

Umar bin Al-Khattab's Interpretation and Practice of Surah Al-Maidah 51 in the Hadith Mawquf

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Abstract

Umar bin Khattab once argued with Surah Al Maidah verse 51 to refuse the appointment of state officials from non-Muslim circles even though he fulfilled the requirements and qualifications stated in the Mauquf hadith. Umar's position as supreme leader at that time gave him the authority to refuse the appointment of non-Muslims as state officials in countries with a majority Muslim population. Apart from that, the majority of classical and contemporary scholars are of the opinion that non-Muslims are prohibited from becoming leaders over Muslims. Based on the story that occurred during Sayyidina Umar's time, in this article the author aims to discuss text interpretation methods to explore the meaning contained in this event. The method used is descriptive qualitative. The results of this research are that in the Qur'an, leadership is fundamental, so a leader must be fair, trustworthy, careful and uphold *amr al-ma'ruf wa nahy mungkar*. The law of electing non-Muslim leaders in Muslim-majority countries is haram as stated in the Al-Qur'an surah al Maidah 51 which was later used as an argument by Sayyidina Umar bin al Khattab to reject the high position of a *dzimmi* infidel in his government. Apart from that, some scholars believe that it is haram to elect non-Muslim leaders. There are some ulama who provide leniency/moderation by providing conditions if it is permitted in an emergency. Even so, the Indonesian Ulema Council issued a fatwa stating that electing non-Muslim leaders is haram.

Keywords: *Al Maidah 51, Hadits Mawquf, Umar.*

Abstrak

Khalifah Umar bin Khattab pernah berhujjah dengan surat al Maidah ayat 51 untuk menolak pengangkatan pejabat negara dari kalangan non muslim meskipun ia memenuhi syarat dan kualifikasi yang tertuang dalam hadis mauquf. Posisi Umar sebagai pimpinan tertinggi kala itu menjadikan ia berwenang untuk menolak pengangkatan non muslim menjadi pejabat negara di negara yang mayoritas penduduknya muslim. Selain itu, mayoritas ulama klasik dan kontemporer berpendapat bahwa non muslim dilarang menjadi pemimpin atas umat Islam. Berdasarkan kisah yang terjadi di masa Sayyidina Umar itu, dalam artikel ini penulis bertujuan untuk membahas metode tafsir teks untuk menggali maksud yang terkandung dalam peristiwa tersebut. Metode yang digunakan adalah kualitatif deskriptif. Hasil dari penelitian ini bahwa dalam Al-Qur'an kepemimpinan merupakan hal yang mendasar, sehingga seorang pemimpin harus bersikap adil, amanah, berhati-hati dan menegakkan *amr al-ma'ruf wa nahy munkar*. Hukum memilih pemimpin non-Muslim di negara mayoritas Muslim adalah haram sebagaimana tertuang dalam Al-Qur'an surah al Maidah 51 yang kemudian dijadikan dalil Sayyidina Umar bin al Khattab untuk menolak kedudukan tinggi seorang kafir dzimmi. dalam pemerintahannya. Selain itu, sebagian ulama berpendapat haram memilih pemimpin non-Muslim. Ada sebagian ulama yang memberikan kelonggaran/moderat dengan memberikan syarat bila dalam keadaan darurat diperbolehkan. Meski begitu, Majelis Ulama Indonesia, memberikan fatwanya bahwa memilih pemimpin non-Muslim adalah haram.

Kata Kunci: Al Maidah 51, Hadits Mawquf, Umar.

Introduction

The Prophet Muhammad SAW is a mercy from Allah SWT for the universe which includes humans, angels, jinn, animals, plants, and the entire contents of heaven and earth. As a mercy to the universe, the prophet was sent with the Islamic religious law. The sharia is not only worth maslahah for humans but also a gift for other creations. Therefore, if the sharia of the Prophet Muhammad SAW is implemented properly and applied properly, then all aspects of life will get its blessings.

As a messenger of God, all the words and behavior of the prophet were recorded by his companions. The prophet's words were carefully recorded by the companions so that he was called the prophet's hadith. Regarding the hadith of the prophet, some companions memorized it and even wrote it down. The writings of the companions certainly should not be mixed with the Qur'an and non-Qur'an. One form of mercy that Islam brings is the teaching to do good to all mankind, regardless

of religion, including non-Muslims who do not fight Muslims. In the hadith, the Prophet SAW explicitly threatened his people who dared to disturb the kafir dzimmi (kafirs who live in peace with Muslims), that later on the Day of Judgment, he would become the enemy of the Prophet SAW. Therefore, people of any religion can live safely, peacefully and comfortably in the midst of Muslim life, as long as they become good citizens and do not disturb Muslims.

