

REVIEW OF POLITICAL THEORY OF ISLAMIC LAW ABUL 'ALA AL MAUDUDY POSITIVE PERSPECTIVE OF THE POLITICAL SYSTEM OF INDONESIAN ISLAMIC LAW

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Abstract: This research focuses on the theory and thoughts of Abul A'la Al Maududi regarding the idea of developing Islamic politics that would establish a pure Islamic State led by an Islamic Caliph who has been legitimized by the will and sovereignty of all Muslims. The research methodology employed is primarily literature review, analyzing the works of Al-Maududi in a descriptive and qualitative manner. The findings of this research indicate that there is idealism and a conceptual political system in the form of a Khilafah state based on the Quran and the Sunnah of Prophet Muhammad. His thoughts have the potential to be gradually applied in religious, social, national, and state aspects in Indonesia. In the context of politics and law in Indonesia, Al-Maududi tends to lean towards the principles of Sharia, even within a democratic state like Indonesia.

Keywords: *Al Maududi's Theory, Comparative Perspective, Indonesian Islamic Political Law.*

Abstrak: Penelitian ini berfokus pada teori dan pemikiran Abul A'la Al Maududi tentang ide pengembangan politik Islam yang akan membentuk Negara Islam murni yang dipimpin oleh seorang Khalifah Islam yang telah mendapatkan legitimasi dari kehendak dan kedaulatan semua umat Muslim. Metode yang digunakan dalam penelitian ini lebih pada kajian pustaka yang membahas tentang pemikiran al-Maududi dan dianalisis secara deskriptif-kualitatif. Temuan dari penelitian ini adalah bahwa terdapat idealisme dan konsep sistem politik dalam bentuk negara Khilafah yang berdasarkan Al-Quran dan Sunnah Nabi Muhammad. Pemikirannya memiliki potensi untuk diterapkan secara bertahap dalam kehidupan agama, sosial, nasional, dan negara di Indonesia. Dalam konteks politik dan hukum di Indonesia al-Maududi lebih cenderung mengarahkan pada prinsip syariah meski berada di negara demokrasi seperti Indonesia

Kata kunci: Teori Al Maududi, Perspektif Komparatif, Hukum Politik Islam Indonesia.

INTRODUCTION

Name Maulana Syech Sayyid Abul A'la Mawdudy. Born in the city of Aurangabad, Andra Pradesh in the Sultanate of Hyderabad, India, 25 September 1903 – 3 Rajab 1321 H. died in Hospital, New York, USA, 22 September 1979 (76 years). Syed Ahmad Hasan Maududi's father. Religion of Islam – Sunny - Ahlussunnah wal Jama'ah. Field of Al-Qur'an, Philosophy, Islamic Politics, and Economics. Occupations Philosopher, Theologian, Politician, Writer, Journalist, and Translator. Orthodox Islamic Reform Thinker, and 20th Century Fundamentalist. Political Party Jamaah Al Islam. Popular Works: *Tafhimul Qur'an*.¹ Al Maududi's father, Syed Ahmad Hasan Maududi, was born in 1855. His father was a lawyer who attended Aligarh University. Al Maududi came from a very respectable family. His family is very well known in scientific and religious matters.² Sayyid Abu Al A'la Maududi is an important figure in the revival of Islam in the last decade. He was born into a sharif family (a family of North Indian Muslim leaders) in Aurangabad, South India, on 25 September 1903 (3 Rajab 1321 H). Syeid Ahmad Hasan Maududy, his father Al Maududi, was very fond of Sufism. He succeeded in creating a very religious and ascetic condition for the education of his children. He tries to raise his children in a sharif culture. Therefore, the education system that he applied tends to be classical. In this system, there are no English and modern language lessons, only Arabic, Persian, and Urdu. Because of this, Al Maududi became proficient in Arabic at a young age. At the age of eleven, Maududi entered school in Aurangabad.

