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APPOINTING NON MUSLIM LEADERSHIP BASED ON FIQH SIYASAH PERSPECTIVE AND THE IMPLEMENTATION IN INDONESIA

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Abstract. *This paper is a literature study and field study, the theme raised was appointed non-Muslim leaders from the perspective of Fiqh Siyasa and the implementation in Indonesia. There are three questions: first, how is the concept of non-Muslim leaders in Islamic studies? Second, how is to appoint non-Muslim leaders in the Fiqh Siyasa perspective? Third, and how is the implementation in Indonesia? By using content analysis to explain the first question, about how is the concept of non-Muslim leaders in Islamic studies and also the second question, how is to raise non-Muslim leaders in the perspective of Fiqh Siyasa, and also field approach to explain it's implementation in Indonesia, the results of this paper are: first, knowing the leaders' concepts of non-Muslims in Islamic studies, second, knowing appointed non-Muslim leader in the Fiqh Siyasa perspective., third, knowing the implementation of non-Muslim leaders in Indonesia.*

Keywords. Non-Muslim Leaders, Fiqh Siyasa, Implementation in Indonesia

INTRODUCTION

The relation between religion and political have been always an interesting topic of discussion, by groups who hold fast to religious teachings and by groups who hold a secular perspective. For Muslims, the emergence of this perspective stems from problem: Is the apostolic prophet Muhammad SAW related to political issues or is Islam religion closely related to government affairs and form of the government, as well as its principles embodied in Islam? The appearance of these problems is considered reasonable, because the message of Islam brought by the prophet Muhammad SAW is a religion full of teaching and laws (*qanunin*) which aimed at build up humans to obtain

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the happiness of life in the world and the hereafter. It means that Islam emphasizes the realization of harmony between the worldly and hereafter (*ukhrawi*) interests because of it, Islam contains teachings that are integrative between monotheism, worship, morals and moral, as well as general principles about social life¹.

Among Muslims there is an opinion that Islam is a comprehensive religion. In Islam there is a political system and state administration, economic system, social system, and so on, for example Rasyid Ridha, Hasan Al-Banna and Al-Maududi believe that "Islam is a complete religion". In Islam teachings, there is a state administration or politic, therefore in the state, the Muslim should return to the Islamic state administration system, and no need to imitate or must not imitate the western constitutional system, Sayyid Qutb, an author of the *Tafsir Fi Zhilal al-Qur'an*, also believes that Islam is a perfect religion and very complete religion as a system of life that not only includes moral guidance and worship, but it also includes the political system including its form and characteristics, the social system, the economic system and so on².

Not surprisingly, if in the history of Muslims Post-Prophet until this modern era, Muslims displayed various systems and forms of government, ranging from democratic caliphates to absolute monarchists. Regarding the relationship between religion and the state, there are three groups thinking, the first, says that the state is a religious institution and a political institution, therefore the leader of state is the holder of religious and political power, the second group says that the state is a religious institution but has a political function. Therefore, the leader of state has political power with religious dimensions. The third group says that the state is a political institution totally separate from religion. The leader of state has only political power or worldly rulers³.

Therefore, in the era of leader election is often relate to the religion adopted by the majority people in that place, identity politics is one of the factors that is highly related to the chosen leader, Nadirsyah Hosen, for example, says related to non-Muslim leader: This is the translation of QS Al-Ma'idah 51, which has been circulating lately: "O you who believe, do not take the Jews and Christians to be your" *awliya* "; some of them are "awliya" for some others. *Whoever* among you *takes them* to be "awliya", then *surely* that person belongs to

¹ J. Suyuthi Pulungan. M.A. Fiqh Siyasa, PT. Raja Grafindo Persada, 1994 page. 1-5

² H. Munawir Sjadzali, M.A. Islam dan Tata Negara, UI.PRESS, 1990 page. 1-2

³ *Ibid.* page 5.

