

# Democracy and Modern State: Siyasaḥ Shar'iyah Analysis

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## ABSTRACT

This article aims to reveal the intersection of the relevance of democracy in the modern state system and the system of government in Islam. This research uses a socio-cultural approach. The results show that democracy has two essential aspects, namely as a system and form of the state, and as universal values that are fought for the sake of human dignity. In the first aspect, as a system and form of state, democracy cannot meet the concept of Islam because it does not speak of a particular system and form of a state. Islam is more of a religion and a social rule of life, not talking about a system, let alone the form of a state. In the second aspect, human values must be fought. Democracy can be in line with Islamic teachings. It covers the value of egalitarianism (al-musāwah), freedom (al-huriyah) and pluralism (ta` adudiyah), does not contradict Islamic principles, even long before Islam has spoken about and fought for these values. It does not mean that democracy is entirely following the spirit and breadth of Islam. Islam also contains other principles that democracy does not carry. The principles in question are the principles of syūrā (deliberation). From this understanding of democracy, what the Islamic democratic system wants to aim at is the implementation of Islamic teachings as a whole and consequently to create a benefit as aspired by siyāsah syar'iyah.

*Keywords: Democracy; Islamic Politics; Modern State; Siyasaḥ Shar'iyah*

## INTRODUCTION

Democracy is an essential concern in the life of modern culture today.<sup>1</sup> The preponderance of countries in the world responds well to these democratic notions.<sup>2</sup> The experiment of democracy has become a central concern that has always been a matter of discussion among political experts and practitioners, especially in

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<sup>1</sup> Arif Sofyan, "Pemaknaan Demokrasi Di Era Reformasi (Opini Masyarakat Jawa Tengah Terhadap Demokrasi Saat Ini)," *POLITIKA: Jurnal Ilmu Politik* 4, no. 2 (2014): 5-12, doi:10.14710/politika.4.2.2013.5-12.

<sup>2</sup> Kiki Muhamad Hakiki, "Islam Dan Demokrasi: Pandangan Intelektual Muslim Dan Penerapannya Di Indonesia," *Wawasan: Jurnal Ilmiah Agama Dan Sosial Budaya* 1, no. 1 (2016): 1-17, doi:<https://dx.doi.org/10.15575/jw.v39i1.583>.

Indonesia. This issue always costs socio-political, which is not inferior. Topics that always come up in connection with this issue are the pros and cons of implementing Islamic law and the Islamic state. This topic is continually reproduced and never finds an end. It can be used as an example of how Islam as an identity and ideology influences how people perceive citizenship and democracy so that Islam and the State have often confronted vis a vis.<sup>3</sup>

The experimentation of democracy suitable in Indonesia started when preparing for Indonesian independence in 1945, especially in the framework of discussion regarding the constitution. However, the concept of democracy, including the definitive Pancasila Democracy, has never been officially explained. Various alternative interpretations continue to emerge, both by the government and by intellectuals, including Muslim intellectuals. In the history of Indonesian politics, three democratic concepts can be used to characterize various Indonesian political systems. The three concepts are "Liberal Democracy" or "Parliamentary Democracy" (1950-1958), "Guided Democracy" (1959-1965) and "Democracy Pancasila" (1966 until now). Pancasila democracy was proposed by the New Order government, which came to power in 1966.<sup>4</sup>

This fact does not exclude the Muslim community in Indonesia. Driven by the desire to present Islam as a modern ideology and a progressive system of government, Muslim scientists and writers have reinterpreted Islamic political and juridical theory in democratic terms.

Narratives such as "recognition of authority (bai'ah), deliberation (syūrā), and consensus (ijmā ')", "equality of humans before God without differences in race, color and ethnicity", "freedom of belief and thought for both Muslims and non-Muslims. - Muslim ", is widely proposed. All are stated to prove Islam's humanistic and democratic character in its political constitution and social life.<sup>5</sup> However, it does not mean that Islam can be considered the same as democracy. Islam also has values that do not fully accommodate democratic values. These values, among others, are the concept of syūrā (deliberation), imāmah (leadership), gender and ahl al-ḡimmī.