Abu Al 'Ala Al Maududi was educated at home, educated, and taught directly by his father. In 1914, at the age of 11, he entered secondary school at Madrasah Fawqaniyah. In 1917, when he was 14 years old he moved to Hyderabad at

his brother's house and continued his higher education at Dar al-Ulum. After his father died, he went to New Delhi and worked in an Islamic publication. After his economy was stable, he deepened various branches of religious knowledge under the guidance of Islamic scholars. In 1918, when he was 15 years old, he helped his older brother raise the Islamic magazine *Al Madinah*, this is where Al Maududi's career as a journalist began.³

In 1919, when he was 16 years old he was involved in the Islamic caliphate movement and was also a member of *Tahrik-I Hijrat*, an anti-British movement. In 1920 at the age of 17, he was appointed editor of the *Taj* newspaper which was published in Jabalpur. At the end of 1920, Al Maududi came to Delhi and held the leadership of the Muslim newspaper (1921-1923) and *Al Jam'iyat* newspaper (1925-1928). In 1919 he went to Jubalpur to work for the week of the pro-Congress party called *Taj*. Here he became fully active in the caliphate movement and actively mobilized Muslims to support the Congress Party. Then Maududi returned to Delhi and associated with important leaders of the caliphate such as Muhammad 'Ali. Together with him, Al Maududi published a nationalist newspaper, *Hamdard*. It was during this time that Maududi's political views became increasingly religious. He joined the *Tahrik-I Hijrah* (hijrah movement) which encouraged Indian Muslims to leave India for Afghanistan which was considered *Dar Al Islam* (Islamic country). In 1921 Al Maududi became acquainted with the leadership of *Jami'ati 'Ulama Hind* (Indian clerical society). *Jami'at* scholars who were impressed with Maududi's talent then hired Al Maududi as editor of their official newspaper, *Muslim*.

The collapse of the caliphate in 1924 caused Al Maududi's life to experience major changes. He became cynical about nationalism which he believed only misled

¹ Abul Ala Al Maududi.
<https://id.wikipedia.org/wiki/Abul.Ala.Maududi>

² Muhammad Sa'id Nursi. *Tokoh-tokoh besar sepanjang sejarah Islam*. Pustaka Al-Kautsar. Terjemah: Khoirul Amru Harahap. Jakarta, 2007. Page 313.

³ Muhammad Sa'id Nursi. *Ibid*.

the Turks and Egyptians, and caused them to undermine Muslim unity by rejecting the 'Ottoman Empire, and the Muslim caliphate. He also no longer believes in Indian nationalism. Since then, to oppose imperialism, Al Maududi advocated an Islamic movement, not a nationalist one. He believed the actions he advocated would safeguard the interests of Muslims. This gave place to the discourse of Islamic revival.⁴

In New Delhi, Al Maududi had the opportunity to continue studying and grow his intellectual interests. He studied English and read Western works. Jami'at encouraged him to receive formal religious education. He started the Dars-I Nizami, a religious education syllabus popular in South Asian religious schools since the eighteenth century. In 1925 Maududi wrote his famous book on war and peace, violence and jihad in Islam, *Al-Jihad fi Al-Islam*. This book contains a systematic explanation of Muslim attitudes regarding jihad, as well as a response to criticism of Islam. This book received a warm welcome from the Muslims. This further confirms Al Maududi as an intellectual of the people. Al Maududi tried to find the factors that caused the decline of Muslim power. He concluded that for centuries Islam had been undermined by the influx of local customs and the influx of foreign cultures that obscured its true teachings. Because of this Al Maududi proposed Islamic renewal for the government at that time, but was ignored. This prompted Al Maududi to seek a new comprehensive socio-political solution to protect Muslims. In 1926, he received a certificate of religious education and became a cleric. In 1927 at the age of 24 years, many articles were successfully written and published in a book entitled *Al-Jihad fi Al-Islam*. In 1932, when he was 29 years old, he left New Delhi and returned to Hyderabad to lead the publication of the

magazine *Tarjuman Al Qur'an*, which was oriented towards the revival of Islam. Then Al Maududi from 1937 to 1939 moved from one place to another. In 1937 he went to Lahore and met Muhammad Iqbal. In 1938 he moved to Punjab on Chandry T. Ali's offer. There he founded a village called Dar al-Islam. In January 1939 he left Dar Al Islam, moved to Lahore, and served as Dean of the Faculty of Theology at the Islamic College.⁵

In 1941 at the age of 38, Al Maududi together with seventy-five of his followers founded an organization named *Jamiah Islamiyah*, an organization that moved in the political field that he led from 1941 to 1971, which was approximately 30 years. Since then, Al Maududi focused on leading the people towards political and religious security. Since then, many of his works were born among the people. When India was divided, the *Jama'at* was also divided. Al Maududi, along with 385 members of the congregation chose Pakistan. His headquarters moved to Lahore, and Al Maududi was as leader. Since then Al Maududi's political and intellectual career is closely related to the development of the congregation. He has 'returned' to Islam, bringing a new religious view.⁶