their group. Surely Allah does not guide the wrongdoers. "The word "awliya" in Al-Ma'idah verse 51 which is used as a reason for prohibiting the appointment of kafir leaders is worthy of reviewed again. Translation of the Qur'an from The Ministry of Religion translates it as "leader". The context of asbabun nuzul and my reading of classical interpretations such as at-Thabary and Ibn Katsir do not indicate the word "awliya" in the above verse means as a leader, but a kind of partner or alliance. The explanation of Ibn Katsir's about asbabun nuzul QS al-Ma'idah verse 51: "The scholars have different interpretations of the cause of the background the decline of these noble verses. As-Saddi mentions that this verse was revealed with regard to two men. One of the two said to the other after the Uhud War, "As for me, actually I will go to that Jew, then I take refuge in him and join Judaism with him, perhaps he is useful to me if something happens or something." While others stated, "As for me, in fact I will go to the Fulan who are Christians in the land of Sham, then I take refuge with him and join the Christians with him." Then Allah said: O believers, **do not take the Jews and Christians** to be your "awliya" ... (Al-Maidah: 51), until the next verses.

What is meant by the term "awliya" in this verse is to make close friends with them, to be loyal, sincere and to keep their love secret and to reveal the secrets of the believers to them." So Tafsir Ibn Kathir does not interpret the word "awliya" as a leader both in QS al-Ma'idah verse 51 and an-Nisa verse 144. He says it means about friends in the sense of allying and alliance with the jew by leaving Muslims. Not in the sense of a ban on everyday friends. The context of al-Ma'idah verse 51 was when Muslims lost at the Uhud War. So there are who tempted to cross by allying themselves with the Jews and Christians. That is prohibited⁴.

Ibn Taimiyah reminds us:

فَإِنَّ النَّاسَ لَمْ يَتَنَازَعُوا فِي أَنَّ عَاقِبَةَ الظُّلْمِ وَخَيْبَةٌ وَعَاقِبَةُ الْعَدْلِ كَرِيمَةٌ وَلِهَذَا يُرَوَى : " اللَّهُ يَنْصُرُ الدَّوْلَةَ
" الْعَادِلَةَ وَإِنْ كَانَتْ كَافِرَةً وَلَا يَنْصُرُ الدَّوْلَةَ الظَّالِمَةَ وَإِنْ كَانَتْ مُؤْمِنَةً "

"Indeed, humans have agreed that the result (or effect) of wrongdoing is destruction and the result of fairness is glory. Therefore it is reported that Allah will help a fair country even though he is an infidel and will not help an unfair country, even though he is a believer. "Thus, the spirit of Islam is justice, and its opponent is tyrannicalism. If there are people who are fair (able to do justice and uphold justice), we will support them even though they are not Muslims and Allah will help those who are fair. If there are Muslims, who act wrongfully and commit wrongdoing, then don't support them. Allah will not help wrongdoers
Look at <https://nadirhosen.net/artikel-isnet/kriteria-pemimpin> accessed on Friday 20 March 2020.

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LITERATURE REVIEW

The Concept of Non-Muslim Leaders in Islam

The main source of the problems of leaders who are taken from one letter is the verse An-Nisa (4:59) many people who interpret this verse, including Islamic groups and say that a leader has the nature of "compliance" or obedience that all are rigid and textuality from Allah, the prophet, and leaders from you (*uli al-amri minkum*). *Minkum* or that feels "from you" which is then considered as your type or group. Allah and the prophet say to give reinforcement (*ta'kid*) to groups based on the belief. There is an interesting thing in the ³surah Ali Imran verse 28, "do not let the believers take the ³disbelievers to be leader", but there is an exception to the ³surah Ali Imran verse 28 that taking ³non-muslim leader is allowed to use as a strategy to protect themselves from those feared.

