

Book Review

Comparison of Ushul Al-Hukm With Western Legal Theory

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| Article Info | Abstract |
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| Received: 02-11-2023 | This article is the result of a review of the book "Al-Islam Wa Ushul Al-Hukm" by 'Ali Abd al-Raziq, which offers an in-depth analysis of the relationship between politics and religion, especially regarding the concept of the caliphate in Islam. 'Ali Abd al-Raziq argues that the caliphate is not mandatory in Islam and that Islamic law can be interpreted flexibly according to the context of time and place, without being tied to the traditional caliphate system. This book highlights al-Raziq's view that the Prophet Muhammad was more of a spiritual leader than a head of state in the modern sense, so that Muslims were free to choose a form of government that suited their social and political needs, including a model that separated religion from state affairs. This view approaches the principle of secularism in Western legal theory, which advocates a separation between religious and state institutions. Although al-Raziq's views were controversial, especially among traditional ulama, he opened a new discourse about flexibility in the application of Islamic principles in modern governance. The book emphasizes that the primary goals of government are social justice and the welfare of the people, values that are in line with Western legal theory. This view shows that although the methods and sources of law are different, these two approaches both try to achieve a just and prosperous society. |
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| Info Artikel | Abstrak |
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| Kata Kunci: Perbandingan Ushul Al-Hukm Hukum Barat | Tulisan ini merupakan hasil telaah atas Buku " <i>Al-Islam Wa Ushul Al-Hukm</i> " karya 'Ali Abd al-Raziq, yang menawarkan analisis mendalam tentang hubungan antara politik dan agama, khususnya mengenai konsep khilafah dalam Islam. 'Ali Abd al-Raziq berpendapat bahwa khilafah tidak wajib dalam Islam dan bahwa hukum Islam dapat diinterpretasikan secara fleksibel sesuai konteks zaman dan tempat, tanpa harus terikat pada sistem khilafah tradisional. Buku ini menyoroti pandangan al-Raziq bahwa Nabi Muhammad lebih merupakan pemimpin spiritual daripada kepala negara dalam pengertian modern, sehingga umat Islam bebas memilih bentuk pemerintahan yang sesuai dengan kebutuhan sosial dan politik mereka, termasuk model yang memisahkan agama dari urusan negara. Pandangan ini mendekati prinsip sekularisme dalam teori hukum Barat, yang mengadvokasi pemisahan antara institusi agama dan negara. Meskipun pandangan al-Raziq kontroversial, terutama di kalangan ulama tradisional, ia membuka wacana baru tentang fleksibilitas dalam penerapan prinsip-prinsip Islam dalam pemerintahan modern. Buku ini menekankan bahwa tujuan utama pemerintahan adalah keadilan sosial dan kesejahteraan rakyat, nilai-nilai yang sejalan dengan teori hukum Barat. Pandangan ini menunjukkan bahwa meskipun metode dan sumber hukumnya berbeda, kedua pendekatan ini sama-sama berusaha mencapai masyarakat yang adil dan sejahtera. |



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Regarding politics and religion, especially regarding the relationship between religion and the state, it always assumes a close relationship, but there has never been a consensus regarding how Islam and politics are related appropriately. A comparison between the principles of ushul al-hukm and Western law is important in understanding the differences in legal approaches and concepts between the two legal traditions ((Noor-Book.Com تهذيب الخلاق وتطهير الأعراق 3.Pdf, 1978), n.d.)”.

Ushul al-Hukm in Islam means the basics of Islamic law. The term "Ushul" in Arabic means "foundation" or "principle", while "Hukm" means "law". So, Ushul al-Hukm literally means "principles of Islamic law"(Kamali, 1991). In the context of fiqh, Ushul al-Hukm refers to the science that studies the basics of Islamic law, including ways of determining Islamic law and the methods used in developing Islamic law. Ushul al-Hukm covers various aspects, such as determining the main sources of Islamic law (Al-Qur'an, Hadith, Ijma', and Qiyas), formulating a methodology for interpreting sacred texts, identifying basic principles such as justice and benefit. general, as well as

encouraging the use of *ijtihad* in making legal decisions that are not directly covered in sacred texts (Muzakki, 2016).