In 1947 two countries were formed, namely India and Pakistan, so *Jamiah Islamiyah* was divided into two, namely *Jamiah Islamiyah India* and *Jamiah Islamiyah Pakistan*. At that time he moved to Pakistan and focused his attention on establishing an Islamic state. In March 1948, Al Maududi and his members held a grand meeting in Karachi to formulate or ratify the concept of an Islamic state to be fought for in the Pakistan Constituent Assembly.⁷

In 1953, Al-Maududi was sentenced to death for 'subversive' charges, for writing articles deemed agitating the public. Nevertheless, he was remanded to life

⁴ Muhammad Sa'id Nursi. *Ibid.*

⁵ *Ibid.*

⁶ Zebiri, Kate. Review of *Maududi and the Making of Islamic Fundamentalism*. Bulletin of the School of

Oriental and African Studies, University of London, Vol. 61, No. 1. (1998), Page 167-168.

⁷ Zebiri.

imprisonment and on 28 April 1955 was acquitted by a decision of the Supreme Court. Arrested on January 6, 1964, when Jamiah Islamiyah was banned under Ayub Khan's regime, on October 9, 1964, released by the Punjab high court, January 29, 1967, detained again by Ayub Khan's regime, for celebrating Eid al-Fitr before Ru'yatul Hilal, only on March 15, 1967, released based on a written petition. June 7, 1972, completed his Tahfim Al Qur'an which had been compiled since February 1942. Finally, on September 23, 1979, he died in a New York hospital, the United States.⁸

METHODS

According to Soerjono Soekanto, the method is a process, principle, and procedure for solving a problem, while research is a scientific activity related to analysis and construction which is carried out methodologically, systematically, and consistently. Research is a scientific activity based on certain methods, systematics, and ideas that aim to study one or several specific legal phenomena by analyzing them. Besides that, there is also an in-depth examination of legal facts to then seek a solution to the problem.⁹

This writing method applies the library literature research and review method. The material for the analysis and main study in this study are the arguments of sharia which originate from the texts of the Qur'an (words of Allah Ta'ala) and the hadiths of the ahkam of the Prophet Muhammad. The technique used is the collection of materials: material data and information from various sources of literature (physical books), and browsing

searches for relevant data on blogs, and the internet related to discussions about legal politics, theories, and thoughts from Abu Al 'Ala Al Maududy.

The main thought of Abul A'la Maududi is to apply Islamic concepts purely both to individuals and in the life of society and the state. The most important principle in Islam is monotheism, and all the Prophets and Apostles have the main task of conveying and teaching it to all mankind (the unity of the godhead). This principle emphasizes that God is the only substance that has power and provides the main principles of authority.

All principles, laws, and customs that are different from God's instructions must be avoided because this is seen as rejecting God's sovereignty. According to Al Maududi, sovereignty is in the 'hands of god', not in the hands of humans. God alone has the right to give laws to humans, while humans do not have the right to create laws. The law here means basic norms for the creation of a just and prosperous society. Al Maududi's idea was to understand Islam in an interpretive way, meaning to move piety and faith for political action. The idea of developing Islamic politics was aimed at replacing Western ideology which, according to Al Maududi, led to disbelief, and this was what Muslim intellectual leaders in Pakistan embraced at that time. The struggle between Islam and disbelief will eventually lead to an Islamic revolution and the establishment of an Islamic state. But before creating an Islamic state, it is necessary to Islamize society first, because the success of an Islamic state depends on

⁸ Abul A'la Al-Maududi, *Al-Khilafah wa Al-Mulk*, diterjemahkan oleh Muhammad Al-Baqir dengan judul *Khilafah dan Kerajaan: Evaluasi Kritis Atas Sejarah Pemerintahan Islam*, Bandung: Mizan, 1998. Muktafi Fahal dan Achmad Amir azis, *Teologi Islam Modern*, Surabaya: Gitamedia press, 1999. Munawir Sjadzali, *Islam dan Tata Negara: Ajaran Sejarah Dan pemikiran*, Jakarta: Universitas Indonesia Press, 1990. Munawir Sjadzali, *Islam dan Tata Negara: Ajaran Sejarah Dan pemikiran*, Jakarta: Universitas Indonesia Press, 1990. Ali, *Alam Pikiran Islam Modern Di India dan Pakistan*,

