

Polemic on The Basis of The Hizbut-Tahrir Caliphate System: Study of The Interpretation of QS. Al-Maidah: 48-49 and QS. An-Nissa: 59

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Keywords: Hizbut Tahrir, Caliphate, Taqiyuddin an-Nabhani, Qur'anic Interpretation

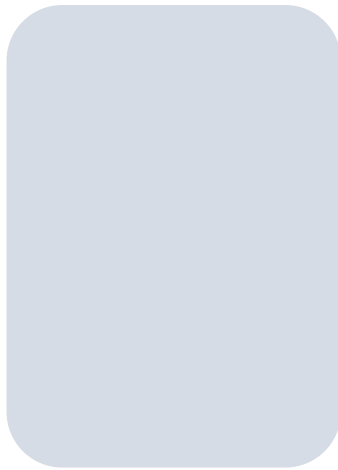
Kata kunci: Hizbut Tahrir, Khilafah, Taqiyuddin an-Nabhani, Interpretasi Al-Qur'an

Abstract

This study aims to critically examine the polemics surrounding the conceptual foundations of the caliphate system advocated by Hizbut Tahrir, with particular emphasis on the perspective of Taqiyuddin an-Nabhani. The background of this research is rooted in the intensifying and ongoing debates regarding the relevance and urgency of implementing the caliphate system in the contemporary global context, which frequently generate controversy, especially in Indonesia as a state founded upon the ideology of Pancasila. Methodologically, this study employs an interpretative analysis using the contextual approach developed by Abdullah Saeed, while also conducting a comparative examination of the perspectives of classical and contemporary Qur'anic exegetes (mufasssirin) in interpreting key Qur'anic verses, particularly QS Al-Maidah 48-49 and QS An-Nisa 59. This approach seeks to uncover the dynamics of interpretation that extend beyond textual analysis by incorporating the historical and socio-cultural contexts in which the verses are understood. The findings indicate that Hizbut Tahrir regards the caliphate system as the sole normative solution to addressing various challenges faced by humanity, based on the assumption that Islamic teachings constitute a comprehensive and immutable legal system. However, this perspective has generated considerable debate among a number of exegetes, who argue that the Qur'an does not explicitly mandate the implementation of a single, specific form of governance within a state.

Abstrak

Penelitian ini bertujuan untuk mengkaji secara kritis polemik mengenai landasan konseptual sistem khilafah yang diusung oleh Hizbut Tahrir, dengan penekanan khusus pada perspektif Taqiyuddin an-Nabhani. Latar belakang penelitian ini berangkat dari intensitas perdebatan yang terus berkembang terkait relevansi dan urgensi penerapan sistem khilafah dalam konteks global kontemporer, yang kerap memunculkan kontroversi, khususnya di Indonesia sebagai negara yang berlandaskan ideologi Pancasila. Secara metodologis, penelitian ini menggunakan analisis interpretatif dengan pendekatan kontekstual yang dikembangkan oleh Abdullah Saeed, serta melakukan komparasi dengan pemikiran para mufasssir klasik dan kontemporer dalam menafsirkan ayat-ayat Al-Qur'an, khususnya QS Al-Maidah 48-49 dan QS An-Nisa 59.



Pendekatan ini bertujuan untuk mengungkap dinamika penafsiran yang tidak hanya bersifat tekstual, tetapi juga mempertimbangkan konteks historis dan sosial yang melatarbelakanginya. Hasil penelitian menunjukkan bahwa Hizbut Tahrir memandang sistem khilafah sebagai satu-satunya solusi normatif dalam menyelesaikan berbagai persoalan umat manusia, yang didasarkan pada asumsi bahwa ajaran Islam merupakan sistem hukum yang bersifat komprehensif dan tidak dapat diubah. Namun demikian, pandangan ini menimbulkan polemik di kalangan sejumlah mufassir, yang berargumen bahwa Al-Qur'an tidak secara eksplisit menetapkan kewajiban penerapan satu bentuk sistem pemerintahan tertentu dalam suatu negara.

