
Islam and State: A Study on Al-Mawardi and An-Nabhani's thought and its Compatibility in Indonesian Context

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Abstrak

Meskipun studi tentang pemikiran politik Islam di Indonesia sudah banyak dilakukan, masih sangat sedikit penelitian tentang kompatibilitas pemikiran politik Islam, yang berasal dari periode klasik dan pertengahan yang selama ini mempengaruhi politik Islam di Indonesia, dengan konteks Indonesia. Pemikiran Imam Al-Mawardi (hidup di abad ke-12) dan Taqiyuddin al-Nabhani (hidup di abad ke-20) patut disebut dalam hal ini. Pemikiran politik Islam Al-Mawardi menjadi rujukan penganut Sunni dan madzhab Syafii yang di Indonesia merupakan mayoritas. Sedangkan pemikiran politik Islam al-Nabhani menjadi pedoman dari gerakan HTI (Hizbut Tahrir Indonesia) yang pengikutnya tidak sedikit di Indonesia. Artikel ini menginvestigasi tentang pemikiran Imam Al-Mawardi dan Taqiyudin al-Nabhani terkait relasi agama (Islam) dan negara, perbedaan pemikiran mereka, dan kompatibilitas kedua pemikiran politik Islam tersebut di Indonesia. Studi ini menggunakan kajian pustaka yang mana sumber data primernya adalah kitab (buku) yang ditulis oleh kedua pemikir Islam tersebut yaitu *Al-Ahkam al-Sulthaniyah* karya Al-Mawardi dan *Ad-Daulah al-Islamiyah* karya al-Nabhani. Dengan menggunakan *qualitative content analysis* (analisis isi kualitatif) data dikumpulkan dan dianalisa. Artikel ini menyimpulkan bahwa pemikiran politik Al-Mawardi telah diadopsi oleh mayoritas kaum Sunni di Indonesia dengan adaptasi atau penyesuaian dengan konteks Indonesia, sehingga kompatibel dengan konsep negara modern Indonesia. Sedangkan pemikiran al-Nabhani, yang tumbuh dalam semangat perlawanan terhadap kolonialisme dan dominasi kebudayaan Barat (Eropa Barat), diadopsi dan dikampanyekan oleh gerakan HTI di Indonesia tanpa penyesuaian dengan konteks lokal. Hal ini menyebabkan pemikiran al-Nabhani mengalami benturan dengan konsep negara modern Indonesia.

Kata kunci: Pemikiran Politik Islam, Imam al-Mawardi, Taqiyudin al-Nabhani, Relasi Islam dan Negara, Indonesia

Abstract

Even though study concerning Islam and politics has been conducted by many researchers, few of them investigating about compatibility of Islamic political thoughts, which originated from the classical and medieval periods that have been influencing Islamic political movements and thoughts in Indonesia, with Indonesian

context. Thoughts of Imam al-Mawardi (lived in the 12th Century) and Taqiyuddin al-Nabhani (lived in the 20th Century) are some of them that should be mentioned in this regard. Islamic political thoughts of al-Mawardi become the main reference for Sunni Muslims who are majority in Indonesia, while Islamic political thought of al-Nabhani become the main guidance of HTI (Hizbut Tahrir Indonesia) movement of which its members and followers are many in Indonesia. This article investigates about the political thoughts of al-Mawardi and al-Nabhani concerning the relationship between Islam and state as well as their compatibility with Indonesian context. This study uses the library research in which its primary resources are books written by al-Mawardi entitled *Al-Ahkam al-Sulthaniyah* and al-Nabhani entitled *Ad-Daulah al-Islamiyah*. By utilizing qualitative content analysis, data were collected and analyzed. This article argues that the Islamic political thought of al-Mawardi has been adopted by majority of Indonesian Sunni Muslims with some adjustments with Indonesian context, so that his thoughts become compatible with the concept of modern nation-state of Indonesia. On the other side, Islamic political thought of al-Nabhani which developed within a spirit of resistance to Western (European) colonialism has been adopted and campaigned by HTI without adjustment with Indonesian context. This causes al-Nabhani's thought clashes with the concept of modern nation-state of Indonesia.