Most of the Muslims or Muslim thinkers present time take the main reference to Muslim thinkers or take references from medieval scholars such as Ibn Khaldun, al-Mawardi, Ibn Taimiyah and scholars who used to say that the main requirement for becoming a leader is a Muslims or by affirming that Islam is the main requirement becoming a leader. Opinion full of controversy expressed by Ibn Taimiyah which viewed that the opinion of Ibn Taimiyah is full of controversy. Ibn Taimiyah stated that the emphasis fair nature of the leaders could realize the welfare of society. He also emphasized that God defends a just State even though it is lead by infidels and God will not defend a tyrannical country even though the leader is a Muslim. This opinion of Ibn Taimiyah was made aware of in Al-Hadid verse 5, Al-Maidah verse 42, and Al-Nisa verse 58. From contemporary Muslim thinkers who indicate the inevitability of non-Muslim leadership is Abbdulahi An-Naim when discussing Islam and human rights. The concept offered by an-naim is to empower or use the concept of *nasikh wa mansukh* from *madaniayah* verses which discusses specifically, *makiyah* verses which discusses the general context.

When Ibn Taimyyah argued that a State leader was a fair person, it was supported by Allah even though he was a non-Muslim and the State was led by a tyrannical and despotic Muslim would not be supported by Allah. He was asserting that a leader was original without regard to the religion he believes. A question arises from

Ibn Taimiyyah's opinion, namely how to treat the Qur'anic texts which explicitly mention the prohibition of non-Muslim as a leader. To answer this question, we should follow the opinion of Muhammad Abduh.

Abduh said, the verses quoted by the ulama that have refused non-Muslims become as leaders could not be denied at all. What was not mentioned that they were prohibited being chosen because they were hostile to Muslims when the non-Muslim entity did not defeat Muslims and they were together with Muslims in one State entity as citizens so they could be elected as the head of the State. Abduh strengthened his argument with surah *al-muntamaha* verses 7, 8, and 9 which read "hopefully Allah will bring affection among you with those whom your hostile between them. And Allah is merciful, forgiving. Allah is almighty. Allah does not forbid you to do good and be fair to those who do justice. Verily Allah only forbids you to make your friends those who fight you because of religion and drive you out from your country. And whoever makes your friend, then those who.

The Concept of Non-Muslim in Fiqh Siyasa

Human expectations of law in general include the hope of security and peace of life without a time limit. Therefore, people will hope for the following things: The benefit of life for oneself and others: The upholding of justice, the guilty must receive the right punishment and the not guilty receive good and right legal protection; Equal rights and obligations in law. The law is not picking and sorting for different reasons; Control each other in people's lives, so that the enforcement of law can be realized by the community itself, such as the existence of an environmental security system (*Siskamling*); freedom of expression, opinion, do an action without exceeding legal boundaries and social norms; Positive social regeneration and responsibility for the future of social life and national life. If even one minute of social life is not guaranteed by strong law, the community with all its components will be damaged, because a minute without legal guarantees is like a social disaster that justifies all criminal behavior, or there is no such thing as a crime, because the rule of law states that "there is no law if there is no text that sets it" (*la hukma li afal al-uqala qobla wurud al-nash*), as the principle of legality in law.

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According to Hanafi (1986: 58), as the principal of life and law enforcement, is in full of view even more dangerous is that the law is not useful anymore, because the partisanship of the law is not on justice and equal rights, so the people lack of trust in the law and see applicable law is a law made in the interests of their respective passions. Violation of the law on the grounds of law is no longer effective, is the nature of breaking the law that is mingled with social turmoil. Political reasons in seeing the position of law will obscure the existence of law as the guardian of community justice. It is different from the nature of violating the law in conditions justice is still standing. Such characteristics are other attitudes (subjective) and attitudes without any rights⁵.

Contrast to the law, contrary to the right of justice is social ambition and fair goals, but justice is never objective. He is always subjective no exception in law. In the world there is no objective justice, because of it the nature of God's justice will be tarnished. Because only Allah is the Almighty, worldly justice is always subjective. Someone who has gained worldly justice it only feels justice according to his own judgment, so that justice may not be felt by others. Subjective and relative justice is evidence of absolute justice in the transcendental universe, because if justice has been fulfilled entirely in the world, in religious beliefs there will be no day of vengeance in the hereafter. The highest goal in law is to uphold justice, but apply justice is not justice texts, but humans who accept the titles of judges, lawyers, attorney, law enforcement officers, police officers, and so on. They all read, memorize the law, apply for certain criminal / civil acts, and interpret them logically in legal proceedings before the panel of judges in a trial at the Court. Laws can be twisted, facts can be made up, and justice as the end of the law is always, subjective and tastes different, depending on who feels it. However, acting to pursue the law and applying the law in a juridical-practical manner is the best effort to obtain a sense of justice.