On the other hand, legal positivism emphasizes that the law must be written and promulgated by an authority. Western legal theory is a legal system based on valid legal positivism values, and is seen as a set of clear and written rules made by legislative institutions and must be applied without consider factors outside the legal text (Hart, H. L., 1961). The main characteristics of Western legal theory include an emphasis on promulgated regulatory products, the importance of legal certainty through clear and formal legal documents, and often facing challenges in adapting to social and cultural changes because they are tied to rigid and formal texts. (Johnson, L, 2017). Apart from that, Western legal theory also separates law from religious or moral values, so that law is neutral towards religious beliefs (Mustaghfirin, 2011).

These two legal systems have a significant role in understanding the laws and legal systems implemented in Indonesia. Ushul al-Hukm provides the basics needed to develop Islamic law that is adaptive and responsive to changing times, while Western legal theory offers formal and written legal structures that are important for legal clarity and certainty (Fuller, 1964). In the Indonesian context, understanding these two approaches can help in formulating laws that are not only fair and effective, but also relevant to the needs of society that continues to develop (Butt, 2012). The integration of Ushul al-Hukm principles with formal approaches from Western legal theory can create a more comprehensive and adaptive legal system, able to answer modern challenges while remaining rooted in the basic values that underlie it (Al-Attas, 1993).

Politics and religion, the relationship between religion and the state is often considered to be closely related. However, there has never been a clear consensus regarding how Islam and politics are properly linked. This is caused by differences in legal approaches and concepts used in each legal tradition R A A Wattimena, Untuk Semua Yang Beragama: Agama dalam Pelukan Filsafat, Politik, dan Spiritualitas (books.google.com, 2020), <https://shorturl.asia/8GVWw>. Islamic law and Western law have different principles in understanding the concepts of law, justice and morality. A comparison between the principles of Islamic law and Western law is important in understanding the differences in legal approaches and concepts between the two legal traditions.

"In his work 'Ali Abd al-Raziq explains that the principles of Islamic law include three main aspects: *aqidah* (belief), *khuluqiyah* (morality), and *amaliyah* (practice). These principles not only cover religious and worship matters, but also include political and social fields. According to 'Ali Abd al-Raziq, Muslims have the authority to carry out *ijtihad*, namely efforts to interpret and adjust the law based on the situation and context they face. Al-Raziq emphasized that ethical and moral values must be the main consideration in establishing laws. For example, feeding hungry beggars is not only a legally valid act, but is also highly emphasized in Islam. Although there is no explicit command requiring such action, the Islamic religion poses severe threats to those who ignore this humanitarian obligation (Fadel, 2009). This shows how important moral values are in the practice of Islamic law. Furthermore, al-Raziq emphasized that the principles of Islamic law must always prioritize the benefit of the people (public interest) and simplicity in daily life, as taught by the Prophet Muhammad. This approach shows the flexibility of Islamic law which is able to adapt to changing times and the needs of society. In enacting laws, especially in the field of *mu'amalah* (social and economic interaction) which includes politics, Muslims are given the freedom to carry out *ijtihad*, as long as they remain based on humanist moral values. Thus, according to 'Ali Abd al-Raziq, Islamic law is not static and rigid, but dynamic and contextual, always considering the situation and conditions of society. This approach allows Islamic law to remain relevant and applicable in various situations, without having to be tied to a particular system. like the caliphate. This shows how important moral and ethical principles are in implementing Islamic law, ensuring that the law always supports the good and welfare of humanity ((*Noor-Book.Com 3 تهذيب الخلاق وتطهير الأعراق Pdf, 1978*), n.d.)."

Several studies have examined the comparison of Ushul Al-Hukm with Western Legal Theory. Research conducted by (Hart, 1958) entitled "Positivism and the Separation of Law and Morals." This article is one of the main works in western legal theory, which discusses the concepts of law, regulations and legal systems in depth. Furthermore, research was conducted by (Vogel, 1993) with the research title "Islamic Governance in the Gulf: A Framework for Analysis, Comparison, and Prediction." This research offers a framework for analyzing, comparing, and predicting Islamic governance in the Gulf, with an emphasis on the principles of Ushul Al-Hukm. Further research was conducted by

(Peters, 1994) with the title "Divine Law or Man-Made Law Egypt and the Application of the Shari'a." This article discusses the implementation of sharia in Egypt and highlights the differences between divine law (Ushul Al-Hukm) and man-made law. Furthermore, research from (Kamali, 2006) entitled "Methodological Issues in Islamic Jurisprudence." This article examines methodological issues in Islamic jurisprudence, including the principles of Ushul Al-Hukm, which are the main foundation in understanding Islamic law. Then research conducted by (Berman, 1983) entitled "Law and Revolution: The Formation of the Western Legal Tradition." This book examines the formation of the Western legal tradition through legal revolution and social change.

