

***Fiqh* of Civilization in Building a Legal State: The Relevance of Muhammad Arkoun's Thought**

Mukhlis Latif,^{1*} Muhammad Mutawalli¹

¹ Sekolah Tinggi Agama Islam Negeri Majene, Majene – Indonesia

*Corresponding author. Email: mukhlis.latif@stainmajene.ac.id

Abstract

Arkoun's political concept is very relevant to the expected idea of civilizational *fiqh* to resolve social problems nationally and internationally. The purpose of this article is to discuss the *fiqh* of civilization as an element of the rule of law which is connected with the political thought of state administration Muhammad Arkoun which is based on Islamic values in a legal state. *Fiqh* of civilization is a major breakthrough in building a legal state in analyzing current problems in the country and the world. This research uses the method qualitative with a conceptual approach by applying and studying thinking Muhammad Arkoun about the political concept of state administration based on values Islam through his works. This research contains the concept of political state; Muhammad Arkoun emphasized the importance of broadening the view of sources of Islamic law and contextual interpretation of Islamic law. Arkoun emphasized that state politics in Islam is more focused on the unity of the people, including religion and state. This aspect is currently being developed through *fiqh* concepts of civilization. Arkoun's critical thinking can help face the challenges of modernization and globalization in the Islamic world, which are reviewed in building a legal state according to the concept of Islamic statecraft.

Keywords: *fiqh* of civilization; Muhammad Arkoun; political state; rule of law

□

Konsep politik Arkoun sangat relevan dengan konsep *fiqh* peradaban yang diharapkan menjadi cara untuk menyelesaikan permasalahan sosial baik secara nasional maupun nasional internasional. Tujuan artikel ini adalah untuk membahas *fiqh* peradaban sebagai unsur negara hukum yang dihubungkan dengan pemikiran politik penyelenggaraan negara Muhammad Arkoun yang berlandaskan nilai-nilai Islam dalam suatu negara hukum. *Fiqh* peradaban merupakan terobosan besar dalam membangun negara hukum dalam menganalisis permasalahan terkini di negara dan dunia. Penelitian ini menggunakan metode kualitatif dengan pendekatan konseptual dengan menerapkan dan mempelajari pemikiran Muhammad Arkoun tentang konsep politik penyelenggaraan negara berdasarkan nilai Islam melalui karya-karyanya. Penelitian ini memuat konsep politik negara, Muhammad Arkoun menekankan pentingnya memperluas pandangan terhadap sumber Hukum Islam dan penafsiran kontekstual hukum Islam. Arkoun menegaskan bahwa politik negara dalam Islam lebih menitikberatkan pada persatuan umat yang meliputi agama dan negara. Aspek ini saat ini sedang dikembangkan melalui konsep *fiqh* peradaban. Pemikiran kritis Arkoun dapat membantu dalam menghadapi tantangan modernisasi dan globalisasi di dunia Islam dalam pembangunan negara hukum sesuai dengan konsep kenegaraan Islam.

Kata Kunci: *fiqh* peradaban; Muhammad Arkoun; politik tata negara; negara hukum

Introduction

A rule of law is a country governed by law, which means that everyone, including rulers, must be subject to the same laws. The rule of law in Islam is based on the concept that law must be applied fairly and equally for all people, including those in power. This concept is contained in the Qur'an, where Allah says in QS. al-Mā'idah [5], verse 8, "O you who believe! Stand out firmly – [*qawwāmīn*]- 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..."¹ *Kūnū qawwāmīn*, in this verse, is interpreted in many meanings, including "be an upholder of justice."²

In Islam, the rule of law also respects human rights, including the rights to freedom, justice, and protection from violence and discrimination. The rule of law in Islam also encourages the active participation of all people in the policy-making and decision-making process. In addition, the concept of a rule of law in Islam also emphasizes the importance of the existence of independent institutions to uphold law and justice.

One of Arkoun's famous views is about the concept of the rule of law of a country. In this paper, Muhammad Arkoun's opinion regarding the legal sovereignty of a country and its implications for society and the state will be discussed. According to Muhammad Arkoun, the legal sovereignty of a country must be based on the principles of justice and equality. It shows that the principles of justice and equality must be applied in all aspects of life in society. Furthermore, Arkoun argues that the rule of law must avoid discrimination and oppression. A state that recognizes the rule of law must ensure that every citizen has the same rights to be recognized, respected and protected by law. This means that the law must protect the human rights of every individual, regardless of their nature and characteristics.

In Arkoun's view, the rule of law must also ensure that the law can function effectively and fairly. It means that laws must be clear and transparent so everyone can easily understand and follow the rules. In addition, the law must

¹ Abdullah Yusuf 'Ali, *The Meaning of the Holy Qur'an* (Beltsville, MD: Amana Publications, 1995), QS. al-Maidah: 8.

² M. Quraish Shihab, *Tafsir al-Mishbah: Pesan, Kesan dan Keserasian al-Qur'an* (Jakarta: Lentera Hati, 2016), QS. al-Maidah: 8.

be consistently enforced and any violation of the law must be subject to appropriate and fair sanctions. Many factors can prevent the state from achieving the ideal rule of law. One of the main factors is corruption and abuse of power by those in authority. Corruption and abuse of power can undermine the justice system's integrity and independence, so the law can no longer function effectively and fairly.

Looking at the currently developing phenomenon of state politics, it can be seen that in several countries, in this case countries where the majority of the population is Muslim, cannot escape the confines of the influence of modernization which continues to grow rapidly. In western countries, modernization which is developing in accordance with the rapid pace of science is becoming a problem for people who still yearn for spiritual roles. Islamic countries and where the majority of the population is Muslim also experience a huge impact from the influence of modernization, due to the development of the ideas of communism, liberalism, capitalism and liberal democracy that are developing in the Western world. Modernization has had a huge impact on the ethical, moral and practical aspects of the state which no longer prioritize humanitarian aspects, but only prioritize individualistic interests oriented towards political, economic, profit, and even the practice of crimes against humanity.

The next issue that is present in constitutional politics today is the issue of the ideal form of state according to Islam.³ Several contemporary Islamic scholars and thinkers have different views between the form of a state that adopts Islamic values in state practice and the Islamic values that determine the form of a state as an Islamic state (*the concept of the caliphate*). The conceptual debate has become an issue which to this day is a separate issue regarding what an ideal state according to Islam should be, whether the state should be an Islamic state lead by a caliph or a concept of a state that applies Islamic values without relying on the concept of leadership of the caliphate modern state. Throughout history, Islamic teachings and practices have included structuring the state and government and managing relations between countries.⁴

³ Muhammad Azhar, "Relasi Agama dan Negara dalam Perspektif Mohammed Arkoun," *Hermeneia Jurnal Kajian Islam Interdisipliner* 6, no. 1 (2007): 181–99.

