#### CHAPTER II

# Theoretical Fundament of Religion and State's Relation; In the Discourse of Socio-Historic

# I. The Definition of Religion and State's Relation

The term of relation, in this research can be meant as "connection"; "communication"; and "association". Whereas "religion" has the meaning of a rule which organize human's life in order it is not in disarray situation. While "state", terminologically can be meant as the highest organization among a group of society which has the yearning for being united, live in a current territory and has the absolute government.

The definitions above seem can become off as the beginning step in this research in order to track the term of state in the Islamic treasure. It is because in the considerable study of Islam, the term of state has the meaning of Authority<sup>4</sup>, Khilafah<sup>5</sup>, Leadership<sup>6</sup>, Hukumah<sup>7</sup>, and Sultanate<sup>8</sup>.

<sup>&</sup>lt;sup>1</sup> Tim Penyusun Kamus Pusat Pembinaan Dan Pengembangan Bahasa, Kamus Besar Bahasa Indonesia, edisi II. Jakarta: Balai Pustaka, 1994: 830

<sup>&</sup>lt;sup>2</sup> From Sanskrit "a" means no and "gama" means disarray. Look at Harun Nasution, *Islam ditinjau dari berbagai Aspeknya*, book I. Jakarta: UI Press. 1985: 19

<sup>&</sup>lt;sup>3</sup> Ahmad A. Hafizar Hanafi, *Tata Negara*, page 19

<sup>&</sup>lt;sup>4</sup> In Islamic encyclopedia, the word "daulah" come from Arabic that dala-yadulu -daulah, which the meanings are taking turns, circulating and rotating. Terminologically, its theoretic meaning is permanent residence of social community at a current place and organized by a government that arranging their importance and beneficial. And can be mean as government, empire or dynasty. Look at Abdul Aziz Dahlan, Ensiklopedi Hukum Islam, book I, page 262

From the word khalf, that has the meaning of "representative", "caliph", or "arbiter". This term for the first was used by Abu Bakar when he called himself as the khilafah (caliph) of the Prophet Muhammad. Look at Said Aqil al-Munawwar, "Fiqh Siyasah dalam kontek perubahan menuju masyarakat madan" jurnal ilmu sosial keagamaan, vol. I, No. I. 1999: 21

<sup>&</sup>lt;sup>6</sup> Basically, the theory of *Imamah* was more develop in the circle of *Syi'ah*. In the surroundings of *Syi'ah*, *Imamah* stressed two pillars, those were Imam's authority (wilayat) and Imam's purity

From the various terms, the mentioning of state in Islamic term has so many styles. Historically, the terms had been practiced by Muslims in many areas.

Relation here has the meaning as a connection, which then delivering of some various opinions in posturing relation's pattern between religion (Islam) and state. So that, it is appearing many questions which are still inviting the debatable in the circle of longhair until now. Should a state be bent down under the state's dogma? Or should a religion being co-opted by a state? Should a religion and a state located in the different area devoid of mixing each other? Or should a religion and a state located in the different area but both of them have to give advantage to each other? And should a religion and a state need to be united?

In the historical considerable study, the discussion of the connection of a religion and a state in Islam is always happening in the stigmatic situation. It is due to, *First*, the relation of religion and state in Islam is the most impressing during the mankind's history. *Second*, along the history, the relation between Muslim and non-Muslim (Europe Christian) in the relation which is full of strain. Started from the classic Islam military-politic expansion which the damage in large measure were in the side of Christians, because of

('Ismah). Look at Mustafa Hilmi, Nizam al-Khilafah baina Ahlus as-Sunnah wal al-Syi'ah. Iskandariyah: Dar ad-dakwah, 1988: 149-155

If Khilafah and Imamah are correlating to politic or authority format, so that Hukumah is connecting to the governing system. Look at John L. Esposito (ed) The oxford..., vol 4 book II, article by Keith Lewinstein, tt. page 139

This term is meant as competence. It emerges many times in Qur'an by means of "authority", sometimes "proof", and the more special is "the clear competence". Look at Kamaruzzaman, Relasi Islam dan Negara; perspektif Modernis & Fundamentalis. Magelang: Indonesia Tera, 2001: 33

almost all of the territory in mid-east long ago was the area of non-Muslim in this matter, the Christians by the culminating as the Constantinople liberation (capital city of Europe and Christian's world on that time). Then the holy war happened by turns of victory and shellacking, yet in the last, the victory was in the side of Muslim. But then not in the long interval, the world arrangement outgrowth dominated by west's imperialist-colonialist which in this case, Islamic world was the one which suffered damage. By this kind of condition, the relation between Islamic world and west passed off in the traumatic condition. So Islamic view about west world was going on in the bitterness and recognize as "enemy".