At least there are “pillars of tolerance” that must be a benchmark for Muslims in maintaining harmonious relations between human beings, regardless of religion. And Islam has put no less than ten pillars of tolerance, as follows: 1) There should be no mixing of Islam with other religions. 2) There should be no coercion to anyone to convert to Islam. 3) The obligation of da’wah is with wisdom and mauidzoh hasanah and dialogue in a good way, without forgetting the obligation of hisbah with firmness, and jihad with hard, in accordance with Islamic Sharia. 4) There is no prohibition on doing good and being fair to people of other religions. 5) There is no prohibition on dealing in social and economic affairs with people outside Islam. 6) There is no prohibition on utilizing non-Muslim labor for the benefit of the Muslim Ummah. 7) The obligation to uphold justice for all mankind. 8) The prohibition of doing injustice to humans as well as animals and plants. 9) The prohibition of reviling and insulting and desecrating a religion, including disturbing and obstructing the worship of people of other religions. 10) The obligation to uphold good manners, even in situations of war against infidels.¹

However, this does not mean that a Muslim can do anything for non-Muslims under the pretext of tolerance. Certainly tolerance has a myriad of limits that must not be violated by religious adherents, including regarding “leadership”. Whether the scale of the country, province, city or district, which certainly has a vital and strategic position in determining the direction of government policy. The position of leaders for Muslims is an important point that needs to be studied.

The issue of non-Muslim leaders for Muslims becomes a polemic that triggers a deeper study. Through this hadith study, the author explores the prohibition of appointing non-Muslim leaders or state officials. In

¹Silahkan lihat ulasan dan penjelasan lengkap tentang pilar-pilar tersebut di: Muhammad Rizieq Syihab, *Wawasan Kebangsaan Menuju NKRI Bersyariah*, (Jakarta: Suara Islam Press, 2012), 75-89.

order to facilitate the study, the author offers an interpretation of hadith with contemporary methods. This method of interpreting the text is called double movement hermeneutics. This method helps to explore the meanings contained in the hadith text contextually. Of course, the author traces the meaning in the hadith so that a contextualized interpretation product can be produced.

This interpretive study, of course, requires comparison with other similar studies. This is done in order to prove the originality of the study. Studies with similar objects are practiced by Muqtashidin Fahrusy Syakirin Al Hazmi with the title, "*The Law of Non-Muslims as Muslim Leaders Viewed from the Perspective of Ibn Kathir's Interpretation*". Al Hazmi concluded that Ibn Kathir prohibited non-Muslim leaders over Muslims and labeled them as hypocrites/*munafiq*.² Another study that has a similar object is a study conducted by Sippah Chotban. Her study is entitled "*The Law of Choosing Non-Muslim Leaders*". Sippah concluded that some scholars prohibit non-Muslim leadership as stipulated by the Indonesian Ulama Council. Other opinions from some ulama' also relaxed non-Muslim leadership but in an emergency.³ M. Jamil's study entitled "*Women and Non-Muslim Leaders Perspective of Ulama Tiga Serangkai*". Jamil concluded that women cannot be leaders and non-Muslims cannot be leaders for Muslims.⁴

The study of non-Muslim leaders is also interesting for Muhammad Ali Zaki. His thesis entitled, "*Non-Muslim Leaders in the View of Nahdlatul Ulama' DKI Jakarta (Case Study of Non-Muslim Governor in DKI Jakarta)*" concludes that the majority of scholars are of the opinion that non-Muslim leaders are prohibited for Muslims.⁵ The study conducted by Ahmad Muttaqin entitled, "*Non-Muslim Leaders in Hamka's View (Review of Tafsir al Azhar)*" concluded that Hamka with his tafsir Al Azhar prohibited non-Muslims from becoming leaders for Muslims.⁶

²Muqtashidin Fahrusy Syakirin Al Hazmi dengan judul, *Hukum Non Muslim Sebagai Pemimpin Muslimin Ditinjau Dari Perspektif Tafsir Ibnu Katsir*, *Tapis*, Vol. 1, No. 02, 2017, 215.

³Sippah Chotbah, *Hukum Memilih Pemimpin Non Muslim*, *Al Qadau*, Vol. 5, No. 1, 2018, 59.

⁴M. Jamil, *Pemimpin Perempuan dan Non Muslim Perspektif Ulama Tiga Serangkai*, *Jurnal Tasawuf dan Pemikiran*, Vol. 8, No. 1, 164.