⁴ Mukhlis Latif, Muhammad Mutawalli, and Zuhilmi Paidi, "Fiqh Peradaban and the Actualization of Religious and State Life in the Modern Society," *Fikrah: Jurnal Ilmu Aqidah dan Studi Keagamaan* 11, no. 1 (2023): 151–75, <https://doi.org/10.21043/fikrah.v11i1.22570>.

According to Abū A'lā al-Maudūdī, the formation of a state is only part of the great Islamic mission. Building a country is a religious obligation. The uniqueness of al-Maudūdī's political theory lies in the basic concept which emphasizes that sovereignty is in the hands of God, not in the hands of humans. So, it is different from democratic theory in general which states that sovereignty is in the hands of the people.⁵ From this concept, of course the role of the caliphate is very much needed in the form of an Islamic state. It differs from Arkoun's view, which does not require a country with a Muslim majority population to be an Islamic state.

This is based on the fact that no standard form of Islamic state is found in the Qur'an. Arkoun's view regarding the form of the state according to Islam is not emphasized on the form of government, but rather emphasizes the recognition of Islamic values in the concept of the state as a basis for determining the direction and practices of the state itself. It is reflected in his thinking which initiated the concept of the unity of the ummah (*al-mujtama' al-wāḥid*) in which Muslims must submit to sharia and divine values, and in a country, it is mandatory to adopt a democratic system (*shūrā*) to provide a form and process for community involvement in the process of statehood through a people's representative mechanism that produces a decision resulting from a deliberation process that is in accordance with Islamic principles.

Arkoun's idea is an aspect that needs to be used as a foundation for the state. It is what later in this paper the author considers the concept of the unity of the ummah (*al-mujtama' al-wāḥid*) and the democratic system (*shūrā*) as building a legal state in a country that needs to be applied by countries whose majority population is Muslim in interpreting developments in the current era of modernization. These two concepts were obtained from a very in-depth understanding process. So Arkoun's thinking is in line with the way of understanding the science of *fiqh* itself which is based on reasoning, *ijtihad* and knowledge.⁶ Reflecting on the form of the Islamic Republic of Iran, which was born from the revolutionary process in Iran, Khomeini also did not implement an Islamic state led by a caliph, but Khomeini introduced the concept of *wilāyāt*

⁵ Imam Ghazali Said, *Ideologi Kaum Fundamental* (Surabaya: Diantama, 1998).

⁶ Anthin Lathifah, *Genealogi Fiqh Jihad (Studi pada Komunitas Yayasan Prasasti Perdamaian)* (Semarang: Lembaga Penelitian IAIN Walisongo Semarang, 2012).

al-faqīh government as the authority in determining the direction, policies and politics of the country in the Iranian constitutional concept.⁷

In fact, much research has been carried out regarding the building of a legal state. Based on research article by Sihol Farida Tambunan about Mohammed Arkoun's views on modernity, the focus of this article is related to Arkoun's efforts to direct Muslims to understand western modernization ideas that are currently developing and can have an impact on Muslims themselves. Arkoun does not reject western thought, but Arkoun tries to provide a deconstruction of thoughts regarding the position of Muslims towards development.⁸ Further research was carried out by Muh. Taufiq, et al., about Muhammad Arkoun's concept of *ijtihad*, his concept of *ijtihad*, is considered to be able to influence Islamic thought which is restrictive, rigid and not oriented towards the progress of the people. The concept of *Ijtihad* is a way to deconstruct Islamic thought so that it is oriented towards advanced Islamic thought.⁹

Sumarkan, in his article about Islam and state politics from Muhammad Arkoun's perspective, stated that, Muhammad Arkoun positions religion as a value that is used as a guide to the direction of the state by presenting the doctrine of political experience, patterns of state ethics, deconstruction of contextual thinking that is anticipatory towards the future of the state.¹⁰ Muh. Taufiq et al., revealed that Arkoun, with his concept of *Ijtihad*, is considered to be able to influence Islamic thought which is restrictive, rigid, and not oriented towards the progress of the people. The concept of *Ijtihad* is a way to deconstruct Islamic thought so that it is oriented towards advanced Islamic thought.¹¹

⁷ Mukhlis Latif et al, "The Nature of the Position of Wilayatul Faqih in the Iran Islamic Constitutional System: The Essence of Ayatollah Khomeini's Thoughts," *Res Militaris* 12, no. 4 (2022): 2051-67, <https://resmilitaris.net/menu-script/index.php/resmilitaris/article/view/2043>.

⁸ Sihol Farida Tambunan, "Antara Islam dan Barat: Pandangan Mohammed Arkoun Mengenai Kemandirian," *Jurnal Masyarakat dan Budaya* 5, no. 2 (2003): 76-92, <https://doi.org/10.14203/jmb.v5i2.252>.

⁹ Muh. Taufiq, Darmawati H., and Abdullah Abdullah, "Konsep Ijtihad (Studi atas Pandangan Muhammad Arkoun)," *Sulesana: Jurnal Wawasan Keislaman* 15, no. 1 (2021): 1-52, <https://doi.org/10.24252/sulesana.v15i1.23599>.

¹⁰ Sumarkan Sumarkan, "Islam dan Politik Kenegaraan Perspektif Muhammad Arkoun," *Al-Daulah: Jurnal Hukum dan Perundangan Islam* 2, no. 2 (2012): 119-38, <https://doi.org/10.15642/ad.2012.2.2.119-138>.

¹¹ Taufiq, Darmawati H., and Abdullah, "Konsep Ijtihad (Studi atas Pandangan Muhammad Arkoun)."

Then the latest research conducted by Mukhlis Latif, et al., about *fiqh* concept of civilization and the actualization of religious and state life in the modern society, explains that the moral values that underlie the continuation of the *fiqh* concept of civilization are the basis for healthy governance and as a formulation of public awareness. *Fiqh* of civilization facilitates the creation of a common foundation (Legal State Building) in overcoming various problems related to religion, ethnicity, culture, poverty, peace, discrimination, justice, globalization's impact, and technology's use in the modern era.¹² Society actively fosters a good cycle of religious and state life within a nation by actualizing the *fiqh* of civilization, especially among Muslims.