Bandung: Mizan, 1998. Dewan Redaksi Ensiklopedia Islam, *Ensiklopedia Islam*, Jakarta: Ichtiar Baru, 1994. Muhammad Azhar, *Filsafat Politik: Perbandingan Antara Islam dan Barat*, Jakarta: PT. Raja Grafindo Persada, 1997. Tim Penulis, *Ensiklopedia Hukum Islam*, Jakarta: Ichtiar Baru Van Hoeve, 1996.

⁹ Soerjono Soekanto. *Pengantar Penelitian Hukum*. Universitas Indonesia Press. Jakarta., 1986. Page 42.

the legitimacy of society. The basic framework for understanding Abu Al 'Ala Maududi's concept of Islamic politics is based on a principle that the principle in Islam is that human beings, both individually and in groups, must surrender all rights to power, legislation, and domination over others.¹⁰

The foundation of this concept and thought is based on the holy book of the Qur'an which is contained in the explanation of the text of the texts in the suras as follows:

1. Al Qur'an Surah Ali Imran Verse 154.

يَقُولُونَ هَلْ لَنَا مِنَ الْأَمْرِ مِنْ شَيْءٍ
قُلْ إِنَّ الْأَمْرَ كُلَّهُ لِلَّهِ

Meaning: They said: 'Is there anything we can do in this matter? Say Muhammad: Surely all matters are in the hands of Allah.

2. Al Qur'an Surah An Nisa' Verse 64.

وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ

Meaning: And We did not send a messenger except to be obeyed by Allah's permission.

3. Al Qur'an Surah Yusuf Verse 40.

إِنَّ الْحُكْمَ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ
وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

Meaning: The decision belongs only to Allah. He has commanded you not to worship other than Him. That is the true religion, but most people don't know.¹¹

According to Peter Mahmud Marzuki, Legal research is a process to find the supremacy of law, legal principles, and legal doctrine to answer the legal problems at hand. Legal research is carried out to produce arguments, theories, or new concepts as recipes for solving the problems faced and those that arise in the symptoms in question.¹²

RESULTS AND DISCUSSION

A. The Concept of an Islamic State According to the Thoughts of Abu Al 'Ala Maududy.

The characteristics of an Islamic state according to the thoughts of Abu Al 'Ala Al Maududy are:

1. No one, not even the entire population of the country as a whole can challenge sovereignty. Only God is sovereign, man is only a subject.
2. Allah is the true lawgiver, and the absolute authority of legislation rests with Him. The believers cannot take refuge in completely independent legislation, nor can they change the laws that have been laid down by Allah, even if the demand to bring about legislation or change this divine law is taken by consensus.
3. An Islamic state in all respects must be founded on the law that Allah has revealed to mankind through the Prophet. The government that will administer this kind of state will be given the right to be obeyed within its capacity as a political agent created to enforce God's laws, as long as it acts according to its capacity. If he ignores the laws that Allah has revealed, his commands will not bind the believers.¹³

The conditions that must be met as an Islamic State are:

1. A country that was founded based on the awareness of being an independent nation and is willing to voluntarily bow its head to Allah - Lord of the worlds, even though it is an independent nation with full independence. He is willing to occupy the position of caliph, not the position of the supreme ruler under Allah's authority.
2. The highest power and legal sovereignty fully belong to Allah.
3. Having a government system that is following the principles of democracy, its replacement, and its implementation must be in line with the people's opinion.

¹⁰ Abul A'la Al Maududi.

¹¹ Departemen Agama Republik Indonesia. *Al Qur'an dan Terjemahannya*. Jakarta, 2017

¹² Petrus Mahmud Marzuki. *Penelitian Hukum*. Kencana Prenada Media. Jakarta, 2005. Page 35.

¹³ Al Maududi. *Al Islam Al Sulthaniyah*. Dar Al Fikr. Beirut. Page 13.