INTRODUCTION

The discourse surrounding the caliphate system as a solution to various humanitarian challenges gives rise to two principal perspectives, each grounded in substantial arguments and empirical illustrations. On the one hand, groups such as Hizb ut-Tahrir maintain that this system constitutes a primary solution, based on the belief that Islamic teachings encompass all dimensions of life, including governance and international relations. From this standpoint, the caliphate is perceived as a unifying political framework capable of integrating the Muslim community under a single legal and moral order, reducing inequality, and ensuring that natural resources are managed for the collective welfare. Proponents often draw on early periods of Islamic history as illustrative examples, during which prosperity and justice were believed to have been widely experienced. A concrete manifestation of this ideal is reflected in the notion that natural wealth should be equitably distributed among the population rather than concentrated in the hands of a select few, alongside the provision of equal protection for all individuals irrespective of artificial national boundaries inherited from the colonial era. Furthermore, this perspective holds that contemporary secular democratic systems frequently prioritize political or economic interests over moral and religious values, and are therefore considered inadequate in addressing the broader ethical dimensions of societal governance (Tahrir, n.d.-b).

On the other hand, a number of Qur'anic exegetes and Muslim scholars argue that the caliphate is not the sole obligatory solution to be implemented, as the Qur'an does not prescribe a single, immutable form of government applicable across all times and contexts. Rather, it provides general normative principles, such as justice (*'adl*), consultation (*shūrā*), and the protection of human rights which allow for flexibility in determining the structure of governance in accordance with the social, cultural, and historical conditions of each society, so long as these arrangements do not contravene the fundamental tenets of the religion. In the Indonesian context, for instance, the unitary state system grounded in the values of Pancasila is often regarded as compatible with the objectives of Islamic law (*maqāṣid al-sharī'ah*), despite not being formally designated as a caliphate. Imposing a singular political system, therefore, may risk undermining national unity, which itself was established through collective

consensus. Moreover, historical forms of governance emerged in response to the specific challenges of their respective eras, whereas contemporary realities are far more complex and necessitate adaptive approaches aligned with evolving intellectual capacities and societal needs. Within this framework, various forms of government such as monarchies or republics are considered legitimate insofar as they are able to ensure justice, security, and the freedom of religious practice for their citizens (Tahrir, n.d.-c).

The novelty of this discussion lies in a shift in perspective that distinguishes it from earlier debates. Rather than centering on theological questions concerning the obligation to establish a caliphate based on scriptural evidence, the discourse now emphasizes that, while Islamic principles are enduring and immutable, the form of governmental systems constitutes a technical domain open to interpretation and contextual adaptation. Accordingly, the primary concern is not the nomenclature of the system itself, but its capacity to realize the objectives of Islamic law (*maqāṣid al-sharī'ah*) within the social and historical realities of a given society. This approach provides conceptual space for Muslim communities in pluralistic nations such as Indonesia to develop governance structures that are aligned with their national identity, without perceiving such arrangements as being in contradiction with religious teachings (Kumparan, n.d.).

Another dimension of novelty is reflected in the assertion that the term caliphate (*khilāfah*) as an official designation of a political system is not explicitly articulated in the Qur'an. This suggests that the sacred text deliberately refrains from prescribing a fixed structure or specific nomenclature, thereby allowing human societies the latitude to determine forms of governance in accordance with the capacities and exigencies of their respective eras, provided that such systems remain grounded in the principles of justice and consultation. Furthermore, the rejection of a single, uniform political model is closely related to the foundational consensus established by the founding figures of the Indonesian nation. This underscores that the formulation and implementation of a system of governance is not solely a theological matter, but also one that encompasses social and political agreements, which must be respected in order to preserve the unity and integrity of the nation as collectively envisioned.