## METHOD

This type of research is qualitative, using a normative and statutory approach. Sources of data come from books, credible journals with reputation and statutory

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<sup>3</sup> Gemael Flamirion dan Muradi, "Democracy and Civil Society in Indonesia and India: A Comparison Study," *Jurnal Wacana Politik* 1, no. 2 (2016): 189-195.

<sup>4</sup> Yusril Ihza Mahendra, *Perjalanan Hidup, Pemikiran Dan Tindakan Politik*, 1st ed. (Jakarta: PT Dyatama Milenia, 2004)., 154-178.

<sup>5</sup> 'Abbas Mahmud 'Aqqad, *Al-Dimuqaratiyyah Fi Al-Islam* (Kairo: Dar al-Ma'arif, 2000)., 43.

regulations. The analysis technique uses analytical descriptive by describing the problem solving as a whole.

## RESULT AND DISCUSSION

### 1. Democracy: System of Modern State

Etymologically, democracy means "the people in power" or government or rule by the people. This word comes from Greek; *demos* means people, and *Kratos / kratein* means power. In the Big Indonesian Dictionary, democracy means a form or system of government in which all the people participate in governing utilizing their representatives or the people's government, and ideas or views of life that prioritize equality of rights and obligations and equal treatment for all citizens.<sup>6</sup>

Democracy can also be interpreted as a conception of a human product that ratifies an absolute-dogmatic view and always assumes a horizontal negotiation process between individuals. In addition, democracy is often interpreted as a government process that benefits the people, even though the people do not participate in government. In a liberal-capitalist country, *democracy* is defined as a government-administered from, by and for the people.<sup>7</sup>

*Democracy* is narrowly defined as a system of government. Democracy is an institutional rule in order to take a political decision. Each person has the power to make decisions and fight for competitive support or popular votes. Democracy can also be interpreted as a tool to protect a society being led from abuse of power by those who lead. Democracy is a political system with the concept of sovereignty in the hands of the people (society), the authorities are accountable periodically to those they lead, minority rights (including the right to become the majority) are protected, and political competition between individuals and between ideas is very open.<sup>8</sup>

Democratic governance is characterized by the implementation of free and open general elections with guaranteed confidentiality of voting. It applies the principle of one man, one vote, recognizing the division and separation of power in government, placing equality for everyone before the law, opening communication between communities and the government, and enforcing human rights. In a broader sense, democracy is not only understood as a form of government and as more than a constitution, general elections and the rule of law. *Democracy* can also be defined as a way of life, a willingness to compromise, tolerance and openness. *Democracy* can also

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<sup>6</sup> Ali Syahab, *Agama Politik: Nalar Politik Islam*, 1st ed. (Jakarta: Citra Aditya Bakti, 2006)., 189.

<sup>7</sup> HM. Thalhah, "Teori Demokrasi Dalam Wacana Ketatanegaraan Perspektif Pemikiran Hans Kelsen," *Jurnal Hukum Ius Quia Iustum* 16, no. 3 (2009): 413-22, doi:10.20885/iustum.vol16.iss3.art6.

<sup>8</sup> Kamaruzzaman Bustaman-Ahmad, *Islam Historis: Dinamika Studi Islam Di Indonesia*, 1st ed. (Yogyakarta: Galang Press, 2002)., 141.

be defined as accepting a social contract that demands responsible behaviour, good citizenship, and the belief/view that no one has a higher position than the law.

Democracy consists of two dimensions, formal politics and participatory processes.<sup>9</sup> Formal politics is the granting of voting rights, general elections and political parties. In formal politics, democracy is seen as a market mechanism, which assumes voters as consumers and politicians as entrepreneurs. *Democracy* is a participatory process that shows the involvement (participation) of the community in determining programs and policies made by the government. From the participatory dimension, democracy aims to empower people to make decisions and policies reasonably, without pressure or discrimination. Therefore, democracy can ideally motivate and encourage everyone to participate in decision making.