Keywords: Islamic Political Thought, Imam al-Mawardi, Taqiyudin al-Nabhani, Islam-State Relationship, Indonesia

Introduction

The relationship between religion and state is an important topic in the social and political discourse of Indonesian society since the preparation of Indonesian independence, 1940s (Azra, 2012). In early modern Indonesian history, Muslims were generally divided in two different wings. The first group was those who prevented the state to be based on certain religion, particularly Islam (Assyaukanie, 2009; Basya, 2011). This group was commonly known as secular nationalist, or also called secularist. Soekarno (the first President of Republic of Indonesia, ruled in 1945-1966) and Moehammad Hatta (the first Vice President) were the representations of the secular nationalist. The second group was those who insisted in making Islam to be the foundation of the state, particularly in terms of state law, politics, and economic system (Assyaukanie, 2009; Basya, 2016). This group is commonly known as Islamist (Hamid, 2011). Debate and contestation between these two opposite groups, with slightly more complex groupings, not only took place in the early periods of Indonesian independence but also continues until next couple decades (Effendy, 2009).

The debate about the extent to which Islam might play its role in the state cannot be separated from the character of Islam growing up within a state (Lewis, 2002). Muhammad (570-632), the Prophet who delivered the messages of Islam, was not only a messenger of God, but was also a head of a state. Therefore, Islamic teachings was developing in a

context in which it was involved in managing social and political life. It is not surprising that many *ulama* (religious scholars) and Muslim scholars believe that Islamic teachings extend over political and other worldly aspects (Lewis, 2002). However, they have various views in explaining how the detail relationship between Islam and the state (Ayoob, 2008).

One of the classical *ulama* who wrote about this topic was al-Mawardi (lived in the 10th – 11th Century) who is a Syafi'ian scholar (Black, 2011). Al-Mawardi's thought became a reference of majority of Muslims who embrace Syafi'i madzhab (school of law) of which most Indonesian Muslims belong to. On the other side, there is a scholar named Taqiyudin al-Nabhani (20th Century) who lived in modern era writing about the relationship between Islam and state. Al-Nabhani's thought about this topic is not only found in his books, but it is also manifested in an Islamic movement called Hizb al-Tahrir. In Indonesia, al-Nabhani's ideas are represented and campaigned by the Hizbut Tahrir of Indonesia (HTI) (Maksum, 2017; Sabri et al, 2018). Considering that al-Mawardi and al-Nabhani's ideas spread widely within Indonesian Muslims, it is pivotal to study about their thought and its compatibility in Indonesian context. Although study on Islam and politics has been conducted by many researchers, few of them studying about compatibility of Islamic political thoughts which originated from the classical and medieval periods that have been influencing Islamic political thoughts in Indonesia.

This study uses library research in which its primary resources are books written by al-Mawardi entitled *Al-Ahkam al-Sulthaniyah* (the Ordinances of Government) and al-Nabhani entitled *Ad-Daulah al-Islamiyah* (Islamic State). By utilizing *qualitative content analysis*, data were collected and analyzed. Texts (sentences or paragraphs) which are relevant from those two books are investigated and analyzed. This article argues that while the adoption of al-Mawardi's political thought by majority of Indonesian Sunni Muslims has been conducted with some adjustments that makes his thought compatible with Indonesian modern state, the adoption of al-Nabhani's political thought are performed without adaptation with Indonesian context. This factor led the campaign for al-Nabhani's thought clashes with the concept of modern nation-state of Indonesia.

Islamic Caliphate: Historical Background

The term Caliphate derived from the early period of Islam. This began when the Prophet Muhammad (lived 570-632) died, and then elites of Muslim society living in Medina in which the Prophet lived and managed social and political life of the society decided to appoint one of his closest *Sahabat* (the Prophet's Companions) to replace the

Muhammad's position. The appointment was only for filling political and social leadership that was vacuum, not for the position of Prophethood. Muslims believe that the authority to appoint someone to be a Prophet only belongs to Allah. Therefore, those who replaced the position of Muhammad as the political leader of the society were called a Caliph which mean a successor (Crone and Hinds, 2003). Karim et al., (2020) argue that leaders and society can interact well through a charismatic relationship. The complete term for the leader was *khalifatu ar-rasul* (the successor of the Prophet). It is worth noting that this term had been used in the first four Caliphs (Abu Bakar, Umar, Usman, and Ali), which was well-known as the Guided Caliphs (*al-khulafa al-rashidun*).

