

## CHAPTER II

### ELECTION A NON MUSLIM LEADER ACCORDING TO ISLAM

#### A. Definition of Leader

##### 1. Leader in etymology

Leader in Indonesian dictionary has several meanings, namely: holding someone's hand while walking (to lead or show the way), knowing or leading (in a meeting or gathering), guiding, training (educating, teaching). Also there is the word of "led (terpimpin)" which means it can be led or restrained, and there is also the word of "leader (pemimpin)" which has two meanings: person who leads and guide, user guide (guidelines)<sup>1</sup>. Then in Indonesian dictionary, it is derived from the word of "lead (pimpin)" which means "guide", so, leader means a guide and mentor".<sup>2</sup>

In English, "pemimpin" is called as leader. Its activity is called as leadership. And in Arabic, it is called as the *khalīfah* who has been frequently mentioned in descriptions of preceding basically means a representative. Using the word of the *khalīfah* after the Prophet passed away, especially for *khulafāur Rāsyidīn*, touching also the intention contained in the word of *Amīr* that derived from *amira* which means to be *Amīr* (king). *Amīr* means "leader". On the basis of this meaning, amir is defined as "a ruler who carries out affairs". The plurality of (*'amira*) is *umara'* which means the rulers, leaders and commanders. The word of amir is not used by the Qur'an, but there *ulil amri*, in the dictionary is given meaning (leaders and scientists)<sup>3</sup>. The word of *ulil amri* is a combination from (*ulū*) and (*al-amr*) means a leader, government and so on<sup>4</sup>. The word of *ulil amri*

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<sup>1</sup> Dendy Sugono, *Kamus Besar Bahasa Indonesia*, (Bandung: Angkasa 2008), p. 77.

<sup>2</sup> Lihat, Depdikbud, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 1994), cet. ke-4, p. 967.

<sup>3</sup> Ibnu Mandzur, *Lisan al-'Arab*, jilid IV, (Bairut: Dar Shadir, 1968), p. 31.

<sup>4</sup> The scholars differed in interpreting the word *ulil amri*. Scholarly argued that the definition is the government *ulil amri* (ruler) of Muslims. While others believe that *ulil amri* are the scholars and jurisprudents. There also are found *ulil amri* is *umara'* (ruler) and scholars. A similar opinion was also expressed Ibn Taymiyyah in *Majmū' Fatawa* (28/170) that *ulil amri* are of two types namely the amir (ruler) and scholars. While Rashid Riḍa in his *Tafsīr Al-Manār* (1973, hlm.181), explains that *ulil amri* it is not the only religious scholars, but also directors, great rulers, professors, scholars in various fields including *ulil amri*. Furthermore, Ibn Jarir al-Tabari says in his commentary, *Jami'al-Bayān fī Tafsīr al-Qur'an* (5/150) that the opinion rajih (strong) is the notion that *ulil amri* is the government and leaders, based on the hadith of the Prophet

is contained in the Qur'ān two times, which is the word of God in sūrah an-Nisā' verse 59 and 83. The word of the caliph and *ulil amri* has the same connotation that has meaning as a leader which both touches not only on the religious aspects in society life, but also in governance aspect in the life of the nation<sup>5</sup>.

## 2. Leader in terminology

The definition of a “leader” has much variations and many people who try to define the concept of this leader. Leader is person who has all the advantages from others. Leader in ancient people's view is they who considered cleverest about things that are related to the group and the leader should be good at it (clever hunting, capable and courageous in fighting). If it is associated with today, a leader should not be able to fulfill the duty as in ancient time, but a leader must have the skill, the current leader simply choose a maid who has skill related to what he has not yet, it means in accordance with skill<sup>6</sup>.

The meaning of the leader according to empirical is human activity in society life. In the history of human life has been very much a leadership experiences that can be learned. The experience needs to be analyzed, to obtain valuable evidences and can utilized, in effort to create effective leadership and to get God's blessing on the present and future.