Democracy contains essential elements, namely independence or freedom (liberty) and equality (equality).<sup>10</sup> *Freedom* is an ability to act based on individual desires. Individual freedom includes freedom of speech or expression, freedom of religion, freedom from danger and fear, freedom from deprivation (hunger), freedom of thought, freedom of association, including freedom for every individual to participate in the government formation as a fundamental human right. Equality takes many forms. Every human being who has a different background, such as race/ethnicity, religion, or economic status, should have the same rights, namely fair treatment before the law. For example, in the political arena, every citizen must have an equal and direct role in decision making.

The perspective of democracy includes liberalism, communitarianism, and criticism. Liberal democracy is based on the assumption of individual freedom or autonomy.<sup>11</sup> Therefore, the government is prohibited from interfering with individual freedom. Individual freedom or autonomy is a fundamental value of liberal democracy. In liberalism, individual interests are not always or must be following the wishes of other individuals. Therefore, individual autonomy is significant to provide various choices to citizens and enable them to determine what is best for their lives. A person feels free, able to shape, improve, and achieve his goals. Competition between individuals naturally occurs when each strives to achieve and fulfil their interests. In the political arena, citizenship is an instrument to achieve the non-political goals of autonomous individuals in determining their choices.

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<sup>9</sup> Muntoha Muntoha, "Demokrasi Dan Negara Hukum," *Jurnal Hukum Ius Quia Iustum* 16, no. 3 (2009): 379-95, doi:10.20885/iustum.vol16.iss3.art4.

<sup>10</sup> Ellya Rosana, "Negara Demokrasi Dan Hak Asasi Manusia," *Jurnal Tapis* 12, no. 1 (2016).

<sup>11</sup> Ridha Aida, "Liberalisme Dan Komunitarianisme : Konsep Tentang Individu Dan Komunitas," *Demokrasi* 6, no. 2 (2005): 95-106.

In contrast, political activity is conceptualized within the framework of laying down legal rules regarding social relations between individuals to obtain their respective interests. The main emphasis on the perspective of liberal democracy is the absence of government coercion, restrictions on the role of government, and individual sovereignty. Liberal democracy upholds the principle of individual autonomy. Therefore, the state does not have the right to interfere with the lives of its citizens except in certain circumstances. The role of government is to safeguard the fundamental rights of individuals to life, liberty and property rights. Such a role implies the privatization of democracy. If the government abuses power, the people have the right to overthrow or overthrow the government and replace it with a new government that can protect their freedom.

On the other hand, the communitarian perspective states that individuals are placed in historical and social contexts. Individual freedom must be synergized with the interests of society as a whole. Public piety is manifested in citizen communal charity, which should be integrated into community institutions at all levels and become the daily behaviour, customs, and moral sentiments of every citizen.

*Communitarianism* is a notion that is contrary to individualism built on principles. First, it does not reduce personal rights and the significance of collective rights, institutions, relationships, values, and the like. Second, placing value not only for the individual but also socially for each individual in society, or even for the community or society where the individual is located. This principle introduces values that tend to be forgotten, namely reciprocity, trust, solidarity, tradition and the like. These principles are to practice ethics and produce political principles by trying to adopt and apply universal basic principles and interpret and improve the values inherent in the philosophy of life of the community.

This critical perspective is based on several assumptions:

- a) many institutions, primarily political, economic and educational institutions, function to maintain and produce an unfair and exploitative condition that only benefits one group or class, namely the dominant group (the ruler), and creates a group;
- b) relations between classes or groups are a source of conflict;
- c) the dominant class controls the resources that support their position (power) and makes other groups (below) socially and economically marginalized, and
- d) to change the unequal relationship (unfair) the critics call for empowerment or defence of the oppressed and the underclass.

