

**THE ACTUALIZATION OF SYURA TERM IN THE QUR'AN WITH
DEMOCRATIC SYSTEM IN INDONESIA:**

**Interpretation of Ash-Syūrā Verse 38 and Āli Imrān Verse 159 from the
Hermeneutical Perspective of Abou El Fadl**



THESIS

Submitted to Faculty of Theology and Humanities
in Partial Fulfillment of The Thesis Requirements
for The Degree of S-1 of Islamic Theology
on Al-Qur'an Science and Tafseer Departement

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THE ACTUALIZATION OF THE TERM SYŪRĀ IN THE QUR'AN TO
IDENTITY POLITICS IN INDONESIA: Interpretation of Ash-Syūrā Verse 38
And Āli Imrān Verse 159 Perspective of Abou El-Fadl's Hermeneutics



THESIS

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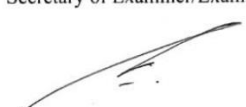
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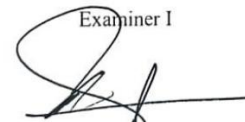
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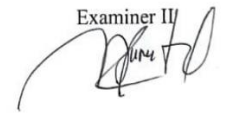
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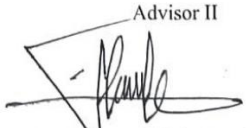
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We hereby agree and request that it be instead immediately. Thus, thank you for
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MOTTO

وَاَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا....

"And hold firmly to the rope of Allah all together and do not become divided...."

– (Qs. Ali Imran : 103)¹

¹ Abdullah Yusuf Ali, *Holy Qur-an : English Translation of the Meanings and Commentary*, ed. THE PRESIDENCY OF ISLAMIC RESEARCHES. IITA. CALL AND GUIDANCE (Madinah: King Fahd Holy Qur-an Printing Complex, 2000), <https://www.worldcat.org/title/holy-qur-an-english-translation-of-the-meanings-and-commentary/oclc/883438952?referer=di&ht=edition>. h. 107.

TRANSLITERATION

The "Arab-Latin Transliteration Guidelines," which are based on the Joint Decree of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia numbers: 158/1987 and 0543b/U/1987, served as the guidelines for transliterating Arabic words used in this thesis. On January 22, 1988, the following date:²

1. Consonant Words

Arabic consonant phonemes are represented by letters in the Arabic writing system; in this transliteration, some are represented by letters, some by signs, and others by both letters and signs simultaneously.

| Arabic font | Name | Latin word | Information |
|-------------|------|----------------|----------------------|
| ا | Alif | Not symbolized | Not symbolized |
| ب | Bā' | B | Be |
| ت | Tā' | T | Te |
| ث | Śā' | Ś | es (with dot above) |
| ج | Jīm | J | Je |
| ح | Hā' | Ḥ | ha (with dot below) |
| خ | Khā' | Kh | ka and ha |
| د | Dāl | D | De |
| ذ | Žāl | aŽ | zet (with dot above) |
| ر | Rā | R | Er |

² The team of compiling the thesis, *Pedoman Penulisan Skripsi Fakultas Ushuluddin dan Humaniora* (Fakultas Ushuluddin dan Humaniora UIN Walisongo Semarang 2020), h. 98- 103.

| | | | |
|---|--------|----|-----------------------|
| ز | Zai | Z | Zet |
| س | Sīn | S | Es |
| ش | Syīn | Sy | es dan ye |
| ص | Ṣād | ṣ | es (with dot below) |
| ض | Dād | ḍ | de (with dot below) |
| ط | Ṭā | ṭ | te (with dot below) |
| ظ | Ẓā' | ẓ | zet (with dot below) |
| ع | ‘Ain | ‘ | Inverted comma on top |
| غ | Gain | G | Ge |
| ف | Fā' | F | Ef |
| ق | Qāf | Q | Qi |
| ك | Kāf | K | Ka |
| ل | Lām | L | El |
| م | Mīm | M | Em |
| ن | Nūn | N | En |
| و | Wāw | W | W |
| ه | Hā' | H | Ha |
| ء | Hamzah | , | Apostrof |
| ي | Yā' | Y | Ye |

2. Vowel

Arabic vowels are divided into two, namely single vowel and double vowels. The statement is as follows:

a. Single vowel

is one Arabic vowel that has been designated with a symbol, either a sign or a vowel, whose transliteration is as follows: Arabic vowels are made up of numerous vowels, or diphthongs, and a single vowel, or monoftong, similar to Indonesian vowels.

| Arabic font | Name | Latin word | Information |
|-------------|---------|------------|-------------|
| --َ-- | Fathah | A | A |
| --ِ-- | Kasrah | I | I |
| --ُ-- | Dhammah | U | U |

b. Double Vowel

Arabic double vowels whose symbols are a combination of vowels and letters, transliteration in the form of a combination of letters, namely:

| Arabic font | Name | Latin Word | Information |
|-------------|----------------|------------|-------------|
| --َـيْ | Fathah and ya' | Ai | a-i |
| --َـوْ | Fathah and wau | Au | a-i |

Example :

| | | | |
|--------|--------|------------|----------|
| كَتَبَ | kataba | بَيْنَكُمْ | bainakum |
| فَعَلَ | fa'ala | قَوْلَ | qaula |
| كَيْفَ | kaifa | | |

3. Maddah

Maddah or long vowels whose symbols are vowels and letters, transliteration in the form of letters and signs, namely:

| Arabic font | Name | Latin Word | Information |
|-------------|-----------------|------------|------------------|
| ا | Fathah and alif | Ā | A and line above |
| ي | Fathah and ya | Ā | A and line above |
| ي | Kasrah and ya' | Ī | I and line above |
| و | Dhammah and wau | Ū | U and line above |

Example :

| | |
|-------------|------------|
| جَاهِلِيَّة | Jāhiliyyah |
| تَنْسَى | tansā |
| كَرِيم | karīm |
| فُرُوض | furūd |

4. Ta'marbutah

There are two transliterations for ta marbutah:

a. Ta marbutah li

Ta marbutah who live or get harakat fathah, kasrah and dhammah, the transliteration is /t/

b. Ta marbutah dies:

Ta marbutah who dies or gets sukun, the transliteration is /h/

c. If the last word with ta marbutah is followed by a word that uses the article al and the reading of the two words is separate, then ta marbutah is transliterated with ha (h)

Example :

رَوْضَةُ الْأَطْفَالِ - raudah al-atfāl

رَوْضَةُ الْأَطْفَالِ - raudatul atfāl

5. Syaddah

Syaddah or tasydid which in the Arabic writing system is symbolized by a sign, shaddah sign or tasudid sign, in this transliteration the shaddah sign is denoted by a letter, which is the same letter as the letter marked with the shaddah.

Example :

رَبَّانٍ rabbanā

نَزَلَ nazzala

الْبِرُّ al-birru

6. Article

Articles in the Arabic writing system are denoted by letters, but in this transliteration, articles are distinguished by articles followed by the letter syamsiyah and the word sandnag followed by the letter qamariah.

- a. The article is followed by the letter syamsiyah The article followed by the letter syamsiyah is transliterated according to its sound, namely the letter /i/ is replaced with the same letter as the letter that immediately follows the article.

السَّمَاءُ as-Samā'

الشَّمْسُ asy-Syamsu

- b. Articles followed by the letter qamariah

Articles followed by the letter qamariah are transliterated according to the rules outlined in front and according to their sound. Whether followed by

the letter syamsiyah or the letter qomariah, the article is written separately from the word that follows and is connected to the article.

| | |
|------------|-----------|
| الْقُرْآنُ | al-Qur'ān |
| الْقِيَاسُ | al-Qiyās |

7. Hamzah

It is stated in advance that hamzah is transliterated with an apostrophe, but that only applies to hamzah which is located in the middle and at the end of the word. If the hamzah is located at the beginning of the word, it is not symbolized, because in Arabic it is an alif.

Example:

| | |
|-------------|------------|
| تَاْخُذُونَ | ta'khuḏūna |
| أَكَلَ | akala |
| النَّوْءُ | an-nau' |

8. Word writing

Basically every word, whether fi'il, isim, maupyn harf, is written separately, only certain words written in Arabic letters are usually combined with other words because there are letters or vowels that are omitted, so in this transliteration the writing of these words is also arranged in other words following it.

| | |
|--------------------------------------|-------------------------------------|
| وَأَنَّ لِلَّهِ خَيْرَ الرَّازِقِينَ | wa innallāha lahuwa khai arrāziqīn |
| وَاللَّهُ عَلَى النَّاسِ حَكِيمٌ | walillāhi 'alan nāsi hijju al-baiti |

9. Capital letters

Although in the Arabic writing system capital letters are not recognized, in this transliteration they are used as well. The use of capital letters is like what is done in EYD, including: capital letters are used to write the first letters of self-names and the beginning of sentences. If the personal name is preceded by an article, then what is written in capital letters remains the initial letter of the personal name, not the initial letter of the article.

Example:

| | |
|-----------------------|---------------------------------|
| وما محمد الا رسول | wa mā Muhammadun illā rasūl |
| الحمد لله رب العالمين | alhamdu lillāhi rabbi al-ālamīn |

The use of capital letters for Allah only applies if the Arabic script is a complete and if the writing is combined with other words, so that letters or vowels are omitted, capital letters are not used.

Example:

| | |
|--------------------|------------------------------|
| لله الامر جميعا | lillāhi al-amru jamī'an |
| والله بكل شيء عليم | wallahu bikulli syai'in alim |

10. Tajweed

For those who want fluency in reading, this transliteration guide is an integral part of the Science of Tajweed. Therefore, the inauguration of the Latin Arabic transliteration guidelines (international version) needs to be accompanied by recitation guidelines.

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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ABSTRACT

The term *shūrā*, akin to "deliberation," signifies joint discussions to resolve problems, hold meetings, or conduct negotiations. Deliberation cannot be used to justify decisions that oppress others, contradict human values, or diverge from Qur'anic and Hadith concepts. Various studies interpret Surah Ali Imran verse 159 and Ash-Shura verse 38, emphasizing that shura and democracy, based on their respective concepts, aim to find an ideal meeting point. In Indonesia, democracy is the foundation of the state and constitution.

Khaled Abou El Fadl's "negotiating hermeneutics" seeks meaning through the interaction between text, author, and reader, avoiding dominance by any single element. Without negotiation, authoritarian or despotic interpretations of Islamic law arise. This research integrates Abou El Fadl's hermeneutics with the term shura, highlighting its dual social and divine aspects of deliberation and submission.

The Negotiative Hermeneutics method provides authoritative Qur'anic interpretation within Indonesia's democratic system, addressing conflicts and supporting democracy. Prior studies on Abou El Fadl's hermeneutics focused on democracy, national politics, and constitutionalism. This study employs qualitative methods with data collection through library research. The results of this thesis indicate that the actualization of shura and democracy encounters numerous issues in their implementation in Indonesia. Ultimately, after thorough analysis, it is concluded that Pancasila democracy is suitable as a problem-solving approach to address the issue of authoritarianism within the democratic framework of Indonesia..

Keyword : *Democratic System, Syura, Negotiative Hermenutics, Abou El Fadl*

CHAPTER I

INTRODUCTION

A. Background of the Problem

Democracy is widely regarded as the optimal choice for a system of governance due to its ability to accommodate the diverse interests and desires of the population. Democracy functions as a framework for a collective consensus that must be honored and adhered to by the entire society. Despite the enduring presence of issues such as poverty, inequality, and injustice, democratic systems facilitate the development of improved societies. Democracy, characterized by active involvement, openness, and accountable governance, upholds the liberty of individuals and groups to voice their concerns. Active engagement, whether through voting for the head of state or exerting influence on government policy, is essential for individuals to oversee and regulate government actions in order to avert failure.¹

Democracy is a political system that is characterized by the principle of popular sovereignty. The concept of democratic government involves placing the people as the ultimate authority in governing a country. Democracy is primarily a concept that assumes power originates, is exercised, and exists for the benefit of the people.² A more participatory conception of democracy is often referred to as the notion of power emanating from, by, for, and with the people. It signifies that authority is fundamentally acknowledged as originating from the populace, and as a result, it is the populace who genuinely ascertain, control, and orchestrate the affairs of the state.

¹ Andika Hariyanto Surbakti et al., “Edukasi Dan Sosialisasi Demokrasi Dan Politik Indonesia,” *JPMMA - Jurnal Pengabdian Masyarakat As-Salam* 3, no. 1 (2023): 28–33, <https://doi.org/10.37249/jpma.v3i1.462>. h. 30

² Alan Finlayson, *Democracy and Pluralism*, Routledge, I, vol. 53 (London and New York: Routledge: Taylor & Francis Group, 2013). h. 46.

The democracy implemented in Indonesia, known as Pancasila-based democracy, is now in the developmental phase. There are multiple interpretations and perspectives regarding its traits and characteristics. However, it is undeniable that many fundamental principles of constitutional democracy are plainly implied in the unamended 1945 Constitution.³

Many studies have proven that the Qur'an contains many aspects of human life. No reference is higher than the Qur'an, whose wisdom pervades all nature, and its contents will never be exhausted and studied. The Qur'an has been believed to contain instructions for humans. His teachings are varied and packaged in such a way.⁴

As a guide to Muslim society, the Qur'an, has a close relationship with politics.⁵ The Qur'ān never explicitly mentions political terms in it. Still, some words point toward political concepts that require us to interpret ma'nanya, such as *shūra*, *'adl*, *musāwah*, and others.⁶

The term *Syūrā* in the Qur'an is found in two verses. First, *Āli Imrān*'s verse 159 reads:

فَبِمَا رَحْمَةٍ مِنَ اللَّهِ لِنْتَ لَهُمْ ۚ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ ۚ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ ۚ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ

It is part of the Mercy of Allah that thou dost deal gently with them Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over (Their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment). Then, when thou hast

³ Lusia Indrastuti, "Democracy In Indonesia's Cross-Standards," *Legal Brief* 11, no. 3 (2022): 2722–4643, <https://doi.org/10.35335/legal.Democracy>. h. 1984

⁴ Mhd. Latip Kahpi, Political Communication in the Quran, *IKMAH*, Vol. 14 No. 1 June 2020, p., 210

⁵ *Ibid.*, p 264

⁶ Mutiara Fahmi, "Prinsip Dasar Hukum Politik Islam dalam Perspektif Al-Qur'an", *Petita*, Volume 2, Nomor 1, April 2017, h., 52.

*Taken a decision put thy trust in Allah. For Allah loves those who put their trust (in Him).*⁷.

Focus on the term *Syāwir* and the content of the whole verse, namely about *musyawarah*. There are two aspects in the above verse about social aspects (*musyawarah*) and divinity (*tawakal*). The author needs to deepen the term *shawor* / *syūrā* to associate with the phenomenon of identity politics.

The second is Surah Ash-Syūrā verse 38, which reads:

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ ۖ

*Those who hearken to their Lord, and establish regular Prayer; who [conduct] their affairs by mutual Consultation; who spend out of what We bestow on them for Sustenance;*⁸.

The guidance of the term *syūrā* in the above verse shows the general concepts in *musyawarah* and its broad scope. The rules of *syūrā* in the Qur'an are human, social, social, and moral concepts, as well as constitutional rules for the system of government.⁹ This is also a focus in correlating with the phenomenon of identity politics.

In the social structure, the principle of *musyawarah* is upheld by the legal principles underlying the democratic system. But the review itself is not bound by the community that is still (government or state) only; it touches all aspects that concern common interests, not issues that have become God's decree. This is also in line with the political element, namely the existence of conflicts and reconciling them through *musyawarah*.¹⁰

⁷ Abdullah Yusuf Ali, *The Holy Qur'an: Translation and Comentary*, (Madinah: King Fahd Holy Qur'an Printing Complex, 1989), h. 189.

⁸ *Ibid*, h. 1487.

⁹ Toguan Rambe and Seva Mayasari, Comparison between Syūrā Concepts and Democracy in Political Islam, *Preamble*, Vol.5, Feb.2021, p. 142

¹⁰ Lajnah Pentashihan Mushaf Al-Qur'an: Depag RI, *Ethics of Family, Society, and Politics (Thematic Tafsir Al-Qur'an)*, Jakarta, August 2009, p., 42

Musyawarah has become an obligation in Islam. Many sunnahs become the basis and benchmark in implementing consultation in society.¹¹ This shows the urgency with which *musyawarah* in Islam must be carried out. Historically, Islam recorded the role of thinking, such as the *musyawarahs* of the Prophet Muhammad in the battle of Uhud, until it continued in the time of Khulafa' Rashidin and attached to the present.

Musyawarah is the essence of Islamic teachings that must be established in the social life of Muslims. Syūrā is indeed a pre-Islamic Arab tradition that has been passed down for generations.¹² By Islam, this tradition is maintained because syūrā is an eternal demand of human nature as a social being, as well as stated in the Qur'an, Surah Āli Imrān, verse 159, which contains Allah's command to the Prophet Muhammad in broadcasting religion through the approach of *musyawarah* and meeting with unbelievers so that the Prophet Muhammad can win their hearts.¹³

To observe the dynamic development of the times, the meaning of syūrā and the phenomenon of democratic system must be adjusted. The concept of syūrā offered and passed down since the time of the Prophet Muhammad, khulafaur Rashidin, companions and until now must be maintained in purity by remembering the basis of the Qur'an and sunnah. Likewise, democratic system in Indonesia must be studied to maintain unity so that the country's political stability is maintained.

The theory of interpretation of the term syūrā had been widely researched before this research was conducted. Thus, in the spirit of renewing contemporary interpretations, the author includes the new theory of hermeneutics Abou El Fadl in revealing the term syūrā in Sura Āli Imrān verse

¹¹ Kuntowijoyo, *Political Identity of Muslims*, Yogyakarta, IRCiSoD, First Cet.2018,p.,118-119.

¹² Lajnah Pentashihan Mushaf Al-Qur'an: Depag RI, *Ethics of Family, Society, and Politics (Thematic Tafsir of the Qur'an)*, p., 43

¹³ Delmus Puneri Salim, *Political Islam in the Qur'an (Tafsir Siyasah Surat Āli Imrān verse 159)*, Jurnal Aqlam Vol.1, no.1 (June 2016), p.43

159 and Ash-Syūrā verse 38. The hermeneutics proposed by Khalid Abou El Fadl is inclined to revolutionize the interpretation from authoritarian to authoritative. His offer of classic hermeneutic theory addresses the origin of the emergence of the Qur'an Hadith, which was initially the authority of Allah as Islamic law, then shifted its understanding to authoritarian and authoritarianism in Islam.¹⁴ In addition, the hermeneutics theory is necessary to prevent authoritarian actions in a state constitution that shares similar principles with syura, namely Pancasila. This arises because democracy, as a major discourse, is already considered perfect in Indonesia. However, this contradicts the actual phenomena about issues of authority, elections, and freedom and majority.

The point of view of the term syūrā in the Qur'an with the relation of democratic system that the author will examine will be a new color in the development of the Qur'an in response to contemporary trends that are by the dynamics of the times. Before this research was conducted, the author had reviewed scientific papers that discussed the perspective of Abou El Fadl's hermeneutics and were only associated with the themes of democracy, national politics, and pluralism. This study will present a concrete form of identity politics in Indonesia and place Q.S Āli Imrān verse 159 and Ash-Syūrā verse 38 as an offer of *problem-solving* democratic system conflicts with the perspective of Abou El Fadl's hermeneutics.

B. Problem Statement

1. What is the general concept of *syūrā*, democratic system and interpretation of Al Imran; 159 and Ash-Syūrā; 38 perspectives of Abou El Fadl's Hermeneutics?

¹⁴ Khaled M. Abou El-Fadl, *In the Name of God: From Authoritarian Jurisprudence to Authoritative Jurisprudence*, Penj. Cecep Lukman Yasin (Jakarta: Serambi Ilmu Semesta, 2004). This work was translated from Abou El Fadl's book, *Speaking in God's Name: Islamic Law, Authority, and Women*", (Oxford: Oneworld Publications, 2003), p. 135.

2. What is the actualization value of Ali Imra's interpretation; 159 and Ash-Syūrā; 38 Hermeneutic Perspectives of Abou El Fadl on democratic system in Indonesia?

C. Research Objectives

1. To know the the general concept of *syūrā*, democratic system and interpretation of Al Imran; 159 and Ash-Syūrā; 38 perspectives of Abou El Fadl's Hermeneutics.
2. Explore the actualization value of Ali Imra's interpretation; 159 and Ash-Syūrā; 38 Hermeneutic Perspectives of Abou El Fadl on democratic system in Indonesia?

D. Literature Review

This research departs from a review of previous studies. As for this study, the author mapped two similar variable themes. First, research the interpretation of Ali Imron 159 and Ash-Syūrā verse 38. Second, research on identity politics in Indonesia. Third, research on using the Hermeneutic theory of Abou El Fadl.

- a. Research on the interpretation of Ali Imron; 159 and Ash-Syūrā; 38
 - a) Delmus Puneri Salim, “Politik Islam dalam Al-Qur’an (Tafsir Siyasah Surat Āli Imrān ayat 159)”, *Journal of Aqlam* vol. 1, March 2016. In this study, it is explained that the term *musyawarah* is one of the intentions and principles of political Islam that has its urgency in the Qur'an with an analytical approach to the study of tafsir al-Maraghi, Tafsir al-Misbah, and al-Azhar.