According to Muhammad Tholhah Hasan that a leader is a person who has the authority and right to influence others, so that other people behave as desired by the leader through its leadership<sup>7</sup>. While the leadership means the ability to move and direct the people, meaning; it has the on going human relation, which move and direct (a leader) with who moved and directed ( who led), so that in many cases, the leader wants to ask and influence people who led voluntarily and willingly to achieve the aim together<sup>8</sup>. Spiritually, leadership must be defined as the ability to implement a command and leave Allah's prohibition, either jointly or individually. In other word, leadership is the ability to realize Allah's will that

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Muhammad who ordered, to obey the leaders and rulers who have the right to be obeyed and bring serious benefits to the Muslims.

<sup>5</sup> Hadari Nawawi, *Kepemimpinan Menurut Islam*, (Yogyakarta: Gajah Mada University Press, 1993), p. 16-18

<sup>6</sup> Ngalm Purwanto dkk, *Administrasi Pendidikan*, ( Jakarta: Mutiara, 1984), P. 38.

<sup>7</sup> Murtaḍa Munṭahari, *Imamah dan Khilafah*, Terj. Satrio Pinandito, (Jakarta: CV Firdaus, 1991), p. 8.

<sup>8</sup> 3 pamudji, *Kepemimpinan Pemerintah di Indonesia*, cet ke-7, (Jakarta: Bumi Aksara, 1995), p. 60.

has informed through Prophet Muhammad. Leadership in the spiritual meaning is nothing else than obedience or ability to comply with Allah and Prophet's command and prohibition in all life aspects.

The word of "leader" and "leadership" is the unity of word that inseparable both structure and function. It means that the word of leader and leadership is the unity of word which has interrelatedness, both in term of word and meaning. The discussion about leadership, actually it is already featured in many books and writings that discuss about personality and character of a leader from the time of the Prophet until today<sup>9</sup>.

If the "leadership" has meaning broader, the leader is a specification from that leadership. Thus, leader can be defined as individual who occupies a certain status from other individual in the group, it can be considered a leader. It is possible that in occupying the position through the provision of formal attributes or specific. According Veitzhal Rival, effective leader is (1) be flexible, (2) be aware of self, group and situation, (3) inform subordinate about every issue and how leader has attitude of clever and wise in using of authority, (4) adept in using the general supervision where subordinate is able to complete the job within the specified time limit<sup>10</sup>.

To be able to meet someone become as a leader, we need three things: the first, the power in question is the power, authority and the legality that authorize to the leader to influence and move subordinates to do something. The second, the authority is excess, excellence, virtue so as a leader able to manage other people and the people obey who lead and want to do certain deeds. The third, ie the ability of a leader has all the power, ability and skill in technical and social from his command that is considered exceeding from common people's ability<sup>11</sup>.

## **B. Characteristic of Leader**

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<sup>9</sup> Ghalia Indonesia, *Pemimpin dan Kepemimpinan*, (Jakarta: Ghalia Indonesia, 1984), p. 7.

<sup>10</sup> Veitzhal Rivai, *Kepemimpinan dan Perilaku Organisasi*, (Jakarta: Raja Grafindo Persada, 2003), p.

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<sup>11</sup> Kartini Kartono, *Pemimpin dan Kepemimpinan*, (Jakarta: Raja Grafindo Persada, 1994), p. 28.

## 1. Criteria of Leader According to muslim scholar

The basic principle of leader according to Islam as outlined in the Qur'ān and the Sunnah of the Prophet, in its development experiences expansion of meaning and understanding. In fact, not infrequently undergo refraction away from the basic principle of truth. It is not separated from the "bustle" of political interest and the group or class interest. The consequences from that condition, finally affecting to the criteria from a leader formulated by the scholars. Their opinion and *ijtihad* are very depended on and determined by the situation and condition which surround them. As the scholars opinion the following:

### a. al- Mawardi

Al-Mawardi is the main character of the Qaḍī who live in the Middle era mentions the main requirements for a leader that are;

1. Fair in the broad sense
2. Having the knowledge to be able to do *ijtihad* in the face of problems and laws
3. Healthy in hearing, eye and tongue in order to concern directly with his responsibility
4. Healthy of body, so it is not obstructed move and do fast
5. Clever in controlling the affair of the people and the benefit of the public
6. Brave and firm in defending the people and face the enemy
7. From the descendant of Quraish<sup>12</sup>.