#### II. Condition in the Classic Period

During the history of mankind's civilization, religion and state were two institutions that had a big influence to the human. Only for these two institutions, sometimes a human was able to sacrifice his or herself; wealth as well soul, whether he or she only wanted to get the *Syahid* honorary degree in the view of religion, or for getting the hero honorary or patriot in a state. <sup>10</sup> It was so which happened in the course of Muslim's history. It's because the first appearing problem was not the belief's problem, but the politic problem of Muslim <sup>11</sup>

9 Nurcholis Madjid, *Telaah atas Fiqh Siyasi Sunni*, www. Arrikelislam.com

Harun Nasution, Islam ditinjau dari berbagai aspeknya, book I. Jakarta: UI Press, 1985: 92

Makmun Murod al-brebesy, menyingkap pemikiran politik Gus Dur dan Amin Rais tentang Negara. Jakarta: Rajawali Press, 1999: 44

On the time when the Prophet still blazed abroad the Islamic religion in Mecca, he could not build a strong society that also standing alone yet. Muslim on that time were in weak position, could not oppose the Quraisy's authority in Mecca. That condition coerced the Prophet and his companions to leave that city and move to Yasrib, which then well-known as Medina; by the reason for the sake of saving the salvation and for the continuing of blazing abroad Islamic religion.

After the passing away of Muhammad, the firstly being discussion's agenda of Muslim was political problem which was connected to the succession, that was who's become the caliph to lead the mankind. Succession problem became the factor of the appearing of faction inside Muslim which then called as *Sunni* and *Syiah*. These two factions were always competing to get the authority. Then at last, each of them formulating the theory about *Khilafah* (successor) suited to the inclination and importance of their own self.

The faction of Sunni believed that Abu Bakar was the one who's chosen by Prophet Muhammad to take his turn to lead mankind, due to Abu Bakar was the closest companion of him and the one who'd chosen by him in the journey of *hijrah* from Mecca to Medina. Besides, Abu Bakar was also as the parent-in-law of the Prophet and at once, as the advisor for mankind. And when the Prophet got sick, Abu Bakar always assigned by the Prophet as the imam in together praying. All of these were epitomizing the competence of

<sup>12</sup> M. Din Syamsuddin, Islam dan Politik Era Orde Baru. Jakarta: Logos 2001: 90

Abu Bakar for being the leader of mankind after the passing away of the Prophet.

Moreover, clan of Sunni more emphasizes about the succession method itself and leant to put aside the Caliph religion's role. 13 They defended the Muslim's right to choose the caliph for the leadership of Islamic politic than only accepting the assigning from the current individual. Therefore, the political essential of Sunni clan was that mankind, as the historical community, based on Syari'ah, which its historical development guided in godliness and its persistence guaranteed by the authority of ijma' (consensus) which was impossible for getting wrong (infallible). Beside ijma', that was smart consensus (Ahl al-Hall wa al-'Aqd)<sup>14</sup>, the choosing of caliph included faithful oath from mankind to the caliph as the Syari'ah.

While, Syiah more emphasize to the personal problem, that Ali was the valid caliph due to his great intellectual capacity and viewed as the one who's closest and love the Prophet. 15 In the view of Syiah clan, only the one who had the particular closing to the prophet could have knowledge qualities and "impossibility for getting wrong" ('ismah), also had the ability to build the fair leadership absolutely and permanently.

Hence, Syi'ah clan tried to build their political theories based on revelation and mind by submitting the concept of imamah (leadership), walayah (pursuance), 'ismah (impossibility of getting wrong) for Imam. Because for them, the function of the caliph basically was a religion's function

13 Ibid, page 9114 They who competence at decide the law

which its legitimate emanated from God and transmitted through lineage of the Prophet. That thing only could be got by descendant of Prophet from the *nasab* of Ali bin Abi Thalib.