4. A country that has a certain concept, and is managed by people who are trusted and experts in their fields.
5. A country based on ideology and not based on race, ethnicity, language, or geographical boundaries.
6. Have a high spirit in upholding noble morals, and carry out a map of its political power for devotion to Allah alone.
7. Has a comprehensive function, not only being a police officer whose function is to arrest and imprison guilty people but also has goals and objectives where the most important obligation is to call for good deeds, carry out social justice, foster virtue, prevent evil, eradicate crime and all forms of destruction.
8. Having basic values inequality of rights, position, opportunity, and implementation of laws, helping each other in kindness and piety, having awareness of responsibility before Allah, compatibility between individuals and society.
9. Having a balanced system in carrying out the relationship between individual interests and the interests of the state so that it does not make the state an absolute ruler who can do anything.¹⁴

B. The Concept of the Khilafah According to the Thoughts of Abu Al 'Ala Al Maududy.

In another analysis, Al Maududy explains the concept of khilafah (caliphate) as follows:

1. Islam uses the word khilafah as a keyword, not the word sovereignty or anything else. Sovereignty belongs to Allah. Whoever wields power must conform to God's law. By itself, he becomes the caliph of Allah Almighty and he has no authority over anything except that which has been delegated to him.
2. The power to govern the earth and manage the country for the welfare

of society is given to all believers, not to a particular person or class. Therefore, all believers have the right to be leaders.

3. Islam emphasizes equality and justice. That means, Islam does not recognize discrimination, whether based on heredity, social status, or profession. All are considered equal before God. Therefore, everyone has the right to get equal rights and obligations.
4. Islam does not provide an opportunity for dictatorship to continue, because everyone acts as the caliph of Allah.
5. In a society and country that adheres to Islam, every Muslim who is physically and mentally healthy, both male and female, has the full right to express ideas or opinions.
6. Democracy superlative following Islam is always trying to achieve a balance between individualism and collectivism. In Islam, individual life and communal life are directed to achieve mardhatillah by imposing divine laws.¹⁵

As the material for implementing Allah's laws, the duties of a caliph are included in the territory of the constitution as a concrete form of legislation that must be implemented as stated in the contents of the Qur'an Surah An Nisa' verse 49.

1. Obedience to Allah and His Messenger takes precedence over all other obedience.
2. Obedience to Ulil Amri comes after obedience to Allah and His Messenger.
3. Ulil Amri must consist of believers.
4. The people have the right to sue the authorities and the government.
5. The determining power in every dispute is the law of Allah and His Messenger.

¹⁴ Al Maududy. *Khilafah dan Kerajaan: Evaluasi Kritis dan Pemerintaban* (terjemahan). Mizan. Bandung, 1994. Page 86.

¹⁵ Al Maududy. *Ibid.* Page 32.

6. It takes a body that is free and independent from the pressure of the people and the influence of the rulers, to make decisions in disputes following the laws of Allah and His Messenger.¹⁶

Table 1.
The Concept of the Caliphate According to Abu Al 'Ala Al Maududy¹⁷

Nu.	Concept - Idealism	Practice and Implementation
1	Khilafah.	Wakil or the delegation of Allah alone. Caliphs are Muslim humans who are general caliphs.
2	Sovereignty.	Mutlaq Sovereignty belongs to Allah. People's sovereignty is limited.

3	Form a State.	Kingdom of God. Not Efrofa's theocracy or democratic theocracy.
4	Constitutional Process.	With Ahlu Al Hali wa al Aqdi. Representative council - people's deliberations
5	Principles of the State.	Based on religious ideology. Not based on SARA, language, and geographical boundaries
6	Negara State Administrative Process	Through legislative, executive, and judicial bodies. Not based on the principle of Trias Politica.
7	Principles of State	Syura', justice, obedience to Ulil Amri, equality, freedom of religion, and benefit.

According to Munawwir Sadzali's analysis, Al Maududy's thoughts made many major contributions to the political concept of an Islamic state, as follows:

1. Islamic state system cannot be called democracy, because, in a democratic system, the power of the country is completely in the hands of the people, meaning that laws or laws are promulgated, amended, and replaced solely based on the opinions and wishes of the people.
2. Islamic political system is more accurately called theocracy, meaning that Allah's power is in the hands of Muslims who carry it out following what is conveyed by the Qur'an and the Sunnah of the Prophet Muhammad Saw.

3. State power is carried out by three institutional bodies, namely: legislative, executive, and judiciary, and strongly rejects the Trias Politica system.¹⁸

Political Analysis of Islamic Law in Indonesia.