The fundamental ambition of the enforcement of the law will be the most important social theme. Not all court decisions and decrees in cases of unlawful actions display a sense of justice for the defendants and plaintiffs or for defendants and public prosecutors and the public who are witnesses, spectators of the justice war 'as the aim of the law. With this mind, then what is meant by the purpose of Islamic law as the meaning

⁵ Wirjono Prodjodikor.....page 2

of *siyasa* with the focus of the intended purpose? This is questionable because Islamic law is not automatically a law that applies in the political life of the state. Sometimes, many people consider Islamic law and its implementation to be individualized, so that when someone does not care about Islamic law, he views it as a personal matter. Moreover, if the intended person someone who does not understand the nature of Islamic law and the obligation to practice it. According to Ibn Qayyim (died 751 H), the identity of Islamic law is fair, gives mercy, benefits, and contains a lot of wisdom for life. Thus, everything that is misguided or wrongdoing, does not give a sense of justice, far from mercy, creates interpretations, and so on is not the goal of Islamic law⁶ Asy-Syatibi (died 790 H) said that the goal of Islamic *shari'ah* is to reach the benefit of servants, both in the world and in the hereafter. The benefit is based on five basic things, namely: first, maintaining religion (*hifzh ad-din*). Second, maintaining the soul (*hifzh an-nafs*). Third, maintaining mind (*hifzh al-'aql*). Fourth preserves the descendants. Fifth [*hifzh an-nasi*], preserves wealth (*hifzh al-ma*). The meaning of 'nurturing' has two basic aspects, namely: Aspects that strengthen its elements and strengthen its foundation called *hifzh ad-din min janib al-wujud* such as faith, utter sentences of *shahadah*, prayer, fasting, and pilgrimage; *hifzh al-nafs min janib al-wujud and hifzh al-aql min janib al-wujud*, such as food, clothes, and residence. *hifzh al-nasl min janib al-wujud*, such as the rules of marriage; and *hifzh al-mal min janib al-wujud*, such as the obligation to seek halal sustenance and rules in the field of *muamalah*.

Aspects that anticipate that these five things are not disturbed and well maintained. This aspect is called *hifzh ad-din min janib al-adam*, such as the existence of *jinayah* criminal law). With the existence of *jinayah* rules, every criminal will be brought to justice and receive legal sanctions fairly. As well as, it has to do with self-care, mind-keeping, care of offspring, and care of property⁷. The purpose of Islamic law from the *syar'i* aspects above is not out of the ambition of obtaining benefit. All Islamic law is produced on the basis of benefit can be reviewed from three aspects, namely: Benefits because it is in accordance with the general guidelines of the first Islamic law, although there is no text that can directly be used as an argument, if it is fought for, it will provide

⁶ (Ibnu Qayyim,volume III page 3).