In addition to political paradigm of *Sunni* and *Syiah*, it's also emerging political paradigm from clan of *Khawarij*, *Murji'ah*, and *Mu'tazilah*. <sup>16</sup> Clan of *Khawarij* was the first group who's trying to fasten political problems to the principles of Qur'an, on the time when they beheld the event of *tahkim* as a form of violation of God's will. In this group's paradigm, the choosing of caliph should be done in widely group of Islam. It is because according to *Khawarij* clan, every Muslim's bare of race, social class and family's background. They had their right to choose the leader and to be chosen as the leader.

While clan of *Murji'ah* said that the Imam's elevation was an obligatory independently of by current descendant, assertively was not only the Quraisy's descendant. Along of that, according to them, as long as an Imam nominated legally and faithfully, however he deviated from religion's teaching in his daily life, so then all of his decision that were so fair and guided by Qur'an and Hadits have to be obeyed. Whereas, most of *Mu'tazilah* clan, Imam's elevation was an obligatory by election way and independent of any of the descendant. For them, an Imam should perform the

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<sup>16</sup> Ibid, page 92

<sup>&</sup>lt;sup>17</sup> KH. Ahmad Azhar Basyir, in Fauzi Rahman, refleksi atas persoalan keislaman: seputar filsafat, hukum, politik, dan ekonomi. Bandung: Mizan, 1994: 63

teaching of Qur'an and Sunnah, he has to be a faithful and he has to do a fair deal.18

On pre-modern era, in the self circle of Sunni, only various thought inclination which was going together with Islamic politic. First was juristic inclination. 19 In this inclination context, political thinking was thought by theology and law expert. Fuqaha was as the intellectual smart of mankind whose responsibility for political institution legalization. From this group, caliph institution substantially was only a supremacy symbol of syari'ah or revelation of mind, or a religion of politic. Therefore, they made serious effort to find the teachings from syari'ah for sake to justice political situation and to give legitimation to the arbiter based on syari'ah's principles. In short, this group was more emphasize syari'ah orientation in seeing the relation between religion and politic, which it was a harmonization of political reality to the principles of syari'ah.

One of the clergies who's famous and influential about theoretic legitimation in the circle of Sunni's Fuqoha' was abu Hasan al-Mawardi (pa. 1058 M), whose well-known by his work Al-Ahkam As-Sulthaniyah (the teachings about governance). The gist of his theory was that institution of Imamah which was a kind of Prophet's conduction for building religion's problems or temporal problem was a certainty which based on syari'ah and mind through ijma' from mankind. Beside, according to Al-Mawardi, a caliph

 <sup>&</sup>lt;sup>18</sup> Ibid, page 64
 <sup>19</sup> M. Din Syamsuddin, *Islam dan politik* page 94

can be chosen through the election by Ahlul Hal Wall 'Aqdi as well through reference of preexisted caliph.<sup>20</sup>

Other than Al-Mawardi, Ibnu Taimiyah (pa. 137) and Ibnu Al-Qoyvim Al-Jauziyyah (pa.1356) said that the forming of governing concept has to be based on God's law (Siyasah Syar'iyyah). This concept came as the response of deviate governing implementation, but in fact it was still justified Fugoha' as part of Syar'iyyah. Even when awoke to so many difficulties to implement the yearning of Islam by ignoring political reality. Ibnu Taimiyyah suggested the other efforts for the possibility in accomplishing the demand of syari'ah, and if it necessary by ignoring the necessary of caliph league.<sup>21</sup>

Beside those three figures above, there was also other Islamic thinking that was Ibnu Qoldun (pa. 1406). According to Ibnu Qoldun, Khilafah was political institution which based on religion's law that given by God through Prophet. As political institution, *Khilafah* was a symbol of the unity of religion and politic or in the other word, Khilafah was political regime with the aim of religiousness. For Ibnu Qoldun, the forming of khilafah was mankind's obligation and need common consensus (lima') from the member of the community who's competent inside the society that majoring the posture of Assabiyyah. Moreover, he also said that Khilafah was not the only one possibility of political institution that can be built by mankind.

<sup>&</sup>lt;sup>20</sup> Ibid page 94-95 <sup>21</sup> Ibid page 99-100

Second, that was the administrative-bureaucratic inclination.<sup>22</sup> That was by giving justify and legitimation of aught political arrangement by doing exposition that exemplary from governing administration that toke from the preexist history. They were more emphasizing the function of administration-bureaucracy in viewing the function of Islamic governing. So that, the prominent pressure of this inclination knew the practical obligations of the arbiter and providing moral teachings to be applied in political living. One who's become the supporter of this inclination was al-ghozali (pa. 505). According to al-Ghozali, that governing system has to be based on a metaphysic world's conception within its ethic implication. The pursuance to the king was not based on syari'ah, but it was based on the reality that God had chosen the king and had blessed him by His power and brilliance (farr-izadi).