- b) In the journal paper, “Komparasi antara Konsep *Syura* dan Demokrasi dalam Politik Islam”, by Toguan Rambe and Seva Mayasari,¹⁵ it is stated that the term *syūrā* or *musyawarah* in *Āli Imrān* verse 159 and *Ash-Syūrā* verse 38 is the normative basis of Islamic teachings about social life and the state. Democracy and *syūrā* are discussed in this paper, obtaining the tangent point of the difference between the two in the highest sovereignty based on the concept that *syūrā* is in the hands of God, while democracy is in the hands of the people.
- c) Anis Tilawati and Ananda Emiel Kamala in “*Syura* Dan Demokrasi Perspektif Hermeneutika Abdullah Saeed: Relevansinya Dengan Demokrasi Di Indonesia”, *Sophist Journal*, Vol. 2, January-June 2020, pages 38-60, revealed Abdullah Saeed's findings about the term *syūrā* in the Qur'an and the concept of democracy that the idea of *syūrā* has been implied as an effort to understand and equalize democratic values that exist in the government of a country. Indonesia is one example of a country with ideas and values that are by the concept of *syūrā* in the Qur'an.

From the above research, the author concludes a significant difference between the three, the first is *Āli Imrān*: 159 and *Ash-Syūrā*: 38 Peeled with the perspective of the study of the Book of Turats. Second, the term *syūrā* and the concept of *musyawarah* are compared with democracy within the scope of Islamic political insight. The third, the term *syūrā* in *Āli Imrān*; 159 and *Ash-Syūrā*; 38, is linked to the concept of democracy in Indonesia through Abdullah Saeed's point of view. In this case, the author wants to complement existing research by deepening the meaning of *Āli Imrān* verse 159 and *Asy Syūrā* verse

¹⁵ See more at, Toguan Rambe and Seva Mayasari, Comparison Between *Syūrā* Concepts and Democracy in Islamic Politics, *Preamble*, Vol.5, Feb.2021, h. 138-148.

38, which are associated with the phenomenon of identity politics in Indonesia. The author considers it essential to have renewable research to keep up with the dynamic times.

b. Research on democratic system in Indonesia

- a) A scientific thesis entitled “Konsep Syūrā Menurut Yūsuf Al-Qaraḍāwī dan Relevan sinya dengan Sistem Demokrasi Pancasila di Indonesia.” by Hikmawati,¹⁶ Yūsuf Al-Qaraḍāwī's opinion on syūrā is quite relevant to Indonesia's Pancasila democracy system. The relevance and proximity of the syūrā system and the Pancasila democracy system can be understood from five points. First, both the Pancasila democracy and syūrā recognize the principles of divinity, just and civilized humanity, unity, and justice. Second, there is an obligation to conduct deliberation. Third, the election of leaders is carried out through an electoral process, with decisions made by the majority vote. Fourth, the state must have an institution representing the people. In the syūrā system proposed by Yūsuf Al-Qaraḍāwī, this institution takes the form of a Majelis Syūrā, which includes ahl al-syūrā or ahl ḥalli wa al-‘aḳḳi. In the Pancasila democracy system, there must be DPR (People's Representative Council) and MPR (People's Consultative Assembly) institutions. Fifth, the people's representative institution has the authority to impeach the leader if proven to have committed mistakes and deviations.
- b) In the research “Aktualisasi *Musyawarah* Dan Demokrasi Dalam Sistem Pemerintahan Islam (Studi Pemikiran Raghīb al-Sirjani)”, by

¹⁶ hikmawati Meuraxa, “Konsep Syūrā Menurut Yūsuf Al-Qaraḍāwī Dan Relevansinya Dengan Sistem Demokrasi Pancasila Di Indonesia,” *Fakultas Syari’ah Dan Hukum* (Universitas Islam Negeri Ar-Raniry Darussalam-Banda, 2021).

Fajrul,¹⁷ In this study, the concept of consultation (*musyawarah*) in the political system according to Raghīb Al-Sirjani is divided into three areas: the nomination and election of leaders by a consultative council (*shura*), public policy making where consultation is used to find the best solutions, and the resolution of community affairs with state officials using consultation to solve societal problems. Raghīb Al-Sirjani perceives a fundamental difference between Islamic consultation and democracy. While Islamic consultation is based on the Quran and Hadith, democracy is grounded in human interests without religious stipulations. Consequently, he believes that the concept of consultation is irrelevant to modern democratic systems, as democratic decisions can contradict Islamic law by prioritizing majority opinion, even if it violates Islamic principles.

- c) Furthermore, in “Konsep *Musyawarah* Dalam Perspektif Al-Qur’an Dan Implementasinya Pada Demokrasi Di Indonesia”,¹⁸. This study elucidates the interpretation of verses related to deliberation. It emphasizes the importance of being gentle, forgiving when conflicts arise, and placing trust in Allah after deciding the outcomes of discussions. The application of deliberation in Indonesian democracy, as embodied in the fourth principle of Pancasila, has not been well implemented for various reasons. The essence of the fourth principle is deliberation; however, deliberation is seldom employed to resolve issues, with voting being more commonly used instead. Nevertheless, there are numerous solutions available to ensure that the fourth principle

¹⁷ Yordha Fajrul Akbar, “Aktualisasi Musyawarah Dan Demokrasi Dalam Sistem Pemerintahan Islam (Studi Pemikiran Raghīb Al-Sirjani)” (UNIVERSITAS ISLAM NEGERI AR-RANIRY, 2022).

¹⁸ Ilham Prasetyo, “Konsep Musyawarah Dalam Perspektif Al-Qur’an Dan Implementasinya Pada Demokrasi Di Indonesia” (UNIVERSITAS ISLAM NEGERI SULTAN SYARIF KASIM RIAU, 2023).

of Pancasila is effectively implemented. It is hoped that these solutions can address the issues in the implementation of deliberation in Indonesian democracy.

Some of the research above can be concluded only by discussing the general concept, identification and scope, and cases due to identity politics. The existence of Abou El Fadl's hermeneutic approach by linking democratic system and the term *syūrā* in the Qur'an will be the color of scientific work and, at the same time become a deep *point of view* of the sacred text of the Qur'an as a *way of life for* society and especially Muslims. This research will cover textual and contextual aspects, so that readers can understand what the author poured as a world view to broaden intellectual horizons.

c. Research using Khaled Abou El Fadl's theory of hermeneutics.

- a) A detailed found in this artikel journal untitled, “Dealektika Moral Etik Penafsir Dan Otoritarianisme”.¹⁹ This research discusses how authoritarianism leads to an epistemological stagnation in the process of exploring the establishment of textual meanings. Consequently, the field of Islamic law appears to be stagnant due to absolute fatwas. In the conclusion chapter, Abou Fadl expresses his concern by stating that the discourse on Islamic law becomes vacuous due to the authoritarian attitude of fatwa issuers. He argues that authoritarianism not only undermines the integrity and honor of Islamic law but also destroys the dynamic power of Islamic law in the discourse of the modern world today.

¹⁹ Nur Kholik, Subianto Subianto, and Muhammad Wafa', “Dialektika Moral Etik Penafsir Otoritarianisme: Pendekatan Hermeneutika Negosiatif Khaleed Moh. Abou El-Fadl,” *Jurnal Keislaman* 6, no. 1 (2023): 206–19, <https://doi.org/10.54298/jk.v6i1.3697>.

- b) In "*Hermeneutika Otoritatif Khaled M. Abou El Fadl: Metode Kritik Atas Penafsiran Otoritarianisme Dalam Pemikiran Islam*", by Nasrullah,²⁰ explained that hermeneutics is very necessary as a method of approach in the Islamic tradition and is assisted by the latest scientific methodological tools such as linguistics, literary criticism, history, and other social sciences to create a comprehensive understanding. The hermeneutics offered by Abou El-Fadl encompasses the interaction of "negotiations" between the text, its author and its reader.
- c) A thesis, "*Demokrasi dalam Islam (Studi Pemikiran Khaled Abou el Fadl)*", by Ahmad Safrudin, Student of UIN Sunan Kalijaga Yogyakarta. There is a sub-chapter that explains the view of syūrā in the Qur'an perspective of Khaled Abou El Fadl that, the aspect of *musyawarah* is not only a tool of consideration from ruler to society, but also a marker of resistance to the authoritarian form of tyranny of the ruler and authoritarianism against Islamic law.

The research produced in the form of journal products above is a reference that will color the dynamics of the author's research writing. In this case, some journals have comparisons with each other that the author will favor in reviewing the references contained in it. From the various primary and supporting references above, the author has views to complement the studies that have been carried out before. This is what initiated the author to raise identity politics in Indonesia with the relationship of interpretation of Qur'anic verses so that it can become a separate focus of Muslims in adding to their intellectual studies. In addition, the author's spirit in bringing up the perspective

²⁰ Nasrullah, "*Khaled M. Abou El Fadl's Authoritative Hermeneutics: A Critique Method of Interpreting Authoritarianism in Islamic Thought*", Journal Hunafa, Vol. 5, No. 2 August 2008, pp. 137-150.

of Abou El Fadl's hermeneutics will renew the dynamics of Muslim thought and Indonesian society.

E. Theoretical Framework

In the research the author will do, he must have a theoretical foundation that creates systematic and directed study. Here, we describe the theory that we will use as a basis for research:

The text is the authoritative medium of "God's will" and continues to reach the inevitable truth. But normatively, religious texts open wide the space for various interpretations (*multi-interpretation*). This is the opening for interpreters to devise arrangements that could trap them in authoritarianism and absolutism while exceeding authority by identifying themselves.

According to Abou El Fadl, authoritarianism in Islamic thought is the result of errors in methodological procedures that link the three elements of author, text, and reader.

Abou El Fadl, in his hermeneutics offers a conceptual framework for constructing ideas about authority and authoritarianism in Islam. According to him, power has its urgency because if we do not use lead, we will religion relatively, subjectively, and individually. Three main elements become the basis for opening authoritative and authoritarian discourse in Islam: competence (authenticity), determination of meaning, and concepts related to representation in Islam.

Establishing meaning is a way for a reader to deal with the text rationally. The existence of an interpretation community becomes a barrier to different understandings of the text from the author to the reader. Not necessarily one person's interpretation of a verse of the Qur'an can be understood the same as another's. According to him, it is emphatic – a reminder

– that there must be a negotiation process between the text, the author, and the reader and that it must not dominate one side over the other.

In this study, the author will start with the story of the discovery of hermeneutics from Abou El Fadl while affirming the elemental aspects of hermeneutics that are the basis of his thinking. The basic concept of authoritative hermeneutics with the idea of negotiating will be raised because of a central thought.

Before entering the focus of the research object, the author must understand the relationship between the text, author and reader. This became a foundation and the beginning of the discourse on the representation of God in the authorization of Islamic law, especially in an interpretation of Qur'anic verses. Thus, the concept of competence (authentication), determination and representation, which are aspects of fulfillment in this hermeneutic concept, can be realized in line with the desired meaning in *Āli Imrān*; 159 and *Ash-Syūrā*; 38 interpretation is relevant to identity politics in Indonesia.

In particular, the author will design the discussion systematically according to the method of interpretation and the steps of "negotiating hermeneutics". The first step is understanding the text, which includes rules, a denial of the author's will, and the autonomous or open nature of the text. Then, testing the text's authenticity, which includes the spirit of openness, legal sources, and its authenticity. Finally, the determination of the meaning of the text starts from the author's intention to separate the subjectivity of interpretation from the text.

The use of authoritative hermeneutics by Abou El Fadl in the term *syūrā* in the Qur'an, which then relates its relevance to the phenomenon of democratic system in Indonesia, is based on the absence of similar research before. This

new theoretical approach will meet the needs of contemporary Qur'anic interpretation.

F. Research Methods

Every scientific paper writing can certainly always use a method. This is because the technique is an important instrument so that research can be carried out in a directed manner to achieve maximum things. In addition, the method will facilitate writing and getting the correct conclusion, and the process of writing this proposal uses the following ways:

1. Types of Research

This research belongs to the category of qualitative research with library study (*library research*) methods, where the research process relies on reading and interpretation of data relevant to the subject being studied. It is done as an attempt to answer questions that have been formulated in the problem formula. Data used include books, literature, and other texts.

2. Data Sources

a. Primary Data

The primary source of data used by the author in this study is Al-Qur'an with a focus on Ali Imran verses 159 and Asy-Syura verses 38. In this case, both sentences become the object of material research. Formal objects in this research use books or writings that deal with the Hermeneutics of Abou El Fadl, such as the book entitled *Speaking in God's Name: Islamic Law, Authority and Women, And God Knows The Soldier: Authoritative and Authoritarian in Islamic Discourse*, and *Islam and the Challenge of Democracy: A "Boston Review" Book*, the third of which is by Abou el Fadl.

b. Secondary Data

Secondary data collection Based on the sources involved in the investigation, both directly and indirectly. First, the literature that discusses the contextualization of the text in historical and linguistic terms, among others *Al-Mu'jam Al-Mufahras li Alfadz Al-Qur'an* by Al-Baqi, *al-Mufradat fi Al-Gharib Al- Qur'an of Al-Ashfihani*, *Dictionary al-Munawwir*, etc.

3. Data Collection Methods

The method of data collection used in this research is to study documents, i.e. to process documents as a source of research that the author uses in searching for data related to the terms of the Quran, democratic system, and hermeneutic perspectives of Abou el Fadl in the interpretation of the verses of the Qur'an. The results of the analysis of existing sources will be applied to actual phenomena.

4. Data Analysis Methods

The analysis used in this study is descriptive analysis. This technique will give a systematic explanation of the term syura in the Quran and the politics of identity in Indonesia. The method of analysis used is the hermeneutic theory of negotiation in the interpretation of the verses of the Qur'an with the understanding that meaning must be the result of a harmonious interaction between the author, the text, and the reader, where there is a balance and a balanced negotiating process between the three elements. No one party can dominate the process of meaning determination. So, there are results of contextual interpretation analysis to find fertilization that matches the evolution of the times.

G. Systematics of Writing

Systematics of Writing Qualitative Research Results Report is made to facilitate the course of research and the writing process. Which contains the main contents of the research results as a whole, before reading the whole chapter by chapter. With the following details:

CHAPTER I : Precedence that will lead to the following chapters, consisting of Background, Problem Formulation, Research Objectives and Benefits, Literature Review, Research Methodology and Writing Systematics.

CHAPTER II: Presentation of data, which suggests a description that describes all research results and other supporting aspects. First, the author elaborates on the term *syūrā* in the Qur'an. Second, the general concept of politics in Indonesia, with some examples of conflict, will be contained in this sub-chapter.

CHAPTER III: The theoretical basis in the form of a review of previous research results to be a starting point for research also expresses perspectives in presenting research results. Which is obtained through a Review of various sources such as books and research journals that have existed before.

CHAPTER IV: Analysis, which sets out aspects of the problem that are precisely at the core of the discussion, namely around textual and contextual studies of verses that background research on the interpretation of Ali Imron; 159 and As-Syūrā; 38 and its actualitate to democratis system in Indonesia along with the use of Abou El Fadl's authoritative hermeneutics as well as offering solutions to solving the problem of identity politics.

CHAPTER V : Closing, which brings memories back to all research results, especially on the subject matter, which in this case contains two

sub-chapters, namely Conclusions and Suggestions, which contain follow-up descriptions of the research.

CHAPTER II

BIOGRAPHY OF KHALED ABOU EL-FADL AND HERMENEUTIC APPROACH

A. Biography

1. Curriculum Vitae

The delivery of a biography and a curriculum vitae becomes an essential basis for considering and appreciating a thinker's dedication in the footsteps of his life. Born to a father who works as a lawyer, Khaled Abou el Fadl¹ has honed his knowledge by reading books from his father, who works as a lawyer. Abou El Fadl was born in Kuwait in 1963 to Egyptian parents. When he was three years old, he became interested in the news writings he spread and studied with great concentration. At 12, he was known as an intelligent child by attending classes in Islamic law, the Qur'an, and shari'ah in mosques around his area.²

Raised with the uncertain sociopolitical conditions that colored childhood—until adolescence, he accepted the Wahhabi ideology that was then taught in secondary schools in Egypt and became the primary school in Kuwait. Khaled understood the condition and positioned himself as a fundamentalist affiliated with Wahhabi by imposing his understanding on those closest to him, especially his family. However, in his interaction with science, he experienced a shift in learning to become an enforcer of democracy.³ After being challenged by his father to become a scholar of Islamic law, he went to Yale Law School in 1982 and graduated four years later *magna laude* and was awarded the prestigious *Scholar of the House*. Later in his intellectual journey, he studied at

¹ Abid Rohmanu, *Reinterpretasi Jihad : Relasi Fikih Dan Akhlak*, ed. Agus Purnomo, cetakan 1 (Ponorogo: Nadi Press Yogyakarta, n.d.). h. 108. .

² Lihat Teresa Watanabe, —Battling Islamic Puritans, dalam Los Angeles Times, 2 Januari 2002, <https://www.latimes.com/archives/la-xpm-2002-jan-02-mn-19660-story.html>, diakses 14 Maret 2023.

³ Chafid Wahyudi, “Tipologi Islam Moderat dan Puritan: Pemikiran Khaled M. Abou El Fadl, dalam *Teosofi*, vol. 1, (Juni 2011), h.78.

the University of Pennsylvania to obtain a doctorate in law (J.D) in 1989. Around the same time, Abou El Fadl received his Ph.D. in Islamic studies from Princeton University and studied law again at the University of California, Los Angeles (UCLA).⁴

As a 21st-century thinker, Abu El Fadl actively preached moderate Islam and opposed extremist and fundamentalist beliefs. His career began when he entered UCLA and had a myriad of achievements.⁵ Known as a thinker, he was distinctive in his scientific approach to Islam from his moral point of view. Abou El Fadl's critique of "*intolerant puritanism*" was firmly leveled against Muslims who broadcast rigid and strict beliefs until their works were rejected for circulation by Saudi Arabia and Egypt.⁶ The fruit of his critical and scientific principles led to death threats from his enemies.

Khaled Abou El Fadl is famous for his writings on Islam from the point of view of humanity, morality, and human rights, and his research on the moral values of Islam. President George W. Bush appointed him to serve on the U.S. commission as a member of Human Rights Watch's board of directors on International Religious Freedom. His publications have been widely published in international press media such as the New York Times, Washington Post,

⁴ M Taufiq and Muhammad Ilham, 'Pemikiran Hermeneutika Khaled M. Abou El Fadl: Dari Fikih Otoriter Ke Fikih Otoritatif', dalam TAQNIN: Jurnal Syariah Dan Hukum, vol. 3.1 (2021), h. 68.

⁵ Among other achievements, Dr. Abou El Fadl was awarded the University of Oslo's Human Rights Prize, the Leo and Lisl Eitinger Prize in 2007, and was named Carnegie Scholar in Islamic Law in 2005. He was previously appointed by President George W. Bush to serve on the US Commission on International Religious Freedom, and also serves as a member of the board of directors of Human Rights Watch. He works with human rights organizations such as Amnesty International and the Lawyers' Committee for Human Rights First as an expert in cases involving human rights, terrorism, political asylum, and international and commercial law. In 2018, 2017 and 2005, he was also listed as one of Law Dragon's Top 500 Lawyers in the Country. In 2013, he was included in the "50 Most Religiously Intelligent People" by The Best Schools.org, and was awarded the "American Muslim Achievement Award" in 2014. He is included in the "500 Most Influential Arabs in the World" and "500 Most Influential Muslims in the World." Selengkapnya di, Biografi Khaled M. Abou El Fadl, <https://law.ucla.edu/faculty/faculty-profiles/khaled-m-abou-el-fadl>, diakses 16 Oktober 2023.

⁶ Teresa, — Battling Islamic Puritans, dalam Los Angeles Times, 2 Januari 2002, <https://www.latimes.com/archives/la-xpm-2002-jan-02-mn-19660-story.html>, diakses 14 Maret 2023.

Los Angeles Times, Al-Jazeera English, and many more.⁷ Until this research was written, he was still teaching at UCLA's Faculty of Law with the title of Professor of Law *Omar and Azmeralda Alfi*, as well as active in the university's non-profit research body, the Institute of Advanced Usuli Studies ("The Usuli Institute") as a dedication to the science of ethics, beauty, and critical thinking of the Islamic intellectual tradition.

2. Works by Khaled Abou El-Fadl

Khaled Abou El Fadl has greatly contributed to Islamic scientific studies; the many writings in books, articles, and other papers evidence this. Here are the works by category⁸:

1) Works in book form

- a. *Speaking in God's Name: Islamic Law, Authority and Women* was published in Oxford by Oneworld Publications in 2001. This book was translated into Indonesian under the title *In the Name of God: From Authoritarian Jurisprudence to Authoritative Jurisprudence* by PT. Serambi Ilmu Semesta in Jakarta in 2004.
- b. *Islam and the Challenge of Democracy* was published at Princeton by NJ: Princeton University in 2004. Translated into Arabic by Dar al-Shuru in Cairo, Egypt, 2005 and Indonesian, *Islam and the Challenge of Democracy* published by PT. Porch of the Science of the Universe in 2003.

⁷ Lihat di, Tentang Abou El Fadl, <https://www.searchforbeauty.org/khaled-abou-el-fadl/> diakses dan diterjemahkan pada 28 Maret 2023

⁸ *Ibid.*,

- c. *Then, Place of Tolerance in Islam* was published by Ma.: Beacon Press in Boston in 2002 and translated into Indonesian, *Against God's Army* by UFUK Press in 2004.
- d. *Conference of the Books: The Search for Beauty in Islam* was published by the University Press of America/Rowman and Littlefield at Lanham in 2001. Translated in Indonesian under *Musyawaharh Buku: Tracing the Beauty of Islam from Book to Book* by PT. Serambi Ilmu Semesta in Jakarta in 2003.
- e. *The Great Theft: Wrestling Islam from the Extremist* was published by Ca.: Harper San Francisco in San Francisco in 2005 and translated into Arabic, Japanese, Spanish, and Indonesian.
- f. *Reasoning with God: Reclaiming Shari'ah in the Modern Age* was published by Md: Rowman and Littlefield Publishers in Lanham in 2014.