This writing aims to provide a new paradigm regarding the *fiqh* concept of civilization as building a legal state by reviewing the political state thought of Muhammad Arkoun. The political state of Muhammad Arkoun is relevant to the *fiqh* concept of civilization is considered capable of creating benefit and justice for all citizens, which can be conceptually recognized as an element in a legal state. According to Kayadibi, the state is part of the *ḍaruriyyāh* problem, which aims to realize the public benefit. In addition, according to Nur, *maqāṣid al-sharī'ah* is an ethical-spiritual foundation for the dynamics of the Islamic legal process in dealing with contemporary problems.¹³

This article is based on the argument that in the current modern era, the understanding and meaning of state life is greatly influenced by the form of legal state structure adopted in a country. In the development of statecraft thinking viewed from an Islamic perspective, building a legal state always influences the form and model of government and the form of the state. This discussion is important because looking at the existing problems, the debate regarding the concept and form of an ideal state is constantly confronted with what the ideal state actually looks like, whether through the form of an Islamic caliphate state, or a form of state that recognizes Islamic principles and values in state life. This conceptual debate can only be resolved through moderate means by adopting the *fiqh* concept of civilization as an element that should be

¹² Latif, Mutawalli, and Paidi, "Fiqh Peradaban and the Actualization of Religious and State Life in the Modern Society."

¹³ Anthin Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāṣid Hifz al-Dīn," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 1 (2022): 369–90, <https://doi.org/10.22373/sjhk.v6i1.10957>.

used as a source of rule of law. The *fiqh* concept of civilization is strengthened by reviewing Muhammad Arkoun's political thoughts on state administration, which aligns with the *fiqh* concept of civilization as a new *fiqh* in the state.

This research is qualitative research with a conceptual analysis approach, which focuses discussion on the *fiqh* concept of civilization as one of the new elements in building a legal state which is reviewed according to Muhammad Arkoun's constitutional politics which has theoretical and methodical relevance to a modern state model that is in harmony with the values of Islamic values in unraveling paradigmatic issues related to building a legal state as state *fiqh*. The data sources used in this discussion are Arkoun's manuscripts and works which include political concepts of state administration according to Islam, writings related to *fiqh al-siyāsah* in civilization aspects, as well as theories related to the modern legal state. The analytical method used is content analysis of Arkoun's state political thought as building a legal state that is in accordance with the *fiqh* of civilization model.

Conception of the Rule of Law in Islamic State Administration

According to Ahmad Subekti, the form of a legal state in an Islamic state system consists of three main principles,¹⁴ first, a rule of law is a country with a legal system. Second, *mu'āmalah* or benefit is one of the highest goals of Islamic law, especially in government settings. Hashim Kamali stated that there are several things that must be fulfilled by the Form of a Legal State in Islamic State Administration, including¹⁵ Leadership and policies should be adopted in accordance with sharia principles from the Qur'an and Sunnah, The Islamic constitution must be practiced comprehensively as the foundation for Islamic state administration, Forming three branches of power legislative, judicial, and executive.

Law in Islam not only covers issues related to worship and worship but also includes issues related to social, economic, political, and cultural life.¹⁶ Islamic

¹⁴ Ahmad Subekti, "Negara Hukum (Rechtstaat) dalam Perspektif Islam," *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)* 1, no. 1 (2019): 57-72, <https://doi.org/10.33474/jas.v1i1.2730>.

¹⁵ Mohammad Hashim Kamali, *Islam and Civilisational Renewal: A Journey Devoted to Contemporary Issue and Policy Research. Special Issue: The Family Institutions in the Twenty-First Century-Ideals and Realities* (Jakarta: Elex Media Komputindo, 2011).

¹⁶ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: The Islamic Texts Society, 2003), 23.

law is based on the Qur'an and the Sunnah of the Prophet Muhammad peace be upon him, which are the main sources of Islamic teachings.¹⁷ In an Islamic state, law is not only understood as formal rules made by state institutions but also as principles applied in everyday social life and led by Islamic scholars.¹⁸

In the book *Fiqh al-Sīrah* by Muhammad Abu Zahrah, he explained that Islam has a concept of a state that is different from the concept of a state used by Western countries. Islam does not see the state as a form of government formed by individuals or groups with power. The state in Islam is a more complex and comprehensive concept involving society, individuals, and religion.¹⁹

Imran Ahsan Khan Nyazee emphasized,

"The rule of law in the concept of *siyasa sharia* must ensure that sharia law is applied universally and fairly. It means that shari'a law must protect religious rights and everyday rights, such as the right to justice, freedom of speech, and human rights. Equitable enforcement of sharia law must be the responsibility of all parties, including citizens, law enforcement officials, and the state itself."²⁰

Luthfi Assyaukanie and Tim Lindsey explained that a rule of law state in the concept of *sharia siyasa* is a country that upholds the values of sharia law in carrying out state duties in terms of public policy and law enforcement.²¹

The Building of the Rule of Law in the Concept of *Siyāsah Shar'īyyah*

In view of *siyāsah shar'īyyah*, building a legal state must meet several basic requirements, including:²² First, the rule of law must be based on sharia law.

¹⁷ Abdullah Yusuf 'Ali, *The Holy Qur'an: Text, Translation and Commentary* (New York: Tahrike Tarsile Qur'an, 1977).

¹⁸ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought (IIIT), 2014): 75.

¹⁹ M. Abu Zahrah, "The Islamic Concept of a State in Relation to the Western Concept," *American Journal of Islamic Social Sciences* 19, no. 2 (2002): 109–23.

²⁰ Khan Nyazee and Imran Ahsan, *The Fundamentals of Islamic Governance: A Contemporary Interpretation of the System of al-Shura* (Herndon: International Institute of Islamic Thought, 2004).

²¹ Luthfi Assyaukanie and Tim Lindsey, "Islamic Law and Society: The Impact of Da'wa and Muslim Religious Politics on the Shāfi'i School and Islamic Legal Discourse in Southeast Asia," *Islamic Law and Society* 10, no. 3 (2003): 328–54.

²² Mehdi Amin Razavi Aminrazavi and Seyyed Hossein Nasr, *The Islamic Intellectual Tradition in Persia* (London: Routledge, 2015), 277–95.

Second, the rule of law must guarantee environmental justice. The environment covers all aspects of human life, from economic, social, political to religious. Third, the rule of law must comply with principles such as equality before the law.

Ali bin Abdullah Thoriq, in his book *Konsep Siyasaḥ Syari'ah Politik Islam Abad 21*, argues that shari'a has a strong theoretical and doctrinal basis regarding the state and law.²³ Abdul Mukti that the Islamic state has broad authority in formulating policies and establishing laws that apply to all its citizens.²⁴ In Islamic countries, most laws are decided by a majority vote in a publicly elected legislative assembly.²⁵ Borrowing Munawir Sjadzali's expression regarding constitutionalism from an Islamic political perspective, in the Islamic concept, in addition to democratic and participatory aspects, aspects of life guidelines and spiritual (religious) beliefs become the main pillars of the state, Islam establishes ethical signs related to the constitutional system or state politics.²⁶

One of the most important implications is the separation of powers between government and religious authorities. In sharia siyasa, state leaders must have sufficient authority to regulate the life of society and the state in a safe and peaceful manner, while remaining subject to the provisions of sharia law.²⁷ These values include justice, equity, honesty, and wisdom.