The supporters of this critical perspective believe that everyone has the right to self-determination or empowerment. They are not controlled by groups that hold power in existing institutions; e) empowerment aims to raise awareness of the

oppressed of the exploitative conditions and free and empower those who are powerless to take control of their lives to realize their future.<sup>12</sup>

Supporters of a critical perspective view democracy as an ideological struggle or struggle driven by the concepts of competition for power, politics and community. The democratic public sphere provides opportunities for marginalized groups to shape, influence, and criticise public opinion. Democracy can grow if there is a guarantee of community sovereignty or public and private autonomy. Private autonomy can be obtained through public autonomy, which forms people's sovereignty (people). Communicative autonomy is related to individual autonomy, which refers to the freedom of individuals as members of society to form and establish important norms, meanings, values, and identities through community action.

## 2. Respond of *Siyāsah Shar'iyah* on Democracy

Muslim thinkers in Indonesia offer varied views on the issue of democracy. Some reject, accept certain things and fully accept and even state that democracy is following Islamic principles. First, those who refused, among others, were Jalaluddin Rahmat. According to him, Islamic politics cannot be compared to democracy because of two things: (1) democracy is a secular political system in which the sovereignty is in the hands of the people while the sovereignty in Islam is in God's hands. The majority vote in a democracy cannot be used to change sharia. (2) In practice, the voice of the people, which is the embodiment of democracy, can be manipulated through threats or seduction. Therefore, Islam does not need to use the concept of democracy to perpetuate its teachings. As an alternative, it is given the option to expand further the meaning of tawhid, which means rejection of all forms of tyranny and the oppression of human rights.<sup>13</sup>

Another figure who rejects democracy is M. Thahir Azhari. According to him, it is not much different from Jalal. The essential Islamic political system is not democracy, nor is it a theocracy, but "nomocracy", namely that sovereignty is based on laws that come from God. People's sovereignty as in democracy can be justified as long as it does not conflict with the principles of the Koran and Sunnapp. This view is in line with Fauzi M. Najjar. According to him, the ummah has the right to participate in political life and make decisive political and theological decisions. However, all of them can only be carried out within the framework of the Shari'a. In other words, the Islamic community is not allowed to issue any laws that contradict God's provisions.

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<sup>12</sup> Bustaman-Ahmad, *Islam Historis: Dinamika Studi Islam Di Indonesai*.

<sup>13</sup> Jalaluddin Rahmat, "Islam Dan Demokrasi," in *Agama Dan Demokrasi* (Jakarta: P3M, 1992)., 43.

Second, accept certain things. It was conveyed by, among others, M. Natsir. Democratic principles are accepted only in matters that are not stated explicitly in sharia so that there is no democratic decision, for example, on the question of prohibition of gambling and adultery. According to Natsir, Islam is not synonymous with democracy. Islam has its concepts and characteristics, as well as democracy. Islam is Islam, and democracy is a democracy, only in some parts, it might meet.

Nurcholish Madjid also made the same statement. According to him, Islamic values are not in line with democracy as a whole, and some are even against it. However, some parts of it are compatible.<sup>14</sup>

Third, accept fully. Acceptance of democracy for three main reasons: (1) Al Qur'an instructs Muslims to carry out deliberations to solve their problems, and democracy uses this principle in its operations. (2) Historically, Rasul SAW applied deliberation with his companions in solving their problems, (3) Rationally, when Muslims were ordered to solve their problems, it shows that a democratic system is the highest form of the political system in human history. For this reason, democracy is most compatible with the spirit and substance of the Qur'an and the Sunnapp.

Of the various definitions of democracy, there is one thing in common: the term democracy relates to majority rule, the voice of the people, and free and responsible elections. This understanding is more pragmatic than the understanding that existed at the time of its birth, the renaissance period, namely that democracy is the idea of people's sovereignty as an opponent of God's sovereignty (theocracy) and as an opponent of monarchical sovereignty.

However, in the next journey, the term democracy is no longer considered only a method of majority rule through popular participation and free competition but also implies values, the struggle for freedom and a better way of life.<sup>15</sup> Democracy contains universal values, namely the values of equality (al-musawah), freedom (al-huriyah) and pluralism (al-community).