⁷ |Asy-Syatibi Muwafaqah, volume II, 81

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a sense of security and peace for the life of a married person, he must be registered at the Civil Registry Office (KTUAL) so that he is safe from adultery and makes other administrative arrangements easier. This is part of government policy for the benefit of the people. Seeing the nature in accordance with *Syara* 'purpose which requires the existence of legal law in order to create a benefit, as a Marriage Certificate is made so that the goal of maintaining offspring is achieved because a Marriage Certificate is needed to make a child's birth certificate, and a child's birth certificate is needed for various purposes, for example entering school, making Askes for Civil Servants, making Family Cards, and so on; Look at the process of determining the law against a benefit shown by a special argument. The point is that the benefits created by the legality of one of the objectives of *Shara*⁸ 'are recognized, for the three aspects above three terms are used, which Asy-Syatibi calls (*al al-maslahah al-mursalah*; (b) *al-munasib al-mursal*; (c) Asy-Syatibi⁹ said that the five objectives of sharia *maqasid asy-shari'ah*) which had been stated were based on the proposition of the Qur'an and As-Sunnah. The proposition is functionally a *qawā id id kulliyah* in establishing *kulliyah al-khams*. Therefore, the proposition used is taken from the *Makkiyah* verses that are absent from *mansukh*, reinforced by the arguments taken from the *Madaniyah* verses. The five objectives of the *Shari'ah* are focused on three rankings of needs based on the priority scale of each, namely: first, *Dharriyah* needs, second, *Hajjah* needs, and third, *tahsiniyah* needs.

Dharuriyah needs means the main needs which are the most essential priority scale, namely the five objectives of the *Shari'ah* itself, namely preserving religion, preserving the soul, protecting the mind, preserving offspring, and protecting property. The need for *hajjiyah* is not an essential need, but a need that can prevent people from the difficulties of life. Not fulfilling the needs of *Hajjiyah* will not threaten the disruption of these basic needs, but will only cause difficulties for the *mukallaf*. However, because the *mukallaf* is not able to fulfill the needs of his pilgrimage, in Islamic law, there is relief

⁸ Rachmat Syafi'i.....halaman 119

⁹ As-Syatibi's full name is Ibrahim ibn Musa ibn Muhammad, Muhammad Makhluḥ placed Syatibi in the 16th rank in the Andalusian branch of Jurisprudence. Abu Ishaq while the nisbat is as-Syatibi or al-garnati. Garnati was attributed to the ruling kingdom when Imam As-Syatibi lived (Granada) while Syatibi (Satifa) was a city in eastern Andalusia. He was born in 720 H Imam Syatibi spent all of his life in Granada, he never went out of Andalusia because Even historians have never explained that the Syatibi priest went out of Andalusia, to perform the pilgrimage or to carry out scientific expeditions to several eastern states. Thesis IAIN Sunan Kali Jaga, Yogyakarta, 1997-1998.

called *rukhsah*. The *tahsiniyah* needs are the needs that support the improvement of the standard of living of human beings and their dignity in the eyes of Allah, in accordance with their obedience¹⁰. Rules that are *dharuriyah* intended to uphold human life in the world and the hereafter. The need for *hajjiyah* is intended to eliminate difficulties in its implementation, because Islamic law does not require unreasonable difficulties. Islamic law does not require narrowness in humans who are essentially weak creatures (*al-insā ndha ifun*). Islamic law relating to the needs of *tahsiniyah* is intended to control human life so that it is always in harmony, harmonious, and full of aesthetic values.

Humans are guaranteed by their commendable behavior or character, and thus people's lives feel more peaceful and prosperous. Politics and Crimes are existing. There are benefits and nothing worthy except the candidate. There must be a party that supervises / controls the actions of the non-Muslim vice-governor candidates so as not to harm Muslims. In this case it can be done by *shufaha 'al-balad* / Islamic mass organizations. Do not publish their role because it can cause affection for infidels who are not permitted by the *Shari'a*. While in the current context is not absolutely permitted. This is considering; although the conditions in the area require leaders who have capabilities in a field that is owned by non-Muslims, such as overcoming floods, overcoming congestion and so on, but the territorial restrictions for imam, as discussed in the book of *salaf* (see conditions above), cannot be realized in Indonesia. This is because the governor's authority in Indonesia is quite comprehensive. So it is feared that he will lead in a field that is actually still able to be led by Muslims, even must be overcome by Muslims, such as making regulations relating to Muslims, such as the problem of slaughtering sacrifices, closing genitals, etc. And the obligation not to publish his role if he is to be appointed as a leader (as discussed in the book of the *Salaf*) is very difficult to implement given the freedom of the media in Indonesia has been very developed and difficult to limit¹¹.