The Building of the Rule of Law is Reviewed in Political State Muhammad Arkoun

Arkoun is known for the concept of "*critical Islam*" which he proposed as a means of revising and adopting Islamic thought into modern state

²³ Ali bin Abdullah Thoriq, *Konsep Siyasaḥ Syari'ah Politik Islam Abad 21* (Jakarta: Rajawali Pers, 2014).

²⁴ Abdul Mukti, *Islam dan Konstitusi* (Jakarta: Gema Insani Press, 2012).

²⁵ Abdul Wasyi, "Konsep Negara dan Hukum dalam Perspektif Siyasaḥ Syariah," *Jurnal al-Ijtihad* 8, no. 1 (2016): 23–34.

²⁶ Mukhlis Latif, Muhammad Mutawalli, and Muhammad Saleh Tajuddin, "The Principle of God as State Morality: The Relevance of Islamic Politics Muhammad Iqbal," *Journal of Namibian Studies: History Politics Culture* 34 (2023): 51–72, <https://doi.org/10.59670/jns.v34i.989>.

²⁷ Abu'l-Ḥasan 'Ali ibn Muḥammad ibn Ḥabīb al-Bashri al-Baghdādī al-Māwardī, *The Ordinances of Government: al-Aḥkām al-Sulṭāniyya w'al-Wilāyāt al-Dīniyya*, trans. Asadullah Yate (New York: Garnet Publishing, 2012).

administration. Arkoun considers that traditional political thinking has ignored the broader socio-cultural context and is rooted in the daily lives of Muslims. The main principles in Muhammad Arkoun's state political thought include Critical Islam, Post-Authoritarianism, Social Justice, Democratization and Separation of Powers. Arkoun's Critical Islam emphasizes the importance of reviewing Islamic religious traditions in different social, cultural and political contexts. He saw the need to reinterpret religious texts critically and objectively, as well as to explore universal principles that could be applied in modern and pluralist state administration. Authoritarianism in the history of Islamic politics has caused oppression and injustice, as well as hampered the development of democratic thought. Furthermore, according to Arkoun, the aspect of Democratization and Separation of Powers is that the separation of Executive, Legislative and Judicial powers is an important prerequisite for healthy democracy and effective state governance. This separation will maintain balance and avoid abuse of power, as well as ensuring individual rights can be respected and protected.

According to Arkoun, a unitary state is a country that unites and unites all of its territory, both in terms of politics, territory and culture. In the concept of a unitary state, all people are considered as one and the same unit. The unitary state not only shows state power at the highest level, but also puts forward a sense of solidarity and mutual progress without appearing to be detrimental to a particular region. In this case, the unitary state is considered as an effective state and has strong power in governing its entire territory. However, although the unitary state is described as the ideal state form, there are also drawbacks to this concept. One of them is that the policies issued by the central government do not always benefit different regions or nations, especially if there are differences in ethnicity, religion and language.

According to Arkoun, a unitary state is a form of state in which there is a single center of power that regulates, controls and leads all areas of the country. This state form is usually adopted by countries that share the same ethnicity, culture, and language. According to Arkoun, a nation based on unity has advantages and disadvantages. One of the advantages of a unitary state is the creation of political and social stability. Because one center of power governs all regions, it is hoped that the decisions taken will be equally distributed to all people.²⁸

²⁸ Mohammed Arkoun, *Islam: To Reform or to Subvert?*, vol. 7 (London: Saqi Essentials, 2012), 64–67.

However, on the other hand, a unitary state also has its drawbacks. One of them is the lack of freedom and community participation in decision making. Because one center of power governs all areas, decisions are made as if they only come from those in power. There are countries that need this form of state to overcome internal conflicts, such as Indonesia which has complex ethnic and cultural diversity. However, there are also countries that need to adopt a more autonomous state form, such as Belgium which has two distinct cultural groups.²⁹

Arkoun describes the three main principles of the rule of law in an Islamic state system,³⁰ Transparent and open government, The government is responsible for all their actions and decisions, and Fair and neutral law enforcement. In the first principle, Arkoun emphasizes that the state functions as a public service agency. The second principle, being responsible for all actions and decisions, ensures that the rule of law will carry out its decisions responsibly and by considering the impact on society. The third principle, fair and neutral law enforcement, will bring peace and security to society.

The rule of law in Islamic governance is related to justice for all citizens. Muslims and non-Muslims are treated equally before the law. The principles of the rule of law also guarantee the civil and political rights of society, such as freedom of expression, freedom of association, and the right to legal protection. Even though the rule of law is part of an Islamic state system, the idea does not originate from religious principles alone.³¹ These principles are also closely related to individual freedoms and the protection of these rights in the context of government governance.

A prosperous country in the perspective of Islamic governance is an idea that refers to a country that is able to provide welfare and justice for all its citizens, both materially and spiritually. A prosperous country in this view

²⁹ S. Wiryono, "Negara Kesatuan dan Persatuan Nasional," *El Muhasaba: Jurnal Akuntansi, Pajak dan Bisnis* 9, no. 2 (2018): 132–42; See: Muhammad Mutawalli et al., "Legislative Elections: An Overview Of Closed Proportional System," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 8, no. 2 (2023): 93–103, <https://doi.org/10.22373/petita.v8i2.200>.

³⁰ Muhammad Arkoun, *Islam dan Determinisme Sejarah* (Yogyakarta: Yayasan Pustaka Obor Indonesia, 2008), 163–73.

³¹ S. M. Kazim and J. A. Sheikh, "Rule of Law in Islam: Concepts and Implementation," *International Journal of Humanities and Social Science Research* 8, no. 1 (2018): 1–11; See: M. Arskal Salim GP, "From Usul Fiqh to Legal Pluralism: An Autoethnography of Islamic Legal Thought," *Mazahib*, 2020, 79–106, <https://doi.org/10.21093/mj.v19i1.2414>.

cannot only be measured from purely material aspects, such as economic prosperity, but also from a moral and socio-cultural perspective.³² According to Muhammad Arkoun, a prosperous state must be based on the concept of Islamic state administration which places humans as “*khalifah*” or leaders who are responsible for managing the universe as mandated by Allah.³³

Islamic state administration has a strong philosophical foundation, which combines the principles of humanity, justice, equality, freedom and responsibility. These values are then embodied in the form of a legal system that is dignified, proportional and adaptive to the times.³⁴ In Islamic state administration, law must be an instrument for the state in ensuring the creation of welfare and justice for all people, and also means as a means for them to seek the pleasure of God.³⁵ In a society built by an Islamic state system, there should be no discriminatory treatment on any basis, be it ethnicity, religion, race or class.³⁶

Prosperous countries in the perspective of Islamic governance also place education as one of its main pillars. In this regard, emphasis is placed on a comprehensive education, which includes not only academic aspects, but also moral and spiritual ones. Education must produce citizens who have good intellectual and socio-cultural abilities, and have a comprehensive understanding of the socio-cultural order and religious value.³⁷

According to Arkoun, the concept of a prosperous state in Islamic governance must be based on a correct understanding of the meaning and purpose of the state in Islam. Arkoun also emphasized the importance of

³² Muhammad Arkoun, *Ketika Wacana Bertemu: Perjumpaan Pemikir Muslim Abad ke-2 dan ke-20* (Yogyakarta: Pustaka Pelajar, 2002): 62.