For Islamic neo-modernists, democracy and religion can be reconciled. Democracy is seen as the most appropriate political rule, while religion is positioned as a moral referee in the application of democracy. According to Abdurrahman Wahid, there are fundamental democratic values, and some are derivative or continuation of that main thing. There are three central values of democracy: freedom, justice and deliberation. Freedom here refers to the freedom of individual citizens and the collective rights of society. Justice is the foundation of democracy. It

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<sup>14</sup> Muhammad Hari Zamharir, *Agama Dan Negara: Analisis Kritis Pemikiran Politik Nurcholish Madjid*, 1st ed. (Jakarta: PT Raja Grafindo Persada, 2004), 321.

<sup>15</sup> Heru Nugroho, "Demokrasi Dan Demokratisasi: Sebuah Kerangka Konseptual Untuk Memahami Dinamika Sosial-Politik Di Indonesia," *Jurnal Pemikiran Sosiologi* 1, no. 1 (2012): 1, doi:10.22146/jps.v1i1.23419.

opens up opportunities for all people and means the economy or the person's independence concerned to organize his life according to his wishes. So, justice is essential in the sense that a person has the right to determine the course of his life, but that person must be respected for his rights and given the opportunity and convenience to achieve them.

As a political system, democracy has a formal mechanism stipulated in the law. As long as the legal process is still based on the foundation of the constitution, all legal steps cannot be blamed. However, democracy cannot be interpreted and implemented in terms of its formal rules. Not just a rule of thumb, whether or not to win or lose.

Democracy has an inner aspect, a spirit and spirit that builds its identity as a political system. The spirit of democracy is togetherness and benefit. Democracy indeed requires different choices. However, when these different choices are framed in a spirit of togetherness, no division will arise. Democracy is developed with a spirit to achieve mutual benefit. In this context, if democracy is carried out physically and spiritually, it will create benefits. On the other hand, the implementation of formalistic, physical, and religious democracy will encourage fraudulent and arbitrary attitudes.<sup>16</sup>

Islamic scholars argue that shura has a meaning that is comparable to and in line with democracy. Shura implies a modern Islamic government and political system or "Islamic democracy". This Islamic democracy contains democratic ideas and institutions which are based on principles or values:

1. The highest and absolute power belongs to God. Shura is the basis for the principle of God's sovereignty and the supremacy of shari'ah.
2. The highest and most significant power in an Islamic state is the Holy Koran and the Sunnah, while human power is under the power of God (second power).
3. Humans on earth get their power from God's power, according to the concept of istikhlaf (Khilafah).

Two groups of intellectuals, modernist Muslims and Western accommodationists, believe that Islam supports civil liberties such as freedom and equality. In Islam, people's rights have a religious basis. Tawheed contains a principle that frees humans from obedience to others. Hurriyah or independence contains several dimensions:

The individual is free from conquest, sin, hereditary inferiority, and hereditary disorders, also self-determining.

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<sup>16</sup> Abdul Mu'ti, *Deformalisasi Islam: Moderasi Beragama Di Tengah Pluralitas*, 2nd ed. (Jakarta: Grafindo Khazanah Ilmu Jakarta, 2004), 159.



An individual's rights are considered sacred so long as he does not intentionally violate God's laws or violate the rights of others.

Freedom contains sovereignty, accountability and responsibility.

The sovereignty of the individual is temporary, while absolute sovereignty rests with God.

1. With temporary sovereignty, everyone is responsible for his every deed before the public in this world and finally before God in the hereafter.
2. A balance between respecting group autonomy and maintaining individual freedoms over a large area.

Equality implies that all people before God are the same. Humans differ in terms of ability, potential, wealth and the like; however, these differences do not determine the superiority status of a person or group over another person or group. Equality also implies protection of human rights, including guarantees of personal safety and wealth, and must be realized by one's faith in God's revelation and the behaviour of believers.

Among Islamic experts, there are differences in responding to issues of shura and democracy. Some see shura and democracy as two identical things, others see them as two opposing concepts, while others see that they are closely similar, besides there are also differences.