¹⁰ Asy-Syatibi, Jilid III, 4

¹¹ حواشي الشرواني على تحفة المحتاج الجزء الحادي عشر ص 343 طبعة دار الكتب العلمية ولا يتعان عليهم بكافر (ذي أو غيره إلا إن اضطررا لذلك). قول المين ولا يستعان إلخ) أي يخرم الثيمة رح بجواز الاستعانة به أي الكافر عند الرورة وقال الأدردي وغيره إليه التجه اه) قول التتن باقي) أي لأنه يخرم تشليطه على المسلم نهاية ومنهج زاد التعني ولذا لا يجوز لمستحق القصاص من مسيم أن يوكل كامرا في استيقانه ولا لإمام أن يتخذ جلادا كقرا لإقامة الحدود على المسلم بين أهقال ع المسلمي بن أهد. القائة بغير التسليبين في غير القتالي: تجوز الاستعانة في الجلة بغير المسلم، سواء لكتاب أم من غيرهم في غير القربات، كتعليم الحظ والحساب والغر المباح، وبناء القناطر والمسالك تعليم الفزان، في الأمور التي يمع من ماوليها قترعا، الخانو في ولايه على المسلمين، أز على أولادهم تفضنهم وتؤقيرهم في المجلي والقيام عند قدومهم فإن دلا له على العظيم واضحة، وقد أمزنا الأفردي بني كان استكتبه باليمن وأمره يعزله. قال (الصاص): (وفي

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METHODOOGY

This is qualitative research which is not deal with number anymore. The data are taken from the observation on the phenomenon of Jakarta's election 2017 where there are three couple candidates for the first round, they are Basuki Tjahatja Purnama coupled with Djarot Saiful Hidayata, Anies Baswedan coupled with Sandiaga Salahuddin Uno, and Agus Harimurti Yudhoyono coupled with Sylviana Murni. In the second round, there are Basuki Tjahajta Purnama and his couple against Anies baswedan and his couple and other region's election in Indonesia. To measure the accurate data, this research is done throughout the election.

FINDING AND DISCUSSION

Implementation in Indonesia: Non-Muslim Leaders

In 2017 Gubernur election case in DKI Jakarta left many disputes between one to another, between those who were support and those who were refuse. Because the debate at the democracy event was followed by two candidates (second round) who had different religious in the candidates for governor. Anise Rasyid Baswedan (Muslim) and Sandiaga salahudin uno (Muslim) against Basuk Tjahja Purnama (non-Muslim) and Djarot Saiful Hidayat (Muslim). In the governor's election that took place in Jakarta, it was finally won by a partner Anies Baswedan (Muslim) and Sandiaga Salahudin Uno (Muslim) which was carried by several political parties and Islamic mass organizations. In this case there is such thing as a condition for religious battles. Besides the battle of vision and mission, it is also very clear that there is a religious battle going on. There was a case of "Confiscation of Religion" carried out by Basuki Tjahaja Purnama, which had just been decided that blasphemed religion. Although many parties disagree if the

هذي الآية نظائرها ولاله على أن لولاية لكافر على السلم في شيء، وأنه إذا كان الكافر ابن صغير مسلم بإسلام أمه، فلا ولاية له عليه ولا غزوه، ويدل على أن الذمي لا يعقل جنابة المشرك، وكذلك المسلم لا يعقل جنابته، لأن ذلك من الولاية والصرة والمعوة. (مما بيده هذا الرأي ويرجحه وله تعالى): ولن تجعل اله لكافرين على المؤمنين سبيلا {النساء: 141}. [و الغرر البهية الجزء العاشر ص: 192 أعتى فيما يبظه وقن وكافر ونارعه الأدرعي وغير في الكافر والأزجه ما قاله لأن العرض الإضطزار يند حكة إذا واق الق اه تحفة في مواضع خالف م رفي الكافراه: بغية المسترشدین ص 3 طبعة الحرمين مسألة ي) يتبع في النظر ما شرطه الواقف بترتبه، من كانت التوه له وتأهل ل لنظر قله الولاية، فإن ل يتاقل لصغر أز جنون أو عدم كفاية انتقلت إلى الحاكم إلى كماله ق 4 أنه لا ولاية لوصي الوصي ولا تتأخر مع جود متقدم ناقص، فلو اشتولى شخص بلا تولية ولا نظر حرم ولزم الحاكم تزغه منه، بينة. وقال ابن سراج والبدظة بن عمر: يصدق ذو اليد والقلب إلى الأول أميل، نعم إن كان المتولى ومن قبله من صلحاء البلد وقصد حفظه لعدم الحاكم أز جوره كان محسنا، لأن البراد بالحاكم حي ألقى العدل الأمين كامل المطر غير كالعدم، حبيذ يلزم صلحاء أهل بلد الوقف تولية أهل لذلك ولا أنوا ولرم من تح يده الوقف الصرف في إن كان أفلا لا قع إلى أهلي اه. 878. page 2016. Kediri, Lirboyo, Fiqh kange. lihat