2) Academic Publications

- a. Series editor's foreword to *The Contemporary Islamic Governed State: A Reconceptualization* by Joseph Kaminski, part of the Palgrave Series in Islamic Theology, Law and History (New York: Palgrave Macmillan, 2017).
- b. The contribution to the chapter "Violence, Personal Commitment, and Democracy" in *Islam and English Law: Rights, Responsibilities, and the Place of Sharia* with editor Robin Griffith-Jones was published by Cambridge University Press in 2013.

- c. Sebuah bab "*The Centrality of Shari'ah to Government and Constitutionalism in Islam*" dalam buku "*Constitutionalism in Islamic Countries: Between Upheaval and Continuity*" dengan editor Rainer Grote dan Tillman Roder diterbitkan oleh Oxford University Press pada tahun 2011.

3. Academic Anxiety

Before discussing Khaled El Fadl's hermeneutics, the author needs to discuss the academic anxiety behind the emergence of this methodology.

The socio-political condition of Islam in the late 20th century AD was marked by the turmoil of "ideological violence." Starting from the problem of formulating and taking unilateral fatwas triggered by ideological quarrels complete with politicization. The deep-rooted construction of "puritanical Islam" is a *stereotype* of fatwa taken from classical Islamic law that stagnated centuries ago by not considering the context of the times and not conducting accurate methodological research.

Khaled Abou El Fadl's anxiety about authoritarian text authority and text-construction led to a thought. This is evidenced by his work "Speaking in god's Name; Islamic Law, Authority, and Women", that authoritarianism is an attempt to erode integration with the ontologic disregard of reality in the name of being a representative of God in its role as a nash pointer who does not rule out the possibility of self-disclosure of guidance, and of course in an authoritarian process will make the decision based on itself.⁹

⁹ Khaleed Abou El Fadl, "*Speaking in God's Name: Islamic Law, Authority, and Women*", (Oxford: Oneworld Publications, 2003). Diterjemahkan kedalam Bahasa Indonesia, Khaled M. Abou El-Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter ke Fikih Otoritatif*, Penj. Cecep Lukman Yasin (Jakarta: Serambi Ilmu Semesta, 2004), h.205.

Khaled Abou El Fadl's observations about the actions that plague modern Muslim societies began in 1975, marked by the rampant authoritarian interpretation of the text of the Qur'an and the Prophet's Hadith by interpreters of Islamic law. Also, the synchronization and harmonization of French civic law and American common law has severely impacted the development of modern Islamic law. Most Muslim scholars in the Middle East in the 20th century were educated in the *civil law system* that was incorporated in the reconstruction of Islamic law and led to the imposition of systematic codification of Islamic law.¹⁰

After the above description, the most striking fact is that many religious organizations issue religious fatwas, such as SAS (*The Society for Adherence to the Sunnah*) in America and CRLO (*Council for Scientific Research and Legal Opinions*) / *Al-Lajnah al-Dā'imah li al-Buhūts al-'Ilmiyyah wa al-Ifta'*/Institute for Scientific Studies and Fatwas) in Saudi Arabia. Some peculiarities were found in the formulation of the fatwa. They start by taking hadith references and using improper logic.¹¹

The narrow reading of universal values is also one of the problems in the formulation of fatwas by the SAS and CRLO. Islamic puritanism and the shadow of Wahhabi became an absolute basis. It can be seen that the fatwa issued by the SAS further distances Muslims in the United States who are executive immigrants from the relationship of classical epistemology and the legacy of Islamic hermeneutics. This is the focus of Abou El Fadl's discourse, especially regarding the perspective offered to solve problems to Islam in the United States using a Middle Eastern view influenced by Wahhabi puritanism. While the situation and socio-culture are very different, Muslims in America are a minority,

¹⁰ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h. 17-18.

¹¹ Alvan Fathony, "Hermeneutika Negosiatif Khaled Abou El Fadl: Menangkal Otoritarianisme Tafsir Agama dalam Hukum Islam," dalam *AT-TURAS: Jurnal Studi Keislaman* 6, no. 1 (2019): h. 129

while in the Middle East are the majority. It was found that Abou El Fadl's academic anxiety in his works was *Muslim minority in the West*.¹²

B. Hermeneutics Khaled Abou El Fadl

The author conveys the main idea before applying Khaled Abou El Fadl's hermeneutic methodology in interpreting the Qur'an. The necessity of disclosing this methodology is based on a step in thesis writing.

1. Authoritative Concepts

The words authoritative and authority indeed appear a lot in this scientific work. Because the basis brought about the rule of Islamic law. Regarding borrowing a phrase from Arendt, it is a power to make people submit without persuasion. This understanding arises by considering that the state of legal authority has become extinct along with the weakening of religious beliefs and religious traditions.

The definition of authority, according to Ardent, contains the exception of persuasion or argument made before obeying authoritative orders. According to R.B. Friedman, authority is the ability to influence others to follow a particular form of action by showing the benefits of that action. If one must first reflect on the merits and substance of a command and consider it authoritative, it will dissolve the rational persuasion that has been proposed. In other words, if argumentation is involved, authority is useless.¹³

Authority has two distinct properties: coercive and persuasive. Coercive authority is an ability to approach the opinions or actions of others by persuading, taking advantage, punishing, and threatening so that others

¹² Alvan Fathony, "Hermeneutika Negosiatif Khaled Abou El Fadl: Menangkal Otoritarianisme Tafsir Agama dalam Hukum Islam," h.124.

¹³ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h. 38-39.

have no choice to avoid unless they have to obey it. While persuasive authority is more directed at the involvement of normative power, which is an ability to control the beliefs or behavior of others based on trust.¹⁴

To quote R.B. Friedman, Abou El Fadl distinguishes between "being in authority" *and* "being an authority." The term "assuming authority" is included in the sense of power occupied by someone in an official or structural position to issue orders and directions, Orders and directions from a stakeholder in the form of symbols of authority that state the obedience of others to themselves. In this case, a person may disagree with a commandment but must obey it because he recognizes the authority of the person who gave it.

Unlike the case with "authority holders" who are seen from different points of view and characteristics. A person has a personal argument because he submits to an authority who is seen as having more knowledge, policy or understanding. Friedman explained that special knowledge is the reason for ordinary people's submission to the orders or directives of authority holders, even without understanding the underlying things of these directives or orders.¹⁵

In Islam, it is agreed that Allah is the ultimate authority. Prophet Muhammad's messenger of Allah as an apostle to realize the teachings of Islam through the Qur'an is strengthened and detailed with the Sunnah (Hadith) of the Prophet. These two foundations are believed to be the primary sources of the people. In this case, a deep and comprehensive understanding is needed to explore a complete experience related to religious

¹⁴ *Ibid.*, h. 37.

¹⁵ Baiq Tuhfatul Unsi, "Pendekatan Hemenutika Khaled M. Abou El-Fadl untuk membedakan antara ajaran otoritas dan otoritarianism," dalam *Murobbi: Jurnal Ilmu Pendidikan*, Vol.2, No. 21 (2018), h. 174.

texts, especially the Qur'an. Until then, reading the authority of religious texts required an integrated system of understanding.¹⁶

Authority does not stand alone and is independent without any other underpinning. At least four components that integrate into Islam are used as authority, namely, revelation, empirical evidence, deepening of human reason, and deep-rooted traditions.¹⁷

2. The Concepts Of Authoritarianism And Hermeneutics.

According to Abou el-Fadl, authoritarianism is locking or confining God's will, or the choice of the text, in a particular determination, as confident and decisive.¹⁸ Another version says that authoritarianism is a behavior that does not hold to the prerequisites of self-control at all and involves false claims that tend to have the effect of abusing the author's will.¹⁹ Please note that the conditions in question are honesty, sincerity, thoroughness, rationality, and self-control.²⁰

The purpose of Abou El Fadl's authoritarianism seems to focus more on the process of interpretation carried out by a person to understand God's will as outlined in a text with failure to fulfill the five prerequisites Khaled Abou El Fadl sets. With due regard to the concept of representative

¹⁶Moh. Muhtador, "Pergulatan Otoritas Dan Otoritarianisme Dalam Penafsiran (Pembacaan Hermeneutis Khaled Abou El Fadl)", dalam *QOF*, Vol.2 (Januari 2018), h. 68.

¹⁷ Moh. Muhtador, "Pergulatan Otoritas Dan Otoritarianisme Dalam Penafsiran (Pembacaan Hermeneutis Khaled Abou El Fadl)", dalam *QOF*, Vol.2 (Januari 2018), h. 68.

¹⁸ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h. 138-139.

¹⁹ Baiq Tuhfatul Unsi, "Pendekatan Hermeneutika Khaled M. Abou El-Fadl Untuk Membedakan Antara Ajaran Otoritas Dan Otoritarianism", h. 175.

²⁰ Abou El-Fadl, *Speaking in God's Name: Islamic Law.....*, h. 100-103.

fulfillment for God's²¹ representatives who leave part of their decisions to a particular group (jurists) because of a view that that particular group has authority and has an understanding or competence of God's commands.²²

Authoritarianism becomes synonymous with violating the five prerequisites stated above. Since tyranny is based on manifesting oneself in representing others, an authoritarian act will involve behavior in the form of arguments or determinations or even the erroneous action of unwillingness to express failure to comply with the five prerequisites.

In anticipation of authoritarianism so as not to have an impact on society and cause blind understanding of particular readers in the community who have authority and authority in understanding God's message and will, Abou Fadl offers two principles that are also methodological foundations, namely the presumption of epistemological analysis and the use of exclusive (normative) reason.²³

Authoritarianism reused a hermeneutic methodology that dominates and breaks down the mechanism of searching for meaning from texts into subjective and selective readings. The particular subjectivity of authoritarian hermeneutics tries to equate *author intent with reader intent* along with a secondary view of textual intent and textual autonomy. In this case, readers who use subjective principles in the search for meaning or interpretation can

²¹ What is meant by God's representative here is that God who has the authority to determine the law delegates to humans who are also given a mandate or role as a legal determinant to represent the voice of God and the Prophet (Khalifah fi al-ard). God has chosen and authorized humans to make a determination of the meaning of His will. *Selengkapnya lihat*, Muzayyin, "Hermeneutika Hukum Islam Khaleed Abou El Fadl: Sebuah Tawaran Dalam Membendung Otoritarianisme Fatwa MUI", h. 78.

²² Rendra Khaldun, "Hermeneutika Khaleed Abou El Fadl: Sebuah Upaya Untuk Menemukan Makna Kehendak Tuhan Dalam Teks Agama," *Edu-Islamika* 6, no. 2 (2014): 319–33., h. 322.

²³ Khaldun, "Hermeneutika Khaleed Abou el Fadl: Sebuah Upaya untuk Menemukan Makna Kehendak Tuhan dalam Teks Agama.", h. 325.

undoubtedly bring up errors and fraud that violate the conditions in the interpretation methodology.²⁴

Authoritarianism and text have opposite relationships. A complete understanding of the text must be exercised to restore God's authority through God's representatives in harmony with the foundation of the Qur'an and the Sunnah of the Prophet. According to Abu Al Fadl, the legitimacy of God's representative is based on the ability to read, understand and interpret God's will, which is revealed in texts or passages that are seen as manifestations of God's will. God's will (author) is hidden in the text, and the readers are responsible for finding and studying it. This also encourages Islamic jurists to bring out creative minds and be adept at using the text as a medium that allows them to transcend the text based on understanding while respecting the sanctity and value of the text²⁵.

Legal doctrines raised by jurists often limit the unconditional power of the ruler. This is what positions jurists to be mediators and mediators in their position to play the antidote to Islamic law in a fairly dynamic society. Likewise, they have a connecting role between the social and political structure of society. Although they claim to be defenders of God's law, there is still a principle that jurists do not make firm claims as holders of authority representing God's will.²⁶

3. Negotiating Hermeneutic Theory: *text, author, and reader.*

Khaled Abou El Fadl's hermeneutics is known as "negotiating hermeneutics" because this method was formed to search for meaning that

²⁴ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h.16.

²⁵ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h.27-28.

²⁶ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h. 29 – 32.

requires negotiative interaction between the *text*, *author*, and *reader*. According to Khaled Abou El Fadl, a critical point is the negotiation that there is no dominance between the three elements in determining meaning. The loss of the negotiation process will lead to authoritarianism or despotic interpretations in formulating Islamic law.²⁷

The birth of a critical analysis of the authoritarian practice of interpreting Islamic law with a hermeneutic approach seems to be a trend in itself, as well as holding back from the "authoritarian interpretation methodology" that undermines the integrity of Islamic texts. This effort was made after identifying the anatomy of the text's authority discourse that limits the authoritarianism of the reader, who is called to use God's power to justify the reader's arbitrary actions in understanding and implementing the text. Therefore, deepening the relationship between the author's text and the reader in the discourse of Islamic law must be based on a proportional methodology, namely hermeneutics.

The construction carried out in this methodology is by upholding the authenticity of the Qur'an as a manifestation of God's authority handed down to his messenger, namely the Prophet Muhammad SAW. So assumptions about studying and exploring the Qur'an and Sunnah will have adequate scientific integrity.²⁸ The text of the Quran, according to Abou el Fadl, has two dimensions, namely, the text that is closed and open in the process of interpretation.

If the text is open, it will create opportunities for the emergence of ideas and creativity of the interpreter in constructive interpretation. The text of the Quran is closed, defined as the restriction of performance from the reader. This was done as a proposal from Abu El Fadl to uphold the authority of the text and limit the space for the authoritarianism of readers. It can be

²⁷ Muzayyin, "Hermeneutika Hukum Islam Khaleed Abou El Fadl: Sebuah Tawaran Dalam Membendung Otoritarianisme Fatwa MUI", h. 71.

²⁸ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h.19.

obtained as a holy kalam God does not close from study, patterns of interpretation, confirmation, and criticism.²⁹

The "lively interpretative" method, as presented by Abou el-Fadi, entails thoroughly exploring the genuine context of a text's original meaning.³⁰ Abou El Fadl's hermeneutic approach emphasizes the need of evaluating and reciting the text by considering the three elements: the author, the reader, and the text itself. Here is an analysis of three fundamental components for Muslims in this approach.

- 1) Text: this context has become an absolute and primary understanding to understand meaning. Valet refers to nash-nash syar'i, the holy book of the Qur'an. Restrictions for readers in using the text freely and without limits must be done considering that subjectivity carried out by readers will not find certainty and will damage meaning. The reader has no limit in understanding the intention of the author of a text.³¹ The author's subjectivity and intent and the reader's understanding will not produce certainty. Text autonomy is indispensable as a mediator between the plan and the author, who converge in determining the text's meaning. Careful thorough and rigorous reading of the text can be the basis for common purpose and certainty.³² This shows that the text has its reality and integrity that deserve obedience. However, the meaning of the text

²⁹ Hujair Sanaky, "Gagasan Khaled Abou El fadl Tentang Problem otoritarianisme Tafsir Agama Pendekatan Hermeneutika dalam Studi Fatwa-Fatwa Keagamaan," dalam *Al-Mawarid*, Vol.XIV (2005), h.236.

³⁰ M. Arfan Mu'ammam, Abdul Wahid Hasan, and Dkk., *Studi Islam Perspektif Insider/Outsider*, Cetakan II (Jokjakarta: IrCiSoD, 2013). h. 191.

³¹ Mohammad Ridwan, "Konstruksi Otoritarianisme Hukum Islam Menurut Khaled M. Abou El-Fadl," dalam *Jurnal Fenomena*, Vol.9, No. 1 (2017): 187–96, <https://journal.iain-samarinda.ac.id/index.php/fenomena/article/view/1296/695>, h.192.

³² Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h.184.

forever adapts to the dynamics of the times with a review of various aspects.

- 2) Author. The presence of a text is inseparable from its author. The author conveys a desired meaning through language symbols as a medium that the reader can understand. The author of the text formulates his intention when forming a text, and the reader tries to understand the intent of the intended text. The Qur'an is the author's medium, Allah to reveal his intentions. The meaning of the text that has been written and separates itself from what it has been written will invalidate authority and no longer affect the text.³³ According to Aboe El Fadl, the separation between the author and the text causes a reduction in the meaning of the text or vice versa. Namely the meaning of the text is enriched and meaningful. The author must not interfere with the reader or the public's freedom to search for purpose in the text. ³⁴ A text does not contain the author's will, but a text contains the author's attempt to get his point across.³⁵
- 3) Reader. The reader determines the determination of meaning. What is meant is that Muslims, in detail, are interpreters and experts of Islamic law (fuqaha). The text will always present a sense that originally the reader had no meaning. It will have implications for understanding and interpretation thanks to the dynamic and evolving drive of electrical thinking. So in the process of reading texts, subjectivity is superior to readers, and the reader's assumptions will affect the operation of

³³ Sanaky, "Gagasan Khaled Abou El Fadl Tentang Problem Otoritarianisme Tafsir Agama Pendekatan Hermeneutika Dalam Studi Fatwa-Fatwa Keagamaan.", h. 194.

³⁴Sanaky, "Khaled Abou El Fadl's Ideas on the Problem of Authoritarianism....., h. 237.

³⁵ Khaldun, "Hermeneutika Khaleed Abou El Fadl: Sebuah Upaya Untuk Menemukan Makna Kehendak Tuhan Dalam Teks Agama.", h. 3.

understanding and interpreting dialects built-in science, especially about contemporary development, dynamically.³⁶

The structure of understanding the above methodology of hermeneutics is something that representatives of God must fulfill. Ignoring the balance of the relationship between text, author, and reader, the dominance of the reader over others will undoubtedly give birth to authoritarian attitudes in the religious area. As a result, these scholars quickly issue fatwas on every problem the ummah faces regardless of universal values. This must be considered by a person, group, organization or religious institution so that they do not dare to take the name of themselves or institutions as the sole holder of interpreters and executors of "God's" commandments.

Each element in the understanding process has a role and its function. Collecting the part of one piece or ignoring the message of one of the other elements will lead to more clarity in understanding and reviewing the text. According to him, three important elements play a role in determining a text, namely the role of the author, text and reader often referred to as the triadic structure.

Negotiation/authoritative hermeneutics has stages that must be carried out in the search for understanding. This is important as an ideal principle for one who wishes to interpret the text of the Qur'an and Sunnah that will produce an outcome of Islamic law.

Metode yang diusulkan oleh Abou el-Fadl dalam menafsirkan teks, yang ia sebut sebagai "interpretasi dinamis" (*lively interpretative*), melibatkan proses menggali relevansi kontemporer (significance) dari makna asli (*meaning*) teks tersebut. Dengan kata lain, ini berarti

³⁶ Ridwan, "Konstruksi otoritarianisme hukum Islam menurut khaled m. abou el-fadl.", h. 192.

mengeksplorasi implikasi (implication) dan pentingnya (*significance*) makna asli dari teks dalam konteks saat ini.³⁷

The following is a description of the stages by Khaled Abou El Fadl in carrying out his negotiating hermeneutics:

- a. First step: (understanding of the text)
 - Text has its own language rules
 - The text does not contain the will of the author
 - Text is autonomous and open
- b. Second step: (Text authenticity testing)
 - The text of the Qur'an and Sunnah as sources of law
 - The text of the Qur'an and Sunnah is open
 - The text of the Qur'an does not doubt its authenticity
 - The text of the sunnah must be tested for authenticity
- c. Step three: (Setting the meaning of the text)
 - Text as an open, center point
 - Track the original intent of the author of the text
 - Understand the community of meaning around the text
 - Understanding the moral of the universality of the text
 - Analyze assumptions within the interpretive community (value-based assumptions, methodology, reason, and faith)
 - Analyze the overall evidence related to the text (honestly, really, thoroughly, rationally, self-control)
 - Discovering new meanings and applications of text today
 - Separating the subjectivity of interpretation from the text.³⁸

4. Methodology Hermeneutika Khaled Abou El Fadl

³⁷ M. Arfan Mu'ammam, Abdul Wahid Hasan, Dkk., *Studi Islam Perspektif Insider/Outsider*, Cetakan II (Jokjakarta: IrCiSoD, 2013). h. 191.

³⁸ Muzayyin, "Hermeneutika Hukum Islam Khaleed Abou El Fadl: Sebuah Tawaran Dalam Membendung Otoritarianisme Fatwa MUI.", h.71-72.

A methodology must have a conceptual framework as a reinforcement of the basis for the existence of the theory. Khaled Abou El Fadl established a negotiating hermeneutic methodology with structural texts, authors, and readers. The presence of the concept of the conceptual framework will focus more on the function of building ideas about authority and authoritarianism in Islamic legal decisions. Here is the explanation and description, namely:

a. Competence

Competence is understood as related to the quality of referral sources also called symbol revealers, that lead to text integration. In Islam, God holds the ultimate authority to make decisions. When a person desires another regarding God's decrees, he resists God.

The purpose of competence helps find the authenticity - originality of the text that refers to the historical aspects of the text. The urgency of competence is an attempt to study commandments from God or prophets. As Islam has two primary sources of law that have authoritative entities, it is seen from the level of honesty of the reader in interpreting the text. Khalid offers five authoritative conditions for providing the text, which will be elaborated on in the next sub-chapter.³⁹

For Muslims, the Qur'an and Sunnah are the most convincing mediums for knowing God's will. As a text in which the will of God is contained, it is necessary to test based on the qualification of competence over the Qur'an and Sunnah. In this regard, Abou El Fadl believes that the word of God in the form of the Qur'an is eternal and preserved for its authentication. In other concepts, the Sunnah has a different level of

³⁹ Taufiq and Ilham, "Pemikiran Hermeneutika Khaled M. Abou El Fadl: Dari Fikih Otoriter Ke Fikih Otoritatif.", h. 72.

competence from the Qur'an. There is no guarantee of the purity of the origin of the text in it from God or even prophets. The complexity and variety of sources fundamentally differ between these two Islamic sources.⁴⁰

The qualification test of a text that claims to contain God's will must be thoughtful. The qualification in question is the authority of the reader to represent in the name on behalf of or about God. For example, if the proof of the source is from God (as author) or the prophet, then the next question is the extent to which the text is in the name of or about God. Suppose a text originates and proves to be from a companion of the prophet. In that case, the question arises according to the qualification to what extent the text can represent the prophet's name until it ends up being In the word of God. In other contexts, a text from a whole, intelligent, and knowledgeable person, must be questioned similarly. The conclusion that results from discussing the authenticity of a text is in the form of a question: what kind of competence does the source have to represent in the name of or about God?⁴¹

b. *Meaning Assignment*

Determination of the meaning of an action To determine the importance of a text. The problem of determining the meaning of a text arises from the question of Who has authority In determining the text, what God means from the text, and How to choose the desired meaning of God expressed in the text. According to Khaled, a solution to the above problem is a balance between the text, author and reader with complete

⁴⁰ Unsi, "Pendekatan Hemenutika Khaled M. Abou El-Fadl Untuk Membedakan Antara Ajaran Otoritas Dan Otoritarianism.", h. 179.