This term indicated that a Caliph is only an ordinary person who could make mistake during his rule, so that he invited people to contribute their ideas in improving the government as well as open or welcomed to be criticized by the people (Crone and Hinds, 2003). There was no divine dimension in the Caliph. In other words, the term means that the caliphate was merely a political institution maintaining social and religious life. One of the duties of the Caliph was to manage and establish religious (Islamic) teachings to be performed by Muslims.

This concept of caliphate shifted to be more sacred in the next periods under the Umayyad (7th – 8th C), the Abbasid (8th – 13th C), and the Ottoman (16th – 20th C). The caliph meant by the Umayyad rulers was the deputy of God (Crone and Hinds, 2003). This was indicated, first of all, by its label named *Khalifat Allah* (Deputy of God) which means the agent selected by God to maintain social and religious life of Muslims. This concept implicated that the people were obliged to absolutely obey the caliphs, and therefore critique and rebellion to the caliphs would be regarded as a big sin that was unlawful for Muslims. This shift was also in line with the change of state concept which became patrimonial (Crone and Hinds, 2003). In patrimonial concept the state belonged to the ruler and his or her family, while the people are being subjects that would be protected by the ruler. Furthermore, the state was also conceptualized to be dynastic in which leadership was determined by kinship. The name of Umayyad and Abbasid indicates the caliphate belonged to the tribe of Umayyad and Abbasid.

Potential threat of Islamic sects, tension between the rulers and religious scholars (*ulama*), and conflict taking place in the end of the Guided Caliphs, particularly during Usman and Ali's rule, were some of the factors leading next caliphs in the Umayyad to conceptualize the institution to be sacred (Black, 2011). The Kharijite group who separated from Ali's supporters was one of the groups resisting and threatening political stability of

Umayyad rule. The Kharijites not only rejected the legitimacy of Umayyad, but also campaigned for excommunicating the Umayyad rule and its supporters as well as calling Muslims to attack the rulers.

Contestation in terms of religious authority with religious scholars, especially the *ahl al-hadith* movement, was also another factor making the Umayyad to conceptualize the idea of caliphate to be more sacred. The *ahl al-Hadith* movement viewed that the Umayyad government, including its governors, did not attach strictly to Prophet Tradition (*Sunna*) and too much relied on rationality in dealing with judgment, and consequently they regarded the rulers as not Islamic (Crone and Hinds, 2003). Therefore, the movement called the rulers to revive and refer to the Sunna.

Furthermore, resistance from non-Arabic people to the Umayyad rule also contributed to the shift of the concept of caliphate (Black, 2011). Due to wide expansion of Islam into new areas like Persia, Turkey, Africa, and Asia, there were many non-Arabic people becoming new citizens of the Islamic political institution. Those non-Arabic societies did not always agree and comfortable with Umayyad political policies, particularly policies related to Arabization which tended to undermine non-Arabic culture.

Those all aspects might be regarded by the Umayyad rulers as the pivotal factors imagined potentially threatened their political authority (Crone and Hinds, 2003). Although the concept of the caliphate was more sacred, it did not mean that the Umayyad was always successful in overcoming the potential threat. Rebellion of a group consisting of Abbas families allying with non-Arabic, particularly Persian and Turkish, was the evidence that the concept could not prevent the opponent of Umayyad from criticizing and attacking the rulers.

Similar concept of caliphate was also applied by Abbasid dynasty. Soon after destroying Umayyad, the Abbasid rule declared as the Islamic caliphate replacing Umayyad. The Abbasid claimed themselves as the kinship of Prophet's uncle, Abbas. It is worth noting that the concept of caliphate required the caliph to be part of Quraish tribe, as most Muslims believe that it was stated by the Prophet himself. The continuity of dynastic, patrimonial and sacred concept of the state was a contextual product in which Arabic people were still influenced by neo-tribalism (Crone and Hinds, 2003). By such a concept the Abbasid rulers expected that they could strengthen and consolidate their power maximally. Even though the political reality was not always as they expected, the concept was a formulation that was influenced by political and cultural context of civilization at this era.