The study of Hizb ut-Tahrir and the foundation of the caliphate system they carry has been the focus of intense debate in academic nuances. Many studies have reviewed the theological, political, and social aspects of this movement. One of the significant studies is the work of Abdul Aziz Qassim and Ahmad Saiful Rijaluddin, whose research still does not discuss in detail Hizb ut-Tahrir's views on the caliphate system, tracing the roots of their thinking in religious texts and the political doctrines they adhere. They only focus on how Hizb ut-Tahrir interprets concepts such as justice, authority, and leadership in the context of the caliphate, as well as its political implications (Qassim & Rijaluddin, 2020). Meanwhile, in Fatima Hassan's work, it only focuses on revealing that Hizb ut-Tahrir is not a new movement that emerged suddenly, but has strong historical roots. Hassan outlined the important role of thinkers such as Taqiuddin al-Nabhani in shaping the foundations of Hizb ut-Tahrir's

caliphate and how their political vision is relevant in the context of the modern world (Hassan, 2019). However, not all studies support a positive view of Hizb ut-Tahrir and the foundation of their caliphate system. Muhammad Mojlum Khan, in his book, offers a critical analysis of Hizb ut-Tahrir's ideology and political strategy. Khan highlights the tension between their vision of the caliphate and contemporary political realities, as well as the consequences of their radical approach to political change (Khan, 2018).

Overall, this study is here to thoroughly explore the polemic of the foundation of the Hizb ut-Tahrir caliphate system which reflects the complexity and diversity of views on this movement. From theological analysis to political criticism, this research will seek to offer a diverse range of perspectives that enrich understanding of the role and purpose of Hizb ut-Tahrir in the context of global politics.

Hizb ut-Tahrir, both on an international and local scale such as HTI, uses several verses of the Quran as a basis to strengthen the argument that the caliphate is an obligation that must be applied. They interpret the verses of the Quran that they adopted as evidence that shows the obligation to uphold the caliphate. The vision of the caliphate that they advocate aims to liberate mankind from the domination of thought, legal system, and state that is considered kufr, towards a system based on Islamic sharia as a whole (*kaffah*). They argue that refusing to try to establish the caliphate can be considered a great sin. Several verses of the Qur'an that they used as the basis for obliging the caliphate are found in QS, among others. Al-Maidah verses 48-49 and QS. An-Nisa verse 59. In their view, these verses show the urgency and necessity for Muslims to run a government based on Islamic law, which they claim is the only way to actualize justice and truth in accordance with Islamic teachings.

RESEARCH METHOD

This study adopts a qualitative approach based on the polemical issue of the mandatory claim of the caliphate system by the Hizb ut-Tahrir group, which is still a matter of debate today. An interpretive approach is used to explore the meaning and explanation of an event or problem from the perspective of the person or group being studied (Hamzah, 2019). As well as using Abdullah Saeed's contextual approach by analyzing the ideas, methodologies, epistemological footholds offered, and comparing with other contemporary interpretation figures. This research uses a type of library research, which means that the data and study materials used are sourced from literature such as books, theses, journals, and articles.

As a researcher who is interested in the polemic of the foundation of the Khilafah System, the researcher chose Taqiyuddin an-Nabhani as the object of research. This choice is based on several very strong and significant reasons. First, Taqiyuddin an-Nabhani was the founder of Hizb ut-Tahrir. In addition, an-Nabhani wrote many works detailing the Caliphate, including books such as "The Islamic State" (*Ad-Dawlah al-Islamiyah*) and "The System of Islam" (*Nizam al-Islam*). These works provide an in-depth view of the structure of an Islamic state, as well as the laws that govern various aspects of life in the Caliphate. An-Nabhani and his ideas cannot be separated from

polemics and criticism. His criticism and response to his thoughts provide a broader and richer perspective in understanding the debate of the Caliphate. This is important to build a comprehensive understanding of the topic of the Caliphate. For all these reasons, examining Taqiyuddin an-Nabhani in the context of the Caliphate is very reasonable.

DISCUSSION

Getting to Know Hizb ut-Tharir Closer

Hizb ut-Tahrir is an international political party based on Islamic ideology. This party makes the Islamic faith the main foundation in all aspects of its activities and decisions. In formulating ideas, laws, and solutions to various problems of life, Hizb ut-Tahrir fully refers to Islamic principles (Al-Wa'ie, 2005). Despite being a political organization, Hizb ut-Tahrir is not involved in practical political activities as is commonly understood, i.e. participating in government. They view politics as an effort to regulate and maintain public affairs based on Islamic law and sharia (Al-Wa'ie, 2005). In practice, Hizb ut-Tahrir often takes a confrontational position against secular governments. They are more active in campaigning Islamic ideas to the wider community than being directly involved in the political process of government.