According to al-Ghozali, God had delegated Prophets and given them the revelation, He also had delegated the kings and blessed them by farr-i-izadi. Both of them had the same aim, which was the prosperity of mankind. By this anvil, al-Ghozali said that there was symbiotic relation between religion and state as it were there a parallelism between Prophet and king and the revelation and farr-i-izadi. For him, syari'ah was not justify anvil for the aught political reality. So that for this group, the existence of Khilafah was not

<sup>22</sup> Ibid page 104

only demand that based on the revelation, but also rationale considering, in the meaning of philosophical thinking.<sup>23</sup>

Third, that was philosophical inclination.<sup>24</sup> This inclination was based on contemplation deduction from the aim human's life for defend the right and ideal role from the governing in reaching that aim. This inclination duty was giving the perfection standard of a current political system through allegoric interpretation of syari'ah. Or in the other language it was more philosophical, due to the main interest was finding the philosophical anvil for political model which relevant in the curtains aim of human's happiness.

The initiator of this tradition was Abu Nasr Al-Farobi (pa. 950). For him, the concept of society that being idealized was society that composed of "Civilized City" that willing to make the true happiness. A community that possible the cooperation for getting the happiness was the perfect community. The nation that composed of cities that have the cooperation was prominent nation. And so did prominent world that occupied only when the aught nations inside played along for reaching the happiness. Hence, governing regime that going to get real happiness was righteousness regime.<sup>25</sup> Besides, there was also clan of ihkwan assyafa', who said that ideal society was the society that based on the ethics teaching. So that, for this group, ethics was viewed as "Soul Politic" (Siyasah An-Nafs) that was the foundation of all politics.<sup>26</sup>

 <sup>23</sup> Ibid page 105-106
 24 Ibid page 108.
 25 Ibid page 108-109
 26 Ibid page 108-109

<sup>&</sup>lt;sup>26</sup> Ibid page 111-112



#### III. Condition in Modern Era

Making reference to the note of Munawwir Syadzali that has been studied some in the introduction above, there are three theory ideologies in the relation of religion and state. <sup>27</sup> First, Conservative Ideology, that still defends the integration between religion and state. According to this ideology, Islam is still complete perfectly in ordering society's system including politic problem. It is by trying to defend political tradition and classic Islamic thinking also doing the reformation social system by going back to Islam totally at once refusing the rule that made by human.

Second, modernist ideology. That is the ideology that has the opinion of Islam is ordering only society's problem marginally. The implementation can adopt other system, west system for instance. Third was secular ideology, the ideology which wants to break up Islam with the state. According to them, Islam, as it were other religions not arrange the mundane, as always state practice that aught in west society.

In line with Munawwir, Muntoha says there are some Islamic thinkers in viewing state concept that related to the relation of Islam and state. First group says that state is religiousness institution and at once politic institution. Hence, the leader of a state is holder of religion's authority and politic power. Second group says that state is religiousness institution but has political function. While the third group says that state is political institution that has to be separated with religiousness institution and the leader of state only has the

<sup>&</sup>lt;sup>27</sup> H. Munawir Sadjali, Islam dan tata Negara, Ajaran, Sejarah, dan Pemikiran. Jakarta: UI-Press, 1990: 1-2

political or worldly authority.<sup>28</sup> It is so on the contrary, religion only has *ukhrawi* orientation and not worldly.

Therefore, if it looked from the Nation-State inclination about the relation of religion and state in this very latest condition, it's minimal there are four amending typologies of state.<sup>29</sup> First, that is a type of a state which is anti-religion as Communist Religion. Because one of main teachings of communist is that religion is an addiction to society. Second is type of Secular State. This type demands the absolute separating of religion from state. Here, religion does not mix into state's problem, and so in contrary. The religion is viewed not different with common society's community or other private organization. The religion does not oppressed, does not supported and does not participated in taking state's policies. And also state does not expel the defrayal for religion's activities.