The word *syūrā* comes from *sya-wa-ra*, etymologically meaning to get honey out of the beehive. In line with this definition, the word *syura* or in Indonesian becomes "deliberation" means anything that can be taken or removed from others for good. It implies that bees emit honey which is helpful for humans. Thus, decisions made based on shura are excellent and valuable for the benefit of human life.

The Qur'an uses the word *syūrā* in three verses. First, the letter al-Baqarah, 2: 233 discusses the agreement (deliberation) that husband and wife must take if they want to wean their children before two years. It shows that husband and wife must decide on children's problems (including other household problems) employing deliberation. There should be no coercion of the will of one party on the other. Meanwhile, the second and third verses, namely Surah Ali 'Imran 3: 159 and al-Shura, 42:38 speak more generally in a wider context. In QS. Ali 'Imran / 3: 159, Allah ordered the Prophet to conduct deliberations with friends.<sup>17</sup>

This verse was revealed in connection with the Uhud War, which led to the defeat of the Muslims. The Prophet himself was injured in the war. This verse teaches the Prophet and all Muslims to discuss deliberations in deciding something that concerns the interests of Muslims. In Sura al-Shura / 42: 38, Allah describes the

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<sup>17</sup> Ilyas, "Syura Dan Demokrasi Dalam Al-Qur'an Perspektif Al-Dakhil Fi Al-Tafsir," *JPIK* 1, no. 1 (2018).

nature of believers, one of which is to emphasize deliberation in every problem they face (*wa amruhum syūrā bainahum*).

At first glance, the verses that talk about deliberation are very few, and even that is only very general and global. The Koran does not discuss this issue further and in detail. The Koran only provides a set of values that are technically entirely left to humans according to their needs and challenges. The Koran adheres to the principle that for problems that can develop following the Muslim community's social, cultural, economic and political conditions, only the outline is determined. If deliberation were explained in a detailed and rigid manner by the Koran, Muslims would likely experience difficulties developing social realities. Muslims will be fixated on the Quranic texts alone without daring to improvise. By giving a general description, Allah has given complete freedom to Muslims to use their minds and thoughts, as long as they do not violate the limits set by Him in the Koran. For this *shura* principle to run well as determined by Allah, at least three things must be considered: what problems are the deliberation fields, with whom the deliberations are carried out and how the ethics and methods of deliberation are carried out.

In verse, Allah states that the deliberation is *al-amr* (*wa syāwirhum fi al-amr and wa amruhum syūrā bainahum*). In simple terms, the word *amr* can be defined as affairs, problems and problems. Based on this verse, it can be understood that deliberation is carried out in matters relating to the problems of Muslims in general. Some scholars view that the order of deliberation to the Prophet was only related to tactics and war strategies against the enemy. It follows the context of the passage of the letter Ali 'Imran, 3: 159 at the time of the Uhud War.

Allah ordered the Messenger of Allah to conduct deliberations to strengthen relations further and eliminate feelings of disappointment among Muslims.<sup>18</sup> The problem of deliberation is only limited to worldly affairs that have no revelation, not religious matters. However, some argue that deliberation can also be done on religious matters. The reason is that the occurrence of social changes and the development of science makes some religious problems also affected and demands adjustment because the Koran and the Sunnah have not yet determined a detailed and firm way of resolving them. It is a more advanced and more reasonable argument. Because if society and social change are not anticipated together by way of deliberation. From this understanding, it can be concluded that the standard and detailed issues described by Allah and His Messenger have no place for discussion. Therefore, Islam does not justify conducting deliberation on matters such as the basics of faith or worship of Allah. It is the full authority of God. On the other hand,

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<sup>18</sup> Muhammad Yakub, "Islam Dan Solidaritas Sosial: Perkembangan Masyarakat Islam Periode Madinah," *Jurnal Pemberdayaan Masyarakat* 7, no. 1 (2019): 31, doi:10.37064/jpm.v7i1.5607.

on the explained problems, Muslims were ordered to carry out deliberations according to their needs. For example, deliberation is carried out in determining public policies, such as establishing tax and trade laws.