Hizb ut-Tahrir is a political party that operates outside parliament, with political contestation as its main focus and Islam as its fundamental ideology (Anonim, n.d.). The party was founded in Al-Quds, Palestine in 1953 by Taqiyyuddin An-Nabhani with the aim of restoring Islamic life under the Islamic Caliphate. This political organization and da'wah movement is rooted in the Prophet's da'wah methodology that is firm without compromising on kufr (*Majalah al-Wa'ie No 55 Tahun V Edisi Khusus*, 2005). The establishment of Hizb ut-Tahrir was also intended as a forum to fight for the return of the institution of the Caliphate al-Islamiyah after the collapse of the Ottoman Caliphate in 1924 which was dissolved by Mustafa Kemal Atatürk. Hizb ut-Tahrir was established as an Islamic organization that carries out the vision and mission to continue the Islamic life and spread Islamic da'wah throughout the world (An-Nabhani, 2007).

Hizb ut-Tahrir views Islam as more than just a cultural and ritual identity, but as an ideology that encompasses "siyasah wa daulah" (politics and the state). According to their view, the existence of a country is a direct consequence of the ideology adhered to. In this context, Hizb ut-Tahrir states that true awakening begins with the existence of a mabda (ideology) that combines fikrah (thought) based on Islam (Zallum, 1985). In his efforts to re-establish the Islamic Caliphate, Hizb ut-Tahrir carried out political activities that referred to the history of the struggle of the Prophet Muhammad SAW. They used this history as legitimacy to establish periods and stages in their da'wah around the world. This stage, known as thariqah or da'wah method, consists of three main steps:

1. **Coaching and Cadre (Marhalah at-Tatsqif):** This stage focuses on the education and development of cadres who will become leaders and implementers of the vision of the Caliphate. It involves training and developing strong leadership.

2. **Interaction with the Ummah (Marhalah tafa'ul ma'a al ummah):** Hizb ut-Tahrir actively interacts with Muslims and the wider community to spread their ideology, gain support, and mobilize the masses.
3. **Takeover of Power (Marhalah istilaamil al-hukum):** This final stage is the achievement of their ultimate goal, which is to take over political power and establish a comprehensive caliphate based on Islamic law (Hawari, 2005).

Hizb ut-Tahrir considers that the absence of a caliphate has caused three crucial problems for Muslims. First, the loss of general leadership among Muslims, which caused them to be split into several small countries that had no strength. Second, without the caliphate, the application of Islamic laws as a whole is abandoned because there is no legitimate institution to carry it out firmly. Third, the absence of a caliphate also causes Muslims to neglect the important responsibility of the state, namely spreading Islamic da'wah throughout the world (Rafiuddin, 2015).

This view reflects Hizb ut-Tahrir's belief that the caliphate is not only a political structure, but also the main foundation in maintaining the integrity of Muslims globally. They believe that only with the caliphate, Muslims can rebuild strong leadership, apply Islamic law comprehensively, and carry out the mission of Islamic da'wah effectively and broadly.

Meanwhile, in Indonesia itself, Hizb ut-Tahrir was first present in the early 1980s (Rahmat, 2005). However, the ideology of Hizb ut-Tahrir has entered Indonesia since Taqiyuddin An-Nabhani's visit in 1972 (Ahnaf, 2004). However, further information about the areas and da'wah movements visited by Taqiyuddin An-Nabhani is difficult to trace in detail, as there are no adequate records from that period that explain when and where the ideas of Hizb ut-Tahrir were first introduced in Indonesia.

The history of Hizb ut-Tahrir's journey in Indonesia in the 1970s is still a mystery due to the lack of documentation available from their own side. In the 1980s, Hizb ut-Tahrir was brought to Indonesia by Abdurrahman al Baghdadi, who was then the leader of Hizb ut-Tahrir in Australia. Al Baghdadi moved to Bogor at the invitation of KH Abdullah bin Nuh, who was the head of the Al-Ghazali Islamic Boarding School. Like the Tarbiyah Movement, Hizb ut-Tahrir disseminates its da'wah in Indonesia through the campus da'wah network. This reflects their efforts in influencing Islamic thought and movements in Indonesia, with the aim of upholding the caliphate and applying Islamic sharia widely (Rahmad, 2006).