The National Legal System in Indonesia which is based on Pancasila and the 1945 Constitution, which is realized through national legal politics, is a legal system originating from, and rooted in, various legal systems imposed by the people of Indonesia. The application of the law by the people of the Indonesian nation, which is diverse, includes the customary law system which is already embedded in life, the Islamic legal system which is attached to beliefs, and the European legal system as a

¹⁶ *Ibid.*

¹⁷ Dedi Supriyadi. *Perbandingan Fiqh Siyasah-Konsep Aliran dan Tokoh-Tokoh Politik Islam*. Pustaka Setia. Cetakan I. Bandung, 2008. Page 97.

¹⁸ Munawwir Sadzali. *Islam dan Tata Negara*. UI Press. Edisi V. Jakarta 1993. Page 89.

colonial legacy. These three legal systems have become raw materials in the formation of a holistic and comprehensive national legal system through national legal politics.¹⁹

The Unitary State of the Republic of Indonesia is not an Islamic State, nor is it a secular State. The reality of political dynamics shows that constitutionally Indonesia is a Pancasila state with a Pancasila democracy system. Therefore, it is impossible formally for Islamic institutions to fully realize Islamic principles regarding the law, especially in its official form.

Considering that Indonesia is a country with a diverse population (plurality), Islamic law is still stated as a living law. The same thing also applies to followers of other religions who have their laws. The state can also transform the principles of Islamic law in certain areas, and make them part of national law. For this reason, all must follow constitutional procedures in line with legal norms and the ideals of national law. What is interesting is that the attempt at Indonesian Islamic sharia law (Indonesianization of Islamic law) contains two tendencies. the existence of *ijtihad* on the concept of Indonesian *fiqh* (Islamic law). The second trend is constitutional-oriented Indonesianism, namely formulating Islamic law in the form of laws and regulations through consensus - *ijma'* of Indonesian scholars. It is with this

process that efforts to formulate, establish and stipulate Islamic Sharia law can be legislated to become national positive law.

Based on these very different crucial reasons, both ideologically and constitutionally, it is certainly difficult to match, elaborate, transfer, and convert to apply and realize the ideas, concepts, and theories of Islamic political thought which are very idealistic from Abul 'Ala Al Maududi to the realm of legal politics in Indonesia. However, the writer is not pessimistic and does not deny that there is a very different idealism gap. On the contrary, the author tries to respond positively to Al Maududi's conceptual ideas about Islamic state politics, to be used as material for study, references to the ideals of pure Islamic political thought, and we can take advantage of them, and apply them in the practice of social and state life in Indonesia.

Political facts show that constitutionally Indonesia is not an Islamic state but a Pancasila state. Therefore, it is impossible formally for Muslim institutions to fully realize Islamic principles regarding the law, especially in its official form. Some ideas, theoretical concepts, and Al Maududi's thoughts that are suitable and following tradition, and the dynamics of the life of the legal political system in Indonesia are as in the following table:

Table 2.
Review of Political Theory of Islamic Law Abul 'Ala Al Maududy
Positive Perspective of the Political System of Indonesian Islamic Law

Nu.	Concept of Idealism	Practice and Implementation	Legal Political System Indonesia
1.	Constitutional Process	Ahlu Al Hali wa al Aqdi. Representative Council - People's Deliberations	In the second meeting of the second BPUPKI, a Basic Committee was formed, chaired by Soekarno, to compile the contents of the Constitution. Previously, it had been

¹⁹ Amran Suadi dan Mardi Candra, *Politik Hukum*. Kencana. Jakarta, 2016. Page 1.

			<p>determined that the Preamble to the Constitution contained Pancasila. Then, the Basic Committee also held deliberations on July 11, 1945 and produced three main points:</p> <ol style="list-style-type: none"> 1. Form a drafting committee. 2. The form of a unitary or unitary state. 3. The head of state is in the hands of one person or the president. One day after Indonesian independence, namely on August 18, 1945, PPKI held a meeting which decided: <ol style="list-style-type: none"> a. Establish Soekarno and Mohammad Hatta as President and Vice President of the Republic of Indonesia. b. The Central Indonesian National Committee (KNIP) to compile the completeness of the government. c. Approve the preamble to the Constitution. This preamble became the subject of the UUD which was approved by the PPKI, and confirmed by the KNIP on August 19, 1945. <p>The Constitution was later called the 1945 Constitution of the Republic of Indonesia, and became the basis for Indonesia's written law. In the Indonesian rule of law, the political portrait of national law, and the processes of constitutional and regulatory mechanisms are reflected in the National Legislative Program (prolegnas) drawn up by actors in the competent state institutions. It starts with suggestions from the DPR, the President and the DPD which are then stipulated by a DPR decision.²⁰</p>
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²⁰ Ahmad Muliadi. *Politik Hukum*. Academia. Padang, 2013. Page 89.