⁴¹ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h.128

processing of the meaning of the text. Therefore, the text of writing and reading should be interactive, dynamic, and dialectical.⁴²

God's command in a text rests on the medium of language. Language has an objective reality within certain limits and cannot be determined separately by the author or reader alone. Letters, words, phrases, and sentences are correlated in a symbol system that gives birth to a reader's ideas, images, and emotions that can change over time. Language has an agreed structure of meaning and vocabulary use, but its meaning and help continue to change and mutate with the dynamic times. The author can exert enormous creativity to choose the symbols used in his communication through the images he has in mind. Still, he cannot control the perception of a text and the impact of language on the reader.⁴³

An author cannot control the meaning conveyed. Autonomous languages can add rules and boundaries to shape and transmit meaning. A reader can impose what he wants on a text. Normatively, a reader must process a text rationally. This must be done because irrational interpretation is seen as an act that injures and violates the principle of justice against the author and the text itself.⁴⁴

Although finding meaning necessitates the plurality of interpretations and the relativity of truth, this does not mean that it can be understood as an infinite negative relativity so that everyone can interpret the text as he pleases and according to his subjectivity, without limits. A reader knows the *original meaning or historical meaning of a text by analyzing the language of the text used at the time of its appearance and paying attention to its historical context.*

⁴² Taufiq and Ilham, "Pemikiran Hermeneutika Khaled M. Abou El Fadl: Dari Fikih Otoriter Ke Fikih Otoritatif," h. 72.

⁴³ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h.133.

⁴⁴ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority,.....* h, 13.

According to Khaled, the reading treatment of the text is full of diversity, resulting in a plurality of meanings. A person who establishes purpose has a limit of legitimacy based on the degree to which the reader respects the integrity of the author's intent and the text. However, the power to decide of meaning has been handed over to man as God's representative. Thus, in delivering His commandments, God has used two means: means of text and means of man. Texts are expected to shape human attitudes and behavior; conversely, humans also play an essential role in shaping the meaning of texts.⁴⁵

c. Representative

The third issue in the construction of authority for the discussion of Islamic law is related to the concept of representation. This problem is motivated by the question of Who has the right to ensure and solve the problem of competence and determination of meaning, as well as What is the structural format used by institutions in determining authenticity meaning. Is the problem only left to the creativity of individual people or form an extraordinary institution?⁴⁶.

In the context of representation, it classifies human beings into two groups, namely general representatives and special representatives. Public representatives are pious and believing Muslims who show their will and leave some of their decisions to a specific group of people or representatives of a particular group (jurists). The special representative is a group of legal Andi who have special competence in understanding and analyzing the orders of their masters. The transfer of authority from the general representative to the special representative is due to the public

⁴⁵ Raisul, "Pemikiran Hukum Islam Khaled Abou el Fadl," dalam *Mazahib*, Vol.14, No. 2 (Desember 2015), h. 153.

⁴⁶ Muzayyin, "Hermeneutika Hukum Islam Khaleed Abou El Fadl: Sebuah Tawaran Dalam Membendung Otoritarianisme Fatwa MUI.," h. 78.

representative's view that the special representative has authority because of exceptional competence and understanding of God's commands. The authoritative idea of particular groups is not merely that they hold the power of formal office. Still, their public perception carries two authorities in the form of a set of commandments or instructions that point to the way of God.⁴⁷

Khalid stated:

*The conceptual framework of authority (competence, determination, and representation) is vital in shaping authority in Islamic legal discourse. Although any concept from God and His prophet is authoritative, there is still something crucial in ensuring that God's authority is clearly understood. The idea that God's authority is constructive in the Islamic sense means absolute submission to God means accepting God as the only one.*⁴⁸

God has authority in determining laws; besides that, man's role as *caliph fil ardh* can be said to represent the voice of God and the Prophet. The openness of authoritarianism arises when the delegation of authority from God to man is misused and acts outside the limits of authority to establish a law, even to the point of glorifying oneself.⁴⁹

In dealing with man's abuse of God's authority against the backdrop of authoritarianism, Abou El Fadl proposed several prerequisites as standardization to those called "special representatives" of God, namely:

⁴⁷ *Ibid.*, h. 79.

⁴⁸ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h.51.

⁴⁹ Taufiq and Ilham, "Pemikiran Hermeneutika Khaled M. Abou El Fadl: Dari Fikih Otoriter Ke Fikih Otoritatif.", h. 73.

First is “*honesty*”. God's representative must be honest and trustworthy in his duties as a translator and holder of God's delegation of authority. He must avoid a biased understanding of what he does not know and be honest about the extent of his capacity for knowledge and ability to understand God's commandments. Second, “*diligence*” in exerting all the power of rationality to discover and understand God's will. Third, “*comprehensiveness*” in investigating God's will. A special representative must thoroughly deepen the understanding of God's commandments by considering relevant matters, and be responsible for knowledge in the investigation of God's will by clearly including the discovery of certain lines of proof. Fourth, it involves “*rationality*” in *interpreting and analyzing* the commands and intentions of God's will. The performance of the text should be carried out rationally. In other concepts, when choosing a formula of rationality, one must understand the community of interpretation and the community of meaning to be encountered. Rationality is presented at least in the correct measure according to the universal paradigm. That is, the reader should not overdo the interpretation of the text to give birth to the conclusion that the meaning of the text is really as the reader wants and not display the intention that the text wants. Fifth, “*self-control or humility*” in explaining God's will. This control is instead a specific precaution to avoid deviations or possible deviations from the role of the author (God).⁵⁰

Prerequisite fulfillment is understood as implicit constraints defining general-to-specific representative relationships. This will create a "representative of God" who has integrity in deciding legal matters.

⁵⁰ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h. 100-103.

Therefore, special representatives have a great responsibility in delegating legal authority.⁵¹

It was found that Abou El Fadl developed this methodology based on three elements: text competence, determination of meaning, and the concept of representation. If the elements described above have been fulfilled, it is expected to create an Islamic law that is authoritative, dynamic, creative, and innovative, not authoritarian, passive, and discriminate.

⁵¹ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h. 104.

CHAPTER III

DEMOCRATIC SYSTEM IN INDONESIA AND THE TERM SYŪRĀ IN THE QUR'AN

A. General Concepts of Democracy

1. Understanding and Principle of Democracy

Democracy is now familiar to everyone. Virtually every nation on the planet identifies itself as a democracy. This demonstrates the growing consensus that democracy is now widely accepted and acknowledged as a superior form of governance compared to any other. Etymologically, democracy originates from the Greek words *demos*, which refers to the populace, and *cratos/cratein*, which denotes governance or authority.¹

According into Abraham Lincoln delivered a speech at Gettysburg in November 1863,²:

“87 years ago, our forefathers established a new country on this land, founded on the idea of freedom and the belief that all individuals are inherently equal. Currently, we are involved in a significant civil war, which is a test to determine if our society, or any nation with similar ideals and commitment, can sustain itself for an extended period of time. It is our responsibility as the living to be committed to the significant task that still lies ahead of us. This nation, with the help of God, will experience a revitalization of liberty, and the system of governance that is based on the people,

¹ Dany Try Hutama Hutabarat et al., “Makna Demokrasi Pancasila,” *Journal of Humanities, Social Sciences and Business (Jhssb)* 1, no. 1 (2021): 59–64, <https://doi.org/10.55047/jhssb.v1i1.61>. 60.

² Naomi Zack, *Democracy: A Very Short Introduction*, *Democracy: A Very Short Introduction*, I (New York: Oxford University Press, 2023), <https://doi.org/10.1093/actrade/9780192845061.001.0001>.

by the people, and for the people will endure and not cease to exist.”

According to Assyaukanie, democracy in the Western political tradition is the solution to the question of who should hold political authority - one person, a few people, or many people. This led to the emergence of various forms of political governance, including autocracy (rule by one person), oligarchy (rule by a few people), and polyarchy (rule by many people). This is a question that is solely related to politics. Within Islamic political discourse, democracy poses a religious quandary. The formation of models that diverged from Western discourse was prompted by the question of whether governmental authority should be bestowed upon God or man.³

A good government should be democratic in both an institutional and a social sense, while also encompassing individual liberties, human rights, economic progress, and social justice, which extends beyond mere equality of political rights. This perspective aligns with Aristotle's view that democracy is a crucial component of good governance but not its ideal form. The notion of 'populism' illustrates that the democratic spirit can sometimes become excessive. Well-meaning individuals have demanded that schools adopt democratic principles, an idea reminiscent of Rousseau's belief that innocence is superior to knowledge or a form of knowledge itself. It is strongly suggested that schools should indeed be more democratic than they typically are.⁴

Democracy originated in Greece in the 5th century BCE and was later revised by European intellectuals following the Renaissance. This development was a result of prolonged conflicts between intellectuals and

³ Luthfi Assyaukanie, *Ideologi Islam Dan Utopia: Tiga Model Negara Demokrasi Di Indonesia*, Freedom Institute, I, vol. Cetakan Pe (Jakarta: FREEDOM INSTITUTE, 2011). h. 17.

⁴ Zack, *Democr. A Very Short Introd.* h. 92.

the clergy, serving as a rebellion against the authoritarian and oppressive power of the church throughout the Middle Ages. The conflict concluded with a compromise based on the doctrine found in the Gospel of Mark. This agreement led to the emergence of a new ideology known as secularism, which advocates for the separation of religion from public life or the state.⁵

Democracy in Indonesia is a governmental system that adheres to democratic values, such as conducting general elections, ensuring freedom of opinion, press freedom, and safeguarding human rights. Indonesia has made substantial advancements towards a more robust and inclusive democracy since implementing reforms in 1998. Regular general elections in Indonesia enable the populace to democratically select their representatives at the national, province, and district/city levels. The ideas of public oversight and accountability are receiving greater emphasis, with a focus on ensuring that the elected government is answerable to the citizens and that the citizens have an active part in monitoring the government's performance. The constitution ensures the right to freedom of opinion and press freedom, while certain instances still provide obstacles to freedom of expression.⁶

According to Jimly Asshiddiqie, the essence of democracy can be delineated into four principal characteristics. Firstly, democracy asserts that power originates from the people, emphasizing the sovereignty of the populace in determining the fate and policies of the state. Secondly, in democracy, the people not only establish the correct direction but also shoulder responsibility for nurturing and developing communal life as a nation. Thirdly, all facets of the national institutional system are distributed

⁵ Muinudinillah Basri, "Hukum Demokrasi Dalam Islam," *Suhuf* 27, no. 1 (2015): 1–21, <https://journals.ums.ac.id/index.php/suhuf/article/view/666>. h. 2.

⁶ Ulfyyati Alifa et al., "Demokrasi: Tinjauan Terhadap Konsep, Tantangan, Dan Masa Depan," *ADVANCES in Social Humanities Research* 1, no. 4 (2023): 435–44, <https://www.adshr.org/index.php/vo/article/view/48>. h. 437.

equitably among the populace, reflecting the principle that broad societal participation is fundamental to national sustainability. Fourthly, in the idealistic conception of democracy, the state is managed collectively with its people, underscoring the importance of active citizen involvement in the governance and development processes of the nation.⁷

Based on material, democracy is an institutional framework for making political decisions, where individuals have the authority to determine how to engage in the competition for people's votes. Furthermore, democracy can be defined as a system of governance where significant governmental choices are made either directly or indirectly with the consent of the majority, voluntarily supplied by adult individuals. Furthermore, democracies are defined as forms of governance in which the ultimate authority rests with the people, who exercise it either directly or through elected representatives in a system that allows for free elections.⁸

Rousseau's revival of Aristotle's ideas emphasised the authority of the people, the collective desire, and a kind of government where citizens directly participate in decision-making. Republicanism under a social democratic state of law underscores the significance of citizens' readiness to make sacrifices and demonstrate unity for the nation. Participating in the governance of the state, when the state's affairs are shared responsibility, is considered a prestigious privilege. This comprehension is frequently denoted as nationalism within the framework of contemporary nation-states.⁹

⁷ Jimly Asshiddiqie, *Hukum Tata Negara Dan Pilar-Pilar Demokrasi* (Jakarta: Sinar Grafika, 2011). h. 293.

⁸ Hutabarat et al., "Makna Demokrasi Pancasila." h. 61.

⁹ Christine S.T Kansil and Sarah Angelina Setiahata Lumban Tobing, "Arti Dan Makna Memahami Konsep Konstitusionalisme & Demokrasi Dalam Konteks Implementasi Sistem Tata Negara," *Jurnal Pendidikan Sejarah Dan Riset Sosial Humaniora* 4, no. 2 (2024): 192–203. h. 195.

Variations in the application of democratic principles among countries like the United States, Britain, and France, do not alter the levels of democracy in these nations or establish that the US system is more democratic than that of Britain or France. Each system possesses unique advantages and specialised knowledge in the application of the principle of people's sovereignty, enabling it to modify its implementation framework. To comprehend the execution of the people's sovereignty as per the 1945 UUD, a comprehensive examination is necessary as UUD 1945 holds the utmost authority in managing the state's norms. Thus, the UUD possesses a favourable legal standing. There exist multiple views about the application of the principle of people's sovereignty, formulated by politicians and legal experts. These theories typically exhibit discrepancies or inconsistencies. The primary source for examining the application of the principle of people's sovereignty within the framework of UUD 1945 is the positive legislation stated within UUD 1945 itself. If there is a clause necessitating interpretation, the interpretation must be thorough and based on the current established legal framework, specifically the UUD 1945.¹⁰

Democracy is a continuously evolving phenomenon. According to Bagir Manan, democracy is not something that is created but rather something that grows. Consequently, the practice of democracy can vary from one country to another. Nonetheless, a country can be considered democratic if it meets certain fundamental criteria:

- There is freedom to form and join associations.
- There is freedom of expression.
- There is the right to vote in elections.

¹⁰ Affan Akbar et al., "Perkembangan Demokrasi Di Indonesia," *ADVANCES in Social Humanities Research* 1, no. 5 (2023): 158, <https://doi.org/10.30742/perspektif.v5i3.243>. h. 629.

- There is the opportunity to be elected or hold various government or state positions.
- Political activists have the right to campaign and garner support or votes.
- There are diverse sources of information.
- Elections are free and fair.
- All institutions responsible for formulating government policies must be dependent on the will of the people.

Expanding on these points, we can see that the concept of democracy encompasses a wide range of civil liberties and political rights. The freedom to form and join associations means that individuals have the right to gather, organize, and advocate for their interests without undue interference from the state. This is essential for fostering a vibrant civil society where diverse viewpoints can be expressed and collective actions can be taken. Furthermore, freedom of expression is another cornerstone of democracy. It allows individuals to speak their minds, criticize the government, and share ideas openly. This not only includes verbal and written communication but also extends to artistic and digital expressions. Such freedom is crucial for ensuring transparency and accountability within the government and other institutions.¹¹

2. The system of democracy in Indonesia

The Republic of Indonesia embraces a democratic system, wherein the structure or framework of governance enables the full participation of the entire populace through their elected representatives. This method guarantees that the votes and interests of citizens are accurately reflected

¹¹ Topan Indra Karsa and Rohani Rohani, "Aktualisasi Demokrasi Pancasila Terhadap Pemilihan Kepala Daerah," *Justicia Sains: Jurnal Ilmu Hukum* 7, no. 2 (2022): 324–40, <https://doi.org/10.24967/jcs.v7i2.1937>. h. 332.

in the decision-making process. In Indonesia, democracy encompasses more than just general elections as a means of selecting representatives. It also encompasses a range of political and social engagement, including the freedom of expression, assembly, and organisation. It empowers citizens to actively participate in the development and oversight of government, thereby fostering transparency and accountability.¹²

The Institute of Southeast Asian Studies acknowledges Indonesia's strong track record as a democratic nation. Consistent with this evaluation, a study on democracy in Indonesia demonstrates a significant increase. An optimistic strategy for a nation that has recently transitioned away from totalitarian regimes. Indonesia has embraced the concept of democracy since its establishment, as seen by the foundational principles and structure of its government, which prioritise the involvement of the people. However, democracy is a political system that is not characterised by liberalism, but rather by adherence to the values and principles of the nation.

The concept of Indonesian democracy, as articulated by the nation's founding fathers, involves the safeguarding of individual liberties and the active engagement of citizens in holding their rulers accountable. It also emphasises the promotion of mutual support and assistance among the populace. Democracy in Indonesia is established by following legal procedures and drawing inspiration from the Pancasila, which serves as the philosophical foundation and essential principles for the Indonesian legal system. The justification for referring to the founding fathers as a source of democratic principles is based on the fact that the concept of democracy

¹² Galih Puji Mulyono and Rizal Fatoni, "Demokrasi Sebagai Wujud Nilai-Nilai Sila Keempat Pancasila Dalam Pemilihan Umum Daerah Di Indonesia," *Citizenship Jurnal Pancasila Dan Kewarganegaraan* 7, no. 2 (2019): 97–107. h. 99.

has been violated since the Indonesian state began its journey towards independence.¹³

Ni'matul Huda states that the history of democratic theory is characterised by two significant historical realities. Currently, the majority of individuals openly identify as Democrats. Various political regimes around the world label themselves as democracies. However, the statements and actions made by one government in comparison to another regime are frequently significantly divergent. Furthermore, although numerous countries currently embrace the idea of democracy, the historical record of their political institutions exposes the vulnerability and novelty of the democratic system. The historical events of the 20th century in Europe unequivocally demonstrate the arduous nature of establishing and sustaining a democratic form of governance.¹⁴

In Indonesian history, the utilisation of parliamentary democracy and presidential democracies is deemed unsuccessful due to their inherent instability, primarily stemming from the incomplete formulation of legislation during that period. While the presidential system is occasionally perceived as superior to parliaments, this assumption is not entirely accurate as the issue lies in the implementation of democracy within a country.

Indonesia, a nation comprised of islands, with a significant amount of cultural and ethnic variety. It has a lengthy historical background in the development of its democratic system. Following the declaration of independence in 1945, Indonesia has seen multiple periods of substantial political transformation. The evolution of democracy in Indonesia has been

¹³ Zulkarnain Ridlwan, "Cita Demokrasi Indonesia Dalam Politik Hukum Pengawasan Dewan Perwakilan Rakyat Terhadap Pemerintah," *Jurnal Konstitusi* 12, no. 2 (2015): 305, <https://doi.org/10.31078/jk1226>. h. 3.

¹⁴ Evi Purnamawati, "Perjalanan Demokrasi Di Indonesia," *Solusi* 18, no. 2 (2020): 251–64, <https://doi.org/10.36546/solusi.v18i2.290>. h. 255.

characterised by a series of governance experiments, including parliamentary-led democracies and the Pancasila system. Each of these experiments has its own unique dynamics and problems within the social, economic, and political contexts of the country. Throughout several times of change, the Indonesian population has persistently grappled with establishing an all-encompassing and participatory system of governance, which serves as the foundation of the present-day democracy.

Demokrasi awalnya lebih dimaknai sebagai "sumber kekuasaan" daripada sebagai "cara memerintah." Namun, pada abad ke-19, ide demokrasi berkembang untuk mencakup sistem perwakilan parlemen dan berbagai hak sipil serta politik lainnya yang sejalan dengan keinginan liberal. Akibatnya, bentuk dominan demokrasi saat ini adalah demokrasi liberal. Perkembangan ini mencerminkan evolusi moral manusia. Pada awalnya, politik hanya diperuntukkan bagi pria dewasa, kemudian meluas untuk mencakup wanita, dan akhirnya merangkul kaum muda yang berusia 18 tahun. Bahkan, pasien di rumah sakit jiwa pun memperoleh hak ini. Saat ini, demokrasi sering dianggap sebagai konsep yang baik, karena dianggap sebagai sistem politik ideal dan ideologi yang menekankan kekuasaan politik yang dijalankan oleh rakyat, dari rakyat, dan untuk rakyat.¹⁵

a) Parliamentary Democracy (1950-1959)

The era of Parliamentary Democracy in Indonesia, which began after the declaration of independence in 1945, was marked by the implementation of a parliamentary system. This period featured a strong parliament, a cabinet accountable to the parliament, and general elections for selecting representatives.

¹⁵ Dadang Supardan, "Sejarah Dan Prospek Demokrasi," *Sosio-Didaktika: Social Science Education Journal* 2, no. 2 (2015): 125–35, <https://doi.org/10.15408/sd.v2i2.2811>. h. 127.

The system was modeled after the Dutch parliamentary system, emphasizing legislative power.

This period lasted from 1945 until 1959. Initially, political stability was maintained despite the presence of various political parties. A significant event was the signing of the RIS (United States of Indonesia) Constitution in 1950, replacing the 1945 Constitution after the Round Table Conference (KMB). The RIS Constitution introduced a federal system with more autonomous states, which ultimately failed and was dissolved in 1959.