⁵Muhammad Ali Zaki., *Pemimpin Non Muslim Dalam Pandangan Nahdlatul Ulama' DKI Jakarta (Studi Kasus Gubernur Non Muslim di DKI Jakarta)*, skripsi, Prodi Studi Hukum dan Tata Negara UIN Syarif Hidayatullah Jakarta, iv.

⁶Ahmad Muttaqin berjudul, *Pemimpin Non Muslim Dalam Pandangan Hamka*

This study of hadith interpretation has three objectives of discussion. The three objectives of the discussion are the exploration of the opinions of classical and contemporary scholars related to non-Muslim leaders, the hermeneutic interpretation of Hadith Umar bin Khattab on the prohibition of appointing non-Muslim officials and the interpretation of Surah Al Maidah verse 51 as the argument of Umar bin Khattab. The three objectives of this discussion can suffice the answer to the excavation of the meaning contained in the text. This analysis uses a normative approach so that the materials obtained are sourced from related literature.

Research Methods

Research Method This type of research is qualitative research in the nature of library research. Library research is a research method by studying various literature that is used as a reference with similar research results to find a theoretical basis for a problem to be researched.⁷

Results and Discussion

In the Islamic intellectual repertoire, there are three issues that are always discussed related to political leadership in the state. First, the issue of unfit leaders (*imamah al-mafdhul*); second, the issue of leaders who like to sin (*imamah al-fasiq*); and third, the issue of non-Muslim leaders (*imamah al-kafir*). Except for the latter, these political leadership issues arise because in Islamic history there have been 'unworthy' (mafdhul) caliphs, viziers, sultans or emirs. Only a few leaders were truly worthy (fadhil). Of course, with the exception of the Khulafa' al-Rashidun (Abu Bakr, Umar Uthman, Ali *ridhwanullahi 'alaihim*) and some of those who followed their example such as Umar bin Abdil Aziz.⁸

So, historically there has often been a gap between what should be and what actually happens. Ideally, a leader should be pious, knowledgeable, wise, brave and so on. But the reality is that those who are appointed as caliphs, sultans, viziers or emirs - especially during the

(Kajian Tafsir al Azhar), *Al Dzikra*, Vol. XI, No. 1, 52.

⁷May Shinta Retnowati et al., "Analisis Asas Itikad Baik Dalam Jual Beli Online Berbasis COD (Cash on Delivery) Analysis of The Good Faith in The Online Sell Based on COD (Cash on Delivery)," *Jurnal Studi Islam* 3, no. 1 (2022): 10–18.

⁸Syamsuddin Arif, *Islam dan Diabolisme Intelektual*, (Jakarta: INSISTS, 2018), 57.

Umayyad, Abbasid and later periods - often have flaws, weaknesses and mistakes. So some scholars allowed a less competent person to become a leader even if there was someone better and more worthy than him. This is called *imamah al-mafdhul*.⁹

Such is the case with the issue of *imamah al-fasiq* or the leadership of the wicked. Is it permissible to elect or appoint someone who still likes to violate religious rulings? Some scholars allow it and recognize its legitimacy, and some even encourage Muslims to submit to such a ruler so long as he still embraces Islam, still carries out his duties, and does not order the people to go against the commands of Allah and the *sunnah* of His Messenger. This positive attitude is to avoid a greater disaster (*based on the rule of akhaffu al-dhararayni*),¹⁰ namely the emergence of horizontal conflict and bloodshed. Interestingly, related to the above, there is an 'enlightening consideration' by Imam Ahmad when he was asked about two prospective Muslim leaders, one great but still likes to sin and the other good but weak: "The sinner who has the capability to lead is capable of being useful to the Muslims and his sinful actions are detrimental to himself (*fa-quwwatuhu li al-muslimin wa fujuruhu 'ala nafsih*), while the good person who does not have the capability to lead is good for himself and his weakness will harm the Muslims."¹¹ In connection with this study, Umar bin Khattab has reminded us to take the government system seriously. He pointed out that it was forbidden to have non-Muslim state officials in his government. The words of Umar bin Khattab about the prohibition of appointing state officials in their entirety are as below:

وَأَخْرَجَ ابْنُ حَاتِمٍ وَالبَيْهَقِيُّ فِي شُعَبِ الْإِيمَانِ عَنْ عِيَاضٍ : أَنَّ عُمَرَ أَمَرَ أَبَا مُوسَى الْأَشْعَرِيَّ أَنْ يَرْفَعَ إِلَيْهِ مَا أَخَذَ وَمَا أُعْطِيَ فِي أَدِيمٍ وَاحِدٍ , وَكَانَ لَهُ كِتَابٌ نَصْرَانِيٌّ , فَرَفَعَ إِلَيْهِ ذَلِكَ , فَعَجَبَ عُمَرُ , وَقَالَ : إِنَّ هَذَا لَحَفِيفٌ , هَلْ أَنْتَ قَارِئٌ لَنَا كِتَابًا فِي الْمَسْجِدِ جَاءَ مِنَ الشَّامِ ؟ فَقَالَ إِنَّهُ لَا يَسْتَطِيعُ أَنْ يَدْخُلَ الْمَسْجِدَ , قَالَ أَجُنُبٌ هُوَ ؟ قَالَ : لَا , بَلْ نَصْرَانِيٌّ . فَانْتَهَرَنِي وَضَرَبَ فَخَذِي ثُمَّ قَالَ : أَخْرِجُوهُ , ثُمَّ قَرَأَ : (يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَى أَوْلِيَاءَ) الْآيَةَ .

⁹Abu al-Hasan al-Asy'ari, *Maqalat al-Islamiyyin*, ed. H. Ritter (Istanbul: Devlet Matbaasi, 1933), 461.

¹⁰Abdullah al-Lahji, *Idhah al-Qawa'id al-Fiqhiyyah*, (Surabaya: al-Haramain, 2002), 44.

¹¹Ibn Taimiyyah, *al-Siyasah al-Syar'iyyah fi Islahi al-Ra'i wa al-Ra'iyyah*, (Beirut: Dar al-Jil, 1993), 27.

and has narrated Ibn Hatim and Al Baihaqi in the branches of faith from 'Iyadh: that Umar had ordered Abu Musa Al Ash'ari RA to report to him what he had taken and given in one leather sheet. He (Abu Musa) at that time had a Christian secretary. So he asked the secretary to report it. Sayyiduna Umar RA was amazed and said: "This secretary really memorized (all your reports), can you read to us the letter that came from Sham in the mosque?" Abu Musa RA replied: "He cannot enter the mosque." Sayyiduna Umar RA asked: "Is he junub?" Abu Musa RA replied: "No! He is a Christian." Then Sayyiduna Umar yelled at me and hit my thigh. Then he (Sayyiduna Umar RA) said: "Get him out!" while reciting the words of Allah SWT Surah Al Maidah 51."

That hadith, in the science of *musthalah al-hadith* is called *al-hadith al-mauquf*, which is "a hadith that is attributed to a Companion of the Prophet, either his words, actions or silence against the words or actions of other Companions, and the prophet did not quote it."¹² The hadith was narrated by Ibn Abi Hatim in his tafsir (4/1156), as well as by Al Baihaqi in al Sunan al Kubro (9/204) and Tafsir Ibn Kathir (3/132).

Al-Imam Al-Razi in al-Tafsir al-Kabir narrates that after Sayyiduna Umar RA recited Al Maidah 51, Abu Musa RA said: "His religion is his business, while his writing ability is beneficial to me." Sayyiduna Umar RA said: "I will not honor them, after Allah Almighty has humiliated them. And I will not bring them closer, after Allah has brought them further away." Abu Musa RA replied: "The affairs of Bashrah will not be perfect without this man." Sayyiduna Umar RA replied back: "Suppose the Christian dies, then what you do after he dies, do it now! Replace him with another Muslim!"¹³

The narration from Amirul Mukminin Umar bin Khattab RA earlier explained that leaders or public officials who have authority in the midst of Muslims, are included in the generality of the *lafadz awliya'* referred to in Al Maidah 51, so Sayyiduna Umar RA made this verse as an argument for the prohibition of electing non-Muslim officials. The verse clearly reads:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَى أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَمَنْ يَتَوَلَّهُمْ
مِنْكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ

¹²Lihat: Hasan Muhammad al-Masysyath, *al-Taqrirat al-Saniyyah Syarah Manzumah al-Bayquniyyah*, (Jakarta: Dar al-Kutub al-Islamiyyah, 2010), 48. Lihat juga: al-Sayyid Muhammad al-Maliki, *al-Qawa'id al-Asasiyyah fi 'Ilmi Musthalah al-Hadits*, (Surabaya: al-Shofwah, 2011), 22.

¹³Fakhruddin al-Razi, *al-Tafsir al-Kabir*, vol. 7 (Beirut: Dar al-Fikr. 2005), 1603-1604.