Third, is the type of secular state that advancing religion or state where it is happens the interrelationship between religion and state. In this kind of state, the existence of a religion not only for being emphasized, being taken care, but also being amended. So, those are consolidating each other, and having an interest each other. On the other word, the strong state will strengthen religion, clearly, the state is useful for the religion. And for the fourth, is Religion State type or state subordination of religion, which is take

<sup>28</sup> Muntoha, Fiqh Siyasih; Doktrin, Sejarah, dan Pemikiran Islam tentang Hukum Tata Negara. Yogyakarta: Adicita, 1998: 54

Ahmad Tafsir, "Negara Sekuler yang mementingkan Negara", the introduction in Ali Abdul Raziq, Khilafah dan Pemerintahan dalam Islam, translated by Ahsin Muhammad. Bandung: Pustaka, 1985: v-vi

the ground on current religion, or a state that arranged and held by current religion's law.

Marginally, nowadays there are two spectrums of different Islamic politic thinking.<sup>30</sup> First, some circles of Muslims have a hunch that Islam should be the basic of a state; and that *syari'ah* has to be accepted as state's constitution. On the other spectrum, the circle of Muslim has the opinion that Islam is "not appointed the standard pattern about state's theory (political system) that has to be implemented by its believers". Even though this group convince that Qur'an contains ethics values and teachings concerning to the social and politic activities of mankind. Those teachings cover the principles about.<sup>31</sup>

### 1. justice (al-'Adalah)

by referring to the verses of Qur'an:

O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to Piety: and fear Allah. For Allah is well acquainted with all that ye do. (al-Maidah: 8)

O ye who believe! stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do. (an-Nisa: 135)

<sup>&</sup>lt;sup>30</sup> Bahtiar Effendt, Islam dan Negara; Transformasi Pemikiran dan Praktik politik Islam di Indonesia. Jakarta: Paramadina, 1985: 12-15

<sup>&</sup>lt;sup>31</sup> Prof. H. A Djazuli, Fiqh Siayasah: Implementasi Kemaslahatan Umat dalam Rambu-rambu Syari'ah. Jakarta: Kencana Prenada Media Group, 2007: 122-130

### 2. unity:

كان الناس أمة واحدة فبعث الله النبيين مبشرين ومنذرين وأنزل معهم الكتاب بالحق ليحكم بين الناس فيما اختلفوا فيه وما اختلف فيه إلا الذين أوتوه من بعد ما جاءتهم البينات بغيا بينهم فهدى الله الذين ءامنوا لما اختلفوا فيه من الحق بإذنه والله يهدي من يشاء إلى صراط مستقيم

Mankind was one single nation, and Allah sent Messengers with glad tidings and warnings; and with them He sent the Book in truth, to judge between people in matters wherein they differed; but the People of the Book, after the Clear Signs came to them, did not differ among themselves, except through selfish contumacy. Allah by His Grace guided the Believers to the Truth, concerning that wherein they differed. For Allah guides whom He will to a path that is straight (al-Baqoroh: 213)

یاأیها الناس اتقوا ربکم الذی خلقکم من نفس واحدة وخلق منها زوجها وبث منهما
 رجالا کثیرا ونساء واتقوا الله الذی تساءلون به والأرحام إن الله کان علیکم رقیبا

O mankind! reverence your Guardian-Lord, who created you from a single Person, created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women; fear Allah, through Whom ye demand your mutual (rights), and (reverence) the wombs (that bore you): for Allah ever watches over you. (an-Nisa: 1)

# 3. similarity (al-Musawah):

باأيها الناس إنا خلقناكم من ذكر وأنثى وجعلناكم شعوبا وقبائل لتعارفوا إن أكرمكم عند الله أتقاكم إن الله عليم خبير

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full Knowledge and is well-acquainted (with all things) (al-Hujarot: 13)

If any do deeds of righteousness, - be they male or female - and have faith, they will enter Heaven, and not the least injustice will be done to them. (an-Nisa': 124)

## 4. tolerance (tasamuh)

♦ ولا تستوي الحسنة ولا السيئة ادفع بالتي هي أحسن فإذا الذي بينك وبينه عداوة كأنه ولي حميم (fasholat: 34)

Nor can Goodness and Evil be equal. Repel (Evil) with what is better: then will he between whom and thee was hatred become as it were thy friend and intimate! (al-Fasholat: 34)

## خذ العفو وأمر بالعرف وأعرض عن الجاهلين

Hold to forgiveness; command what is right; but turn away from the ignorant al-A'rof: 199)

### 5. freedom (al-Hurriyah)

in this case, the freedom that included in any kind: freedom of thinking, freedom in having religion, freedom in telling opinion, in studying, etc.