Book and Author Identity

This book is entitled *Al-Islam Wa Ushul Al-Hukm*. Written by 'Ali Abd Al-Raziq, conveyed by 'Ammar 'Ali Hasan in 1433 Hijriah-2012 AD. published by the Egyptian book house Cairo and the Lebanese book house Beirut, Alexanorina library as its publisher. The number of pages in this book is 134 pages including bibliography and author history.

'Ali Abd al-Raziq was born in 1888 in the village of al-Sāid in the Minya region, Egypt. His father, 'Ali Abd al-Raziq Pasha, was a large landowner who had significant influence in politics and was known as a leading figure in Egypt at that time. Like his brothers, 'Ali Abd al-Raziq was a follower of Muhammad Abduh's teachings, although he did not have the opportunity to learn directly from him because Abduh died in 1905 when 'Ali was only about 17 years old. 'Ali Abd al-Raziq received religious education at al-Azhar University from the age of 10. He studied law from Sheikh Ahmad Abu Khatwah, who was a friend of Muhammad Abduh and a student of Jamāl al-Dīn al-Afghani. In 1910, at the age of 20, 'Ali Abd al-Raziq continued his education at Jāmi'ah al-Misriyah (now Cairo University) for almost two years, where he attended lectures from famous lecturers such as Prof. Santilana and Prof. Nallino.

After graduating with an 'Aliyah degree from al-Azhar in 1911, 'Ali Abd al-Raziq taught rhetoric and the history of the development of Arabic at al-Azhar in 1912. In the same year, he continued his studies at Oxford University in England to study further. political and economic fields. However, the outbreak of World War I forced him to return to Egypt in 1914. Upon his return, he was appointed Judge of the Shari'ah Court in al-Mansurah, Egypt, in 1915. His political career began in 1907 by joining the People's Party

(al-Hizb al-Ummah), a party founded as a rival to the Nationalist Party (Hizb al-Watan) which had close ties to the British government. In this party he served as deputy chairman.

After the Egyptian Revolution of 1919, a new party emerged called Hizb al-Ahrar (Constitutional Free Party), which was a continuation of the People's Party (Hizb al-Ummah). Hasan Pasha Abd al-Raziq, a Secretariat of State official who collaborated with the British during World War I, was one of the founders of this party. However, Hasan was killed in October 1922 after attending a party meeting. Mahmud Pasha Abd al-'Ali Abd al-Raziq then replaced Hasan as party leader. 'Ali Abd al-Raziq also had a brother, Sheikh Mustafa Abd al-Raziq, who was known for his expertise in philosophy and had served as Egypt's Minister of Endowments. Mustafa was more interested in academics than politics and eventually became Chancellor of al-Azhar from 1945 to 1947.

Furthermore, after Mustafa Kemal Atatürk abolished the caliphate in Turkey in 1924, 'Ali Abd al-Raziq wrote the book "Al-Islam wa Usul al-Hukm" (Islam and the Basics of Government) as a response to this event. This book caused a lot of controversy and debate among the scientific community in Egypt and the Islamic world because it was considered a call to abolish the caliphate system. In his work 'Ali Abd al-Raziq presents the argument that Islam as a religion does not require the institution of a caliphate to function or develop. According to him, there is no theological basis that requires the existence of a caliphate and that the existing form of government can be adapted to the needs of the times and the socio-political context without having to be tied to the caliphate model. This view is very controversial because it challenges the traditional view that considers the caliphate to be an integral part of Islamic teachings. Reaction to the book has been strong and varied. In Egypt and the Islamic world, the views proposed by 'Ali Abd al-Raziq were considered radical and shook the foundations of traditional Islamic political thought. This book sparked intense debate among scholars, intellectuals and politicians. Many traditional clerics reject this view and see it as a threat to religious stability and authority. As a result of his controversial views, 'Ali Abd al-Raziq was excommunicated by the al-Azhar Ulema Council. This council considers that its views are not in accordance with the Islamic teachings that they adhere to. As a consequence, he was dismissed from his position as judge and prohibited from holding any position in government. This exclusion reflects how sensitive the issue of the caliphate and government was in Islam at that time. 'Ali Abd al-Raziq died on 22 September 1966 at the age of 78. His legacy remains controversial, but his