election of the Jakarta regional head, practically religious issues are very closely brought in order to support one of the candidates and to corner one the other candidates, which then the Governor election is won by Anies Rasyid Baswedan (Muslim) and Sandiaga Salahudin Uno (Muslim).

The same case occurred in several other regions, but it was different from the election of DKI Jakarta where the choice of its leader was very familiar with the condition of the majority (religious) population. This case occurred in West Kalimantan, the governor was a non-Muslim. BPS data in 2010 shows that the population of West Kalimantan is 2,063,318 people (59.22%) are Muslims and Catholics 1,008,368 people (22.93%), Christians 500,225 people (11.37%). With a total population is 4,395,983. Although the data show that there are more Muslim populations than Catholic and Christian populations, it is undeniable that their leader is DRS. Cornelis, SH (a Catholic). In fact, if it refers to the amount of population is quite significant between Muslims, Catholics, and Christians. When referring to data leaders must be seen from the representation of the majority group. As well as the Maluku although population of Muslims with Non-Muslims are not really significant but, the leader in Maluku is Muslim namely H. Said Assedagf (2014-2019). When referring to the BPS data, the population of Muslims is 776,140 people (50.15%), Christians 634,841 people (41.02%) and Catholic 103,629 people. The total population 1,547,340 people. If we dictate between Muslims and Non-Muslims, it can be seen that Non-Muslims in Maluku province are more comparable to Muslim populations than it is different from in Papua, West Papua, North Sulawesi, and East Nusa Tenggara, the issue of religious is relatively silent. Elected district head of North Maluku ethnic Tinghoa (Non-Muslim). For example, giving a variety of aspirations among the people (Islam), especially in choosing leaders as happened in some places in Indonesia.

The case in Sul¹²a Regency has the same case as in the case of Banjarnegara, but the difference case in Bnajarnegara is an ethnic of Tionghoa was elected as a leader, but

¹² *The choosen of the Regent of Sula Islands Regency in North Maluku, who is Chinese non-Muslim ethnicity, for example, provides an explanation of the various aspirations among Muslims (especially) in electing leaders as happened in several regions in Indonesia. The elected regent for 2016-2021 is Hendrata Thes. The vise is Zulfahri Abdulah Duwila, a Muslim. The total population of Sula Regency as reported by BPS in 2013 was 195,023 people divided according to religion*

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he was a reverts, while Bupati, Sula, was still a Christian when he was elected as a leader of regent until now. Budi Sarwano, the Regent of Banjarnegara Regency, who was chosen from Tionghoa ethnic who was in the condition of the majority of people there was Muslim Javanese. The description provides an explanation of the various perceptions of the election of the people elected in a regional election sprit election process which took place in all regions in Indonesia. The cases that have occurred have shown that not always those who have the same identity (religion) always win.