*O you who believe, do not take Jews or Christians as bosom friends. They are friends among themselves. Whoever of you takes them as leaders is one of them.*¹⁴

The issue of non-Muslim leaders is rarely discussed because both normatively and historically it is not allowed and has never happened. Normatively, the prohibition of choosing a disbeliever as a leader has actually been emphasized by the scholars. Al-Nawawi as a 'figure' of the Shafi'i madhhab who is recognized for his scientific authority as a fiqh expert and hadith expert, for example, firmly and clearly states that the requirements to become a leader (*syurut al-imamah*) must be *akil baligh* (*kaunuhu mukallafan*), Muslim (*musliman - not kafir*), have sense of justice, free (*not slave*), male, knowledgeable (*'aliman*), *ijtihad* (*mujtahidan*), brave, have vision and competence (*dza ra'yin wa kafa'ah*), and healthy hearing and vision.¹⁵ Similar statements can be seen in fiqh literature that is a reference among Nahdlatul Ulama such as the book *al-Iqna' fi halli alfazh Abi Syuja'* by al-Khatib al-Syarbini.¹⁶

The Messenger of Allah (SAW) in his history never appointed infidels (even though they were citizens of Medina) as governors (formerly the terms 'amil and wali) or commanders (amir). Similarly, the *khulafa'* after him Abu Bakr, Umar until the time of the Otomans (Usmaniyyah) never appointed a disbeliever as governor or military commander. Throughout the history of Islam, non-Muslims were guaranteed safety and protected their rights as citizens because they were *ahlu dzimmah*, unless they betrayed or broke the treaty.

Al-Juwaini, nicknamed Imam al-Haramain (478 AH), a great scholar who became a reference in the Shafi'i Madhhab, when discussing the prohibition of appointing the *Tanfidz Vizier* (a position in the classical government system that functions as an intermediary between the Imam and his people) from among the *kafir dhimmis*, he used al-Maidah 51 and the hadith of Sayyidina Umar as evidence in the case. This means that al-Juwaini understood very well that the word *awliya'* encompasses leaders and trustees for the affairs of the Muslim Ummah. He is very firm in this regard:

¹⁴H. Zaini Dahlan, *Qur'an Karim dan Terjemahan Artinya*, jilid 1 cetakan ke 20, (Yogyakarta: UII Press, 2020), 204.

¹⁵Al-Nawawi, *Raudhah al-Thalibin*, vol. 7, ed. Syeikh Adil Abdul Maujud dan Ali M. Muawwad, (Riyadh: Dar Alam al-Kutub, 2003), 262.

¹⁶Al-Khatib al-Syarbini, *al-Iqna' fi Halli Alfazh Abi Syuja'*, vol. 2 (Beirut: Dar al-Kutub al-Ilmiyyah, 2006), 226.

Indeed, the testimony of the Qur'an and Sunnah regarding the prohibition of favoring the disbelievers, prohibiting giving trust to them, and showing them the secrets (of the Muslims) is perfect. Allah Almighty says: "O you who believe, do not take as your trustees those who are outside your ranks (non-Muslims), for they will not cease to cause you harm" (Sūrat Ali Imran: 118). And Allah SWT says: "Do not take the Jews and Christians as *awliya*" (QS. al Maidah: 51).

How harsh was Sayyiduna Umar RA's disavowal of Abu Musa al-Ash'ari RA when he made a Christian his secretary. Al-Shafi'i (may Allah have mercy on him) stipulated that the interpreter who conveys the meaning of the language of the accusers to the judge must be a just and righteous Muslim. I do not know of any disagreement on this point among the scholars, so how is it permissible for the intermediary between the ruler and the Muslims to be a disbeliever?"¹⁷

Al-Qurthubi (671 AH) in his tafsir *Al Jami' li Ahkam al-Quran*, when interpreting Surah Ali Imran 118, a verse similar to al-Maidah 51 which became the istidlal of Sayyiduna Umar RA, firmly said: "With this verse, Allah SWT forbids the believers to make the disbelievers, Jews and slaves of lust as a backup and trust that is used as a place to exchange opinions, and lean the affairs of the Muslim Ummah to them."¹⁸

In fact, al-Qurtubi commented 'a little harshly' on a similar reality that occurred in his day, on the next page: "Today the situation has been reversed, with the Ahlul Kitab (Jews and Christians) as secretaries and confidants. They appoint ignorant people as leaders. So those (disbelievers) who are officials in the government, appoint leaders who are ignorant and foolish."¹⁹

Related to this, a charismatic scholar, former Chairman of the MUI, and author of *Tafsir al-Azhar*, Haji Abdul Malik Karim Amrullah, who is familiarly called Buya Hamka, in his interpretation said:

"So those who have taken Jews and Christians as their leaders, it is clear that they have been unjust, have been persecuted. As we know, the word zalim comes from zhulm, meaning darkness. They have chosen a dark way of life, so that the

¹⁷Abu Ma'ali al-Juwaini, *Ghiyats al-Umam fi iltiyats al-Zhulam*, (Beirut: Dar al-Minhaj, 2016), 156.