Even though the Abbasid rulers were successful in obtaining good achievement in terms of philosophy and sciences, they had difficulty in managing local political power that took “political authority” much from the central government (caliph). There were some local powers, including military, emerging to be more autonomous and powerful from the caliph. Even in certain period beginning in the 9th Century, the caliph functioned only as symbol, while the real political power was played by local power named Buyid (or Buwaihi) dynasty who embraced Shi’ite (Black, 2011). During this period, there were also two other political institutions claiming as the Islamic caliphate, namely Umayyad in Spain and Fatimid in Egypt. Therefore, contestation of authority and politics took place within Islamic world at this era.

Regardless of the disintegration and declining trend of political power during the middle until the end of the Abbasid rule, this Caliphate period was widely known as the era in which Muslims achieved their culmination in terms of sciences. Therefore, this Abbasid era was acknowledged as the golden age of Islamic civilization. It is not surprising that most Muslims memorize the history of caliphate in classical era as the good practice of this Islamic political institution’s role. The concept of caliphate during the Abbasid rule was the political context in which al-Mawardi wrote his ideas concerning the relationship between religion (Islam) and the state that will be elaborated more in the next section.

Al-Mawardi’s thought on the relationship between religion and state

Imam al-Mawardi’s full name is Abu al-Hasan Ali bin Muhammad bin Habib al-Basri al-Mawardi (974-1058). He was born in Basrah, Iraq. Al-Mawardi grew up in a family that had a great interest in studying religious subjects. He was known as a prominent figure in the Shafi’i school and held high official who had great influence in the Abbasid dynasty (Hadad, 1996).

One of his influential books is “Al-Ahkam al-Sulthaniyah”. The book describes about theory of state politics within the framework of Islam and state administration. Al-Mawardi’s thought concerning the concept of state can be seen from his explanation on caliphate or *imamah* in his book (Al-Mawardi, 2006).

Even though this book did not clearly explain how and why people produce a state, al-Mawardi (2006) implicitly asserted that the state is not a product of “secular” social contract. The idea of social contract means that social interaction among people and necessity to build a safety in their interaction led the people to politically establish a state. In this conception, the state is really a secular organization created for common interest of

people coming from diverse background of tribes and ethnicities. Unlike this secular concept of state, al-Mawardi indirectly asserted that the state is given by God (Allah) through choosing certain tribes or families and giving them political authority. In his book al-Mawardi said:

There are seven conditions regarding those suited to the Imamate:...7) Of the family of the Quraysh, because of the text (of a prophetic hadith) on the matter and by virtue of consensus. (al-Mawardi, 2006: 12)

Through this explanation al-Mawardi would like to justify the legality of Abbasid family as part of Quraysh tribe. Consequently, the state belongs to its ruler, while the people become subjects that the ruler should protect. This concept of state is patrimonial of which caliphs and their families become the owner of the state.

This indicates that al-Mawardi's thought about the state cannot be separated from social-political context in which al-Mawardi lived where Abbasid caliphs claimed themselves as the chosen people to maintain social, political, as well as religious affairs of Muslims (Crone and Hinds, 2003). Instead of offering ideal concept of state which is critical to the existing institution, al-Mawardi attempted to justify political reality that had been performed by Abbasid Caliphs. This is in line with argument of Black that most Muslim political thinkers in the classical era tended to make justification for their rulers (Black, 2011). Those thinkers did this due to political context that required them to be involved in assisting the rulers to establish a strong and stable political situation.

Furthermore, the state that al-Mawardi conceptualized requires Muslims to be united in one single state. All Muslims have to be integrated in one political institution and under a one Caliph, as argued by al-Mawardi (2006: 29) "... it is not permitted for there to be two imams at one time." This idea emphasizes about the universal scope of caliphate. A caliph should be only one, and consequently Muslims have to reject other caliphs outside the legitimate one. With this argument al-Mawardi persuades Muslims to discredit Fatimid Caliphate in Cairo claiming as an Islamic Caliphate as well as undermining or subordinating other smaller Islamic dynasties in provincial lands under Abbasid government like Buyid. Those dynasties should be loyal and become part of the Abbasid caliphate.