The cases that occurred in DKI Jakarta indeed led to a lot of debates and what happened at the election. it was the abuses of using religious instruments as part of the campaign and finally marginalizing one of the candidates for the governor. In contrast to the case that occurred in West Kalimantan, the election of governors is more based on ethnicity's affair. Because, the Dayak ethnic is the dominant ethnic group and the elected governor is a Dayak ethnic. In contrast to other areas, for example in Maluku, even though the Muslim population is minority than the existing non-Muslim population. But the leader is a Muslim. Different again in other provinces such as East Nusa Tenggara, Papua, West Papua, North Sulawesi, and Bali have a linear tendency to the existing population conditions. Otherwise, as in the provinces of South Sulawesi, NAD, West Sumatra, Jambi, NTB, Java, and others.

The debate about non-Muslim leaders as above has justification on the community. Public Muslims have a debate over this leadership. There are 2 main lines regarding non-Muslim leaders, some Muslims accept and some reject it, in terms of groups there are agree, and there are disagree with the leadership of a Muslim by expressing the conditions in his argument. This is clearly illustrated by young people (university students) at a private university in Yogyakarta. In December 2017 the authors distributed questionnaires to 200 students from various regions in Indonesia to illustrate how the younger generation of young people to choose their leader in the queries, only answering agree and disagree. From these questionnaires resulted in the majority of the younger generation rejecting the leadership of Non-Muslims was rejected on the basis of understanding the text and facts of the majority Muslim community and the existence of

an ideological fear, which obscured ideology, was dominant. Second, it tends to be an understanding of leadership needs and substance of the problem. This is based on the context or conditions in which the leadership needs a figure that has good competence. Third, groups that prioritize the benefit of the people rather than differences in belief. Opinions that arise when different opinions from the past are no longer about the formalization of a leader, but the ability and commitment of leaders to promote Islamic values into his leadership.

It can be seen very clearly that the wishes of young Muslim have a different perspective on leadership. There are several factors that influence them. One of them is the open social context of the Muslim community. The meaning is that religious differences are often questioned again because there are cultural similarities. In addition, differences in interpretation of the text are also a factor in differences of opinion regarding non-Muslim leadership. On the one hand, there is a strong of understanding the text textually (formally), and there is also a strong tendency to understand the text contextually (substantively). Justification of the text and social facts although it has provided a complete explanation, but due to different interpretations appear attitudes that vary between one another.

Looking at the text again or contextual can be referred to as a re-contextualization or a return to text, therefore it is important to do in order to find the tangent point when tendencies occur. Literal interpretation needs to be followed by contextual understanding in order to provide a comprehensive mindset addressing public issues will give a broad understanding. The main reason is that various Muslim societies tend to choose leaders who are no longer interpreted by text blindness, but they can also be interpreted as dynamics and people's desire to break out of long-held habits of textuality because they chose the leader not, but also socio-historical Muslim community in Indonesia.

CONCLUSION

To choose the current leader is no longer based on where he is from, which ethnicity or religion, choosing the leader must be the most important is a fair attitude towards the people he leads. In addition, leaders must also have competent abilities in their skill. Taking from the opinion of Ibn Taimiyah that is to be a leader is first, a strong

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person and second, a trustworthy person. The leader is not seen from the identity (religion) or ethnic to be chosen to be a leader, but the skills of a leader that are needed, in accordance with what the writers took on December 2017 said that the shift in thinking to choose a leader began to occur not only from textuality but from aspects that need attention and leaders must be able to implement the attitude of a good Muslim.

Choosing a non-Muslim leader are said to be permissible if the non-Muslim leader does not want to expel the Muslim from his main residence. Today many people who want leaders with the aim to bring prosperity. Along with changing mindsets that increasingly require competent leaders who are the basis that a non-Muslim can be chosen by the community. From the cases it can be clearly seen that in choosing leaders not only about the same identity (religion), and also the same ethnic, but seeing the decisions and policies that are taken appropriately or not, a leader must prioritize the problems of his community over his personal problems. In Islam, choosing a leader also needs important aspects, Islam does not forbid a non-Muslim leader, but there are still many thinkers today who think that a non-Muslim has no right to lead. Most of them took thinkers in middle ages. What needs to be examined is the interpretation that must be more open and more concerned with problems and *mashlahah* for the people not the interests of the group.

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