³³ Muhammad Arkoun, *Dinamika Intelektual Islam: Kritik terhadap Konsep Tradisi* (Jakarta: Rajawali Pers, 2009).

³⁴ Abdul Qadir, “Religion and Governance in Islam,” *Religion Compass* 7, no. 11 (2013): 494–502.

³⁵ Ahmed S. Hashim, “The Islamic State: From Al-Qaeda Affiliate to Caliphate,” *Middle East Policy* 21, no. 4 (2014): 69–83, <https://doi.org/10.1111/mepo.12096>.

³⁶ James C Scott, “The Islamic State and the Politics of the Caliphate,” *Perspectives on Terrorism* 9, no. 4 (2015): 149–60; See: Ahmad Rofii, “Islam, Islamic Law and Constitution Making: International and Domestic Engagement in the Constitution-Making Process in Afghanistan,” *Mazahib* 19, no. 1 (2020): 1–40, <https://doi.org/10.21093/mj.v19i1.2142>.

³⁷ Talal Asad et al, *Is Critique Secular? Blasphemy, Injury, and Free Speech* (Fordham: Fordham University Press, 2013), 32, <https://doi.org/10.2307/j.ctt1c5cjt>.

placing religion as a source of values and ethics in Islamic state governance. This does not mean that the state must interfere too much in religious affairs, but the state must provide support and facilities for Muslims to practice their religion properly.

Implementation of Political State Muhammad Arkoun as *Fiqh* of Civilization

To understand how Muhammad Arkoun's political state thinking can be implemented in the formation of a more inclusive, democratic and tolerant state administration, here are several aspects that need to be considered, including, Firstly, education and dialogue is one way to implement Arkoun's thinking, namely through education and intellectual dialogue. the critical one. Education that is oriented towards critical thinking will help hone students' abilities to assess various views and arguments objectively. Open intellectual dialogue is also useful for finding common ground between Islam and the values of democracy, tolerance and religious freedom.

Second, reforming political institutions, Arkoun emphasized the importance of reforming political institutions to create a more open system, so that it is able to involve the people in the decision-making process. These reforms include changes in rules and procedures, as well as fair and consistent law enforcement. Third, protection of human rights. Protection of human rights by the government is an important aspect in realizing inclusive, democratic and tolerant state governance.

Fourth, a more inclusive approach to law. The implementation of Arkoun's state political thinking requires an approach to legislation that is more inclusive, accommodating a plurality of points of view and cultural diversity. Changes in the law must reflect the universal principles found in Islamic theology, as well as be relevant to the contemporary social and political context. Fifth, civil society involvement Arkoun's thoughts on inclusive statecraft also emphasize the importance of the active role of civil society in the political process. Civil society must be included in policy making and government oversight, to ensure that policies are made in accordance with the public interest and promote the principles of social justice.

Muhammad Arkoun's political state thought offers a more inclusive, democratic and tolerant conception of state governance, especially in countries

with a majority Muslim population. Implementation of Arkoun's ideas in education, reform of political institutions, protection of human rights, inclusive legislation, and involvement of civil society will contribute to the formation of state governance that reflects the principles of democracy and social justice, and respects cultural and religious diversity.

The following is further elaboration regarding the implementation of Muhammad Arkoun's state political thinking, including, First, a critical and holistic education curriculum. Education that reflects Arkoun's thinking must include a curriculum that explores critical aspects of history, philosophy and religious traditions, including Islam. The curriculum must invite students to critically reflect and analyze social, political and religious issues, and develop a deep understanding of the diversity of religious and cultural traditions. Second, public participation in the democratic process. Implementation of Arkoun's thoughts regarding inclusive and democratic state governance involves increasing public participation in the political process. This can be achieved through mechanisms that enable citizens to access information, participate in policy-making processes, and hold elections that are fair and free from bribery or manipulation.

Third, fair and consistent law enforcement. In the context of inclusive, democratic and tolerant statecraft, law enforcement must be fair and consistent. This includes guaranteeing human rights, such as freedom of religion, freedom of expression, and the right to be free from arbitrary detention. Fair and consistent law enforcement also includes eradicating discrimination and oppression against minority groups or those who are less powerful. Fourth, the implementation of Arkoun's state political thinking also includes transparent and accountable governance. Transparency in resource management and decision making allows the public to monitor government actions and ensure that policies are made in line with the public interest. Government accountability to the people will also reduce corruption and abuse of power, resulting in a more efficient and fair state administration.

Fifth, sharia reform and inclusive islamic interpretation. Arkoun's state political thinking emphasizes the importance of renewal in the interpretation of sharia and Islamic thought, in accordance with contemporary social, political and cultural contexts. This involves revisiting religious texts and adopting a more inclusive approach, which takes into account differences in culture, history and individual viewpoints. This inclusive interpretation will promote a

more tolerant understanding of Islam, one that recognizes the rights to religious freedom, gender and human rights.

Inter-religious and inter-cultural dialogue is one way to realize tolerant state governance, as proposed by Arkoun, is by strengthening inter-religious and inter-cultural dialogue. This dialogue involves open discussion regarding differing beliefs, values, and practices between various religious and cultural groups, with the aim of creating mutual understanding, respecting differences, and building harmonious relationships.

Strengthening civil society and non-governmental organizations, implementation of arkoun's state political thinking also includes strengthening the role of civil society and non-governmental organizations in democratic processes and public policy development. Civil society organizations are an important instrument in developing inclusive and fair policies, as well as advocating for the rights of marginalized communities and vulnerable groups. By considering the above aspects, the implementation of Muhammad Arkoun's political state thinking in the context of establishing a more inclusive, democratic and tolerant state structure is something that is possible and relevant to the social, political and cultural context in various countries with majority Muslim populations. Efforts to realize the principles promoted by Arkoun will contribute to the realization of a state administration that respects democratic values, social justice and human rights, as well as recognizing and celebrating existing cultural and religious diversity.

According to Arkoun, in Islam there is no concept of state sovereignty as recognized by modern states. In contrast, in Islam, the concept of sovereignty is more focused on the concept of unity (*tawhīd*). This unity is called the unity of God and also the unity of religion and state, in which the state is not separated from religion. That is why, the concept of sovereignty in Islam is more towards religious sovereignty. Arkoun said that the concept of state sovereignty in Islam is emphasized in a more cultural perspective and may be similar to the concept of unity in Islam.³⁸ Power in Islam, according to Arkoun, is more focused on responsibility for human dignity and humanity, which is therefore a duty carried out by the state.