The concept of state imagined by al-Mawardi is an imperium political power maintaining its wide areas assisted by local rulers (governors). It is noteworthy that the Abbasid Caliphate during al-Mawardi lived was in declining, which was signed one of them by political disintegration. Even though the disintegration cannot be meant as the

political separation of local rulers from the central government of the Abbasid caliphate, the disintegration means the declining of political solidity between the central government in Bagdad and local rulers represented by small dynasties in several areas. Such a concept of state, indeed, had been existing within Muslim society since the Guided Caliphs (*al-Khulafa ar-Rashidun*) and the Umayyad Caliphate. Wide lands occupied by Muslim political rulers required the central government located in Madina and Damascus respectively at this time to delegate its power or authority to local rulers (governors) in each district. However, during al-Mawardi life, political power of local rulers were increasingly more powerful and tended to be independent from the central government. It seemed that this was the implication of the wide area that the government had to manage while at this time there was no effective means like technology of communication that could be utilized for consolidating its power.

It is worth noting that al-Mawardi distinguishes the state from religion. According to al-Mawardi (2006), the state is a political institution while religion consists of doctrines concerning faith, rituals, moral, and values. This idea is actually not too different with the political reality as performed by the Umayyad and Abbasid Caliphate. The caliphs had differentiated between the domain of state that was maintained by Caliphs or rulers and the domain of religion that was held by religious scholars (*ulama*). This political reality actually was not an ideal concept for the Caliphs, because the differentiation was also an indication of contestation between the caliphs and *ulama*. There was tension taking place between intentions of *ulama* related to Islamic doctrines as they believed and political interest of the caliphs. This tension sometimes changed to be sharp conflict as happened in the Umayyad and Abbasid era.

For al-Mawardi (2006: 15), the state is an institution that functions as the political authority managing social life or worldly affairs and religious dimension. By social life al-Mawardi meant economy, politics, law, education, and other aspects of human daily life. While by religious dimension he meant the expression of religiosity like belief (particular Islamic theological views), rituals, and morality. In other words, the state should support Muslims' expression related to their religious belief, rituals, and its norms. This idea of al-Mawardi's political thought has implication that these two domains are even though correlated, but they are different. The worldly affairs are relative and subjects of human interpretation, while religious aspects are more sacred. Even though this idea is different with the secularization as favored by modernist and secularist thinkers in modern age, al-

Mawardi idea might be utilized as an entry point for justifying the modern nature of modern nation-state.

It is worth mentioning that al-Mawardi (2006: 15) highlights that the function of the state not only to maintain, but also “as a means of protecting the religion (Islam)”. This sentence raises question whether the state should give privilege to certain religion, namely Islam, or even certain Islamic theology or school of law. There was experience that the Abbasid rulers favored certain theological view. The Caliph Al-Makmun was one of the examples of which the ruler supported theology of Mu'tazilah and undermined even persecuted non-Mu'tazilah in dealing with the debate about whether the Quran is created or not (Martin, Woodward, and Atmaja, 2003). Aji et al., (2020) argue that The Quran is a reference source for unity and brotherhood for mankind. Therefore it is likely that al-Mawardi was also influenced by this political trend or policies that the Caliphs should give privilege to certain religion, namely Islam, and certain theological group which was Sunni *vis a vis* Shiite.

Al-Nabhani's thought on the relationship between religion and state

Al-Nabhani (2002) implicitly assert that a state is created by social contract. Even though there is no explicit explanation about this idea in al-Nabhani's book, the concept of *bay'ah* (allegiance) of people to their leader indicates about the concept of social contract. In general, the practice of *bay'ah* had been conducted by all Caliphates since the Guided Caliphs until the Abbasid caliphate. Therefore, the concept of *bay'ah* is also found in al-Mawardi's thought. Nevertheless, the *bay'ah* in the Umayyad and Abbasid was restricted in terms of candidates of Caliphs that could be appointed. In these two dynasties, the concept of caliphate shifted to be patrimonial as has been explained in the previous section.