It is a fact that not all humans have intellectual abilities and sharp thinking. Therefore, deliberation cannot be carried out by bringing together all humans and asking their opinion on a problem. The Prophet himself included senior friends. It is not uncommon for him to only ask for advice from experts in the matter in question (professionals) or certain friends who have sharp views and thoughts. The scholars view that this deliberation is only carried out by people with deep knowledge and sharpness of thought. These people will carry out deliberations to find solutions to the problems faced by Muslims.

Al-Mawardi and Sunni scholars, in general terms, people who carry out deliberations with ahl al-hall wa al-'aqd (people who have the right to untie and tie). The point is the person who can decide something or cancel it. Meanwhile, Ibn Taymiyyah named them ahl al-shakapp. In essence, these two terms denote a group in society that can be used as a "place for questions" and a reference for the benefit of the community. This group at least consists of people who are influential in society, mainly because of their deep knowledge and great concern for society's interests. Thus, ahl al-hall wa al-'aqd or ahl-syukah can be said to be the representative of society to solve the problems faced by the community concerned so that the benefit of their life can be achieved.<sup>19</sup>

From this description, it can be concluded that deliberation is the essence of Islamic teachings that must be applied in the social life of Muslims. Like shura, democracy also emphasizes the element of deliberation in making decisions. Democracy, which is defined as a form of power that comes from the people, by the people and for the people, requires the participation of the people in deciding a problem and controlling the government in power.

Furthermore, it can be argued that there are seven main principles of a democratic system.<sup>20</sup>

1. Freedom of speech. Every citizen has the right to express his opinion without feeling afraid. In a democratic system, it is crucial to control power in order to run correctly,
2. Implementation of elections in Indonesian political language, which is overflowing and fair regularly,

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<sup>19</sup> Rahmawati, "Sistem Pemerintahan Islam Menurut Al-Mawardi Dan Aplikasinya Di Indonesia," *DIKTUM: Jurnal Syariah Dan Hukum* 16, no. 18 (2018): 264-83.

<sup>20</sup> Muntoha, "Demokrasi Dan Negara Hukum."

3. The majority holds 3. Power without neglecting minority control. This principle recognizes the right of a group's opposition to the government,
4. Therefore, in line with the third principle, in a democratic system, political parties play an essential role. The people have the right freely to support which party is more following their views and choices,
5. Democracy requires the separation of legislative, executive and judicial powers. With this separation, there will be checks and balances so that that power will be avoided from exploitative practices,
6. Democracy emphasizes the rule of law. All individuals must be subject to the law, regardless of their position and social status,
7. In a democracy, all individuals or groups are free to do actions. Therefore, all individuals are free to have property rights without being disturbed by any party.

Based on this, it can be seen that democracy follows the principles of shura as taught in the Koran.

In essence, both democracy and shura limit government power and emphasize society's critical role in controlling power. Shura and democracy also emphasize decisions made by deliberation to eliminate mistakes. More importantly, these two principles reject all forms of dictatorship, arbitrariness and exploitative attitudes of the government in power. Therefore, it can also be stated that shura and democracy both want the benefit of the citizens.

## CONCLUSION

Democracy has two aspects, first as a system and a form of the state, second as universal values that are fought for the sake of human dignity. In the first aspect, as a system and form of state, democracy cannot meet the concept of Islam because it does not speak of a particular system and form of a state. Islam is more of a religion and a social rule of life, not talking about a system, let alone the form of a state. In the second aspect, as human values must be fought for, democracy can be in line with Islamic teachings.

The principles of values brought by democracy, namely the value of egalitarianism (*al-musāwah*), freedom (*al-huriyah*) and pluralism (*ta` adudiyah*), does not contradict Islamic principles, even long before Islam has spoken about and fought for these values. However, this does not mean that democracy is entirely following the spirit and breadth of Islam. Because, on the other hand, Islam also contains other principles that are not brought about by democracy. The principles in question are the principles of *syūrā* (deliberation). From this understanding of democracy, it appears that what the Islamic democratic system wants to aim at is

implementing Islamic teachings as a whole and consequently creating a benefit as aspired by *siyāsah syar'iyah*.

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