work "Al-Islām wa Usūl al-Hukm" continues to be an important reference in discussions about the relationship between Islam and governance, showing that his critical and reformist thought had a long-lasting impact on Islamic political discourse((*Noor-Book.Com* 3 تهذيب الخلاق وتطهير الأعراق .Pdf, 1978), n.d.).

The book *Al-Islam wa Usul al-Hukm* by Ali Abd al-Raziq is an important and courageous work in the discourse on the relationship between Islam and politics. By offering an innovative view on the flexibility of sharia and the separation between religion and politics, this book opens up a new discourse that is relevant in the modern context. However, a lack of support from the classical tradition, resistance from traditional scholars, and a lack of practical guidance posed major challenges to the acceptance and implementation of his ideas. Nevertheless, Al-Raziq's contribution remains important in encouraging critical reflection and reform in the Islamic world. The following is a detailed discussion of the advantages and disadvantages of the book. In the researcher's understanding, this book has several advantages, including: (1) Innovative, this book offers an innovative approach in understanding the concept of caliphate and government in Islam. 'Ali Abd al-Raziq criticizes the tradition of the existing caliphate and government, and offers a more modern and contemporary alternative, (2) Critical, this book presents sharp criticism of the thoughts and practices of existing Islamic government, this criticism helps in awakening more productive debates and debates in the Islamic intellectual sphere, (3) Influence, this book has had a significant influence on the development of contemporary Islamic political thought. The criticism and ideas expressed in this book have influenced several other figures, such as Muhammad 'Imarah, in developing their thoughts about the relationship between religion and the state.

Furthermore, there are several shortcomings that researchers have encountered, including: (1) Controversial, this book has caused great controversy in the Islamic intellectual sphere. Criticism of 'Ali Abd al-Raziq's thoughts has triggered strong reactions from several figures, such as Dhiya' ad-Din ar-Rais, who considers 'Ali Abd al-Raziq's thoughts as inconsistent with religion and facts, (2) Incompatible with tradition: this book has rejected several traditions and concepts that already exist in Islam, such as the caliphate which is considered an integral part of Islamic teachings. Criticism of this tradition has triggered strong reactions from several figures who defend this tradition, (3) Not paying attention to historical context, this book has been criticized for not paying attention to the

historical context that is relevant in understanding the concept of caliphate and government in Islam, this criticism has considered that 'Ali Abd al-Raziq did not pay attention to how these concepts had been developed and applied earlier in Islamic history. In all, the book "Al-Islam wa Ushul al-Hukm" by 'Ali Abd al-Raziq has been the subject of long and controversial discussions in Islamic intellectual circles. While this book also offers several advantages, such as innovation and criticism, it also has several disadvantages, such as controversiality and not paying attention to historical context.

Brief description of book contents

'Ali Abd al-Raziq's work consists of three main parts that discuss various aspects of the relationship between Islamic religion and politics. The first part begins the explanation by exploring the topic of the caliphate and Islam which is divided in more detail into three subsections. The first subsection highlights the definition and characteristics of the caliphate, the second subsection explores laws related to the caliphate, while the third subsection examines the caliphate from a sociological perspective. The second part of this work reviews the relationship between government and Islam, discusses the government system during the time of the Prophet, examines the relationship between the message (prophetic task) and government and discusses the argument that religion and the state are different entities. Meanwhile, the third part explores the relationship between the caliphate and government in Islam by focusing on Arab religious and national unity, the process of forming an Arab state, and the concept of the caliphate from an Islamic perspective. All of these sections essentially discuss the complexity of the relationship between religious and political aspects in the Islamic context.