### b. Ibn Taimiyah

Ibn Taimiyyah is one of Islamic political thinker in classical time who has hard conviction and firm on provisions in the outlined by Allah, he bases his political theory on the word of God in the Qur'ān Sūrah an-Nisā' verse 58:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾

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<sup>12</sup> Yusuf Musa, *Politik dan Negara dalam Islam*, (Surabaya: Al-Ikhlās,1990), p. 59.

"Indeed, Allah orders you convey the message to those who deserve it, and (told you) if it establishes the law among men that you assign to the fair. Verily Allah gives his best teaching you. God is All-hearing, All-seeing"<sup>13</sup>.

The verse above is the basis theory from Ibn Taimiyyah that required for a leader as follows:

1. mandating to the beneficiary.

Ibn Taimiyyah explained that the mandate is divided into two things:

- a. Designation and appointment of state official, should be people who truly have the skill and ability. But if both is nothing standing out, it should take one by paying attention to two factors, namely, the strength and integrity.
  - b. Management of state asset and property of the people.
2. Implementation of the law is to be fair in deciding a case.
  3. Deliberation, Deliberation is a duty that should not be abandoned for a leader. Deliberation is a habit of the Prophet and his Companions to a problem, as commanded by Allah in the Qur'an and hadith explicitly. With this deliberation, *Inshaallah* people always are kept<sup>14</sup>.

In addition to the criteria above, Ibn Taimiyyah also spoke about the importance of a government. Ibn Taimiyyah said that establishing a government to manage the affairs of the people is the greatest religious duty, because religion is impossible without upright government. Mankind will not be able to meet all their need without the cooperation and help each other in the life of a group, and every group or social life take a concerted a chief or leader. Another reason about importance of a government, according to Ibn Taimiyyah, that God commanded *amar ma'ruf dan nahī mungkar* (encouraging people to do good deed and preventing a disgraceful deed), and that mission or duty is impossible done without the strength or authority and government.

Ibn Taimiyyah also argued that the presence of the head of state is needed not only guarantee the safety of live and property of the people, also the fulfillment of material need, but more than that also to ensure the enactment of all the commandments and laws of God. Ibn Taimiyyah also assumed that the sultan or

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<sup>13</sup> Abdullah Yusuf Ali, *The Holy Qur'an*, (Kuala Lumpur: Islamic Book Trust, 2005), p. 96.

<sup>14</sup> Munawir Shadzali, *Islam Dan Tata Negara*, (Jakarta: UI Press, 1993), p. 88.

head of state is the shadow of God on earth, it means that he is God's representative on earth, with the strength and authority to command that based on God. Ibn Taimiyyah's opinion about the presence of the head of state, even though the wrongdoer is better for the people than if they live without a head of state. He borrows a phrase that sixty years under a despotic sultan is better than one night without a sultan. One more thing that is interesting about Ibn Taimiyyah's statement namely, that the fair leader even though unbeliever is better than the unfair leader even though believer (Islam)<sup>15</sup>.

The writer concludes on the desired criteria by Ibn Taimiyyah is craving trustworthy leader and creating justice universally. Justice is the application from what called benefit (*maṣlahah*) in the government, the benefit is an integral part from the live of the people, therefore very demanding about effort to create justice and uphold the mandate, because instead of just being a moral footing, but it must be maintained in a life of state. So that he wins the notion of justice than everything, including one's religious faith. remembering the rule that eliminating bigger *mafsadat*, that's what a real benefit than taking smaller benefit.