³⁸ Mohammed Arkoun, *The Unthought in Contemporary Islamic Thought* (London: Saqi Essentials, 2002).

Since ancient times, the rule of law concept has played a very important role in maintaining the balance of justice and security in society. In the context of an Islamic state, the concept of rule of law has an equally important role and pursues the same goal, namely to ensure that law and state administration function properly. According to Arkoun, the core of the thinking of a rule of law in the concept of Islamic state administration lies in two important concepts: justice and equality. Justice and equality are fundamental values in Islam and are the main objectives of the concept of Islamic state governance.

The rule of law is a system that contains laws and rules, which are consistently implemented and implemented for all people without discrimination. Therefore, the rule of law ensures that all citizens are treated fairly and equally before the law. Meanwhile, Islamic state governance is a system of government based on Islamic teachings as a source of law and at the same time a norm that must be obeyed in making decisions and actions. In the Islamic state administration system, law and state administration must reflect Islamic values and ensure that justice and equality are always maintained and maintained. The ideal Islamic state is a system that functions fairly and equally, and also ensures that all citizens have the same rights and obligations. The ideal Islamic state is expected to be able to maintain a balance between rights and obligations and ensure that all citizens are treated fairly and equally.

Justice is one of the most important values in Islam and forms the core of the concept of an ideal Islamic state system. Therefore, Islamic state governance must maintain and strengthen the principle of justice. In addition, equality is also an important value in the concept of Islamic state administration. In Islamic society, equality between men and women is very important to maintain. In an Islamic state system, all citizens must be treated equally and equally without any discrimination, be it based on religion, gender or social background. To maintain justice and equality in the Islamic political state system, Arkoun emphasized the importance of laws and regulations in resolving problems and conflicts in society. Laws and rules must be applied consistently to ensure that every decision taken is fair and in accordance with Islamic values.

Arkoun also pointed out that in the Islamic state governance system, leaders must set a good example and be under strict supervision. Governments and leaders must prioritize the interests of society and not seek personal gain. The ideal Islamic state is a system that functions fairly and equally, and also

ensures that all citizens have the same rights and obligations. In the Islamic state administration system, justice and equality must always be maintained and maintained to achieve a balanced and harmonious balance between citizens. Therefore, every Islamic country must strengthen and pay attention to the rule of law principles in its constitutional system to ensure that Islamic values are respected and justice and equality are always upheld.

The rule of law is a system that establishes a state that has the power to enforce laws. Furthermore, based on the perspective of Islamic state administration by Muhammad Arkoun argues that in Islam, the rule of law is embedded in three main principles including: First, the shura principle, which means building a government system by involving community participation in the decision-making process.³⁹ Second, the principle of justice, which means that law conforms to moral values in Islam and guarantees justice for all. Third, the principle of legal certainty, which guarantees legal certainty and fulfills the community's need for stable legal security.⁴⁰ In essence, the rule of law refers to legal control in government activities and social life.⁴¹ In the concept of a democratic rule of law, the people are the owners and holders of power where the power is solely exercised for the benefit of the people.⁴² In addition, it is important to build a legal system that is fair and in accordance with Islamic moral values.⁴³

Arkoun also criticizes the approach which only relies on the interpretation of Islamic scholars in understanding Islamic law.⁴⁴ This has caused stagnation of

³⁹ Mohammed Arkoun, *Islam: To Reform or to Subvert?*, vol. 7 (London: Saqi Books, 2012): 6.

⁴⁰ Moha Ennaji, "Islam and Political Reform in Morocco: The Failure of a Generation?," *Mediterranean Politics* 19, no. 2 (2014): 157–74; Moha Ennaji, "Women, Gender, and Politics in Morocco," *Social Sciences* 5, no. 4 (2016): 75, <https://doi.org/10.3390/socsci5040075>.

⁴¹ M. Fadel, "Legal Pluralism in the Sharia State," *American University International Law Review* 20, no. 4 (2005): 765–810; Arskal Salim, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism* (Edinburgh: Edinburgh University Press Ltd., 2015); Ido Shahar, "Legal Pluralism and the Study of Shari'a Courts," *Islamic Law and Society* 15, no. 1 (2008): 112–41, <https://doi.org/10.1163/156851908X287280>.

⁴² Muhammad Mutawalli, Andi Pangerang Moenta, and Muhammad Hasrul, "Kewenangan Partai Politik dalam Penarikan Dukungan Bakal Pasangan Calon Kepala Daerah," *Jurnal al-Qadau: Peradilan dan Hukum Keluarga Islam* 8, no. 1 (2021): 48–61, <https://doi.org/10.24252/al-qadau.v8i1.18072>.

⁴³ Mashood A. Baderin, *Islamic Legal Theory* (London: Routledge, 2017), 68–85, <https://doi.org/10.4324/9781315251721>.

⁴⁴ Mohammed Arkoun, *Rethinking Islam: Common Questions, Uncommon Answers*, ed. and trans. Robert D. Lee (Michigan: Westview Press, 1994).

thought in Islam. He proposed expanding the view of the sources of Islamic law and the contextual interpretation of Islamic law. Muhammad Arkoun's understanding of the rule of law in the perspective of Islamic governance can provide a new understanding for society, especially in countries with a majority Muslim population. Implementing a legal system that complies with sharia principles and Islamic moral values will create a more stable and just legal system for all of society.

***Fiqh* of Civilization in Building a Legal State: The Relevance of Political State Muhammad Arkoun**

Civilization jurisprudence is a concept that combines the principles of Islamic law with the context of modern civilization. This concept is relevant in the development of a legal state and political thought on statecraft, especially in the context of a majority Muslim population. Civilizational jurisprudence, which involves wisdom regarding the rules of Islamic law in various aspects of life, has its own relevance in the context of legal states and state administration.

Civilizational jurisprudence is an approach that aims to create harmony between Islamic law and the principles of democracy, social justice, tolerance, equal rights and modern life. There are several important principles in the concept of civilizational jurisprudence that are relevant for the development of a legal state, including, 'application of law with justice and balance.' In the context of civilizational jurisprudence, it is important to ensure that the law is applied in a fair and balanced manner, promoting equal rights and individual freedoms.

Considering civilizational and social context, civilizational jurisprudence emphasizes the need to take civilizational and social context into account when developing and applying law. This is important to maintain the relevance and effectiveness of the law. Promote Tolerance and Inclusivity. The jurisprudence of civilization emphasizes the importance of respecting and accepting differences, both in terms of beliefs and practices. The rule of law must be able to protect religious freedom and human rights, as well as promote tolerance and inclusiveness in society.