The concept of *bay'ah* of al-Nabhani is more similar with the one implemented in the Guided Caliphs. It is worth noting that al-Nabhani (2002) was critical to patrimonial and monarchy model of state. For al-Nabhani, patrimonial and monarchy are not in accordance with Islamic teachings emphasizing equality of all Muslims in front of God.

The system of Islamic government is different with all type of government worldwide, either in aspect of its principles, thought, and law regulated various affairs including constitution implemented which more represent Islamic state (daulah Islam). This is because Islamic government is not monarchy as well as not imperium, not federation and republic, as well as not democracy.

Actually, the structure of Caliphate is different with those all systems of government worldwide, even though to some extent there are similarities in some parts. The structure of Caliphate is taken from the state established by the Prophet Muhammad di Medina after his migration from Mecca to Medina and established the Islamic state. (Al-Nabhani, 2002: 240).

The social contract meant by al-Nabhani is different with the one defined by Western thinkers. While among the Western scholars social contract is secular, in al-Nabhani's thought the contract is religious (Islamic). For al-Nabhani, people's purpose in creating the state is for establishing or implementing Islamic doctrines within Muslim societies. In other words, the ultimate goal of the establishment of the state is not for common interest of people as argued by Western thinkers, but for implementing Islamic teachings.

In al-Nabhani's idea (2002: 228-230), the state is subordinated by the religion (Islam). This sort of state is called Islamic Caliphate. The state is utilized for the purpose of religion. This means that those who are appointed to be the head of the state should fulfill the requirement of the religion such as a Muslim and pious as well as to govern for achieving goals of the religion, as explained by al-Nabhani:

The system of Islamic government obliged by Allah is Caliphate system. In this system a Caliph is appointed through *bay'a* based on the book of Good (kitabullah) and Sunna of His Prophet to govern in accordance with God's revelation. Evidences proving this statement are many taken from the Quran, the Sunna, and consensus of the Companions (*Sahabat*). (al-Nabhani, 2002: 228-229)

Based on this conception, the state and religion become integral. They are like two faces of one coin. That is why al-Nabhani's concept is called Islamic state. This kind of state is the means as well as the manifestation of Islamic religion, as asserted by al-Nabhani (2002):

A Caliph is a position in which those who hold it would have all authorities of governing and regulating. Caliphate is a general leadership for all Muslims worldwide to implement sharia law as well as to spread the mission of Islam to the world.

The religion (Islam) becomes the only one source of state law, economic, political, and educational system (al-Nabhani, 2002: 228-236). This idea comes from al-Nabhani's belief that Islam is a comprehensive religion that not only maintain about faith, rituals, and morality, but also worldly affairs such as economy, politics, technology, and education. Al-

Nabhani rejected knowledge or social sciences coming from Western countries. Beside their sciences are bias and influenced by their secular culture, Islam is perceived by al-Nabhani has complete teachings covering all aspects including social sciences.

Furthermore, al-Nabhani (2002: 228) favored the imperium nature of the classical Islamic caliphate. It is worth noting that the period in which al-Nabhani lived was the colonial age. In this age almost all Muslim countries worldwide were colonized by European countries. According to al-Nabhani (2002) the unity of all Muslim countries is the key for defeating those non-Muslim countries. Therefore, the united political power under Islamic caliphate is required. Although it seems similar with the concept of imperium as performed by Umayyad and Abbasid dynasty, al-Nabhani's concept of Caliphate does not intent to eliminate totally Muslim nation-states. Instead, al-Nabhani recognizes the necessity of diverse nation-states with their various characters, background, and national purposes. However, al-Nabhani requires those Muslim nation-states to be united in common agenda and fighting for the victory of Islam. Because, for al-Nabhani, states are established by people in order they are able to achieve religious (Islamic) goals.

The compatibility of al-Mawardi and al-Nabhani's political thoughts in Indonesian context

Experts in the field of Islam and politics such Bahtiar Effendy (2009), Azyumardi Azra (2012), and Luthfi Assyaukanie (2009) explained that in general there are three kinds of (Islamic) political thought developing in Indonesia related to the relationship between Islam and the state: 1) separating religion and the state; 2) uniting religion (Islam) and the state to be integral; 3) complementary relationship between religion and the state.