In the first part of his work 'Ali Abd al-Raziq presents an in-depth analysis of the concept of the caliphate in Islam and explores aspects of the language and related terms with reference to the views of various scholars, 'Ali Abd al-Raziq outlines the understanding of the caliphate and concludes that this institution has a role who is equivalent to a sultan as a substitute for the Prophet and enforcer of religion in leading the country in the name of Allah. In addition, 'Ali Abd al-Raziq described the caliphate as a representation or "shadow" of Allah's authority in the world with absolute power and

covering all aspects of life. Thus, 'Ali Abd al-Raziq highlights the universality and absolute dimensions of the concept of the caliphate in Islamic thought.

'Ali Abd al-Raziq explained two main views regarding the source of a caliph's power. The first group believes that the caliph's power comes from Allah, a view that is in line with 'Thomas Hobbes' theory. The second group argued that the caliph's power came from the people, in line with John Locke's theory. Furthermore, 'Ali Abd al-Raziq outlined the law of the caliphate noting that according to some ulama establishing a caliphate is an obligation based on ulama consensus. However, 'Ali Abd al-Raziq challenged this view, pointing out that there is no verse in the Qur'an that explicitly requires the establishment of a caliphate and that the caliphate is not a matter of shar'iyyah aqidah.

The third subsection, 'Ali Abd al-Raziq reviews the caliphate from a sociological perspective by highlighting the negative aspects that have often appeared in the practice of this institution throughout history. He emphasized that violence, power struggles and internal conflicts are characteristics that often dominate the leadership succession process in the caliphate system. According to Abd al-Raziq history records many cases where power struggles between families or different political factions resulted in prolonged bloodshed and instability, he argued that it was not just certain individuals who were involved in this violence but the institutional structure of the caliphate itself tends to facilitate and trigger such conflict. Furthermore, Abd al-Raziq stated in an extreme way that the caliphate not only failed to achieve its main goal of maintaining the stability and prosperity of the Muslim ummah, but instead became a disaster that brought loss and suffering to the Muslim community.

The second part of this work focuses on the relationship between government and Islam with the first subsection in detail describing the complexity of the government system that existed during the time of the Prophet. 'Ali Abd al-Raziq highlights the enormous challenges in trying to interpret and derive legal procedures from this period, given the existence of various histories that often contradict each other. In his attempt to scientifically map the prophet's system of government, al-Raziq argued that this task was a very complicated one and perhaps could not even be fully accomplished, this conclusion highlights the historical and methodological complexity inherent in understanding political dynamics in the early days of Islam.

The second subsection reviews in depth the concept of the treatise and its relationship to government, where 'Ali Abd al-Raziq emphasizes that the treatise or

apostolate is not a form of kingship in the conventional sense, and that the position of a prophet is different from that of a king. By referring to the examples of prophets such as Moses and Jesus who never served as world rulers, al-Raziq emphasized the difference between the two concepts. Furthermore, he illustrates that in the life of the Prophet Muhammad tasks such as jihad and financial administration were part of governmental responsibilities separate from his mission of preaching, he emphasizes that political power does not refer directly to apostolic position.

The third subsection firmly puts forward the argument that the treatise is not a form of government and that religion is not the same as the state. According to 'Ali Abd al-Raziq, the Prophet Muhammad was only tasked with conveying religious teachings without having any inherent political ambitions. However, as an apostle who has to fight for his mission, sometimes he has to participate in the political realm. 'Ali Abd al-Raziq emphasized that the Prophet Muhammad had extraordinary privileges compared to other prophets, especially because his mission encompassed all of humanity.

The final part of this work thoroughly examines the concept of caliphate and government in Islam, starting with an exploration of religious unity and identity of the Arab nation. 'Ali Abd al-Raziq expressed the opinion that Islam is a holy calling for all mankind regardless of ethnic or cultural background with the ultimate goal of uniting them under one religion. He highlighted Islam's success in integrating various Arab tribes even though there remains diversity in the political and socio-economic realms. 'Ali Abd al-Raziq emphasized that the leadership of the Prophet Muhammad was religious, not political.

