consultative Assembly: being Muslim. If citizenship is determined by religion, then applying this in Indonesia, where the majority of the population is Muslim, would result in the non-Muslim population of over 21 million people being categorized as “*dzimmi*” and losing their full political rights. It can be argued that during the time of the Khulafa al-Rashidin, the *dzimmi* people consisted of conquered non-Muslims, whereas the non-Muslim group in Indonesia comprises fellow countrymen and allies.

### 7. *Legislative elections.*

In discussing legislative elections, al-Maududi asserted that :

- a. It is not permissible for a person to nominate himself, as this is contrary to shari'ah. Experience has shown that people who nominate themselves have demoralised the whole of political and social life.
- b. The voting rights granted to women should be limited, at least for the time being, by certain educational standards. Experience has shown that maturity requirements for women under dominant conditions prove unsuitable for them and harmful to the country.
- c. Regarding the election of women to legislative bodies, this is contrary to shari'ah. According to Islam, politics and active government administration are not the domain of women but fall under the purview of men.

- d. The formation of parties in the Legislative Councils should be prohibited by the Constitution. The various parties of the country may take part in the elections as parties sending their best members to the Legislative Councils, but after the elections are over, the councillors shall obey the state, the Constitution of the country and the whole nation and shall vote and act according to their conscience.<sup>49</sup>

In al-Maududi's explanation of legislative elections above, there is a discrepancy in the political ideas offered by al-Maududi. Whereas he justifies the filling of the offices of the head of state and the members of the Shura Council through elections, he does not allow the people to elect those who are running for or seeking these offices and does not allow these candidates to campaign. Presumably not only we, but al-Maududi himself do not know what chart to follow for electing the head of state and the members of the Shura Council if people are not allowed to run for office and campaign.

In modern politics, a candidate for office is expected to tell the electorate about his or her programmes, his or her abilities and promises if elected, and his or her identity. A candidate can succeed in attracting the attention and support of potential voters through his or her clever boasting or wooing and gift-giving. This often happens in countries that are still new to democracy. However, as the political maturity of the people increases, if a candidate is

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<sup>49</sup> Ibid., pp. 345-346.

elected and during his term of office fails to fulfil the promises he made at the last general election, he will not be re-elected.

According to Muhammad Abduh as quoted by Munawir Sjadzali, political change and the granting of political rights to the people should be carried out gradually and gradually. Do not continue to form the House of Representatives through free elections before the people are politically mature enough, because people who are still politically illiterate are easily victims of the empty boasts and promises of demagogues with the result that the representative council will be filled with political adventurers.<sup>50</sup>

There is also inconsistency in al-Maududi's explanation of mankind as God's caliphs on earth, where according to al-Maududi, the caliphate is not limited to Muslim men alone but also includes Muslim women. Yet when describing who could sit in the legislature, he rejected Muslim women sitting in the Masjlis Shura or the People's Council and holding important positions in government. And what is even more interesting about al-Maududi's attitude is that when Fatimah Jinnah, the younger sister of Muhammad Ali Jinnah ran for the presidency of Pakistan in 1964, al-Maududi not only gave a fatwa in her favour but also accompanied the woman presidential candidate in a countrywide campaign.<sup>51</sup> Here we see al-Maududi's inconsistency in carrying out his ideas.

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<sup>50</sup> Munawir Sjadzali, *Islam and State Administration: Teachings, History, and Thought*, p. 176.

<sup>51</sup> *Ibid.*, p. 174.



There is also something strange about al-Maududi's view that there is no justification for the formation of groups or parties and that the members of the majlis should speak as individuals or, if a party is to be formed, only one party, the party of the head of state (government). Experience in political life shows that individual membership weakens the Council of Representatives against the government and on the contrary makes it easier for the head of state or government to "manage" the Council of Representatives. And if there is only one party supporting the head of state, it means that the country has a totalitarian system. The presence of more than one party will sharpen the supervision of the course of government and it will certainly be more favourable to the interests of the people.

#### 8. *Citizenship.*

According to al-Maududi, two types of citizenship exist in Islam, namely the *Muslims* and *the dzimmiy*. The *dzimmiy* are all non-Muslims who are willing to remain loyal and obedient to the Islamic state in which they live and earn a living. Islam guarantees them the protection of life, livelihood and wealth, cultural guarantees, faith, and dignity. The state also grants them the same rights as Muslims in all civil matters. They are also given equal rights to work except in important positions.<sup>52</sup>

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<sup>52</sup> Abu al-A'la al-Maududi, *Law and Constitution*, pp. 269–271.



## 9. *The Urgency of Establishing an Islamic State.*

The Islamic concept of life as described by the Qur'an is that humans must devote all their lives to Allah. In living life, it is God's command that must be followed in all aspects of life. The Qur'an as a guide to life for Muslims not only lays down principles of morality and ethics but also guides in the political, social and economic fields. Islam has also prescribed punishments for crimes as well as principles of policy and monetary policy. And all this can only be done if there is an Islamic state that will enforce it. And here - according to al-Maududi - lies the urgency of establishing an Islamic state.