Prominent political parties during this time included the Indonesian National Party (PNI), the Indonesian Communist Party (PKI), Masyumi Party, the Indonesian Socialist Party (PSI), and the Catholic Party. Despite ideological differences, these parties collaborated in a coalition government known as the Indonesian National Union. However, political tensions, especially between the PNI and PKI, led to increasing instability.

Regional uprisings, such as the PRRI/Permesta in 1950, further exacerbated the political turmoil. In 1959, President Soekarno officially dissolved the parliamentary democracy, replacing it with Guided Democracy, thus ending the parliamentary era and initiating a new political phase that lasted until 1965.¹⁶

b) **Orde Lama (1959-1966)**

During this period, Indonesia implemented Leading Democracy under the leadership of Soekarno. Leading democracy emphasized the centralization of power and reduced

¹⁶ Akbar et al., "Perkembangan Demokrasi Di Indonesia." h. 631

the role of political parties. Soekarno introduced the concept of Nasakom (Nationalism, Religion, and Communism) as an attempt to unite the various political forces in Indonesia.

However, this approach has led to a decrease in substantive democracy and an increase in authoritarianism. Soekarno was increasingly strengthening his position by combining executive and legislative functions, leading to executive domination. Nevertheless, this era is also known for its spirit of revolution and intense national development, including efforts to build a strong national identity.¹⁷

c) Orde Baru (1966-1998)

After the fall of Soekarno, Soeharto took power and began the era of the New Order. The New Order implemented the Pancasila Democracy, which was understood as a democracy based on Pancasila's values. Soeharto's government succeeded in bringing significant political stability and economic growth. Indonesia is experiencing rapid economic growth and relatively awake political stability.

However, this stability is paid a price with restrictions on political freedoms and violations of human rights. Democracy in this era is formalistic, with not entirely free and fair elections and strict control over the media and the opposition. Practices of corruption, collusion, and nepotism are also characteristic of the New Order government.¹⁸

d) Reformasi dan Pasca Reformasi (1998-sekarang)

¹⁷ Purnamawati, "Perjalanan Demokrasi Di Indonesia." h. 255.

¹⁸ Hutabarat et al., "Makna Demokrasi Pancasila." h. 63.

The 1998 reforms were a move that took place in Indonesia in response to the economic and political crisis that hit the country in the era of the New Order. The monetary crisis that occurred in Asia in 1997 worsened the economic situation of Indonesia, which has been trapped in large foreign debt and high inflation. The crisis led to the collapse of political support for Soeharto, who eventually withdrew in May 1998.

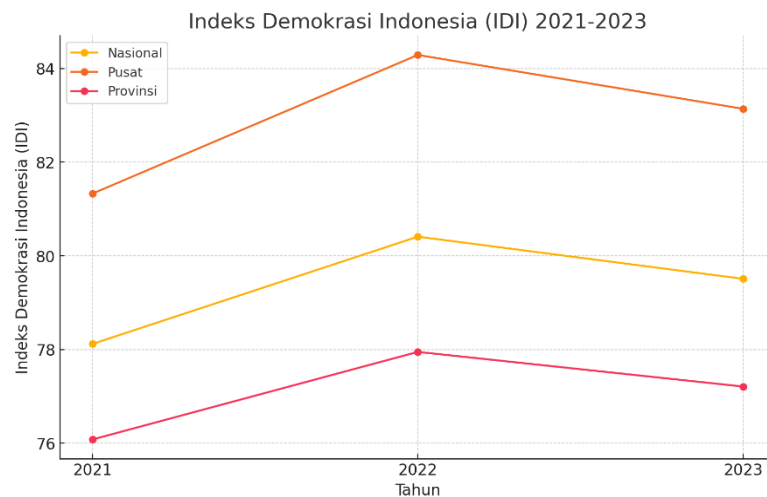
The reform movement ended the era of the New Order and brought significant changes to the Indonesian political system. Since then, Indonesia has implemented more substantive principles of democracy, including transparency, accountability, public participation, and the rule of law. The era of reform was also marked by the decentralization of power from the central government to the districts, giving greater autonomy to the local government..

The development of Indonesian democracy is influenced by the historical and political evolution of democracies in Indonesia. This includes the perspectives and ideas on democratisation held by key figures and founding fathers of Indonesian independence, particularly Mohammad Hatta and Soetan Sjahrir. In addition, the principles of mutual cooperation and a strong sense of community are fundamental to the Pancasila democracy.¹⁹

The Indonesian Democracy Index (IDI) data indicates the progress of democracy in Indonesia from 2021 to 2023. At the national level, the IDI exhibited an increase from 78.12 in 2021 to 80.41 in 2022, before

¹⁹ M K Brahman et al., “Analisis Prinsip Demokrasi Dalam Konstitusi Indonesia: Tinjauan Terhadap Implementasi Dan Tantangannya,” *Jurnal Hukum, Politik* 1, no. 2 (2024), <https://journal.lpkd.or.id/index.php/Progres/article/view/343%0Ahttps://journal.lpkd.or.id/index.php/Progres/article/download/343/486>. h. 252.

seeing a slight decline to 79.51 in 2023. At the central level, IDI also had a similar trend, increasing from 81.33 in 2021 to 84.29 in 2022, then somewhat decreasing to 83.14 in 2023. Meanwhile, at the provincial level, the IDI increased from 76.08 in 2021 to 77.95 in 2022, then slightly decreased to 77.21 in 2023.²⁰



Gambar 1. Diagram Data Indeks Demokrasi Indonesia 2021-2023

The data illustrates that despite a significant increase in recent years, there are still fluctuations that indicate challenges in maintaining and enhancing the quality of democracy at all levels of government. The increase in IDI in 2022 can reflect various efforts by the government and society to strengthen democratic institutions, improve the electoral process, and enhance public participation. However, the decline observed in 2023 indicates that there is still work to be done in order to sustain this positive pace.

In 2021, Indonesia experienced a democratic decline characterized by military domination in the civil sector, increasing political polarization

²⁰ Badan Pusat Statistik, Indeks Demokrasi Indonesia (IDI) tingkat Nasional, Pusat, dan Provinsi, 2021-2023, diakses melalui <https://www.bps.go.id/id/statistics-table/2/MjE2MSMy/-metode-baru--indeks-demokrasi-indonesia--idi--tingkat-nasional--pusat--dan-provinsi.html> pada 18 Juli 2024

between nationalist-pluralistic and conservative fortresses, as well as the practice of favoritism and political dynasties. President Joko Widodo (Jokowi) relies on the military in various fields and shows inaccommodation towards the conservative fort. It was accompanied by the use of social assistance as a campaign tool, all of which reduced the quality of democracy in Indonesia that year.²¹

The fluctuations in the Democracy Index (IDI) can be attributed to various factors, including policy changes, political dynamics, as well as social and economic challenges faced by the country. For instance, the COVID-19 pandemic, which persisted until 2022, posed numerous difficulties in executing democratic processes, including the conduct of elections and public participation. Furthermore, issues such as corruption, human rights violations, and lack of government transparency can also impact both the perception and reality of democracy in Indonesia.²²

B. General Concept of Syūrā

The term syūrā is one of the essential terms in the Qur'an, which is the basis of religious and state life. To follow the dynamics of the times, verses containing the term syūrā must be maintained interpretation, especially updating to contextualize the Qur'an in the contemporary era further. Syūrā, based on the sentence of *musyawarah*, is a guide to the socio-cultural principles of people and state.

Before entering into interpretation, it is necessary to explain in depth the general concept of syūrā, which includes several aspects: definition, historical meaning, and analysis of previous interpretations.

²¹ Wasisto Raharjo Jati, "Fenomena Kemunduran Demokrasi Indonesia 2021," *The Habibie Center THC Insights*, no. 27 (2021): 6, www.habibiecenter.or.id.

²² Yagus Triana, Etika Khairina, and Mochammad Iqbal Fadhlurrohman, "Kajian Prinsip Demokrasi Dalam Pemilihan Umum Di Indonesia," *Jurnal Transformative* 9, no. 1 (2023): 66–83, <https://doi.org/10.21776/ub.transformative.2023.009.01.4>. h. 68.

1. Understanding Syūrā

Syūrā is taken from the root word sy, w, r (ش و ر), which means taking honey, decorating, showing the right way, advising, gesturing and telling, or interpreting by stating or proposing something.²³ Another version says that syūrā is a form of mashdar of syawara which means asking for opinions and advice from people who can be asked for thoughts (musytasyār).²⁴ Regarding terminology, syūrā is a basic universal teaching through the processing of reason (ijtihad) with conveyances from God to humans according to space and time. The meaning of syūrā continues to roll and dynamic because it's very flexible nature will always follow the growth and development of human reason, especially following aspects of societal sociology.²⁵

Syūrā has a form of *isim* that is equated with *musyawarah*. According to Ibn al-'Arabi, *syūrā* is a meeting aimed at discussing problems, one with another review and conveying their opinions.²⁶ In the concept of Fiqh Siyāsah, *syūrā* is defined as a mechanism of consultation and *musyawarah* between the ruler and the people in making decisions related to the public interest. *Syūrā* in Fiqh Siyāsah aims to achieve public benefit and maintain social justice. *Syūrā* is also considered a form of implementing the principles of justice and participation in Islamic governance.²⁷

The term *syūrā* is familiar with the word *musyawarah*. In *the Big Indonesian dictionary*, "*musyawarah*" means a joint discussion intended to

²³ Anggi Wahyu Ari, "Syura dan Demokrasi: antara Teori dan Prakteknya dalam Islam", dalam *Jurnal JIA*, Vol. 17, No. 2, (Desember 2016), h. 232.

²⁴ Toguan Rambe and Seva Mayasari, "Komparasi Antara Konsep Syura Dan Demokrasi Dalam Politik Islam", *Preamble*, Vol.5, Feb.2021,h. 140.

²⁵ Anggi, "Syura dan Demokrasi: antara teori dan Prakteknya dalam Islam", h. 235

²⁶ Toguan Rambe dan Seva Mayasari, "Komparasi Antara Konsep Syura Dan Demokrasi Dalam Politik Islam", h. 234.

²⁷ Moh. Zahid, "Konsep Syura dalam pandangan Fiqh Siyasah", dalam *Jurnal Al-Ihkam: Jurnal Hukum dan Pranata Sosial*, Vol. 4, No. 1, (Juni 2009), DOI: 10.19105/al-lhkam.v4i1.260, h. 21.

resolve a problem, meeting, or negotiation. The use of *musyawarah* cannot be used to ratify decisions that oppress others are not in line with human values, and do not have uniformity with the concepts of the Qur'an and Hadith.²⁸

According to Kholil Abdul Karim, the word "*musyawarah*" in Arabic means to explore the best views through discussion with a group of people who are believed to have intelligence, arguments, wisdom, experience and ingenuity. This is based on the condition that Islam came with the principle of *musyawarah* when the Arabs were in an underdeveloped and degenerate condition to encourage them to think and care about common issues is neither scientifically nor historically correct..²⁹

According to Hamka, *syūrā* or *musyawarah* became central in developing Islamic society and state. Hamka placed the Qur'an and the Sunnah as the constitution in deciding matters. Meanwhile, according to Quraish Shihab, *syūrā* at the family level must be implemented to reach an agreement. He views *syūrā* or *musyawarah* is a matter that can undergo change or development. Quraish Shihab was more inclined to relativism in the guidance of the law and did not want to bind himself to the fatwas of scholars and even the opinions of the companions of the Prophet (peace be upon him).³⁰

From some of the definitions above, the author concludes that the purpose of *syūrā* or *musyawarah* is gathering several people in an assembly

²⁸ Aat Hidayat, "Syura dan Demokrasi dalam Perspektif Al-Qur'an", dalam *Jurnal Addin*, Vol. 9, No. 2, (Agustus 2015), h. 405.

²⁹ Kholil Abdul Karim, *Al-Judur At-Tarikhiyyah li Asy-syari'atil Islamiyyah*, (Kairo: Percetakan Sina 1990), h. 124.

³⁰ Adfan Hari Saputro, Sudarno Shobron, "Konsep Syura Menurut Hamka dan Quraish Shihab dalam Tafsir Al-Azhar dan Tafsir Al-Mishbah," dalam *Wahana Akademika*, Vol. 3, No. 2, (Oktober 2016), h. 68.

to discuss an issue, which then decides or consensus together with the concept of everyone in the crowd issuing opinions.

2. Syūrā Principle

The principles in *musyawarah* or *syūrā* must be carried out to produce excellent and accountable consideration in the community. Ansari said there are several principles, among others, *al-musāwah*, equality of rights and obligations, the focus of justice or *al-'adl*, and *al-hurriyah* or freedom.

The principles of persimmon, respecting differences, and promoting harmony among humanity are highly upheld in Islam. This is also regulated in this religious concept, which does not give privileges to any group, but still prioritizes the good and has competence. The key to the difference lies only in the piety between them.³¹

Most Islamic jurists believe that *musyawarah* or *syūrā* is an obligation in Islam and is a primary constitutional principle placed above the general principles and foundations laid down in the Qur'an and the hadiths of the Prophet. Therefore, *musyawarah* is considered a common practice, and there is no reason for anyone to ignore it. Consideration also has a constitutional standing in contemporary systems of freedom, such as those found in Western legal states, distinguishing it from dictatorial systems. Nonetheless, this distinction applies only in terms of the form of the system, not in its substance. Islam and authoritarianism are two opposites and cannot come together. The teachings of Islam teach people to worship only their own God and have a humanist attitude. In contrast,

³¹ Toguan Rambe dan Seva Mayasari, "Komparasi Antara Konsep Syura Dan Demokrasi Dalam Politik Islam", h. 140.

authoritarian governments embody the worship of power and policies that do not heed human interests.³²

In the concept of *musyawarah* or *syūrā*, every issue to be discussed in the *syūrā* assembly must first refer to the basis and source of the law of the Qur'an and Sunnah. If there is no solid foundation of the Qur'an and Sunnah, the members of the *syūrā* assembly will perform *ijtihad* to seek the law by comparing and examining the general verses and hadiths and considering the context of the issue under discussion. Next, they will connect it with laws relevant to the discussed issue. In this process, the aim is to achieve an understanding by Islamic principles and produce a just decision based on the *nash-nash* of the Qur'an and Sunnah.³³

According to Abdul Qadir Audah quoted by A. Hasjmy, there are five basic principles in the concept of *syūrā*, which can be summarized as follows:

- 1) The principle of equality in *syūrā*, where the government and the people have equal standing. No party has more power than the other just as state leaders can express their opinions in government affairs, so the people or representatives of the people have equal rights.
- 2) The government must consult with the people in various state affairs, both large and small. The people have the right to advise the government or propose regulations, as well as have the right to demand that the government implement Islamic law.
- 3) The principle of sincerity in *syūrā*, namely the implementation of *syūrā* must be based on a sincere intention to uphold the truth of

³² Lukman Santoso, "Prinsip *Syura* dalam Konstitusional Islam", dalam *Jurnal As-Salam*, Vol. III, No. 1, (2013), h. 49.

³³ Muhammad Ichsan, "Demokrasi dan *Syura*: Perspektif Islamdan Barat", dalam *Substantia*, Vol. 16, No. 1, (April 2014), h. 10.

Islam without being influenced by inheritance, personal interests, groups, or certain regions.

- 4) Syūrā is not about reaching unanimous agreement. Everyone (representatives of the people) doesn't need to reach agreement on one opinion. Decisions are taken based on most popular votes after free discussion without pressure.
- 5) Must fulfill the decision that has been consensus. The importance of implementing decisions taken, especially by minority groups. After free *musyawarah*, all parties must implement the decision, especially the group that lost the vote. The Prophet gave an example in the negotiations of the battle of Uhud, where he obeyed the majority's will who wanted to face the enemy on Mount Uhud. However, he thought it was better to stay in Medina. After the decision was taken based on a majority of votes, the Prophet immediately put on his armor and led the people toward the battlefield.³⁴

Material about syūrā is often alluded to with the meaning of democracy. Very few verses in the Qur'an specifically discuss syūrā or musyawarah, which is the basis for the development of the modern democratic system. Only three verses clearly mention the word ash-syūrā, which implicitly conveys the message to implement the democratic system in various aspects of life.

The question arises along with the intersection of the meanings of syūrā and democracy in the Qur'an. Why is the discourse on syūrā and the democratic system rarely mentioned in the Qur'an, when it has provoked quite a long debate? According to M. Quraish Shihab, the Qur'an gives guidance on problems that are undergoing development and change on a

³⁴ Ichsan, "Demokrasi dan *Syura*: Perspektif Islamdan Barat", h. 8.

global scale (general principles). The goal is that the guidelines can cover all changes and socio-cultural developments of society. *Syūrā* and democracy are evolving discourses. Therefore, the instructions given by the Qur'an regarding *syūrā* are very brief and limited.

The Qur'anic verses that form the basis for *syūrā* and democracy do not directly describe the democratic system and the meaning of *syūrā*. However, if examined carefully, these verses encourage Muslims to respect and practice a democratic attitude clearly stated in the form of a command to always deliberate in various aspects of life.³⁵

Islam uses the concept of *musyawarah* as the main basis in its political life. *Musyawarah* contains several elements intrinsically related to politics, namely participation, freedom, and equality. This is because *musyawarah* can only be carried out with these three elements. Being actively involved in the deliberative process to make decisions or policies has the true meaning of political participation. There can be no *musyawarah* without the presence of individuals either directly or indirectly. *Musyawarah* can only be realized with the freedom to express opinions based on the spirit of equality.³⁶

On the technical side, according to Al-Jabiri, the principles that must be held and practiced according to the development of *Syūrā* are:

- 1) The principle of freedom of opposition, press, and, opinion.
- 2) The principle of integrity and accountability and a review of the concept of legal immunity.
- 3) The principle of establishing the regulation of each authority and the change of power.

³⁵ Aat, "Syura dan Demokrasi dalam Perspektif Al-Qur'an", h. 412.

³⁶ Japarudin, "Demokrasi Perspektif Islam: Syura dan Kebebasan Berpendapat Studi Kasus demokrasi di Indonesia", dalam *Jurnal El-Afkar*, Vol. 4, No. 2, (Juli-Desember 2015), h. 158.

- 4) Avoid discrimination against elections based on a group, religion and sect in government positions and duties, and adhere to principles.³⁷

Syūrā and democracy are often considered the same two terms. In addition, many opinions state that the two terms have differences. Among the differences, syūrā cannot be concluded to rely on the majority vote. Meanwhile, democracy always uses the majority criterion for all problem areas. In addition, syūrā is only for Muslims when exchanging ideas to agree on an opinion. Free democracy puts Muslims and non-Muslims in a forum for opinion.³⁸

The difference between democracy and syūrā is increasingly apparent if you consider the source of origin. Democracy comes from the disfluent foundations of secularism. This is because it emerged after secularism, which is a time when religion is separated from regulating aspects of life so that humans make rules of life by themselves.³⁹ Turning around with syūrā born from the Islamic creed, is sharia law by following the provisions of the command of Allah SWT.

3. Variations of the Term *Syūrā* in the Qur'an

The term syūrā in the Qur'an is spread over four suras and has a variety of vocabulary. Among them are Musyawarah in tasyawurin in QS. Al-Baqarah (2): 233, Shāwirhum in QS. Āli Imrān (3): 159, syūrā in QS. Ash-Syūrā (42): 38.

First, *tasyāwur* in QS. *Al-Baqarah* (2): 233.

³⁷ Lukman, "Prinsip *Syura* dalam Konstitusional Islam", h. 49.

³⁸ Kun Budianto, "Kelembagaan Politik Islam: Konsep Konstitusi, Legislasi, Demokrasi, Ummah dan *Syura*", dalam *Jurnal Studi Sosial dan Politik*, Vol. 1, No. 2, (Desember 2017), h. 164.

³⁹ This is the ideological origin of the birth of democracy in post-Middle Ages European countries (V-XV M), after previously European societies were oppressed by collaboration between kings/emperors – who ruled despotically and absolutely – and corrupt and manipulative Catholic religionists.

وَالْوَالِدَتُ يُرْضَعْنَ حَوْلَئِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وُلْدُهُ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِوَيْهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَزِغُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ٢٣٣

*The mothers shall give such to their offspring for two whole years, if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be Treated unfairly on account of her child. Nor father on account of his child, an heir shall be chargeable in the same way. If they both decide on weaning, by mutual consent, and after due consultation, there is no blame on them. If ye decide on a foster-mother for your offspring, there is no blame on you, provided ye pay [the mother] what ye offered, on equitable terms. But fear Allah and know that Allah sees well what you do.*⁴⁰

The verse mentioned above shows that the husband is obliged to provide for his wife and children. The income in question is to meet the needs of food and drink, clothing, shelter, medicine, and other household needs, according to the husband's ability. Because of the responsibility of the provider, this is among the reasons why husbands become leaders of the household.

The above verse also explains the rules of breastfeeding and the way taken by husband and wife in deciding to wean their children through the method of *musyawarah*. More clearly, in the matter of breastfeeding a

⁴⁰ Abdullah yusuf ali, The Holy Qur'an: Translation and Comentary, h. 102.

baby, the mother is obliged to breastfeed him for two years if there is no age.⁴¹

Second, *syāwirhum* in QS. *Āli Imrān* (3): 159.

فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانفَضُّوا مِنْ حَوْلِكَ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ ١٥٩

*It is part of the Mercy of Allah that thou dost deal gently with them Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over [Their faults], and ask for [Allah's] forgiveness for them; and consult them in affairs [of moment]. Then, when thou hast Taken a decision put thy trust in Allah. For Allah loves those who put their trust [in Him].*⁴²

This verse was revealed after the battle of Uhud and the bitter defeat suffered by the Muslims. On this occasion, the Holy Prophet(sa) proposed that they remain in Medina and await the arrival of the enemy. He asked the Companions for their views on the strategy of war, whether to remain in Medina until the enemy arrived or to confront them outside Medina. Finally, most of the Companions advised leaving Medina and facing the enemy, and the Holy Prophet(sa) finally accepted and agreed with this opinion.⁴³

In this verse the Prophet Muhammad Sallallāhu 'alaihi wa sallam was commanded to consult with his companions. This commandment shows the declaration of *musyawarah* and contains wisdom so that Muslim leaders, especially *ulil-amr*, should not abandon *musyawarah* because they can obtain the views and desires of the community. On the other hand,

⁴¹ Lajnah Pentashihan Mushaf Al-Qur'an, *Etika Berkeluarga, Bermasyarakat,*, h. 420.

⁴² Abdullah Yusuf Ali, *The Holy Qur'an: Translation and Comentary*, h. 189-190.

⁴³ Kasman Bakry, "Konsep Syura dalam Al-Qur'an", dalam *Nukhbatul 'Ulum: Jurnal Bidang Kajian Islam*, Vol. 4, No. 1, (2018), h. 76.

musyawarah means rewarding community figures and leaders so that they can participate in common affairs and interests⁴⁴

Third, *syūrā* in QS. *Ash-Syūrā* (42): 38.

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ ۝ ٣٨

"(It is also better and more eternal for) those who accept (obey) the call of God and perform prayers, while their affairs are (decided) by musyawarah among them. They infused some of the sustenance We bestowed upon them;"

The above verse comes down with the background as a compliment to the Muslim group of Medina (Anshar) who with full force were willing to defend the Prophet Muhammad (PBUH) and those who agreed to the decision through *musyawarah* in the house of Abū Ayyub Al-Anshāri. In addition, this verse also applies and includes groups of Muslims who conduct universal *musyawarah*.⁴⁵

4. Institutionalization of Syūrā

Modern Muslim societies are associated with a constructive state while implementing a religious law (*Syariah*).⁴⁶ Likewise, the construct of *musyawarah* (*Syūrā*) has experienced a dynamic that follows the times. The development of the performance of the Prophet's *syūrā* during the Islamic dynasty did not have a standard model. Similarly, in the context of the institutionalization of *syūrā* in various forms. The principle of *Syūrā* took concrete institutional form in the 9th century AD. During this time, *Syūrā* became the official platform for advice from *Syūrā* experts (who were asked to express their opinions); according to legal documents, they were the group that also formed *ahl al-'aqd* (those who elected rulers). The result

⁴⁴ Lajnah Pentashihan Mushaf Al-Qur'an, *Etika Berkeluarga, Bermasyarakat,*, h. 222.

⁴⁵ M. Quraish Shihab, *Wawasan Al-Qur'an Tafsir Maudlu'i atas Pelbagai Persoalan Umat*, (Bandung: Penerbit Mizan 1996), Cetakan 13, h. 461.

⁴⁶ Lukman, "Prinsip *Syura* dalam Konstitusional Islam", h. 51.

of this deliberative process has two legally binding substances, which in Sunni terminology are called binding legal force (*syūra mulzimah*) and non-binding legal force (*ghairu mulzimah*).⁴⁷

Admittedly, the presence of the *syūrā assembly* is part of the context. The state of Medina in friendly times is still different from the representative institutions of modern countries today, both in terms of electoral mechanisms, membership endorsement, and duties and functions. However, it contains the essence of modern democracy in guaranteeing the right to vote and suffrage between men and women. Then during the reign of the Abbasids, the *syūrā council* *underwent an evolutionary process until it became known* as the *syūrā council*, as reported by Abdul Malik al-Sayed. The people elect the members of this *syūrā council* and this council also elects the head of the provincial government.⁴⁸

The interpretation put forward by researchers about *syūrā* also shows the role of *syūrā* in the construction of an institutionalization. This thing that has been described since a long time ago in the time of the Prophet Muhammad, then interpreted universally about the form of a state consultative institution. Rashid Rida explains, that the commandment of *syūrā* known here is the business of the ummah which has been added to the first principle established for Islamic rule in Sura Ash-Syūrā:38, i.e., His word which explains what should be the duty for Muslims and the command for them to deliberate. What is meant by affairs here is that world affairs usually governed by rulers, not purely religious affairs that rely on revelation without considering opinions. Had religious matters such as

⁴⁷ Khaled Abou El Fadl, *Islam dan Tantangan Demokrasi*, (Jakarta: Ufuk Press, 2004), Pentj. Giftha Ayu Rahmani dan Rusliani, diterjemahkan dari, Khaled Abou El Fadl, *Islam and the Challenge of Democracy: A "Boston Review" Book*, Edited by Joshua Cohen et al., (New Jersey: Princeton University Press, 2004), h. 28.

⁴⁸ Lukman, "Prinsip *Syura* dalam Konstitusional Islam", h. 53.

belief, worship, halal, and haram been determined through consultation, religion would have been understood as man-made.⁴⁹

C. Interpretation of Āli Imrān: 159 and Ash-Syūrā: 38 according to the *Mufasssir*

1. Interpretation of Āli Imrān: 159 and Ash-Syūrā: 38 according to *Classical and Medieval Mufasssir*

Lafadz ما in God's Word, So by the mercy of God, فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لَئِنَّ لَهُمَّ "Then by the grace of Allah you (Prophet Muhammad) behaved meekly towards them"⁵⁰ according to the tafsir of Ibn Kathīr, Ath-Thōbari, Al-Qurthūbi, and Ar-Rāzi as *shilah* which is usually connected with *Isim Ma'rifat* and *Nakirah* according to the Arabs.⁵¹ Findings ما, this verse has similarities with QS. *Al-mu'minūn*: 40, QS. *Al Mā'idah* : 13, and QS. *ḥaad*: 11 in concept فَبِرَحْمَةٍ which is equally positioned ما as *taukid* or affirmation.⁵² Then Ar-Razi added and corroborated his views that were considered most relevant in an editorial that called the interpretation of ما be *Istifhām* the beneficial; *ta'ajjub* (admiration) by reason is part of perfecting the strengthening and majesty of God's will in the determination of the descent of grace.⁵³

The Word of Allah Subhanahu Wa Ta'ala لَئِنَّ comes from لَان- يَلِينُ- eaning meek.⁵⁴ The next part of the verse is وَلَوْ كُنْتَ فَظًا غَلِيظَ الْقَلْبِ لَأَنَّكَ لَافْثٌ وَلاَ خَالِدٌ لَّأَنْفَضُوا مِنْ حَوْلِكَ.⁵⁵ What is meant by Alfath and Al Khalid means rude

⁴⁹ Muhammad Rasyid Ridla, *Tafsir Al-Qur'an Al-Hakim (Tafsir Al Manar)*, Maktabah Syamilah, IV. h. 164.

⁵⁰ Lajnah Pentashihan Mushaf Al-Qur'an, *Al-Qur'an dan Terjemahan*, h. 95.

⁵¹ Look at, Abou Ja'far Muhammad bin jarir At-Thabari, *Jami' al-bayan fi Ta'wil Al-Qur'an*, terj. Akhmad Affandi, (Jakarta: Pustaka Azzam, 2008). VI. H. 114. Lihat juga Ibnu Katsir, *Tafsir Al-Qur'an al-Adhim*, terj. M. Abdul Ghoffur E.M, (Bogor, Pustaka Imam asy-Syafi'i, 2003). Juz II. h. 173., Ahmad bin Abi Bakr Al-Qurthubi, *Al-jami' li ahkam Al-Qur'an*, (Jakarta: Pustaka Azzam, 2008. IV. h. 619.

⁵² Al-Qurthubi, *Al-jami' li ahkam Al-Qur'an*, h. 619.

⁵³ Fakhru ad-Din Ar-Razi, *Mafatih al-Ghaib au at-Tafsir Al-Kabir*, Maktabah Syamilah. IX., h. 405.

⁵⁴ Al-Qurthubi, *Al-jami' li ahkam Al-Qur'an*, IV. h. 619.

⁵⁵ Lajnah Pentashihan Mushaf Al-Qur'an, *Al-Qur'an dan Terjemahan*, h. 95.

speech. The next list of Allah's words is غَلِيظُ الْقَلْبِ "rough-hearted." The consequences of people uttering bad and abusive words will undoubtedly be shunned, but only God reunites them with you. As Abdullah bin Amr said, "I see the nature of the Prophet (peace be upon him) in the previous books like that, where he did not speak harsh words and did not mean loud, did not like to shout in the market, never once repaid evil with evil, but he always applied forgiveness."⁵⁶

The meaning of لَانْفَضُوا is "not to separate". The point is that when a person or group has split, reuniting will be difficult. The example of Abu al-Najm depicts camels rushing in autumn but not wearing bells. They get rid of pebbles with their sturdy feet. The word "فَضَضْتَهُمْ" (faddathahum) comes from the root word "فَضَضَ" which means "to separate" or "to decipher". This refers to separating them and eventually dissolving them. In addition, some expressions use the root word "فَضَضَ" in verb form, such as "لا يَفَضِضُ اللَّهُ فَاكَ" (Laa yufaddidh Allah faak), which means "may Allah not make you scattered." However, the real meaning of this phrase is "May Allah protect you from evil or corruption." In another context, there is a quote that says "يا محمد لو لا رفقاك لمنعهم الاحتشام والهيبة من القرب منك بعد ما كان من" "توليهم". It means "O Muhammad, if it were not for your compassion, they would lose the shame and respect to approach you once they had authority." This means that Muhammad's compassion and influence prevented others from doing evil or turning arrogant after gaining power.⁵⁷

Word of God, فَأَعْفُ عَنْهُمْ وَأَسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ. The passage from فَأَعْفُ عَنْهُمْ has the explanation, "Thou shalt forgive them, O Muhammad, and pass through the wrongs committed by your followers and companions among the believers in thee. Accept anything they do that might cause pain

⁵⁶ Ibn Katsir, *Tafsīr Al-Qur'an al-Aṣīm*, II. h. 137.

⁵⁷ Al-Qurthubi, *Al-jāmi' li ahkām Al-Qur'an*, IV. h. 622.

or displeasure in your heart. And ask forgiveness for them to your Lord for the wrongs they have committed, for they deserve punishment from Him."⁵⁸

Lafadz *وَاسْتَغْفِرْ لَهُمْ* "pray for forgiveness of their sins until I forgive them". Next *وَشَاوِرْهُمْ فِي الْأَمْرِ* "ask their opinion on this matter", that is, on matters related to war and other matters, for pleasing friends, not seeking approval per se. The Prophet PBUH often consulted them, and when a decision has been made after consultation, then firm your intention to carry out what you have decided after discussion with them.⁵⁹

There are several stories about the Prophet Muhammad as an example in inviting for *musyawarah* as he invited the *musyawarah* of the Companions during the battle of Badr when there was a moment to confront the army of the infidels. With great enthusiasm, the companions decided always to follow the orders of the Prophet even though it was likened to the miracle of the prophet Moses to cross the sea and trace the darkness on land to *Barqil Ghimad*.⁶⁰ Finally, al-Munṣīr bin 'Amr advised camp in a place facing the opponent.

In the battle of Uhud, the Prophet once invited the Companions' *musyawarahs*, namely to continue to face the enemy or stay in Medina. Until, they advised him to face the enemy. In addition, the battle of Khandaq also saw deliberative events initiated to discuss the issue of al-Ahzab, namely the offer of peace by giving up one-third of the wealth of Medina. However, it was opposed by Saad bin Mu'adz and Sa'ad bin 'Ubādah, until the Prophet leaned towards them and did not continue.⁶¹

⁵⁸ At-Thabari, *Jami' al-bayān fi Ta'wīl Al-Qur'an*, h. 118.

⁵⁹ Jalāl ad-Dīn Muhammad bin Ahmad Al-Mahallī, Jalāl ad-Dīn Abdur Rahman as-Suyūthī, *Tafsir al-Jalalain*, Maktabah Syamilah. h. 89.

⁶⁰ *Barkil Ghimad* adalah suatu tempat yang terletak di Yaman. Selengkapnya di ibn Katsir, *Tafsir Al-Qur'an al-Adhim*, Maktabah Syamilah. II. H. 131.

⁶¹ Ibnu Katsir, *Tafsir Al-Qur'an al-Adhim*, terj. M. Abdul Ghoffur E.M. II. h. 161.

According to al-Qurthubi, there are six important points in the interpretation of this verse about *musyawarah*; here is the explanation:⁶²

- 1) The scholars explain that Allah commanded His Prophet with this command gradually. In a sense, the command Allah Almighty gave to the Prophet whom his people denied, was to forgive them for the mistakes that had been committed. After that, Allah commanded him to ask forgiveness for their mistakes against Allah Almighty. So that after getting the pardon, they get validation to make peace.
- 2) Ibu 'Athiyah explained that *musyawarah* is part of shari'a's rules and the law's establishment. Even leaders who do not deliberate with clerics' must be dismissed.

Ibn Khuwaizimandad added, "Leaders must consult with scholars in religious matters that they find difficult. Likewise, in the war, it must be in consultation with the commanders. When it comes to public benefit, consult with community leaders.

- 1) The Word of Allah Almighty, *وَشَاوِرْهُمْ فِي الْأَمْرِ* "*And consult with them in that matter*" indicates the permissibility of ijtihad on all matters based on revelation. This is because Allah Almighty has commanded His Messenger
- 2) Narrated by Abu Daud, from Abu Hurairah (r), said, "The Prophet (peace be upon him) said, *المُسْتَشَارُ مُؤْتَمَنٌ* "*the one with whom to deliberate is the one who is trusted*".

Some scholars say, "People who deserve to be consulted in legal matters have the criteria of having knowledge and practicing religious teachings. Rarely does anyone have this criterion except for a reasonable person."

⁶² Al-Qurthubi, *Al-jami' li ahkam Al-Qur'an*, IV. h. 622.

- 1) The specification of the person invited to deliberate in the reality of society is to have reason, experience and courtesy to the object of his *musyawarah*. There is a poem,

شَاوِرْ صَدِيقَكَ فِي الْخَفِيِّ الْمُسْكِلِ

"Consult with your friend on less obvious and difficult matters"

- 2) The deliberator should pay attention to the differences of opinion and prioritize those closer to the Kitabullah and Sunnah. If Allah has given instructions to something desired, the person in consultation is encouraged to strengthen the determination to carry out consensus while relying on Him.

The next part of the verse, *فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ*, *"Then, When you have made up your mind, put your trust in Allah. Verily God loves those who are captive."* Tafsir Jalalain explains, "If you (Muhammad) have decided to do what you want after *musyawarah*, then put your trust in Allah. Trust Him, not just in the process and consensus of the *musyawarahs* themselves. Remember that God loves those who are captive to Him."⁶³

The verse that researchers use for deliberative discussion is QS. Ash-Syūrā verse 38, which reads:

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ ٣٨

"(it is also better and more eternal for) those who accept (obey) God's call and perform prayers, while their affairs are (decided) by musyawarah among them. They infused some of the sustenance We bestowed upon them;"

This verse is a continuation of the explanation and addition to the previous verse, more precisely starting from verse 36 as a classification of those who gain merit because of the attributes of goodness and consider the world only a momentary pleasure.

⁶³ Al-Mahally, as-Suyuthi, *Tafsir al-Jalalain*, h. 89.

The Word of Allah, *وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ*, "(also better and more eternal for) those who accept (obey) God's call and perform prayers." Abdurrahman bin Zaid explained that the meaning of these people is Anshar, located in Medina. More precisely they sent twelve of their groups before the Hijra and received the call to faith in the Messenger. Al-Qurthubi interprets "... and perform prayers, " which is addressed to those who perform prayers on time according to their terms and harmony.⁶⁴

Then, in the continuation of the above verse, And their matter is a consultation between them "*While their affairs (are decided) by musyawarah between them*". This verse means that they (the companions) only make decisions after consulting first, so they can support each other with their views, especially in situations of war and similar events.⁶⁵

Ibn Al Arabi, explains, "The advantage of *musyawarah* is that it unites many people, opens the mind, and is an indicator of reaching the point of truth. A people will not carry out even *musyawarah* unless they are instructed."⁶⁶

The word *Syūrā* has a tense word *Masdar* and the same with lafadz Young which means mutual consultation/*musyawarah*. In this passage it is defined as people who have the nature of mutual *musyawarah*.⁶⁷

Explanation of the laws contained in *musyawarah* has been explained in surah Ali 'Imran verse 159 i.e., the word of Allah the Exalted And consult them about the matter "*and consult with them in all (important) matters*". *Al Masyūrāh* (another form of *Syūrā*) is a blessing. At-Tirmidhi narrated from Abu Hurayrah, he said, "The Prophet (peace be upon him) said, If your princes are your choice and your rich are your forgiveness, your affairs are

⁶⁴ Al-Qurthubi, *Al-jami' li ahkām Al-Qur'an*, XVI. h. 91.

⁶⁵ Ibnu Katsir, *Tafsīr Al-Qur'an al-Adhīm*, terj. M. Abdul Ghoffur E.M. II. h. 259.

⁶⁶ Al-Qurthubi, *Al-jami' li ahkām Al-Qur'an*, XVI. h. 92.

⁶⁷ Fakhru ad-Din Ar-Razi, *Mafatih al-Ghaib au at-Tafsīr Al-Kabir*, XXVII. h. 603.

consultation among you. The back of the earth is better for you than its belly, and if your princes are your evil and your rich are your misers, and your affairs are to your wives, then the belly of the earth is better for you than its back.

*"If your leaders are the best among you, your rich are the generous among you, and your affairs are decided by musyawarah, then the earth's surface is better for you than its belly. But if your leaders are the worst among you, your rich are miserly among you, and your affairs are left to your women, then the bowels of the earth are better for you than the surface." Tirmidhi says that this is a "gharīb hadith."*⁶⁸

In the Word of Allah SWT, And from what they have been provided to spend ^{٢٥٦} *"They infused some of the sustenance We bestowed upon them;"* it means that, they do so in kindness to God's creatures who are more closely related to them. That's the way to draw closer to Him.⁶⁹

2. Interpretation of Āli Imrān: 159 and Ash-Syūrā: 38 according to Modern and Contemporary Mufassir

Interpretation continues to evolve along with the dynamics of the times, so a modern/contemporary view is needed from scholars' interpreters. Related to *musyawarah*, it needs a renewed understanding to complement the classical interpretation and bring up the meaning of *musyawarah* in accordance with the context of society or social problems today.

The interpretation of Surat Āli Imrān verse 159, in the tafsir Munir explained several positive values that can be taken from *musyawarah*, including *musyawarah* containing the value of respect for people who are consulted and asked for argumentation, accommodating various views and

⁶⁸ Al-Qurthubi, *Al-jami' li ahkam Al-Qur'an*, XVI. h. 94-95.

⁶⁹ Ibnu Katsir, *Tafsir Al-Qur'an al-Adhim*, terj. M. Abdul Ghoffur E.M. II. h. 259.

initiatives that exist to discuss problems that must be solved. Likewise, *musyawarah* can unite steps in choosing the most relevant views.⁷⁰

Wahbah Zuhaili also added information about the law of *musyawarah* for the Prophet Muhammad SAW. According to him, there are two opinions of scholars. However, a strong opinion is mandatory and compelling for the Prophet (peace be upon him), in addition to laws that are only sunnah or recommendation. This is based on the hadith narrated by Imam Ahmad, that the Prophet (peace be upon him) said to Abu Bakr ash-Shidiq (r.a.) and Umar (r.a.), "لَوَاجِئْتُمَا فِي مَشْوَرةٍ مَا خَالَفْتُكُمَا", "*If you had gathered to carry out a musyawarah, then of course I would not have distinguished the two of you*".⁷¹

One aspect strongly emphasized in this verse is the importance of *musyawarah*. This is especially important because of the tragedy at Uhud, which previously involved a *musyawarah* process approved by the majority. Although ultimately the result is different than expected, we should not conclude that *musyawarah* has no value especially when it involves the Holy Prophetsa. Therefore, the message that can be taken from this verse is the need to continue *musyawarah*. Mistakes after *musyawarah* are usually better than making decisions without consultation; truths found together are always more valuable than those discovered alone.⁷²

Quraish Shihab explained, that in this verse four things are interrelated and called each other sequentially to support the course of *musyawarah*. The mention of the three cases is included in the section of things that must be prepared in *musyawarah*, followed by the description of cases related to the determination of the heart in deciding *musyawarahs*.

⁷⁰ Wahbah Az-Zuhaili, *Tafsir Al-Munir*, terj. Abdul Hayyie al-Kattani, dkk. (Jakarta: Gema Insani, 2013). II. H. 477.

⁷¹ Wahbah, *Tafsir Al-Munir*, h. 480.

⁷² M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan, dan keserasian Al-Qur'an*. II. (Tangerang: Penerbit Lentera hati, 2005), h. 258.