The second subsection of 'Ali Abd al-Raziq discusses the concept of an Arab state by stating that the leadership of the Prophet Muhammad came entirely from his apostolic duties as a prophet and messenger of Allah which ended with his death. Abd al-Raziq emphasized that the political leadership exercised by the Prophet Muhammad could not be separated from his divine religious mission. After the death of the Prophet, Muslims realized the need to establish a worldly government to manage daily affairs and maintain societal stability. The process of forming a government is carried out through deliberation or shura, a collective consultation and discussion mechanism that reflects democratic principles. Abd al-Raziq emphasized that the problems faced by Muslims after the death of the Prophet were worldly problems, not religious problems. Therefore, the government institutions that were formed after the Prophet Muhammad SAW died must be seen as

political entities that are temporary and human, not a continuation of the spiritual and divine leadership possessed by the Prophet.

The final part of chapter three discusses in detail the concept of the caliphate in Islam. 'Ali Abd al-Raziq put forward a firm argument that the Islamic religion does not actually recognize or introduce the concept of the caliphate as it is known in the Muslim tradition. According to 'Ali Abd al-Raziq, in his view, the caliphate institution does not have a strong basis in religious teachings, including in terms of government and state functions. 'Ali Abd al-Raziq claims or explains that each of these things is closely related to the political domain. In his perspective, 'Ali Abd al-Raziq explained that religion does not provide a firm view on the existence of the caliphate institution, there are no clear orders or prohibitions. According to 'Ali Abd al-Raziq, all of these matters are matters that are completely within the realm of politics where humans are given the freedom to use their minds as the main consideration in forming political structures.

Review

Ali Abd al-Raziq stated that the caliphate is not an obligatory institution in Islam. According to him, Islamic law (sharia) can be interpreted flexibly according to time and place, without having to be tied to the caliphate system. On the other hand, Western legal theory emphasizes state sovereignty, where laws are made by legitimate authorities in the context of the nation state. Law in the West developed through a democratic system, which separated legal power from religious authority. Ali Abd al-Raziq's approach is similar to Western legal theory because both emphasize flexibility and contextuality, although the source of legal legitimacy is different, in the West legitimacy comes from the will of the people expressed through a democratic process, whereas in Islam it still refers to religious texts even though the interpretation can be adapted to suit certain situations and conditions (*Noor-Book.Com تهذيب الخلاق وتطهير الأعراق Pdf, 1978*), n.d.).

In addition, Ali Abd al-Raziq was an Egyptian Islamic cleric and scholar who caused controversy in 1925 with his bold and innovative views on the relationship between religion and politics in Islam. In his famous work "Islam and the Foundations of Governance" (الإسلام وأصول الحكم), al-Raziq argued that Islam does not stipulate an obligation to form a theocratic government, namely a government based on religious principles and led by a religious leader (Al-Raziq, 2013). Al-Raziq argues that the Prophet

Muhammad was more of a spiritual and religious leader than a head of state in the modern sense. According to him, the Prophet Muhammad's mission was to spread the teachings of Islam as a religion and not to establish a theocratic state. Thus, after the Prophet's death, Muslims were not bound to a particular form of government that they had to follow. This meant that Muslims had the freedom to choose and develop a system of government that best suited their social and political needs, including a model that separated religion from state affairs. . In al-Raziq's view, this approaches the principle of secularism as understood in Western legal theory. Secularism is a concept that advocates separation between religious institutions and the State where the state does not take sides with certain religions and does not implement religious law as state law(Hurd, 2004). In this framework of thought, al-Raziq saw that the separation between religion and politics would enable a more just and inclusive government, where state policies and laws were based on rational and universal principles that could be accepted by all citizens, regardless of their religion. . Al-Raziq's views have received a lot of criticism from traditional and conservative ulama who see that these views undermine the foundations of sharia and the role of religion in the public life of Muslims. They argue that Islam as a comprehensive religion includes aspects of spiritual and worldly life so that it cannot be separate from politics and government. However, on the other hand, al-Raziq's views also received support from reformist circles who wanted renewal and modernization in government practices in the Islamic world. Al-Raziq's views opened a new discourse about flexibility in the application of Islamic principles in the context of modern government. He invited Muslims to think critically and reflectively about how their religious teachings can be applied in dynamic and changing state governance. Thus, Ali Abd al-Raziq makes an important contribution to the debate about the relationship between religion and state in Islam, as well as providing an alternative perspective that is relevant and innovative in facing the challenges of contemporary times.