This concept is explained by the Qur'an in the following verse:

الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

*"The woman who commits adultery and the man who commits adultery, punish each of them with one hundred lashes, and let not mercy on either of them prevent you from (practising) the religion of Allah if you believe in Allah and the Last Day, and let their punishment be witnessed by a group of believers"<sup>53</sup>.*

Al-Maududi explains that in this verse, Islamic criminal law is referred to as *Din Allah*, the religion of God. This means that the religion of Islam means not only prayer, fasting, zakat and hajj, but also state law and state institutions.

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<sup>53</sup> QS. Al-Nur [24]: 2.

If we want to uphold the religion of Allah, then this goal cannot be achieved by only upholding the institutions of fasting and prayer, but must also make shari'ah the law of the land. If Islamic shari'ah is not upheld, even if prayers and so on are performed, this will not lead to the upholding of *Din* or religion. It is only a partial upholding of religion, not *din* or religion in its totality. And if laws other than God's laws are enforced, then this is a rejection of religion itself.<sup>54</sup>

In line with al-Maududi, according to Shaykh al-Islam Ibn Taimiyah in his book *Al-Siyāsah al-Syarī'ah* page 161, he says "It is obligatory to make *imārah* (government) for the sake of religion and approach to Allah. Indeed, being *close to Him* by obeying Him and obeying His messenger is the noblest endeavour, despite the corruption of some people. Establishing a religious government and appointing leadership according to shari'ah is a *manhāj* (way) of pioneering tranquillity to safeguard wealth and property.

Ibn Khaldun's view in *his Muqaddimah*, page 167, is that establishing the *Imārah* and appointing the *Imām* are obligatory, and their obligation is known through the explicit texts of the Shariah as well as through the consensus of the scholars and the Companions of the Taabi'een after them.<sup>55</sup>

Muhammad Imarah also agrees with the scholars above, according to him Islam is a religion and a government, the prophet was sent not only to lay the foundations of religion alone but also to

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<sup>54</sup> Munawir Sjadzali, *Islam and State Administration*, pp. 186–187.

<sup>55</sup> Abu Abd. Al-Fattah Ali bin Haj and Muhammad Iqbal, *The Ideal State According to Islam* (Jakarta: Ladang Pustaka and Inti Media, 2002), p. 37.

lay the foundations of the state which includes world affairs. Thus, the prophet is the founder of the foundations of the Islamic state in addition to a prophet. As the head of the state, he has jurisdiction over the people in this area whether they are Muslims or non-Muslims. This is because the prophet did not require non-Muslims to recognise his prophethood even though his preaching was general to all human beings.<sup>56</sup>

The group that rejected the notion of the obligation to establish an Islamic state both in terms of reason and shara' were al-Asham from the mu'tazilah group and others from the khawārij group and there were others. According to them, what is obligatory is to implement the laws of Shara', because if the people have justice and have implemented the laws of Allah, the existence of the imām is no longer needed as well as enforcing it.<sup>57</sup>

#### **D. Tapak Tilas Upaya Implimentasikan Concept of Islamic State**

##### **Abu Al-A'la Al-Maududi di Pakistan.**

In the Islamic Republic of Pakistan, a state founded in 1947 with Islam as *its raison d' etre*, the issue of the place and meaning of Islam has not been resolved.<sup>58</sup> Disagreements and clashes of opinion continue between "secularists" and those who want to implement an Islamic political, economic and social "system".

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<sup>56</sup> Muhammad Imārah, *Al-Islām wa al-Siyāsah* (Cairo: Dar al-Rashid, 1997), pp. 87.

<sup>57</sup> Ali Abd. Al-Raziq, *Islam and the Foundations of Government* (Jakarta: Jendela, tt), p. 5.

<sup>58</sup> Pakistan's System of Government, <http://mazdadi.blogspot.com> accessed 1 September 2012.

Since the birth of the country, political upheaval has been characterised by these disputes and the issue of Islam has always been a hot, topical and explosive political issue. The compromise settlement between the two poles never lasted long. In the 1956 Constitution the official name of the country was the Islamic Republic of Pakistan.<sup>59</sup> In 1962 the 'Islamic' title was dropped. The 1962 Constitution briefly dropped the title, only to be reinstated after a strong and widespread public outcry. Article 198 of the 1956 Constitution guaranteed that no law would be enacted that contradicted the Qur'an and the Sunnah of the Prophet. As a continuation of the *repugnancy clause*. The 1962 Constitution ordered the establishment of two institutions: The Advisory Council on Islamic Ideology and the Islamic Research Institute. The duties of the Advisory Council on Islamic Ideology were: 1). To provide recommendations to the government on ways to encourage Muslims to follow a lifestyle in accordance with the teachings of Islam; and 2). To advise the government on whether a draft law is contrary to Islam. However, the status of these two institutions is merely that of advisory bodies whose advice does not have to be followed by the government. For example, while the House of Representatives (DPR) can ignore the recommendations of the Ideology Council, it is also allowed to decide on a draft law without first seeking the Ideology Council's consideration.<sup>60</sup>

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<sup>59</sup> Munawir Sjadzali, *Islam and State Administration*, p. 228.