First, it has a gentle temperament, is not rude, and does not have a hard disposition. This is included in the fragment of the verse, *لَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ*. Second, give forgiveness and be generous to turn over a new leaf. This point contains an important role of one's mentality always to be willing to apologize, because it is undeniable that when conducting *musyawarahs* there will be offensive differences of opinion, it can even turn a deliberative forum into a forum for quarrels. The third point is found in the passage of the verse, *وَاسْتَغْفِرْ لَهُمْ*, which is the supplication of *maghfiroh* and divine forgiveness. *Musyawarah* actors must realize that analytical acumen is not enough. This case addresses the emergence of deliberative behavior by only sharpening arguments that culminate solely to disprove the arguments of others. The need for a human relationship with his God is in the form of self-muhasabah by asking for forgiveness which will include clarity of heart and insight in deciding a matter. Fourth, it is the message of Allah the Exalted to surrender to Allah when it has been determined to decide on a *musyawarah*.⁷³

Musyawarah is a form of nature that Allah instills in human nature, that is, the nature that encourages them to love goodness and seek success in their endeavors. Therefore, Allah had linked human roots to *musyawarah* when he said to the angels, "Verily I want to make a caliph on earth" (Al-Baqarah: 30). Although Allah does not need the help of His creatures in decision-making, He shows the angels His intention to make *musyawarah* a sunnah in people's lives. This is important because comparisons between different views and opinions during formation bring better understanding and knowledge. Since that time, *musyawarah* has become a common practice in human history. Pharaoh (Fir'aun) consulted on the matter Allah

⁷³ M. Quraish Shihab, *Tafsir Al-Misbah*. Dikutip dari aplikasi Tafsir Al-Misbah yang terletak di kolom Asy-Syura ayat 38 Kelompok 5 (28-50).

told him about in the Qur'an, when he asked, "What do you command?" (Al-A'raf: 110).⁷⁴

In verse 38 of Surah Ash-Syūrā, Allah describes the characteristics of believers. They are people who respond with sincerity to God's call. They also performed the prayers perfectly and solemnly. In community affairs, they always make decisions through *musyawarah*, respecting the opinions of each individual without anyone imposing his opinion. In addition, they also donate from the sustenance that Allah bestows on them to help others.

This verse teaches the importance of *musyawarah* in decision-making related to society. *Musyawarah* is a process in which all opinions are valued and considered to reach the best decision. It reflects Islam's basic principles of justice, equality, and mutual respect. In addition, this verse also emphasizes the importance of giving and helping others as a form of sharing the sustenance that Allah bestows on us. This verse also reminds us to always be sincere in accepting God's call and performing worship because God values sincerity. In addition, we are also taught to manage the sustenance that Allah gives well and think about how we can use that sustenance to help others. This is the basic requirement in Islam: to be an individual of faith, to worship conscientiously, to participate in just *musyawarahs*, and to give back to others. By following these principles, we can create a more just and just society, by the teachings of Islam.⁷⁵

⁷⁴ Ibn 'Asyūr, *At-Tahrīr wa At-Tanwīr (tahrir al-Ma'na as-Sadid wa Tanwīr al-'Aql al-Jadīd min Tafsīr al-Kitāb al-Majīd*, Maktabah Syamilah, IV. h. 144.

⁷⁵ M. Quraish Shihab, *Tafsir Al-Misbah*. Dikutip dari aplikasi Tafsir Al-Misbah.

CHAPTER IV

INTERPRETATION OF ĀLI IMRĀN: 159 AND ASH-SYŪRĀ: 38 KHALEED ABOU EL FADL'S HERMENEUTICAL PERSPECTIVE ON DEMOCRATIC SYSTEM IN INDONESIA

In this fourth chapter, researchers will apply and analyze the discussion of the relevance of the meaning of *syūrā* in the Qur'an to identity politics in Indonesia through Khaled Abou El-Fadl's authoritative Hermeneutic view. Researchers put the Qur'an as the object of research, especially the verses of *Syūrā*. In this case, the authoritative hermeneutic method will interpret and offer solutions to the problems of identity politics in Indonesia. Through authoritative hermeneutics, the researcher will interpret Āli Imrān: 159 and Ash-Syūrā: 38 with several theories of representation. The text defines the wholeness of the meaning of Qur'anic verses to avoid authoritarian understanding. The issue of identity politics needs to be addressed seriously by bringing up verses of the Qur'an as the way of life of the majority of Indonesian people.

A. Āli Imrān's Interpretive Analysis: 159 and Ash-Syūrā: 38 Perspectives Negotiative Hermeneutics

1. Text

Text is defined as an entity that the author intends to deliver to a certain meaning to the reader. Whatever the arrangement of text consisting of symbols, letters and numbers will be a sign if it becomes an arrangement of entities that contain meaning. The meaning of the text in this discussion is the Qur'an and Hadith.

Abou El-Fadl's view of the Qur'an and Sunnah is a work that continues to be open to various types of interpretations. The openness of the text will support

the plurality of interpretations and develop a research process that shows the text in a central position to represent God's will.¹

As the process and mechanism of interpretation of negotiative hermeneutics, researchers will discuss Suras *Āli Imrān*: 159 and *Ash-Syūrā*: 38 by adjusting the triadic framework that has become the basis in negotiative hermeneutics. In the discussion of this text, researchers divide into three parts, including understanding of the text, testing the authenticity of the text, and determining the meaning of the text.

It is important to note, the triadic relationship of *text*, *author*, and *reader* must always accompany this process or mechanism. If someone is involved in a text, what happens is the unification of the reader into a text and will realize the exclusivity of the reader. As a result, there will be ineffective, skyrocketing, and authoritarian meanings.²

Entering the first stage, understanding the text according to Khaled's intention is *the nash-nash shari'a* that we understand the Qur'an. It contains the context of Language as a medium that does not fully describe God's intentions. The Qur'an contains only instructions for God's will whose meaning depends on History and the context of the times.³

Text contextualization : linguistic analysis

Khaled's tendency to Gràcia in understand the interpretation of texts became a basic foundation, although it still included triadic elements. The Qur'an has its own language rules by positioning interpretation in each sentence. To analyze the terms of *Syūrā*, the researcher will begin by discussing the linguistic aspects of *Sura Āli Imrān*: 159.

¹ Rendra Khaldun, "Hermeneutika Khaleed Abou El Fadl: Sebuah Upaya untuk Menemukan Makna Kehendak Tuhan dalam Teks Agama", dalam *Edu-Islamika*, Vol. 3, No. 1, (September 2014), h. 327.

² *Ibid.*, h. 328.

³ *Ibid.*, h. 192.

فِيمَا رَحْمَةً مِّنَ اللَّهِ لَئِنْ لَّمْ يَكُنْ فَطًّا غَلِيظًا أَلْقَيْتُكَ لَأَنْفَضُوا مِنْ حَوْلِكَ فَأَعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي
الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ

It is part of the Mercy of Allah that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over (Their faults), and ask for (Allah's) forgiveness for them, and consult them in affairs (of moment). Then, when thou hast decided, put thy trust in Allah, for Allah loves those who put their trust (in Him).⁴

The sentence *فِيمَا رَحْمَةً مِّنَ اللَّهِ لَئِنْ لَّمْ يَكُنْ فَطًّا غَلِيظًا* according to Ibn Kathir that the Grace of Allah who will always give something that makes you gentle to you and to them.⁵ *Rahmah* is a gesture to a servant who expects a reward.⁶ The words in the Qur'an associated with *rahmat* (al-rahmah) contain tenderness (*Ar-Riqqah*) which implies kindness towards the one who is given mercy (al-marhūm). This word is used to describe tenderness and sometimes to describe kindness unrelated to tenderness. Examples: "*May Allah have mercy on Fulan.*" If it is used to describe the nature of God Almighty, then it means kindness unrelated to tenderness. In this context, it is explained that grace from God is grace and grace, while from man is tenderness and compassion.⁷

The prefix of this verse connects with the *plausibility* of the previous verses (Āli Imrān: 157-158) about Allah's forgiveness of the Prophet's companions who participated in battles. When he finished advising the

⁴ Abdullah Yusuf Ali, *The Holy Qur'an: Translation and Comentary*, (Madinah: King Fahd Holy Qur'an Printing Complex, 1989), h. 189.

⁵ Ibnu Katsir, *Tafsir Al-Qur'an al-Adhim*, terj. M. Abdul Ghoffur E.M, (Bogor, Pustaka Imam asy-Syafi'i, 2003). Juz II, h. 172-173.

⁶ Muhammad bin Umar Nawawi Al-Jawi, *Marah Lubaid li Kasyfi Ma'na Al-Qur'an al-Majid*, Maktabah Syamilah. II. h. 162.

⁷ Ar-Raghib Al-Asfahani, *Al-mufrodāt fī Ghorib Al-Qur'an*. Maktabah Syamilah. h. 347.

Companions, may Allah the Exalted please them, he was followed by loving the Prophet Sallallahu 'alaihi wa sallam in terms of gentle and friendly treatment towards them, despite the causes of anger that might give rise to violence and strength from those who oppose or criticize what the Prophet Sallallahu 'alaihi wa sallam has shown. Then they disobeyed his orders regarding maintaining position, patience, and piety. Subsequently, they abandoned him and put themselves first, not showing concern for him even though he had invited them and ordered them to approach. Then, there were accusations from the person who accused him. Many other things require army leaders and commanders to accuse and be suspicious of their followers; this may arouse anger and suppress some of them as a form of prevention so that they do not do the same thing again. Allah the Exalted says: "*Then is due to the mercy of Allah*" meaning, who has all the virtues. "*You (Muhammad) are gentle towards them*" means, with unusual tenderness and kindness towards them, this happened because of His great mercy.⁸ The term *rahmah* is mentioned 32 times in various contexts.⁹

The pronoun (*dlomir*) هم (they) return to the whole Ummah as required by the legislative and political position of the Ummah, not to those Muslims who had violated the Apostle's command in the tragedy of the battle of Uhud, due to its incompatibility with the context of the meaning of the next part of the verse.¹⁰

Furthermore, the verse وَلَوْ كُنْتَ فَظًا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ , the expression الغليظ is equated with lafadz الجافي which means rough and dry. Al-Raghib says فظظ is an unpleasant behavior, and its roots come from غلظ.

⁸ Ali bin Abi Bakr al-Biq'a'i, *Nazm Ad-Dhuror fi Tanasub Al-Ayat wa As-Suwar*, Maktabah Syamilah. V. h. 106.

⁹ Muhammad Fuadi Abd Al-Baqi, *Al-Mu'jam Al-Mufahras li Alfadz Al-Qur'an*, (Kairo: Dar Al-Hadits, 1945). h. 205.

¹⁰ Ibn 'Asyur, *At-Tahrir wa At-Tanwir (tahrir al-Ma'na as-Sadid wa Tanwir al-'Aql al-Jadid min Tafsir al-Kitab al-Majid*, Maktabah Syamilah, IV. h. 146.

القلب means hardness of heart, lack of mercy, and non-responsiveness to kindness. الانفضاض means to disperse or spread.¹¹

Next, linguistic analysis of the passage فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ. In the *Arabic-English Lexicon Dictionary* it is stated that عَفَا means *efaced, erased, rased, and obliterated*. It refers to something that is erased or erased, either physically or metaphorically. Thus, عَفَوْ which is also a form of *masdar* means it has been erased or erased. Example: عَفَا الْأَثَرُ (The traces are erased). Perished, *came to naught or an end*, and *died*, meaning that something has vanished, ended, or died. Refers to the physical destruction or death of living beings. Thus, in general, "عَفَا" denotes a process or state in which something becomes non-existent or invisible, either physically or existentially.¹² The frog عَفَوْ in this verse shows the command to the Prophet to forgive them (Muslims) who in this context cleanse all the wrongs they have ever committed.

Tafsir *Al-Manar* interprets that, if your advice (Muhammad) has hit them, but their hearts have not reached your call, then forgive them and ask forgiveness for them. Do not hold them accountable for their wrongdoings, ask the Most High God to forgive them, and do not demand reciprocal retribution. In this way, you will preserve the grace that God has bestowed upon you.¹³

Linguists say *istisyarah* (الإستشارة) is also a form of *shara-yashiru* and *shawir* taken from the Arabic expression الدابة وشورتها (putting something on cattle and their horns) which when interpreted according to the meaning of the proverb is "he investigates the news of it". And it is also said: from their expression: شرت العسل (taking honey from the hive).¹⁴ This meaning is also

¹¹ Abdullah asy-Syaukani, *Fath Al-Qodir*, Maktabah Syamilah. I. h. 451.

¹² Edward William Lane, *Arabic-English Lexicon*, Dikutip dari situs <http://arabiclexicon.hawramani.com/?p=10328&book=50#7aff9e>. Diakses 16 Oktober 2023.

¹³ Muhammad Rasyid Ridla, *Tafsir Al-Qur'an Al-Hakim (Tafsir Al Manar)*, Maktabah Syamilah, IV. h. 164.

¹⁴ Abdullah asy-Syaukani, *Fath Al-Qodir*, I. h. 451.

found in the Al-Munjid Dictionary.¹⁵ This meaning is associated with the term *musyawarah* which in the process is to issue arguments with each other which then the results of *musyawarah* are likened to sweet honey and the desire of many people to feel it.

Lafadz الأمر is found 34 times in the Qur'an.¹⁶ Commonly, the translation of this word means a thing. But on the other hand it has a specification that this word, in its meaning contains a state (*al-sha'ni*) or condition accompanied by a matter or something (*al-hal*), in contrast to Quraish Shihab who argues in his tafseer that *al-amri* has a scope of matters that have not been determined.¹⁷

Allah said, فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ. The word عَزَمَ based on the explanation of the *Lexicon Arabic-English* dictionary, is: determination, deciding, or deciding the heart to do a business. It can be interpreted as the desire to do and decide or create a firm heart decision to do something.¹⁸ This term has several forms in the Qur'an including Surah al-Baqarah verse 237 and Sura Lukman verse 17.¹⁹

Tawakkal to Allah is the dependence of the servant on his true God. The interpretation of this passage is *majaz* which means to start the action in the hope of a reward from Allah, and this is the nature of believers. Tawakkal is a reaction of the heart and mind used by a servant to surrender himself to Allah, ask for help, and take refuge from failure from obstacles that will be faced. Although the practice of *tawakkal* is accompanied by oral prayer, it still has the essence of a guide to act after being determined firmly and surrendering to Allah. There are two concepts of tawakkal in the Qur'an. The meaning of Allah's love for servants is shown by lafadz إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ (at the end of this verse)

¹⁵ Louwis Ma'luf, *Al-munjid Fi Al-lughah Wa Al-alam*, (Beirut: Dar al-Masyriq, 2002). h. 407.

¹⁶ Muhammad Fuadi Abd Al-Baqi, *Al-Mu'jam Al-Mufahras.....*, h. 77.

¹⁷ M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan, dan keserasian Al-Qur'an*. II. (Tangerang: Penerbit Lentera hati, 2005), h. 261

¹⁸ Edward William Lane, *Arabic-English Lexicon*, Dikutip dari situs <http://arabiclexicon.hawramani.com/?p=796&book=50#86573e> . Diakses 16 Oktober 2023.

¹⁹ Muhammad Fuadi Abd Al-Baqi, *Al-Mu'jam Al-Mufahras.....*, h. 461.

and the context of Allah's sufficiency in sending down His mercy to man, in the verse وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ (ath-Thalaq verse 3).²⁰

The analysis of the contextualization of the text in the linguistic element is further carried out in Suirah ash-Syūrā verse 38, which reads,

(it is also better and more eternal for) those who accept (obey) God's call and perform prayers, while their affairs are (decided) by musyawarah among them. They infused some of the sustenance We bestowed upon them;

The Word of Allah وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ, has *dlomir munfasil* الذين whose meaning was returned to the people of Anshor in Medina, according to the narration by Abdurrahman ibn Zaid.²¹ *Rabbun* in the Qur'an is more likely to be interpreted as God, but if you look at the context of the connection of the sentence can change its meaning, such as رَبِّ الشَّيْءِ means -to have- something.²² The word *rabb* is mentioned 1069 times in the Qur'an.²³ This mention refers more to the power and oneness of God. In addition, it shows the credibility of Allah SWT as an *author* who has competence in creating a sacred and great text called the Qur'an.

The term *ash-salat* has its roots in صَلَّى which means call and invitation to perform prayer. If this word is based on asthma, Allah refers more to blessing and praise to Him. It has been clarified in the *Munjid* dictionary that prayer is an increase in awareness of Allah, for us to prostrate, give thanks for blessings, and ask for His help.²⁴ Sheikh Nawai al-Jawi added that the command to establish prayers or *aqomu ash-salat* has the context to perform the obligatory five prayers by legal conditions, time, and other matters that regulate the course

²⁰ Wahbah Az-Zuhaili, *Tafsir Al-Munir*, terj. Abdul Hayyie al-Kattani, dkk. (Jakarta: Gema Insani, 2013). IV. h.144.

²¹ Ahmad bin Abi Bakr Al-Qurthubi, *Al-jami' li ahkam Al-Qur'an*, (Jakarta: Pustaka Azzam, 2008). XVI. h. 91.

²² Ahmad Warson Munawwir, *Al-Munawwir*, (Surabaya: Pustaka Progresif, 1997). h. 462.

²³ Muhammad Fuadi Abd Al-Baqi, *Al-Mu'jam Al-Mufahras.....*, h. 285-299.

²⁴ Ma'luf, *Al-munjid Fi Al-lughah*, h. 434.

of prayer.²⁵ This information is the same as in Ash-Shaukani's tafsir with a more concise addition.²⁶

Suppose the previous information relates the term *syūrā* to honey. In that case, *the information in the Ghorib of the Qur'an focuses on the meaning of the term syūrā*, which is deliberated. This interpretation refers to *syūrā* as material in *musyawarah*.²⁷ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ is placed after the prayer commandment, indicating the urgency of the *musyawarahs* understood as the principle of political Islam.

The linguistic analysis of the two verses above uses the basics of works in the form of tafsir books, dictionaries, and literature that have guaranteed authority. Triadic relationships must be apparent in an interpretation following the interpretation stage of negotiating hermeneutics. The language in the above verse includes the contextuality of the text that tries to express God's will as the *author*.

Contextualization of meaning: socio-historical aspects

The tradition of *musyawarah* dates back to the time of the earlier Prophets. Many of these stories are mentioned in the Qur'an, such as the story of Queen Saba who confronted Prophet Sulayman regarding the crisis that plagued those who were kufr. Then they were sent by the Prophet Solomon to leave their sun worship. This story is in surah al-Naml verses 29-33.²⁸

Abou El-fadl's Negotiative Hermeneutics which is objectivity subjectivity uses the condition of processing the autonomy of texts carried out on open text interpretation. Borrowing Paul Ricoeur's theory, decontextualization and recontextualization rest on the autonomy of the text.

²⁵ Nawawi Al-Jawi, *Marah Lubaid*, II. h. 376

²⁶ Asy-Syaukani, *Fath Al-Qodir*, IV. h. 619.

²⁷ Abou Al-Qosim Al-Husain bin Muhammad Al-Ashfihani, *Al-Mufradat fi Al-Gharib Al-Qur'an*, (Beirut: Dar al-Qolam, 1992), h. 469.

²⁸ Zulkarnaen Abdurrahman, "Konsep Syura dalam Islam (Kajian Terhadap Surat Al-Syura ayat 38)", dalam *Jurnal Pengembangan Masyarakat*, Vol. 1, No. 1, (Januari-Desember 2014), h. 98.

Among the divisions are the fulfillment of text elements, context, and contextualization.²⁹

In fulfilling the elements of text discussion, it is only complete if it discusses language. So the researcher as well as *the reader* will try to uncover the context of the verses in suras Āli Imrān: 159 and Ash-Syūrā: 38. As explained in several classic and contemporary interpretations, the context of the substance of the two verses discusses the urgency of *musyawarah* that guides Muslims in politics and the fulfillment of the elements of *sharia*. Furthermore, Quraish Shihab views the openness of the text in the Qur'an, especially with verses containing the term *syūrā*, as it can answer problems that exist in society. This view is viewed from the appointment of the term *syūrā* which contains the implementation and essence of *musyawarah*, which is the legitimacy of self-adoration of the Prophet and everyone who conducts *musyawarah*.³⁰

The above two verses are revealed differently according to the context of the descent of the verse Āli Imrān: 159 was revealed in Medina as a solution to the problem of the Prophet considering staying or leaving the city and it was Allah's command after the incident of Uhud to continue deliberating even though they believed the opinion of the Prophet to be the most correct. Ash-Syūrā: 38 was revealed in Makkah, as well as indirectly describing the condition of the people with good qualities, shown by having the habit of *musyawarah* that has been inherent and characteristic of them.³¹

2. Competence (authenticity)

Among the steps to be taken in the perspective interpretation of negotiating hermeneutics is the test of the authenticity (competence) of the text.

²⁹ Abdul Wahid, Hermeneutika dalam Sistem Interpretasi Paul Ricoeur, dari <https://badanbahasa.kemdikbud.go.id/artikel-detail/881/hermeneutika-dalam-sistem-interpretasi-paul-ricoeur> diakses pada tanggal 26 september 2023

³⁰ Sohrah, "Konsep *Syura* dan Gagasan Demokrasi (Telaah Ayat-ayat Al-Qur'an), dalam *Al-Daulah*, Vol. 4, No. 1, (Juni 2015), h. 200.

³¹ Sohrah, "Konsep *Syura* dan Gagasan Demokrasi (Telaah Ayat-ayat Al-Qur'an), h. 201-202.

This discussion is still related to determining the text's meaning based on the understanding of authority. Products processed through authority tests and specifications will show objectivity, moderation, and collection. Likewise, the competency/authenticity test of the text intends to test the text's authenticity between absolute and relative.

God is the Sovereign in Islamic polemics. People are positioned as agents bound to carry out God's sovereign instructions. The form of instruction is revelation that ends with the death of the Prophet. The origins of instruction and the authority of instruction draw a relationship with competence and meaning. It is clear, then, that, since man is only an indirect recipient of instructional communication, he automatically becomes an investigator of God's Will through a medium (text). This relationship makes the relationship interdependent, giving rise to a chain of negotiation in determining the authentication/competence of the text and meaning.³²

Researchers use the Qur'an as a source of legitimacy in processing and exploring *musyawarah* that construct Islamic law. The Qur'an is a representation of the "authority" (authority) of Allah. The Qur'an is a reference to a Muslim and a plurality of Muslims. God's will is not a static system and lasts forever without change. Prophet Muhammad was the most authoritative person in interpreting Allah's will. Until his authority is established in writing in the Qur'an, after the conclusion of revelation as instruction, change can be found and formulated by a group of people known as *mujtahid*, *mutashawwifun*, *mutakallimun*, and *fuqaha'* and *ulama'*.³³

Khaled says;

³² Khaled M. Abou El Fadl, *Melawan Tentara Tuhan*, terj. Kurniawan Abdullah, (Jakarta: Serambi Ilmu Semesta, 2003), h. 46-47. Diterjemahkan dari Khaled M. Abou El Fadl, *And God Knows The Soldier: Authoritative and authoritarian in Islamic Discourse*, (Maryland: University Press of America, 2001).