### c. Ibn Khaldun

Ibn Khaldun is a strict critic and sociology builder also set several requirements that must be met by a man who serves as an *imām* (leader) namely;

1. Having knowledge, because he is the executor of the law of Allah. He must be mujtahid and not gullible.
2. Fair, the leader is the highest position, in addition to occupying and including religious position also political position in the midst of the people and the State.
3. Having the ability, is the courage to uphold the law and face the enemy, strategist and clever to mobilize people, wise and sensitive to the circumstances and strong in controlling politic.
4. Healthy of body as like safe from the blind, dumb, deaf and sensitive as well as safe from mentally defect as like crazy and lost mind<sup>16</sup>.

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<sup>15</sup> *Ibid.*, p. 89.

<sup>16</sup> *Ibid.*, p. 72.

Ibn Khaldun realized that physical and mentally defect effect toward physical activity and mind as well as doing task that should carry out. If only partially defect, while reducing perfection as a leader who has high mobility rate. Then Ibn Khaldun remains at the founder ie viewing not qualify completely for them who have physical defect to be a leader.

Based on the opinion of the scholars about the requirement of a leader as described above, when studied more in depth shows that the requirements are largely determined by the situation and political condition where the scholars are. And also until where the proximity of scholar and ruler at the time. Thus the fatwa conveyed strongly colored by political condition surrounding them.

Ibn Taimiyyah's extreme opinion that the fair leader despite infidel is better than the leader of an unfair although Islam, this is a reflection from the anxiety to possibility interference to political stability in the country where he lives, which is still fraught with insecurity. physical requirement that is quite stringent which said by Ibn Khaldun, not separated from the progress made and the high mobility that done by the leader at the time as a reflection from an advanced society. Similarly, the requirement about the Quraish, put said by al-Mawardi not be separated from their presence in the Arabian Peninsula especially and the Middle East generally. So that the religion matter that they convey is highly contextual.

However, if taken red limitation about their thought, in fact there is a great similarity between the scholars, namely; The similarity in formulating criteria that must be possessed by a leader, namely:

1. Requirements for the physical. That is a leader must have excellent in physic, healthy, and strong. As an initiative to support the task and responsibility. So that mobility is running normally, smoothly and not bothered by the physical.
2. Mental and spiritual requirement. A leader is required to have a proven personal mental quality as an honest, fair and trustworthy. He is a person who is faithful and devoted. The quality of the practice of religion is not in doubt, close to God and close to each other anyway. *Hablum minallah* and *hablum minannas* together well preserved.

3. The requirement that is skill and ability. It means a leader must be knowledgeable, insightful, intelligent, competent, professional and responsible.

## 2. Criteria of Leader in Indonesia

Indonesia is a unitary state of the Republic-looking government comes from the people. The country consists of a variety of ethnic, racial, and religion, but still this nation has the same feeling, the same fate and the same goal. Then the task for the leader is encouraged to fight back together against an enemy in the form of problems in this country. Indonesia is a presidential system of government in which the supreme power in the hand of the President. The president is chosen by the people through his general election for 5 years and can be one time period again. For that people should be careful in choosing a leader, so that the dream of the nation in accordance with the opening of UUD RI in 1945 reached. Before choosing, there are several criterias that must be. Following several criterias of leader or President of Indonesia:

1. Religion (Honest, Fair, and respectful)
2. Citizen Indonesia
3. Physically and mentally healthy
4. Educated
5. Populist
6. Resolute and tough
7. Wise and patient
8. Transparent
9. Can keep the name of nation
10. Knowing the potential of Indonesia and how to use it for welfare
11. Having a clear vision and a mission to bring this country forward
12. Responsible<sup>17</sup>.