2.	State Principles	Based on religious ideology. Not based on SARA, language and geographical boundaries.	The basic ideology of the Republic of Indonesia is Pancasila: 1. Belief in the One and Only God. It is the essence of the teachings of Tawhid which are the main fundamentals of Islam. 2. Article 1 Stipulation of the People's Consultative Assembly of the Republic of Indonesia Number XVIII/MPR/1998, that Pancasila as referred to in the Preamble of the 1945 Constitution is the state foundation of the Unitary State of the Republic of Indonesia must be implemented consistently in state life. ²¹
3.	Process of State Administration	Through legislative, executive and judicial bodies. Not based on the principle of Trias Politica.	The principle of checks and balances is a constitutional principle that requires that the legislative, executive, and judicial powers be equal and mutually control one another.
4.	National Principle	1. Majelis Shura'. 2. Justice. 3. Obedience to Ulil Amri. 4. Equality. 5. Freedom of religion. 6. Mashlahat. Beneficial and usefulness.	1. Ideology Pancasila Philosophy. 2. The practice of Pancasila precepts. 3. Constitutional System of the 1945 Constitution. 4. Indonesia is a country of law and is governed by the concept of hierarchical statutory regulations. 5. Not a sovereign state (<i>machstaat</i>), which prioritizes the values of justice, equality before the law. 6. The Unitary State of the Republic of Indonesia (NKRI). Prioritizing the principle of unity and integrity of all components of the people and sovereignty. 7. Bhinneka Tunggal Ika. Upholding the values of: togetherness, tolerance, loyalty, harmony, mutual respect, mutual protection, mutual assistance, and care for and protecting each other despite differences in SARA for the sake of realizing a sense of justice, peace, unity, benefit, and

²¹ Sekretariat Kabinet Republik Indonesia.

<https://setkab.go.id/pancasila-sebuah-kesepakatan-sebagai-bangsa/>

			happiness for all Indonesian citizens.
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Based on the results of the review, and a positive perspective on the theory of Islamic legal political thought from Abu Al 'Ala Al Maududy and Islamic legal politics in Indonesia, the author has drawn the following:

1. Islam is Diinullah, a perfect, comprehensive religion with Allah's guidance to regulate all aspects, aspects, and areas of human life, including politics and Islamic state administration.
2. According to the idealism theory and concept of the political system of government of an Islamic state in the form of the Dawlah Caliphate, based on the Qur'an and the Sunnah of the Prophet Muhammad.
3. The political system and government during the Khulafaur Rasydin era were the best example for Muslims in developing and implementing the concept of Islamic state political system, without having to imitate the concept and political system of non-Islamic Western countries. Response and author's positive perspective:
 - a. Abul A'la Al-Maududi's idealism of Islamic politics through a regulatory policy approach, can gradually be applied to religious, social, national, and state life in Indonesia. Especially for the Indonesian population, which is predominantly Muslim, of course, religiously, Sharia will believe in guiding and carrying out worship activities, and muamalah according to the rules written in the Al-Quran and Al-Hadith.
 - b. In the provisions of Article 29 The 1945 Constitution of the Republic of Indonesia is expressly stated by the state based on Belief in the One and Only God, then the consequences of the juridical religious values should be the foundation of the state, especially in the field of law. It should

- be remembered that the Presidential Decree dated 5 July 1959 was an authoritative source by itself becomes a juridical basis that no there may be statutory regulations in the constitution of Indonesia that are contrary to Islamic law. In the aspect of the theory of political thought in Islamic law, Indonesia needs to start a new page to start and improve the principles, concepts, implementation strategies, application, and socialization of the Islamic political system to achieve the aspirations of Indonesian Muslims in all areas of life even though Indonesia not an Islamic country. Even though Indonesia is not a country with an Islamic ideology, it has the character of a Religious Theocracy that prioritizes and prioritizes divine values and principles and is based on the principles of Islamic Sharia teachings. of course, this principle commitment is a benchmark and the main capital for the process of drafting, forming, and implementing regulatory products based on Islamic Sharia laws and regulations.
- c. Based on the Transitional provisions of Article 27 Paragraph 1 and Article 29 Paragraph 2, the position of sharia-Islamic law values has the potential to become the substance of National Law.
 - d. The National Legislation Program (Prolegnas) is part of the management and politics of the formation of laws and regulations which is a planning instrument for the formation of laws that are prepared in a planned, integrated, and systematic manner that is determined for the long, medium and annual term based on the priority scale. Formation of Draft Law. Prolegnas