¹⁸al-Qurthubi, *al-Jami' li Ahkam al-Qur'an*, vol. 4 (Beirut: al-Resalah Publishers, 2006), 178.

¹⁹al-Qurthubi, *al-Jami'...*, 179.

light (has) been taken away (by) Allah SWT from their souls. They have chosen an enemy of belief, although not a personal enemy. Whereas in Surah al-Baqarah verse 120, Allah SWT has warned that Jews and Christians will not be pleased forever, they will not be pleased, until Muslims follow their religious path. They can be happy at birth, rich in objects, but their people become poor because of their injustice. Because of that, there will be no peace forever."²⁰

The style of Muslim leadership after the era of the four caliphs gradually moved away from the essence of Islam. According to Ma'ruf Amin, the caliphate pattern tends to be secular, the deviation of the caliph's behavior, and the provocation that the most important thing for a leader is have sense of justice.²¹ Ma'ruf stated that during the Abbasid period there was a non-Muslim governor. He said that the case was an exception because the governor was a non-Muslim *dhimmi*, namely non-Muslims as citizens of the Islamic state. He was appointed because of his expertise and must obey the Islamic government system.

Ma'ruf continued that the above incident is not relevant to the context of the current Indonesian government. The reason is that currently the governor has his own rights and is not under the constitution which can be interpreted in any way.²² Indonesia's constitution does allow non-Muslims to become leaders, he said. But he did not agree to this because he feared injustice. When he was chairman of the Indonesian Ulema Council (MUI), he held a meeting of Islamic religious leaders (*Ijtima'*) which stated that the criteria for Muslim leaders were Muslim, intelligent, and capable. These criteria become the basis that according to Muslims, their leaders must be Muslim. In addition to the reinforcement from MUI, Ma'ruf also said that the decision of *Bahtsul Masa'il al Diniyah al Waqi'iyah* of the XXX NU Congress at PP Lirboyo, Kediri dated 21-27 has strengthened the call to choose Muslim leaders. He explained that in the context of electing leaders where the majority of the population is Muslim, it is obligatory to elect Muslim leaders.²³ Indonesia is a country with the largest Muslim majority population. So it is natural according to Said Aqil Siraj that it is

²⁰Buya Hamka, *Tafsir al-Azhar*, vol. 3 (Singapura: Pustaka Nasional PTE LTD, 1983), 99.

²¹Muhammad Khaerul Muttaqien, *Meski Gubernur, Harus Muslim*, gontornews.com, diakses pada tanggal 9 Juni 2021.

²²Muhammad Khaerul Muttaqien, *Meski Gubernur, Harus Muslim*, 2021.

²³Dedi Junaidi, *Rais Aam PBNU Menyerukan Memilih Pemimpin Muslim*, gontornews.com, diakses tanggal 9 Juni 2021.

mandatory for Muslims to elect Muslim leaders. According to him, Muslims are obliged to elect Muslim leaders who are fair, honest, and clean.²⁴

The opinion that leaders must be Muslims was also conveyed by Cholil Nafis. As a contemporary scholar, he states that leaders in Islam have two functions, namely maintaining religion and the world. Ideally, according to him, Muslim leaders must be able and capable of implementing a harmonious religious life and creating a prosperous life.²⁵ For the Muslim community or the majority of Muslims, the obligation to appoint leaders is a necessity. Cholil argues that non-Muslims can become leaders as long as it is in an emergency. This means if there is absolutely no Muslim capable and competent to lead.

A similar case was conveyed by Hasan Abdullah Sahal who called for a ban on appointing non-Muslim leaders. As a great Muslim thinker and figure, he does not agree if non-Muslims serve as leaders of Muslims. As a Muslim, he argues that there are still many just, democratic, polite and wise leaders among Muslims.²⁶ The difference in creed and religious worldview is the reason Hasan rejects non-Muslim leaders. Hasan added that at this time there are many Muslims who meet the criteria as leaders. He likened that sick people are uncomfortable if led by healthy people and vice versa. This indicates that differences in creed greatly affect the view of state life. A non-Muslim has become the basis that he is not honest with the existence of God. He denies the existence of one God so that it becomes enough reason for Hasan to reject Muslim leaders. The ideal Muslim leader according to him is faithful, devout, simple, just, and obedient. Nowadays it is not difficult to find potential leaders who meet these criteria so there is no other reason to accept non-Muslim leaders.