# ♦ أولم يتفكروا في أنفسهم ما خلق الله السموات والأرض وما بينهما إلا بالحق وأجل مسمى وإن كثيرا من الناس بلقاء ربهم لكافرون

Do they not reflect in their own minds? Not but for just ends and for a term appointed, did Allah create the heavens and the earth, and all between them: yet are there truly many among men who deny their meeting with their Lord (at the Resurrection! (ar-Rum: 8)

# ◊ لا إكراه في الدين قد تبين الرشد من الغي فمن يكفر بالطاغوت ويؤمن بالله فقد استمسك بالعروة الوثقي لا انفصام لها والله سميع عليم

Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects Evil and believes in Allah hath grasped the most trustworthy hand-hold, that never breaks. And Allah heareth and knoweth all things. (al-Bagoroh: 256)

ولو شاء ربك لآمن من في الأرض كلهم جميعا أفأنت تكره الناس حتى يكونوا مؤمنين If it had been thy Lord's Will, they would all have believed, all who are on earth! Wilt thou then compel mankind, against their will, to believe! (Yunus: 99)

# ❖ ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر وأولئك هم المفلحون

Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: they are the ones to attain felicity. (Ali-Imron: 104)

لا يحب الله الجهر بالسوء من القول إلا من ظلم وكان الله سميعا عليما Allah loveth not that evil should be noised abroad in public speech, except where injustice hath been done; for Allah is He Who heareth and knoweth all things. (an-Nisa': 148)

Here is appearing the variety of interpretation of those verses and possible for religion to lay its teachings principle in the form of state's constitution so that it is established the Islamic governing.

Historically, the derivation of Islamic state, although in the simple form and not mentioned formally jurisdiction, could be traced since time after the emerging of *Hudaibiyyah II* agreement (Medina Charter). Even though its founding was unarticulated clearly by Prophet, but theoretically the regulation for being a state indirectly fulfilled: territory, government, citizenry, sovereignty and constitution.<sup>32</sup> And there was no calling for the term of "Medina State" on that time, emerging many comprehensions about the way agreement's happened, but there were so many circles mean that the agreement was only as form of cooperation of some society's elements in a territory.

So this is until now still become disputation and research's material to find what formulation that be said to be Islamic state.

Contemporary reality about Islam and state seems getting special momentum in history, when the "verdict" that has been decided by Mustafa Kemal by deleting the last successor institution, that was Turkey Ottoman.<sup>33</sup>

The decision of Musthafa Kemal made Muslim's world became tumult. But the adequate response to this policy came from India and Egypt.

On that period, India's Muslim was one of the most important parts of

Hamid Enayat, Reaksi Politik Sunni dan Syi'ah, pemikiran politik Islam modern menghadapi abad ke-20, translated Asep Hikmat. Bandung: Pustaka, 1988: 80-83

<sup>32</sup> Yusuf Musa, Islam dan Tata Negara. Surabaya: al-Ikhlas Press, 1994: 25

Muslim's world and put a big interest in Usmani successor.<sup>34</sup> This matter was looked by the held of conference of successor around India that coming up the spirit of India's Muslim to support the successor. By the result of the successor committee form that has the aim to look after power and voicing the anti-England campaign.

But, after the decision of Turkey National Council for deleting caliph institution, majority, the circle of India's intellectual Muslim started to centralize their efforts to the problems completion in the state. Even on 1925, exactly a year after the deleting of the successor, successor committee announced the displacement of orientation, which was trying to prosperous India's Muslim. Moreover, they also refused to present the invitation of caliph conference that held in Cairo on 1926.

Out of India, the only response that authoritative to the deleting of successor was come from Egypt, it seemed a circle of clergy held a meeting under the lead of head of Al-Azhar University Syaikh Muhammad Abu al-Fadli al-Jiwazi, and chief of religion's high court, Syaikh Muhammad Mustafa al-Maroghi, that being presented by representative from Sunni's main law sect. by the meeting's result that reflecting some things, those were: *first*, the refusing of Egyptian for not being fallen into the disputation around caliph theoretical justification. *Second*, the criticism to Muslims that still have a hunch that faithful oath to the stumbled caliph was a religion's obligatory. *Third*, the deleting of the successor was a *(fait accompli)*, therefore it is need

<sup>34</sup> Ibid, page 90-92

to be considered maturely its congress implementation for discussing about the future of successor.<sup>35</sup>

<sup>35</sup> Ibid, page 94-95