are very much needed to organize a comprehensive and integrated National Legal System based on the ideals of the Proclamation and the constitutional basis of the Indonesian Law State. The current legal basis for preparing the National Legislation Program (prolegs) is Law Number 10 of 2004 concerning the Formation of Legislation and Presidential Regulation Number 61 of 2005 concerning Procedures for Compiling and Managing the National Legislation Program.²²

- e. The contents of sharia principles contained in the Al Quran and Sunnah, in writing or impliedly have been implemented in products of Islamic regulations that have sharia nuances. In the realm of modern fiqh, Islamic law that has been legalized and promulgated by state institutions is called qanun. Several legal products that have been promulgated include Law Number 1 of 1974 concerning Marriage, Government Regulation Number 9 of 1975 concerning Regulations for Implementing Law Number 1 of 1974 concerning Marriage. Government Regulation Number 28 of 1977 Waqf of Owned Land and part of it is stated in the Law on Religious Courts. Regulation of the Minister of Religion Number 1 of 1978 concerning Regulations for Implementing Government Regulation Number 28 of 1977. Regulation of the Minister of Religion Number 2 of 1987 concerning Guardian Judges. Law Number 7 of 1989 in conjunction with Law Number 3 of 2006, in conjunction with Law Number 50 of 2009 Concerning the Religious Courts, Political Law of 1999 concerning Islamic Parties. Law Number 44 of 1999 concerning the Implementation of Special Autonomy Nangroe Aceh Darussalam. Law Number 38 of 2000 concerning the Management of Zakat, Infaq, and Sadaqah. Law Number 41 of 2004 concerning Waqf, Law Number 38 of 1999 Concerning the Management of Zakat, Law Number 17 of 1999, junction Law Number 13 of 2008 concerning the Implementation of the Hajj, and Law Number 19 of 2008 concerning State Sharia Securities. Law Number 21 of 2008 concerning Sharia Banking.²³
- f. The next product of legislation as a representation of Islamic law is the Compilation of Islamic Law. The position of the Compilation of Islamic Law is the meaning of the life of Indonesian Islamic society which contains legal norms. The Compilation of Islamic Law was approved by the Indonesian Ulama, became a series of written laws, and entered the Indonesian legal system in the Presidential Instruction Instrument No. 1 of 1991.
- g. In terms of legitimacy the Compilation of Islamic Law, the Compilation of Sharia Economic Law, and the Fatwa of the Sharia Council of the Indonesian Ulama Council are classified as material law, as a guideline for resolving cases within the Religious Courts.²⁴

CONCLUSION

Based on the presentation, it is found that there is a positive view towards the theory of Islamic legal political thought from Abu Al 'Ala Al Maududi and Islamic

²² Hukum Indonesia. <https://www.id.wikipedia.org/wiki/hukum.Indonesia.htm>

Akses: Banjarmasin, 8 April 2019. Waktu: 12.15 Wit.

²³ Republik Indonesia Peraturan Presiden Nomor 61 Tahun 2005. Pasal 1 angka 1 dan Pasal 1 angka 9

Undang-Undang Nomor 10 Tahun 2004 tentang Pembentukan Peraturan Perundang-undangan.

²⁴ A. Basiq Djali, *Peradilan Agama di Indonesia*. Pranada Media Group. Jakarta: 2006. Page 158.

legal politics in Indonesia. His thinking tends to emphasize Islam as a complete religion that regulates all aspects of life, including politics and state administration within Islam. There is an idealism and concept of a political system in the form of a Khilafah state based on the Quran and the Sunnah of Prophet Muhammad. His ideas have the potential to be gradually applied in religious, social, national, and state life in Indonesia. In the context of politics and law in Indonesia, al-Maududi tends to direct towards Sharia principles even in a democratic country like Indonesia.

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