Why did Umar explicitly use verse 51 of Surah Al Maidah? This verse explicitly contains the prohibition of making Jews and Christians close friends, lovers, and familiar companions.²⁷ The meaning of the prohibition of making non-Muslims close friends is reinforced by several interpreters who state the same thing. Such as Jalaluddin al Mahally interpreted the word *auliya* with the expression of mutual trust or appointing leaders and

²⁴Dedi Junaidi, *PBNU: Umat Islam Harus Memilih Pemimpin Muslim*, gontornews.com, diakses pada tanggal 9 Juni 2021.

²⁵M. Khareul Muttaqien, *Kriteria dan Keutamaan Pemimpin Muslim*, gontonews.com, diakses pada tanggal 9 Juni 2021.

²⁶M. Khareul Muttaqien, *Kriteria dan Keutamaan Pemimpin Muslim*, 2021.

²⁷H. Zaini Dahlan, *Qur'an Karim dan Terjemahan Artinya*, jilid 1 cetakan ke 20, 204

loving each other.²⁸ He interpreted al Maidah verse 51 that Muslims are forbidden to be guardians and love each other with Jews or Christians.

Another similar interpretation was also delivered by Abu Su'ud Muhammad. In his tafsir, he says that believers are prohibited from sympathizing and having business or close relations with Jews and Christians.²⁹ It is clear that the Qur'an explicitly does not legalize Muslim kinship relations with believers because at that time there was a conflict between Muslims and Jews. In his tafsir, Muhammad Azzah explains why there is such a prohibition, because Allah has created the two peoples hostile to each other. If they cooperate then it is only for their momentary interests and their true kinship is false. Azzah added that the cause of this prohibition was Abdullah bin Salul arguing with Ubadah bin Shamit. Abdullah still clings to his oath to the Jews while Ubadah prefers to side with the Prophet Muhammad SAW.³⁰ This verse shows the hypocrisy of Abdullah for fear of a misfortune if he does not heed the oath with the Jews. In the end Abdullah preferred to remain related to the Jews.

The historical context of the prohibition of appointing non-Muslim state officials in the era of Umar can justify the prohibition of appointing non-Muslim leaders. This can be justified when kinship relations with non-Muslims were strictly prohibited at the time of the Prophet Muhammad. Abdullah's story above is proof that Umar Bin Khattab was very far from kinship with non-Muslims, especially making him a state official. Kinship with non-Muslims has the potential to be misunderstood by Muslims.³¹ Therefore, the majority of interpreters state that it is prohibited for believers to make non-Muslims as friends, relatives, helpers and lovers.

In addition to the historical facts that hint at the prohibition of appointing non-Muslim leaders, the context of contemporary understanding of the same thing follows. Tracing the meaning of the text in the second movement, the author analyzes by presenting the

²⁸Jalaludin al Mahally dan Jalaludin as Suyuthi, *Tafsir Jalalain*, 146.

²⁹Abu Su'ud Muhammad bin Muhammad al 'Amadi, *Tafsir as Su'ud al Musamma Irsyad al 'Aql as Salim ila Mazaya al Qur'an al Karim*, (Beirut: Daru Ihya al Turats al 'Arabi, TT), 48.

³⁰Muhammad Azzah Darwazah, *at Tafsir al Hadis Tartibus Suwar Hasba an Nuzul*, Cetakan ke 2, (Kairo: Dar Ihya al Kutub al Arabiyah, 2000), 153.

³¹Suhkayla Ayni Hasibuan, *Larangan Memilih Pemimpin Non Muslim Dalam Q.S. Al Maidah: 51-53 Menurut Tafsir Fi Zhilalil Qur'an Karya Sayyid Quthb, skripsi*, UIN Sumatera Utara, 2017, 104.

opinions of major contemporary scholars. They convey their ideas using various perspectives. The most important thing is that they are able to see today's social context so that their opinions are able to represent the interpretation of the hadith.

If you look at Muslims today who are the majority of the population of a country then it is appropriate for them to believe that the leader must be a Muslim. The government of a Muslim-majority country like Indonesia is prevalent if their leader is Muslim. The obligation to appoint Muslim leaders and prohibit non-Muslims from becoming leaders is reinforced by Hamka's interpretation.³² Non-Muslims or kafirs, according to him, contain injustice. Another verse in the Qur'an states the injustice of kufr.