<sup>60</sup> *Ibid.* 229.



In 1971, Zulfikar Ali Bhutto, the Chairman of the Pakistan People's Party who famously represented the "secularist" school, was elected head of state. At that time Pakistan was experiencing an identity crisis, with the eastern region of Pakistan seceding and becoming the state of Bangladesh. At that time, there was a growing assumption that Islam was the only foundation and vehicle that would be able to unite the people of Pakistan, which consisted of many tribes and languages. In such a situation, although Bhutto tried to show his attention to Islam in his domestic and foreign policies, he was opposed by religious groups. The politicisation of Islam in Pakistan reached its peak in the 1977 general elections. In the run-up to the elections nine parties joined forces in an 'Islamic alliance' and formed the opposition bloc: Pakistan National Alliance. The leadership of this bloc was given to the Islamic parties: Jama'ah Islamiyah, Jam'iyah Ulama Pakistan, and Jam'iyah Ulama Islam. The Pakistan National Alliance promised to implement an Islamic system of government. In the elections, however, the Pakistan National Alliance lost to the Pakistan People's Party. The National Alliance eventually launched a massive agitation against the Bhutto government, and the agitation against Bhutto stopped and Pakistan was "saved" when General Zia ul-Haq took over through a bloodless *coup d'etat* in the first week of July 1977.

The military government under Zia wore the mantle of Islamic legitimacy. On many occasions he expressed his determination to transform the social, economic and political structure in accordance

with Islamic principles. To this end the Council of Islamic Ideology was revived with expanded duties and responsibilities as the main advisory council to the president for the implementation of a more Islamic system of government, in the process of Islamising the state and society, giving first priority to addressing three issues: the implementation of zakat, the establishment of an interest-free economic system, and the drafting and implementation of an Islamic penal code. Zia meanwhile embraced the National Alliance. A number of alliance member parties refused to join Zia's camp, among them the Jam'iyah Ulama Islam. But many parties also welcomed Zia's hand, including Maududi's Jama'ah Islamiyah and Jam'iyah Ulama Pakistan. Even in Zia's first government, the Jama'ah Islamiyah was given four ministries.

The implementation of Islamic law (such as hand-cutting for theft, stoning or stoning for adultery) did not go smoothly. And eventually Islamic punishments were curtailed, due to strong criticism at home and publicity abroad that was detrimental to Pakistan's image. It is said that many of the hand-cutting sentences handed down by the Court were not carried out because the surgeons refused to carry them out.<sup>61</sup>

In the Pakistani legislature, the 342 seats in the National Majlis (lower house), including 60 seats for women and 10 seats for minorities, are directly elected by the people based on multi-party

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<sup>61</sup> Ibid. 231.

elections.<sup>62</sup> The presence of women in the legislature certainly contradicts al-Maududi's idea of excluding women from governance.

This all shows that al-Maududi's concept of the Islamic state is difficult to fully implement in the country of Pakistan where al-Maududi and his Jama'ah Islamiyah group fought so vigorously for it to be established.

## E. CONCLUSIONS.

The concept of the Islamic state initiated by al-Maududi was purely based on the Qur'an, the Sunnah of the Prophet and the practice of the Companions. In his view, Islam as a religion is complete. It not only contains guidance on mahdhah worship such as prayer, fasting, zakat and hajj, but it also regulates the economic, social, government and state. Therefore, according to al-Maududi, religion and the state cannot be separated from one another, since religion and the state are a unity.

According to al-Maududi, the command of God contained in the Qur'an and sunnah can only be implemented if an Islamic state is established. Therefore, establishing an Islamic state is a non-negotiable necessity. And the ideal form of government according to him is the caliphate system, not the monarchy or kingdom system.

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<sup>62</sup> This data is taken from *Pakistan Country Profile*, <http://www.deplu.go.id/islamabad/Country> Pages. accessed 1 September 2012.



In an Islamic state, the supreme sovereign is God and not man. Hence, al-Maududi was not in line with the system of popular sovereignty *a la* Western democracy. Furthermore, al-Maududi explained that the Islamic state uses three elements of state institutions, namely the executive, legislative, and judicial institutions. Each of these institutions has its own function. In the legislative elections, al-Maududi rejected the nomination of women, because it is contrary to Islamic law. On the other hand, al-Maududi supported Fatimah Jinnah as a candidate for president of Pakistan. Here we see al-Maududi's inconsistency in implementing his own ideas. He also prohibited the formation of parties in the legislature. According to him it was enough for the parties to send their best colons to occupy the mandate and serve the interests of the country. Al-Maududi added that there are two nationalities in Islam, namely the Muslims and the dzimmiy, where these dzimmiy are given guarantees of protection of life, culture, faith and dignity. And they are given equal rights in work except in important and strategic positions.

Al-Maududi's concept of an Islamic state could not be fully implemented in Pakistan, although he and his Jama'ah Islamiyah group made every effort to do so.

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