³³ Rendra Khaldun, "Hermeneutika Khaleed Abou El Fadl: Sebuah Upaya.....", h. 318.

*“The Qur’an and Sunnah are texts in the sense that they are comprised of symbols (letters and words) that invoke meaning in a reader. These texts have an author and use linguistic symbols to signify meaning. One could consider the Qur’an and Sunnah to be, in part, a set of instructions intended to address an audience. Their authoritativeness is derived from the fact that they either come from God or tell us something about what God is instructing us to do.”*³⁴

The free translation is that, the Qur'an and Sunnah are texts consisting of symbols (letters and words) that contain the meaning of the readers. This text also has an author's element (God) that contains instructions. With full consideration, the audience interprets the text to contain an authority that contains the author's intent.

Khaled made it clear that the analysis of the problem of Qur'anic competence must be accompanied by the assumption of faith that shows the Qur'an is God's eternal and final word, in the sense that it cannot be challenged. For him, it is more relevant to determine the meaning.³⁵

The *negotiation process* between the three triadic elements must be intact and carried out democratically. Judging from several interpretations, researchers quote from *mushonnif*, *literati*, and *mujtahid* who have received validation as people with authority in certain interpretations and science. This is done because the sacred text as an open text, allows it to be interpreted according to the needs and ideologies of *the mufassir* that are different from the author's intentions. Therefore, the interpretation must also have a deepening

³⁴ Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*, Penj. Cecep Lukman Yasin, h. 86.

³⁵ *Ibid.*, h. 87.

of the context of the Qur'an, consistent with the *maqasid al-shariah*, and the moral-ideal of the Qur'an.³⁶

3. Representative (Authority Construction)

The concept of representation is one of the issues raised in the discourse of authority construction. Examining the assumptions brought by Abou El-Fadl regarding all things that come from God and His Prophet is an authoritative authority, man as the *caliph fi al-ard* who is also a *human agent* (representative of God / humanity as an agent) has *legal standing* in the form of relevance to the morality of Islamic law by realizing a balance between obedience to God and his role as a representation of God's will.³⁷

The author's authority in the construction of the text is final. Is forming a community or a special institution "as a representative" necessary? Khaled has responded by creating five elements for the *reader* (special representative) in the form of prerequisites described in the chapters above.

In this study, researchers position themselves as *common agents* who submit and obediently submit some decisions in reviewing the interpretation of Islamic legal texts to special *agents*, namely legal experts.³⁸ Similarly, researchers use *Tafsir Ibn Kathir*, a classic book, as a source of interpretation for Suras Āli Imrān: 159 and Ash-Syūrā: 38. it is also a reference book for later interpretations. *Tafsir Al-Qurthubi*, also used as a basis for interpretation in this study, has met the criteria of Khaled about El-Fadl in the triadic concept. Moreover, the book's author, Abu 'Abdullah Muhammad bin Ahmad bin Abu Bakr Al-Anshari al-Qurthubi, was a great scholar of his time and contributed greatly to the development of Islamic scholarship.

³⁶ Abid Rohmanu, *Reinterpretasi Jihad : Relasi Fikih dan Akhlak*, ed. oleh Agus Purnomo, cetakan 1 (Ponorogo: Nadi Press Yogyakarta, n.d.), h. 10.

³⁷ *Ibid.*, h. 2.

³⁸ The jurists raised in this study are mufassir, bahasa experts, and figures who have integrity in deciding a law and giving birth to interpretations of Qur'anic verses.

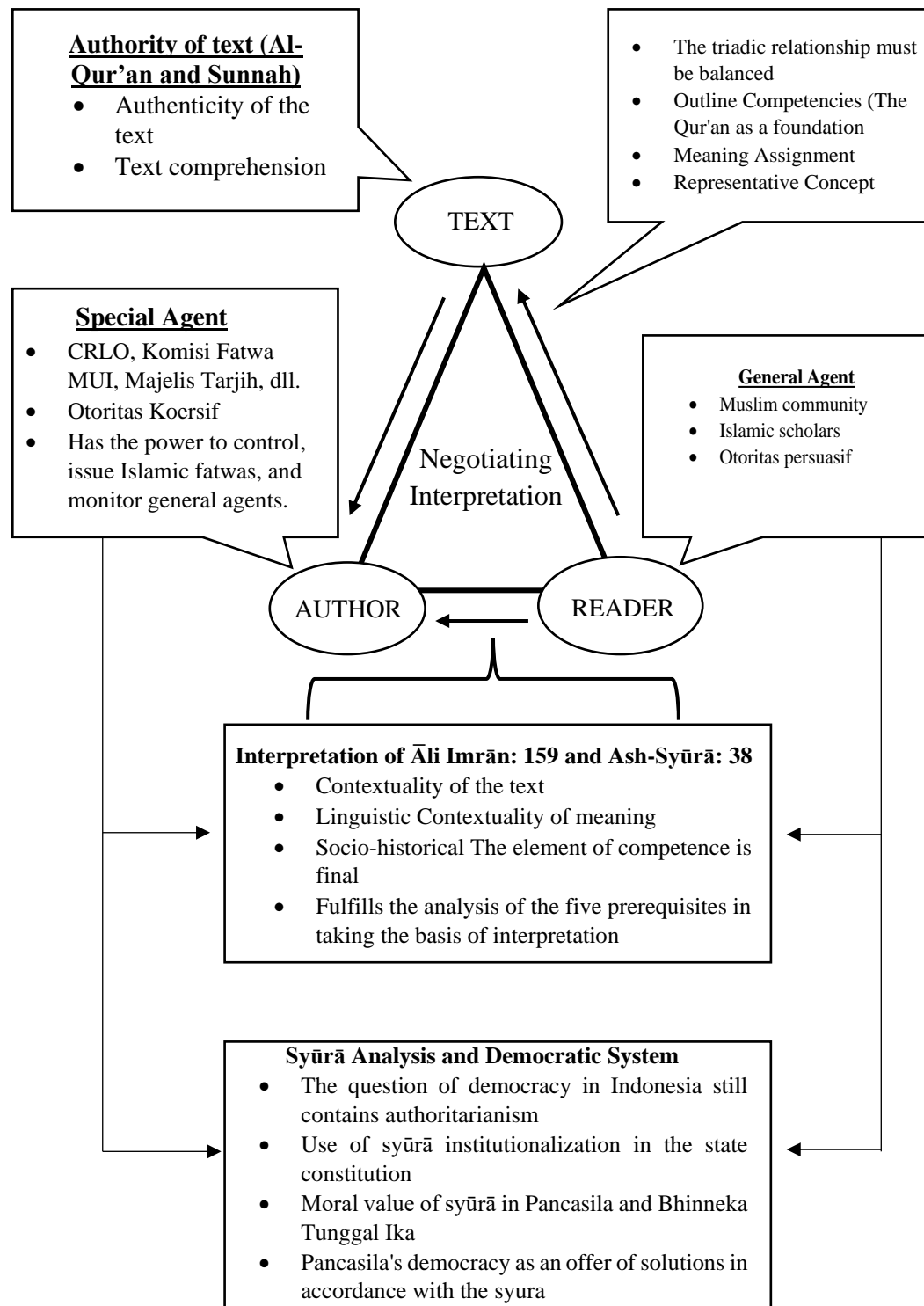


Image 2. Triadic Diagram of Negotiative

B. Actualization of *Āli Imrān*'s Interpretation: 159 and *Ash-Syūrā*: 38 according to Negotiative Hermeneutics in Democratic System in Indonesia

Syura, rooted in Islamic governance principles, offers a distinct model of decision-making through consultation and consensus among leaders and the community. Meanwhile, Indonesia's democratic framework, shaped by historical and contemporary influences, emphasizes principles of representation, popular sovereignty, and institutional checks and balances. By juxtaposing these frameworks against five critical dimensions of representative authority, this study aims to illuminate their strengths, challenges, and potential synergies in contemporary governance.

In this analysis, the researchers borrowed five criteria defined by Khaleed Abou El Fadl: *Honesty, Diligence, Comprehensiveness, Reasonableness, Self-control*. Five criteria above are used to avoid the authority of researchers in conducting analysis related to shura and democracy in Indonesia. The researchers' understanding of the hypothesis and its implications, democracy and its problems, as well as solving the problems that are the result of the actualization analysis of both will be presented in its entirety.

Starting from the results of the interpretation of the term syura in al-Qur'an, Surah Ali Imran verse 159 and Asy-Syura verse 38 by looking at various credible sources, the researchers produced some points that will be linked to the reality of Indonesian democracy in the present by paying attention to the construction of the second term studied (syura dan democratic).

First, the authority issue.

Regarding the Qur'an, the verses QS.3:159 and QS.42:38, which are based on the word sy-w-r, are commonly considered as the fundamental guideline for rulers to bring about change. According to Quraish Shihab, this passage instructs all Muslims to engage in disagreement, which is a fundamental aspect of democratic governance. In Asy-Syra, verse 38 encapsulates the directive to implement a constantly evolving and universally applicable democracy. While

the phrase "musyawarah" is not directly mentioned in many verses, this particular verse provides guidance on establishing a commendable level of syūrā in one's daily life.

On the other hand, referring to the statement of Asy Shura la ad-Dimuqratiyah, Democracy considers that it is the people who have the highest authority in a country which is based on majority law, it is a 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.³⁹

Back to the concept of representation, a state with a constitution whose source is the laws and regulations produced through the legislative body. In Islam, the Qur'an is the basis of a constitution whose author is Allah SWT, then it is processed by the agents. In this case, the dispute is a constitutional principle expressed in the Qur'an which implies the election of the representatives of the people in the courts of dispute dealing with the affairs of the country, as the founders of the Indonesian nation did by formulating the state policy in the form of Pancasila and UUD 1945 through the Committee of Nine which applies the syūrā to gather the aspirations of people. This reality can also be seen in the creation of the People's Assembly of Representatives (MPR) and the Council of People's Representative (DPR) to make laws that bind everyone. Indonesia faces some problems in its democratic system, in general elections. One of the major issues is the political favoritism that has grown into a political dynastic tendency, indicating the backwardness of democracy.

The rulers gained extraordinary legitimacy to deal with this problem, which led to increased public dependence and support for the campaign. As a result, the election becomes a legitimacy for the ruler and his family, where the

³⁹ Nur'l Yakin and Ong Argo Victoria, "The Shura Concept of Government in the View of Islam and Democracy," *Law Development Journal* 4, no. 4 (2022): 544–54. h. 551.

ability to cope with the crisis increases the eligibility of candidates from the core family. The problem arises as the role of the political parties decreases drastically as the personality of the characters increases. In addition, the polarization of sentiment in identity politics is also a problem, especially in connection with the religious diversity in Indonesia which has six official religions, with a majority of 86.9 percent being Islamic.⁴⁰ It raises concerns about discrimination against other religions. In 2017, there was a case of identity politicization related to the charges of religious misconduct that struck Basuki Tjahaja Purnama. (Ahok),⁴¹ The one defeated in Pilkada. A similar case occurred earlier in 2013 in the North Sumatra regional elections with the appearance of advertising boards urging not to vote for the non-Islamic candidate, Sihar Sitorus. Political identity conflicts like this indicate the risk of duplicate interpretation, bias, and vulnerability to politicization.

In general, the legislative candidates of the DPRD district/city, DPRD province DPD and even the DPR-RI have a system or method of campaign that is almost similar to the money political system or that is often called money politics. For example, in the moneypolitic district, candidates directly buy votes from the public by distributing nominal amounts of cash up to hundreds of thousands of rupees for their people. In the above situation, the people as constituents can have a fairly high bid price. The struggle of the caleg to gain and have the people's voice. Political violations of money have occurred repeatedly and cultured in every electoral period. If this thing continues, the aspiration to have an honest leader, fair, integrity and work for the people will be difficult to

⁴⁰ Dimas Bayu, *Sebanyak 86,9% Penduduk Indonesia Beragama Islam*, <https://dataindonesia.id/varia/detail/sebanyak-869-penduduk-indonesia-beragama-islam>, diakses tanggal 14 Oktober 2023

⁴¹ Yudho Winarto, *Politik identitas dalam Kasus Ahok*, <https://nasional.kontan.co.id/news/politik-identitas-dalam-kasus-ahok>, diakses tanggal 14 Oktober 2023.

because these leaders are born in unjustified ways. It must have an impact on the democratic order that the government is building.

From the above, a democratic downturn of corruption in the general election with various problems can undermine the authority of the leader and tend to lead to authoritarian leaders.

Second, the problem of freedom and majority.

This interpretation of the *syūrā* verse raises the current context through equal relations that align with the term democracy. Both contain the same aspects of equality, unity, consensus, and representation. The principle of *syūrā* has contributed greatly to the political dialogue of Islam and Western democracy, especially about the institutionalization of *syūrā* (legislature). For example, the principle of *'adalah* which is part of *syūrā* is applied in the election of citizens of a nation (owners of sovereignty) to one representative as a form of authority applied to oppose authoritarian rulers.

The principle of majority government (democracy) is the principle that the people have power. It means that the person who is followed by the mayors or speaks in his name (right or wrong) is taking his authority from the power of the people run by the majority or their mayors. But we see in the fact that this majority is sometimes true and sometimes false or misleading, fair or unjust, free or equipped or directed.

Democracy in Indonesia has faced a number of significant challenges in recent years, which include issues of civil liberties and majority dynamics. According to Carol, in 2021, there are two major issues that emerge: the restriction of civil liberties and the weakening of the opposition. The accession of a number of opposition parties to the government cabinet has exacerbated the

situation, causing the mechanisms of check and balances as well as the function of social control over the government to become weaker.⁴²

In addition, press freedom and freedom of expression in Indonesia are also under pressure. Many journalists and activists face intimidation, threats, and even arrests for voicing criticism of the government. Likewise, throughout 2023, the Independent Journalists' Alliance (AJI) recorded 85 incidents of violence against journalists in Indonesia, including threats, terrorism, intimidation, non-covering, theft of tools, to cyber-based digital attacks. In 2022, a journalist from Narasi was hacked into WhatsApp while covering the trial of a senior police officer, with 38 journalists, including Senior Producer M. Akbar Wijaya or Jay Akbar, being the victims. According to Narrative Newsroom's report on October 16, 2023, journalists and activists are vulnerable to hacking, but only a few victims proceed to court for security reasons. Newsroom's narrative also notes that this hacking incident shows weak consumer protection, and even though the case was brought to court by journalists.⁴³

Majority dynamics are also a challenge to Indonesian democracy. Majority political power tends to dominate legislative processes and decision-making, often ignoring the interests of minority groups. This situation threatens the principles of inclusiveness and social justice that should be the foundations of democracy.

Likewise, in one study, it can be explained that ideal populist leaders tend to place their hatred on certain groups considered as enemies, while pragmatic leaders are more likely to compromise without targeting a particular group. In the analysis of political and leadership strategies related to hatred, both Jokowi and

⁴² Arief Maulana, Dua Tahun Terakhir, Demokrasi Indonesia Alami Penurunan, diakses melalui <https://www.unpad.ac.id/2022/01/dua-tahun-terakhir-demokrasi-indonesia-alami-penurunan/> pada 19 Juli 2024

⁴³ Berita Teropong Jagat UMS, Peretasan Insan Pers: Upaya Menggoyahkan Pilar Demokrasi?, diakses melalui <https://www.ums.ac.id/berita/teropong-jagat/peretasan-insan-pers-upaya-menggoyahkan-pilar-demokrasi-> pada 19 Juli 2024.

Prabowo both criticize the elite, but with different approaches. Jokowi focuses on criticising the previous government, while Prabowo targets the current Jokowi government.

Prabowo, on one occasion, stated that Jokowi's government was not strong enough, associating this with legal uncertainty and inter-agency conflict. He accused the government of various violations during the elections, as well as mentioning the country's weak economy and military strength, which he believed were leading the country in the wrong direction. Prabowo also accused the Jakarta elite of constantly lying to the people. In relationships between leaders and the people they represent, pragmatic leaders tend to combine direct and indirect communication with the use of intermediaries to establish broader and more effective relationships.⁴⁴

The current issue is the Omnibus Law issue, which was approved in 2020. The law has caused widespread controversy and massive protests because it is considered to threaten workers' rights and undermine environmental protection. The omnibus law method puts people in a dilemma because it focuses on effectiveness, reducing participation in policy-making or legislation. The role of the people in this process becomes small while the role of government as executive becomes dominant. The aim of the omnibus law is effectiveness, but it narrows the space for monitoring and discussion, thus potentially provoking controversy. Omnibus law restricts public participation and is less transparent. Many activists, labor unions, and civil society organizations judge that this legislative process is non-transparent and non-participatory.⁴⁵ This phenomenon

⁴⁴ Riset dan Abdimas UNPAR, Riset UNPAR: Populisme Pragmatis Politik Indonesia; Rivalitas Jokowi-Prabowo, Bagaimana Pemilu 2024?, diakses melalui <https://unpar.ac.id/riset-unpar-populisme-pragmatis-politik-indonesia-rivalitas-jokowi-prabowo-bagaimana-pemilu-2024/> pada 19 Juli 2024

⁴⁵ Afdhal, "Pembentukan Omnibus Law Dalam Negara Demokrasi Di Indonesia (Establishment Of Omnibus Law In A Democracy State In Indonesia)," *Jurnal Restorative* 1, no. 6 (2023): 74–83, <https://journal.unismuh.ac.id/index.php/hukbis/article/view/11702>.

shows how majority power can manipulate legislative processes for the sake of certain interests, while critical voices and minority interests are ignored.

From the two major problems above, one can take the point where authoritarianism is still found in the practices of democracy in Indonesia. This is not in accordance with the context of the Sura which presents individual freedom and freedom, as well as other principles in the Qur'an.

In this case, the researchers found the ideal gap as an offer of problems over the authoritarian problems that occurred in connection with the actualization of the syura in democracy in Indonesia.

The Pancasila democracy, which has been built since the beginning of the independence of the Indonesian nation, is at the same time a principle, values, and the foundation of the country. As a nation based on Pancasila, Indonesia must integrate the values of pancasila into the life of society, nation, and nation in order to remain relevant as a guideline in solving various problems. The opening of the Constitution of the Republic of Indonesia in 1945 stated that Pancasila's democracy regulated in article four emphasized wisdom in decision-making through discourse and representation. This democracy is underpinned by the values of the One God, the Just and Civilized Humanity, the Union of Indonesia, and Social Justice for the entire Indonesian people. The enacted system of local governance also gives the region wider authority to regulate its own households in order to organize effective and efficient governance.

The relevance and actualization between the two systems, the syūrā system and the Pancasila democracy in Indonesia, lies not only in the basic principles underlying both, but also in the form and pattern of its realization in the lives of nations and states. This proximity can be understood through several aspects. The researchers identified three key points that make these two systems so close and relevant. First, both the Pancasila democratic system and the syūrā system recognize the foundations of godliness and just and civilized humanity, as well as the principles of unity and justice. Secondly, these two systems emphasize the

importance of discrepancy in resolving a problem. Thirdly, the election of a leader must take place through an election mechanism, in which a majority vote becomes an important consideration in setting a leader.

CHAPTER V

CLOSING

A. Conclusion

Based on the analysis in this study questions the relationship between the concept of syūrā in the Qur'an, specifically Surah Āli Imrān: 159 and Ash-Syūrā: 38 with the dynamics of democratic system in Indonesia by Abou El Fadl's hermeneutic framework, obtained the following conclusions :

1. The concept of syūrā in Islam, which is based on discord and reflected in the verses of the Qur'an A |li Imrān: 159 and Ash-Syūrā: 38, can support an inclusive and just democratic system in Indonesia. Through the hermeneutic perspective of Abou El Fadl, syūrā principles are interpreted to avoid authoritarianism and encourage contextual digestion relevant to the dynamics of the times. This research shows that a deep and inclusive understanding of syūrā can strengthen democracy in Indonesia, in line with Pancasila's values, as well as provide solutions to political conflicts of identity within a democratic system..
2. This study finds that syura and democracy, despite originating from different traditions, can complement each other within the framework of Indonesian governance. Syura, based on the principles of consultation and consensus in Islam as interpreted from QS. Ali Imran 159 and QS. Asy-Syura 38, alongside Indonesian democracy which emphasizes representation and checks and balances, are both crucial in creating inclusive governance. Utilizing the five criteria of Khaleed Abou El Fadl (honesty, diligence, comprehensiveness, reasonableness, and self-control), this study demonstrates that integrating these principles can address challenges such as corruption and discrimination, thereby strengthening Indonesian democracy.

B. Advice

After conducting this research, researchers are aware of the shortcomings that have yet to be discussed and still open a wide gap to give birth to new, more comprehensive research. Therefore, the researcher will express some suggestions that can certainly be used to develop further research:

1. Future research can explore how the principles of syura from QS. Ali Imran 159 and QS. Asy-Syura 38 can be applied in the local governance system in Indonesia. This study could focus on case studies of specific regions to observe the concrete impact of consultation and consensus values in enhancing community participation and representation.
2. Further research can evaluate the effectiveness of the five criteria by Khaleed Abou El Fadel (honesty, diligence, comprehensiveness, reasonableness, and self-control) within the context of Qur'anic interpretation related to syura in decision-making in Indonesia. This study can measure how well these criteria help address issues such as corruption and discrimination in Indonesian democracy through surveys and interviews with stakeholders.

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