The jurisprudence of civilization is in line with several key concepts in Muhammad Arkoun's political thought on statecraft, such as critical Islamic thought, authoritarianism, tolerance and separation of powers. First, the *fiqh* of civilization reflects the ideas contained in the concept of 'critical Islam' proposed by Arkoun. Both emphasized the need to revise and adapt Islamic

thought to better suit the modern and global context. Second, the *Fiqh* of civilization and Arkoun's thoughts both emphasize the importance of reducing authoritarianism in Islamic politics and creating a more inclusive and democratic state life. One of the main principles in civilizational jurisprudence is the application of fair and balanced laws, as well as respect for religious freedom and human rights.

Third, the *fiqh* of civilization and Arkoun's thoughts both emphasize that the separation of Executive and Legislative powers is a fundamental concept of just and effective state governance. This separation maintains balance and interdependence between state organs in creating a government climate that is more conducive to the just implementation of the law. Fourth, tolerance and social inclusion in the *fiqh* of civilization and Arkoun's thought both emphasize the importance of creating a society that is tolerant of differences and inclusive for all its citizens. A rule of law that follows the principles of civilizational jurisprudence must strive to not only protect individual rights, but also promote equality and justice for the entire society.

In Muhammad Arkoun's political thought, civilizational jurisprudence has the potential to combine the principles of democracy, social justice, tolerance and equal rights with Islamic law and traditions. The relevance of civilizational jurisprudence lies in its emphasis on moving towards a more inclusive, democratic and just state structure, in line with Arkoun's thinking regarding critical Islam, post-authoritarianism, separation of powers, and social tolerance and inclusion. This aspect is also a concept that is expected to become a grand idea in the future in unraveling social political problems and even the climate crisis that is currently hitting the world.

State-Ego which gives rise to competition between countries in the economic, trade, existential and pragmatic aspects, which overrides humanitarian aspects and has an impact on climate damage, has resulted in the world being on the edge of peace and tolerance which should be prioritized in global social life. In this case, the *fiqh* of civilization which is adopted as part of the content of the legal state is able to present a state life cycle that is much more inclusive and able to accommodate all aspects of political, cultural, ethnic differences and even religious aspects.

The idea of building a rule of law is an idea that has a concept of how a country should be built with legal principles based on human rights and justice. This concept is considered very important in maintaining the sustainability of a

country and preventing violations of human rights and injustice in the social life of people in the state. One of the figures who has thoughts about the Building of a Law State is Muhammad Arkoun. According to Arkoun, the concept of Islamic state administration that has been understood by Islamic scholars is no longer relevant to today's conditions.

Conclusion

The rule of law building is a very important concept in the modern legal system. In this concept, the state is considered as an institution responsible for upholding law and justice, as well as protecting individual rights. The rule of law building is based on principles such as the rule of law, separation of powers, and protection of individual rights. This concept has become the basis for many countries around the world in building their legal systems. However, when we talk about the building of the rule of law in the context of Muhammad Arkoun's *siyasa sharia*, this concept becomes more complex. Arkoun believes that the building of a rule of law must be based on authentic Islamic principles and must not be influenced by Western thoughts. In his view, the ideal building of a rule of law is one that is based on the principles of the Koran and Hadith, and reflects true Islamic values.

In order to understand the concept of state sovereignty and law in Islam, Muhammad Arkoun emphasizes the importance of broadening views on the sources of Islamic law and the contextual interpretation of Islamic law. Arkoun also emphasized that the concept of state sovereignty in Islam is more focused on unity which includes religion and the state, with the state being responsible for human dignity and humanity. Therefore, critical thinking as proposed by Arkoun can help in facing the challenges of modernization and globalization in the Islamic world.[a]

BIBLIOGRAPHY

'Ali, Abdullah Yusuf. *The Holy Qur'an: Text, Translation and Commentary*. New York: Tahrike Tarsile Qur'an, 1977.

———. *The Meaning of the Holy Qur'an*. Beltsville, MD: Amana Publications, 1995.

- Aminrazavi, Mehdi Amin Razavi, and Seyyed Hossein Nasr. *The Islamic Intellectual Tradition in Persia*. London: Routledge, 2015.
- Arkoun, Mohammed. *Islam: To Reform or to Subvert?* Vol. 7. London: Saqi Essentials, 2012.
- . *Rethinking Islam: Common Questions, Uncommon Answers*. Edited and translated by Robert D. Lee. Michigan: Westview Press, 1994.
- . *The Unthought in Contemporary Islamic Thought*. London: Saqi Essentials, 2002.
- Arkoun, Muhammad. *Dinamika Intelektual Islam: Kritik terhadap Konsep Tradisi*. Jakarta: Rajawali Pers, 2009.
- . *Islam dan Determinisme Sejarah*. Yogyakarta: Yayasan Pustaka Obor Indonesia, 2008.
- . *Ketika Wacana Bertemu: Perjumpaan Pemikir Muslim Abad ke-2 dan ke-20*. Yogyakarta: Pustaka Pelajar, 2002.
- Asad, Talal, Wendy Brown, Judith Butler, and Saba Mahmood. *Is Critique Secular? Blasphemy, Injury, and Free Speech*. Fordham: Fordham University Press, 2013. <https://doi.org/10.2307/j.ctt1c5cjtj>.
- Assyaukanie, Luthfi, and Tim Lindsey. "Islamic Law and Society: The Impact of Da'wa and Muslim Religious Politics on the Shāfi'ī School and Islamic Legal Discourse in Southeast Asia." *Islamic Law and Society* 10, no. 3 (2003): 328–54.
- Auda, Jasser. *Maqasid al-Shari'ah as Philosophy of Islamic Law*. London: International Institute of Islamic Thought (IIIT), 2014.
- Azhar, Muhammad. "Relasi Agama dan Negara dalam Perspektif Mohammed Arkoun." *Hermeneia Jurnal Kajian Islam Interdisipliner* 6, no. 1 (2007): 181–99.
- Baderin, Mashood A. *Islamic Legal Theory*. London: Routledge, 2017. <https://doi.org/10.4324/9781315251721>.
- Ennaji, Moha. "Islam and Political Reform in Morocco: The Failure of a Generation?" *Mediterranean Politics* 19, no. 2 (2014): 157–74.
- . "Women, Gender, and Politics in Morocco." *Social Sciences* 5, no. 4 (2016): 75. <https://doi.org/10.3390/socsci5040075>.
- Fadel, M. "Legal Pluralism in the Sharia State." *American University International Law Review* 20, no. 4 (2005): 765–810.
- Hashim, Ahmed S. "The Islamic State: From al-Qaeda Affiliate to Caliphate." *Middle East Policy* 21, no. 4 (2014): 69–83. <https://doi.org/10.1111/mepo.12096>.