In addition to the criterias above as like cited by Fuad Amsyari in his book of *Masa Depan Umat Islam Indonesia*, that every society, wherever and whenever, always has a leader who is very central role in directing the movement of people or groups which they lead. Besides determining the motion of the community,

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<sup>17</sup> Muḥammad Mahfuz, *Kriteria Pemimpin Indonesia Ke Depan*, [http://www.pewartaindonesia.net/kolom-pewartaindonesia.net/kolom-pewartaindonesia-ke-depan-36m.pdf](http://www.pewartaindonesia.net/kolom-pewartaindonesia.net/kolom-pewartaindonesia.net/kolom-pewartaindonesia-ke-depan-36m.pdf). 11-06-2016



the leaders will also determine achievement that will be generated by the community. Therefore, discussions on this matter, especially in Indonesia's leadership is very important because a leader needs to have a true Pancasila spirit that has at least the following criterias:

1. Obeying the teachings of religion that believes in full accordance with the content of religious teachings as a manifestation of pure human consciousness, not the type of hypocrite man playing God. This operational characteristic will ensure that the heart has a commendable internal control and neutralize the mentality of antipathy towards religious teachings ever implanted invaders. He will have a value system that is guided by God in accordance taught by the Prophets.
2. Smart and professional that will ensure the creativity and breadth of insight into the policy to be taken in controlling the government.
3. Physically and mentally that will ensure continuity administrative tasks.
4. Live simply for personal and family living nearby that indicating alignment with the majority of the people who are still suffering from shortages.
5. Be open mind, especially to criticism referred to his policy, which come from anywhere and in any form, thus showing the maturity as a human being. This obviously will guarantee a solid and fundamental support from the majority of the people that they lead and neutralize the mentality of a nation depressed as experienced by them during the colonial period<sup>18</sup>.

According to The National Defense and Security Council (Wanhanckamnas), criterias for presidential candidate or leader in Indonesia is divided into two: the general and specific criteria:

*a. General criteria*

1. Citizen who has a religion
2. Educated
3. Having the right to vote
4. Maintaining pancasiladan unitary state of Indonesia
5. Understanding and respecting the natural condition of democracy and culture
6. Level of wisdom and statesmanship

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<sup>18</sup> Fuad Amsyari, *Masa Depan Umat Islam Indonesia*, (Bandung: Mizan, 1993), p. 43-44.

7. Having credibility in national forum, regional and international.

*b. Specific criteria*

1. Having an adequate IQ or intelligence
2. Having a stable emotional maturity
3. Not waiting or having creative ideas that dynamic
4. Having constancy of religiosity, faith and moral<sup>19</sup>.

Such requirements must be possessed by a leader, either according to Islam or state Indonesia. Which in Islam, a leader must have criteria based on the Qur'ān and the Hadith which should be trustful, fair and consulted in all matters, obey the leader by doing all his instructions during instructed not commit adultery or prohibited by religion. So even in the Indonesian state, a leader must have the intelligence and religiosity firmness, obey to do religious teachings, have responsibility and have good moral. So that, the people be qualified, prosperous, fair, prosperous and lead man into a social dimension to the *Baldatun ṭayibah warabbun ghafūr*.

**C. Scholar's View Toward Verses Prohibition in Electing Non Muslim Leader**

In this case related to electing non-Muslim leader, there are some opinions from some *mufassir* who allow and prohibit as follows:

**1. Scholar who allows**

- a. According to M. Quraish Shihab's opinion, in *Tafsīr al-Misbah*, he argued that the prohibition to elect non-Muslim leader is not absolute, due to the prohibition applies if a non-Muslim to follow the law *jahiliyyah*, which is based on lust, certain interest, and also the narrow mindedness view that they desire and ignore the law of God. So he allows to choose non-Muslim leader with certain requirements, namely because of the fear of catastrophe which unavoidable<sup>20</sup>.
- b. According to Musthafa al-Maraghi in the book of *tafsīr*, said that the appointment of the leader (*walī*) and agreement for mutual help between

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<sup>19</sup> Gouzali Saydam, *Dari Bilik Suara ke Masa Depan Indonesia, Potret Konflik Politik Pasca Pemilu dan Nasib Reformasi*, (Jakarta; Raja Grafindo Persada, 1999), p.165.