The first group views that religion including Islam is not compatible with principles of modern state. The proponent of this type is called secularist. The secularist views that political power does not derive from God, so that the power is not sacred and absolute. The sovereignty belongs to people. All aspects related to social and public affairs should be discussed by people. State policies and regulations should be based on "public good". In Indonesian case the secularists are not hostile to religion (Assyaukanie, 2009). Of course, this tendency is different with secularists developing in Western Europe. According to the Indonesian secularist the state may maintain religion in order not to be clashed each other. However, the state should not enforce people to be religious. Because, if the state interferes in enforcing religious adherents to practice their religious doctrines and norms, their religiosity would not be genuine.

The second group insists the unity of religion and the state (Assyaukanie, 2009; Azra, 2012; Effendy, 2009). According to this type, these two entities are integral and should not be separated. This means that there is religious aspect inside worldly affairs, and the same time there are worldly aspects in religion. As the consequence of this view, this group believes that Islam has to be the foundation of the state, sharia should be accepted as a constitution of the state, and political sovereignty belongs to God. In line with this view, this group also regards that the concept of nation state is not in accordance, or even, contradictory with the concept of *ummah* (Muslim community) that does not limit the connection of Muslims with their nationality or territorial borders. Even though this group recognizes the principle of *shuro* which has closed meaning with democracy, it is not similar with the Western democracy. For this group the highest sovereignty does not belong to people, but to God. This group emphasizes about the necessity to implement sharia and establish a state based on sharia.

The third group views the religion and the state have different dimension but interconnected and mutual relations (Assyaukanie, 2009). The state needs religious values, norms, and morality for guiding it to establish prosperity, justice, and humanity; while religions need the state to maintain plural understanding within adherents of the religions in order to build mutual understanding and harmonious life among them. This model more emphasizes the establishment of substance or values of religion such as justice, equality, humanity, and democratic values.

From these three models, al-Mawardi and al-Nabhani's thoughts cannot be classified as the first type, the secularist. Their thoughts are between the second and the third model. In general, most classical Muslim thinkers tend to be categorized as the second or the third model, while the contemporary thinkers can be various ranging from the first until the third model. Therefore, it is interesting to see where the position of al-Mawardi and al-Nabhani are in those three models, how their thoughts spread and develop in Indonesia, and the extent to which the compatibility of their thoughts in Indonesian context.

Al-Mawardi's thoughts spread in Indonesia through Shafi'ian school of law (*madzhab*), and in general through Sunni Muslims, either traditionalist or reformist (Asari, 2019). Due to al-Mawardi's affiliation to Shafi'i madzhab, all Shafi'ian would adopt al-Mawardi's thought in dealing with the discourse of State-religion relationship. Furthermore, most of Sunni Muslims would also embrace al-Mawardi's political thought. His thought is very influential among Indonesian *ulama* both traditionalists and reformists.

Due to the classical context of which al-Mawardi's political thought was produced, al-Mawardi's thought concerning the relationship between religion and state is not compatible for Indonesian modern nation-state. Patrimonial nature of Caliphate which means that the state belongs to rulers and their families has no place for modern state recently. It is also the case with the privilege giving for particular religion (Islam). Like other modern states, Indonesian state tends to be neutral with all religions existing in the country. Consequently, adopting al-Mawardi's thought completely without understanding the context in which his thought was produced would make it incompatible and clash with the values and principles of Indonesian modern state.

However, due to efforts done by Shafi'ian *ulama* and many Sunni *ulama* in Indonesia seeking to reinterpret and reconcile some aspects of al-Mawardi's thoughts, his thought becomes compatible with character of modern state which requires neutrality from religions, the establishment of nationalism, public rationality, public participation, equality before the law, etc. Such a negotiation is commonly applied by traditionalist institutions in Indonesia in dealing with modernity (Nasution et.al., 2019; Rahimah, 2019; Djalal, 2020). Therefore, reinterpretation and negotiation are the key in making the conservative and sectarian al-Mawardi's thoughts become modern and pluralist. In other words, it is not something taken for granted that al-Mawardi's political thought become compatible for Indonesian Muslims.