M. Latif, M. Mutawalli

- Kamali, Mohammad Hashim. *Islam and Civilisational Renewal: A Journey Devoted to Contemporary Issue and Policy Research. Special Issue: The Family Institutions in the Twenty-First Century-Ideals and Realities*. Jakarta: Elex Media Komputindo, 2011.
- . *Principles of Islamic Jurisprudence*. Cambridge: The Islamic Texts Society, 2003.
- Kazim, S. M., and J. A. Sheikh. "Rule of Law in Islam: Concepts and Implementation." *International Journal of Humanities and Social Science Research* 8, no. 1 (2018): 1–11.
- Lathifah, Anthin. *Genealogi Fiqh Jihad (Studi pada Komunitas Yayasan Prasasti Perdamaian)*. Semarang: Lembaga Penelitian IAIN Walisongo Semarang, 2012.
- Lathifah, Anthin, Abu Hapsin, Ahmad Rofiq, and M. Arief Hidayatullah. "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāṣid Ḥifẓ al-Dīn." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 1 (2022): 369–90. <https://doi.org/10.22373/sjhk.v6i1.10957>.
- Latif, Mukhlis, Muhammad Mutawalli, and Zulhilmi Paidi. "Fiqh Peradaban and the Actualization of Religious and State Life in the Modern Society." *Fikrah: Jurnal Ilmu Aqidah dan Studi Keagamaan* 11, no. 1 (2023): 151–75. <https://doi.org/10.21043/fikrah.v11i1.22570>.
- Latif, Mukhlis, Muhammad Mutawalli, and Muhammad Saleh Tajuddin. "The Principle of God as State Morality: The Relevance of Islamic Politics Muhammad Iqbal." *Journal of Namibian Studies: History Politics Culture* 34 (2023): 51–72. <https://doi.org/10.59670/jns.v34i.989>.
- Latif, Mukhlis, Muhammad Mutawalli, Muhammad Saleh Tajuddin, and Sabara Sabara. "The Nature of the Position of Wilayatul Faqih in the Iran Islamic Constitutional System: The Essence of Ayatollah Khomeini's Thoughts." *Res Militaris* 12, no. 4 (2022): 2051–67. <https://resmilitaris.net/menu-script/index.php/resmilitaris/article/view/2043>.
- al-Māwardī, Abu'l-Ḥasan 'Ali ibn Muḥammad ibn Ḥabīb al-Bashri al-Baghdādī. *The Ordinances of Government: al-Aḥkām al-Sulṭāniyya w'al-Wilāyāt al-Dīniyya*. Translated by Asadullah Yate. New York: Garnet Publishing, 2012.
- Mukti, Abdul. *Islam dan Konstitusi*. Jakarta: Gema Insani Press, 2012.
- Mutawalli, Muhammad, Maskun, Zainal Amin Ayub, Muhammad Saleh Tajuddin, and Harlida Abdul Wahab. "Legislative Elections: An Overview of Closed Proportional System." *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 8, no. 2 (2023): 93–103. <https://doi.org/10.22373/petita.v8i2.200>.

- Mutawalli, Muhammad, Andi Pangerang Moenta, and Muhammad Hasrul. "Kewenangan Partai Politik dalam Penarikan Dukungan Bakal Pasangan Calon Kepala Daerah." *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam* 8, no. 1 (2021): 48–61. <https://doi.org/10.24252/al-qadau.v8i1.18072>.
- Nyazee, Khan, and Imran Ahsan. *The Fundamentals of Islamic Governance: A Contemporary Interpretation of the System of al-Shura*. Herndon: International Institute of Islamic Thought, 2004.
- Qadir, Abdul. "Religion and Governance in Islam." *Religion Compass* 7, no. 11 (2013): 494–502.
- Rofii, Ahmad. "Islam, Islamic Law and Constitution Making: International and Domestic Engagement in the Constitution-making Process in Afghanistan." *Mazahib* 19, no. 1 (2020): 1–40. <https://doi.org/10.21093/mj.v19i1.2142>.
- Said, Imam Ghazali. *Ideologi Kaum Fundamentalis*. Surabaya: Diantama, 1998.
- Salim, Arskal. *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*. Edinburgh: Edinburgh University Press Ltd., 2015.
- Salim GP, M. Arskal. "From Usul Fiqh to Legal Pluralism: An Autoethnography of Islamic Legal Thought" *Mazahib*, 2020, 79–106. <https://doi.org/10.21093/mj.v19i1.2414>.
- Scott, James C. "The Islamic State and the Politics of the Caliphate." *Perspectives on Terrorism* 9, no. 4 (2015): 149–60.
- Shahar, Ido. "Legal Pluralism and the Study of Shari'a Courts." *Islamic Law and Society* 15, no. 1 (2008): 112–41. <https://doi.org/10.1163/156851908X287280>.
- Shihab, M. Quraish. *Tafsir al-Mishbah: Pesan, Kesan dan Keserasian al-Qur'an*. Jakarta: Lentera Hati, 2016.
- Subekti, Ahmad. "Negara Hukum (Rechtstaat) dalam Perspektif Islam." *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)* 1, no. 1 (2019): 57–72. <https://doi.org/10.33474/jas.v1i1.2730>.
- Sumarkan, Sumarkan. "Islam dan Politik Kenegaraan Perspektif Muhammad Arkoun." *Al-Daulah: Jurnal Hukum dan Perundangan Islam* 2, no. 2 (2012): 119–38. <https://doi.org/10.15642/ad.2012.2.2.119-138>.
- Tambunan, Sihol Farida. "Antara Islam dan Barat: Pandangan Mohammed Arkoun Mengenai Kemodernan." *Jurnal Masyarakat dan Budaya* 5, no. 2 (2003): 76–92. <https://doi.org/10.14203/jmb.v5i2.252>.

M. Latif, M. Mutawalli

Taufiq, Muh., Darmawati H., and Abdullah Abdullah. "Konsep Ijtihad (Studi atas Pandangan Muhammad Arkoun)." *Sulesana: Jurnal Wawasan Keislaman* 15, no. 1 (2021): 1–52. <https://doi.org/10.24252/sulesana.v15i1.23599>.

Thoriq, Ali bin Abdullah. *Konsep Siyasah Syari'ah Politik Islam Abad 21*. Jakarta: Rajawali Pers, 2014.

Wasyi, Abdul. "Konsep Negara dan Hukum dalam Perspektif Siyasah Syariah." *Jurnal al-Ijtihad* 8, no. 1 (2016): 23–34.

Wiryono, S. "Negara Kesatuan dan Persatuan Nasional." *El Muhasaba: Jurnal Akuntansi, Pajak dan Bisnis* 9, no. 2 (2018): 132–42.

Zahrah, M. Abu. "The Islamic Concept of a State in Relation to the Western Concept." *American Journal of Islamic Social Sciences* 19, no. 2 (2002): 109–23.