<sup>20</sup> M. Quraish Shihab, *Tafsīr Al-Misbah, Pesan, Kesan dan Kecerasian al-Qurān*, (Jakarta, Lentera Hati, 2010), p. 113-114.

the two groups of different religion in achieving worldly benefit, not included in the prohibition that outlined in the verse. For example the Muslims entered into an agreement with the people of non-Muslims to help each other in the fight against other Muslims, because there is a problem agreement of the Muslims with their problem. This is not prohibited<sup>21</sup>.

- c. Muhammad Abduh and Rasyid Ridha in the book of *Al-Manār* argued about the prohibition to elect Muslim leader is not applicable absolutely, but conditionally. This means, placing non-Muslims as ally or protector only applies when the Muslims obviously fight Muslims. As if they do, but not like it, then it means that the prohibition does not apply automatically<sup>22</sup>.

## 2. Scholar who prohibits

- a. Sayyid Quṭb's view, that the prohibition to elect non-Muslim leader is an absolute and in effect from the first verse sent down until doomsday later. Sayyid prohibits to give loyalty to non-Muslims. For giving loyalty is one thing totally different with tolerance. Tolerance may mean doing *muamalah* well (*muamalah bial-ḥusnā*) toward non-Muslim. But giving loyalty has to do with relationship, mutual help, and showing love. Such loyalty, Quṭb firmly said that it should not be imposed a true believer, who believe in Allah, submit to *manhaj* and willing to wholeheartedly implement the law as outlined in Holy Book (Qur'ān), as a manifestation of love and devotion to Allah and His Messenger. Islam according to Quṭb, educating his people to just give their loyalty to Allah, His Messenger, and the group of Islam only. So Sayyid firmly prohibits Muslim to elect non-Muslim as leader<sup>23</sup>.
- b. Sheikh Muhammad Ali Ash-Shabuni in *Ṣafwatut Tafāsīr*, argued that God forbid believers to make the Jews and Christians as their leader, they are people who have faith to help them, and they ask help to people who have

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<sup>21</sup> Ahmad Mustafa al-Maraghi, *Terjemah Tafsīr Al-Maraghī, Juz-4*, (Semarang: CV Thaha Putra, 1993), p. 250-251.

<sup>22</sup> Muhammad Abduh dan Rasyid Ridha, *Tafsīr al-Qur'ān al-Hakīm (Tafsīr al-Manār)*, Vol III (Beirut : Dar al-Ma'rifah, t.t), P. 277.

<sup>23</sup> Sayyid Quṭb, *Tafsīr Fi Dīlālīl Al-Qur'ān*, terj. As'ad Yasin, dkk (Jakarta: Gema Insani Press, 2000), p. 250.

faith. The believers are also prohibited to shelter and lean toward the unbelievers, they are one unity in hostile to Islam, because they are one in disbelief and apostasy, because the unbeliever's religion is one unity, whoever who take unbeliever as a leader, then he is convicted unbeliever<sup>24</sup>

- c. According to Imam At-Ṭabari in his tafsīr said Allah SWT forbids all believers to make the Jews and Christians as a helper and a leader for the people who believe in Allah and His Messenger, and besides they (Jews and Christians). Also tells us that whoever makes them (Jews and Christians) as a helper, a leader and guardian other than Allah and His messenger and also the believers. So really they include their group and rebel to Allah and his apostle and also the believers, and they make broken off relationship from God and his messenger<sup>25</sup>.

So at a glance the opinion from *mufassir* about electing non-Muslim leader in the Qur'ān.

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<sup>24</sup> Muhammad Ali Ash-Shabuni, *Tafsīr Ṣafwatut Tafasīr*, jilid 2, (jakarta, pustaka al-kautsar,2011), p. 65.

<sup>25</sup> Abu ja'far Muhammad bin Jarir At-Ṭabari, *Tafsīr At-Ṭabarī*, jilid 9, (jakarta, pustaka Azzam, 2008), p.103.