On the other side, al-Nabhani's political thoughts have been disseminated in Indonesia by a trans-national Islamic organization named Hizbut Tahrir. Unlike al-Mawardi's thoughts that have been taught since early period of Indonesian independence, al-Nabhani's thought was just begun to be disseminated recent last three or two decades. Hizbut Tahrir was indeed established by al-Nabhani himself in Palestine, and this organization then emerged in many countries including in non-Muslim countries like Europe (Zulkarnain, 2020). It can be concluded that the HT is the manifestation of al-Nabhani's political thought. In Indonesia the movement is called Hizbut Tahrir of Indonesia (HTI).

Therefore, the HTI is also the representation of al-Nabhani's thought. Since the beginning of the post-New Order (1998), after the collapse of Soeharto regime (1966-1998), the HTI played its role in campaigning for the establishment of sharia-based state and Caliphate (Sabri, Iksan, and Wekke, 2018). The context of the post-New Order in which Indonesian economy was in crisis was the momentum taken by the HTI. This Islamic movement claimed that the Indonesian economic crisis was caused by the

reluctance of Indonesian government to implement sharia (Sabri, Iksan, and Wekke, 2018). Caliphate political system and sharia are the key points campaigned by the HTI. This movement believes that the Caliphate and sharia system are the solution to solve Indonesia from the crisis. It is clear that these ideas represent the third model, the integral relation between religion (Islam) and the state. Its campaign attracted many urban, well-educated and young generation of Indonesian Muslim society. Al-Nabhani's books were also published by the HTI, including *Ad-Daulah Al-Islamiyah* which is the most important al-Nabhani's work explaining about the idea of caliphate and the obligation to establish it.

Unlike the al-Mawardi's thoughts, al-Nabhani's ideas about the relationship between religion and state are not reinterpreted and reconciled with modern Indonesian state. It is likely that the HTI is afraid that efforts to reinterpret and negotiate al-Nabhani's thought with the modern state would corrode the main idea of al-Nabhani. This idea is the factor why the HTI has been banned by the Indonesian government two years ago. According to the government HTI ideas potentially threaten plural, democratic, and modern concept of Indonesian state.

Conclusion

The relationship between Islam and the state has been being a heated topic, because on the one hand many Muslims believe that Islam is not only about faith and rituals, but also covers social and political life. On the other hand, contemporary societies require social and political life to be managed by rationalism or modern sciences. It is worth noting that the domination of rationalism or modern sciences might impact to secularization of social and political life, while to integrate religion (Islam) and the state would make the state to work for the mission and goals of Islam which is contradictory with the nature of modern state. These two positions might lead Muslims to be confused. Therefore how Muslims deal with these two positions is the concerns of this topic.

This article describes about thoughts of two Muslim thinkers, al-Mawardi and al-Nabhani, living in different period (classical and modern). The focus of this article is to investigate their thoughts concerning the relationship between religion (Islam) and the state, how their thoughts spread and develop in Indonesia, and the extent to which their compatibility within Indonesian context.

Al-Mawardi's thought concerning the relationship between Islam and the state was produced in a particular context in which Islam has privilege position in the state, religion of people (citizens) became terms of reference for the state in treating them, and imperium

was regarded as the most powerful political institution. Therefore adopting al-Mawardi's thought without contextualizing it would make the thought incompatible with the nature of modern Indonesian state. This has been recognized by Indonesia Sunni Muslims. Tension and conflict taking place among Indonesian Muslims since the preparation of Indonesian independence until later next several decades led them to evaluate and rethink about Islamic political thoughts they learned from classical *ulama* including from al-Mawardi. Even though they adopt al-Mawardi's thought, they have reinterpreted and contextualized it in order to be compatible with plural and modern Indonesian context.

This is not the case with al-Nabhani's thought. Al-Nabhani's thought was constructed in a modern context in which many Muslim countries were being colonized by Western (European) states. While colonizing and exploiting natural resources of Muslim lands, those colonial governments brought "western" modern culture as well as modern sciences. The spirit of al-Nabhani's thought is to criticize and fight against western modern system and civilization. Therefore, reinterpreting al-Nabhani's thought might be perceived by his followers would reduce or even mislead his main ideas.

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