Constitutionally, non-Muslims can become leaders, but according to Ma'ruf Amin, religiously, it will not bring benefits to the majority of Muslims. If a non-Muslim governor leads the majority of Muslims then he disagrees. He argued that the governor has his own rights and is not under the constitution which can be interpreted in any way.³³ Said Aqil Siraj also stated the prohibition of non-Muslim leaders. As the leader of the largest community organization in the world, Said sees that Muslims cannot accept non-Muslim leaders.³⁴ His opinion can represent the voice of Muslims under the auspices of the organization he leads. Why is this so, today the majority of people in a country are directly affected by government policies. So with this Said argues for the prohibition of non-Muslim leaders.

His opinion can represent the voice of Muslims under the auspices of the organization he leads. Why is this so, today the majority of people in a country are directly affected by government policies. So with this Said argues for the prohibition of non-Muslim leaders.³⁵ In the general view that today's law does allow that non-Muslims can become leaders. However, historically, Muslim-majority countries have been led by Muslim leaders. Non-Muslim leader candidates will be defeated by the majority vote so in this case quantity is very important.

It should be noted that the requirement of Islam precedes the requirement of justice, just as the requirement of faith and piety precedes the requirement of beauty (in the matter of marriage, for example), where

³²Buya Hamka, *Tafsir al-Azhar*, vol. 3, 99.

³³Muhammad Khaerul Muttaqien, *Meski Gubernur, Harus Muslim*, 2021.

³⁴Dedi Junaidi, *Rais Aam PBNU Menyerukan Memilih Pemimpin Muslim*, 2021

³⁵M. Khareul Muttaqien, *Kriteria dan Keutamaan Pemimpin Muslim*, 2021.

the Messenger of Allah (SAW) emphasized at the end of his advice: "So choose (the woman) for her religion, may you succeed and be safe".³⁶ The requirement of being just for a leader of a Muslim country means being able to refrain from committing major sins or ordinary acts that could bring down his reputation.³⁷ Meanwhile, according to al-Baghdadi, in the context of state politics, the 'fair' requirement to become a leader means that the person concerned is trustworthy, his testimony is acceptable both as a recipient and transmitter of reports (*mimman yajuzu qabulu shahadatihi tahammulan wa ada'an*).³⁸

Therefore, for Muslims, both 'elections' and 'pilkara' (election of the head of state) are not merely political matters, but religious matters. That is why the issue of political leadership is discussed in the books of 'aqaid and ushuluddin science. For example, in the book of 'Aqaid al-Nasafi, it is stated that Muslims are obliged to have a leader whose duty is to uphold the shari'a, build fortifications, prepare the army, collect zakat, maintain security and order by eradicating criminals, thieves and robbers, organize Friday worship, celebrate Islamic holidays, resolve disputes in society, administer the judicial system and so on.³⁹ And the purpose of the election of regional heads and the election of the head of state for Muslims is for the leader to carry out a prophetic mission, namely maintaining religion and managing world affairs (*al-imamah mawdu'ah li khilafati al-nubuwwah fi hirasat al-dien wa siyasat al-dunia*). This is the principle as written by al-Mawardi in his monumental work *al-Ahkam al-Shultaniyyah*.

Closing

In the Qur'an various terms are given to interpret the word leader including: Khalifah, imam, sulthan, malik, ulil amri, and waly. The terminology is because Allah swt talks about the context in which the leadership is applied. Furthermore, in Islam, leadership is fundamental, so a leader must be fair, trustworthy, deliberate and enforce *amr al-ma'ruf wa nahi mungkar*.

³⁶Lihat: al-Bukhari, *Shahih al-Bukhari*, (Riyadh: Bayt al-Afkar, 1998), 1009, hadits no. 5090. Lihat juga: Muslim, *Shahih Muslim*, (Riyadh: Bayt al-Afkar, 1998), 583, hadits no. 1466.

³⁷Abu Bakr al-Dimyathi, *I'annah al-Thalibin*, (Jakarta: Dar al-Kutub al-Islamiyyah, 2010), 323.

³⁸Abdul Qahir al-Baghdadi, *Ushuluddin*, (Istanbul: Devleet Matbaasi, 1928), 277.

³⁹al-Taftazani, *al-Aqaid al-Nasafiyyah*, (Beirut: Dar Ihya, 2014), 164-165.

The law of choosing a non-Muslim leader in a Muslim-majority country is haram as indicated in the Qur'an surah al Maidah 51 which was later used as an argument by Sayyidina Umar bin al Khattab to reject the high position of a kafir dzimmi in his government. Furthermore, some scholars say it is haram to elect Non-Muslim leaders. There are some scholars who provide leeway / moderate by providing conditions when in an emergency it is permissible. Even so, the Indonesian Ulema Council, gave its fatwa that electing a Non-Muslim leader is haram.

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