Ali Abd al-Raziq also argued that Islam does not require a theocratic government, and he supported a separation between religion and politics, similar to secularism in Western legal theory(Na & Na'im, 2008). In Western legal systems, the separation of religion and state is a basic principle that ensures law and government are not based on the teachings of a particular religion(Sullivan, 2005). Al-Raziq's view of the separation of religion and state is in line with the principle of secularism in the West, which allows Muslims to adopt a modern government system without having to abandon their religious

identity and Ali Abd al-Raziq also emphasized that the main goal of government is social justice and the welfare of the people, which can be achieved through various forms of government not only the caliphate, democracy and law in the West also focus on social justice and the protection of individual rights (D, 1996). Al-Raziq's focus on social justice as the primary goal of government reflects the same values as Western legal theory ((*Noor-Book.Com* 3 تهذيب الخلاق وتطهير الأعراق .Pdf, 1978), n.d.). This shows that although the methods and sources of law may be different, both approaches both strive to achieve a just and prosperous society.

From this discussion, this book concludes regarding the relationship between Islam and politics, especially regarding the concept of the caliphate. Then the detailed conclusions regarding the book are as follows: First, this book highlights Ali Abd al-Raziq's controversial and innovative view that the caliphate is not an obligatory institution in Islam. According to al-Raziq, Islamic law (sharia) is dynamic and can be interpreted flexibly according to the context of time and place, without having to be tied to the traditional caliphate system. Second, this book emphasizes that the main mission of the Prophet Muhammad was to spread the teachings of Islam as a religion, not to establish a theocratic state. Al-Raziq argues that the Prophet Muhammad was more of a spiritual and religious leader than a head of state in the modern sense. Therefore, after the death of the Prophet, Muslims were not bound to any particular form of government and had the freedom to choose and develop a system of government that best suited their social and political needs, including a model that separated religion from state affairs. Third, this book links al-Raziq's views with the principles of secularism in Western legal theory. Secularism advocates a separation between religious institutions and the state, ensuring that laws and government are not based on the teachings of any particular religion. In al-Raziq's view, this separation allows for a more just and inclusive government, where state policies and laws are based on rational and universal principles that can be accepted by all citizens, regardless of their religion. Fourth, this book also discusses how al-Raziq's views sparked a lot of criticism from traditional and conservative ulama who saw these views as a threat to the foundations of sharia and the role of religion in the public life of Muslims. They argue that Islam as a comprehensive religion includes aspects of spiritual and worldly life, so it cannot be separated from politics and government. However, this book also notes that al-Raziq's views received support from reformist circles who wanted reform and

modernization in government practices in the Islamic world. Fifth, this book concludes that al-Raziq's views open a new discourse about flexibility in the application of Islamic principles in the context of modern government. Al-Raziq invites Muslims to think critically and reflectively about how their religious teachings can be applied in dynamic and changing state governance.

Overall, this book makes an important contribution to the debate on the relationship between religion and state in Islam, and offers an alternative perspective that is relevant and innovative in facing the challenges of contemporary times. This conclusion confirms that although the methods and sources of legal legitimacy differ between al-Raziq's approach and Western legal theory, both approaches both strive to achieve a just and prosperous society, with a focus on social justice and people's welfare.

Furthermore, the researcher draws conclusions. The relationship between politics and religion, especially regarding the relationship between religion and the state in the Islamic context, is often assumed to be closely related, but there is no clear consensus on how to link Islam and politics appropriately. The principles of Ushul al-Hukm in Islam, which include the basics of Islamic law such as the Qur'an, Hadith, Ijma', and Qiyas, are significantly different from Western law which is based on legal positivism, where laws must be written and promulgated by legal authorities without considering factors outside the legal text. Ushul al-Hukm encourages the use of *ijtihad* to interpret and adapt the law according to the context and era, while Western law prioritizes legal certainty through clear and formal rules. In Indonesia, understanding these two approaches is important for formulating laws that are fair, effective and relevant to the needs of society. The integration of Ushul al-Hukm principles with formal approaches from Western legal theory can create a comprehensive and adaptive legal system, responding to modern challenges while remaining rooted in basic values. Ali Abd al-Raziq in his work "Al-Islam Wa Ushul Al-Hukm" argues that Islam does not require a theocratic government and supports the separation between religion and politics, this view is in line with the principle of secularism in Western legal theory which ensures that law and government are not based on certain religious teachings.

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