Information about the number of members and the management structure of Hizb ut-Tahrir Indonesia (HTI) has never been publicly published. Most HTI activists use pseudonyms to keep their identities confidential. These pseudonyms tend to have Arabic nuances, such as Muhammad al-Khattath, Abu Fuad, Abu Dzar al-Ghifari, Taqiyuddin al-Baghdadi, Salman al-Farisi, and so on. For example, the former Secretary General of FUI who used the pseudonym Muhammad al-Khattath turned out to have the real name Gatot. This practice was carried out by HTI activists as a self-protection strategy, especially during the New Order era in Indonesia which was known for its "clean sweep" political policy against radical groups. This identity disguise aims to avoid monitoring and repression from the security and to protect the

continuity of their da'wah activities. Limited openness regarding the management structure and the number of members was also part of their strategy to keep the organization and its members safe in the face of the harsh political environment of the time (Mubarak, 2008).

Polemic on the Basis of the Khilafah System of Hizb ut-Tahrir

According to Taqiyyuddin an-Nabhani, the establishment of the caliphate system is an obligation for all Muslims around the world. He considers that upholding the caliphate is like carrying out other obligatory duties that have been obligatory by Allah SWT for Muslims. This means that upholding the caliphate is an absolute necessity, where there is no other option in carrying it out. In his view, neglecting this duty is one of the great sins that will receive a very painful punishment from Allah SWT. Taqiyyuddin an-Nabhani believes that the absence of a caliphate causes Muslims to be in an incomplete state and unable to meet the demands of their religion as a whole (An-Nabhani, 1996).

Hizb ut-Tahrir believes that the Quran contains dozens of verses that govern issues of government and power. These verses command Muslims to implement government based on the law of Allah SWT (An-Nabhani, 1996). In this case, the author only focuses on Qs. Al-Maidah: 48-49 and Qs. An-Nissa: 59 as research on the foundation of the Hizb ut-Tahrir caliphate system.

1. QS. Al-Maidah: 48-49

وَأَنزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِّمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيِّمًا عَلَيْهِ فَاحْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا مِنْكُمْ شُرْعَةً وَمِنْهَاجًا وَلَوْ شَاءَ اللَّهُ لَجَعَلَكُمْ أُمَّةً وَاحِدَةً وَلَكِنْ لِيَبْلُوَكُمْ فِي مَا آتَاكُمْ فَاسْتَبِقُوا الْخَيْرَاتِ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنزَلَ اللَّهُ إِلَيْكَ فَإِنْ تَوَلَّوْا فَاعْلَمُوا أَنَّمَا يُرِيدُ اللَّهُ أَنْ يُصِيبَهُمْ بِبَعْضِ ذُنُوبِهِمْ وَإِنَّ كَثِيرًا مِنَ النَّاسِ لَفَاسِقُونَ

"We have sent down the holy book (Qur'an) to you (the Prophet Muhammad) by (bringing) the truth as a justification for the books that have been revealed before and as the guardian of it. Therefore, decide their affairs according to the rules that Allah has sent down and do not follow their lusts by forsaking the truth that has come to you. For every one of you We give you rules and a clear way. If Allah had willed, He would have made you one people. However, God wants to test you about the gifts He has bestowed upon you. So, compete in doing good. Only to Allah do you all return, and He will tell you what you have been arguing about. Decide among them according to the rules that Allah has sent down and do not follow their lusts. Beware of them so that they may not deceive you into forsaking some of what God has revealed to you. If they turn away from the law that Allah has revealed, know that Allah is indeed willing to bring calamity upon them because of some of their sins. Indeed, many of us are wicked people."

Hizb ut-Tahrir, including HTI in Indonesia, understands that the verse affirms the obligation to apply Islamic law, which can only be carried out by establishing a caliphate system. For them, upholding the caliphate is a great obligation in Islam. This verse is considered the strongest postulate about the importance of carrying out God's law. According to Hizb ut-Tahrir's view, the verse shows that Allah SWT commanded the Prophet (saw) to make decisions in all matters of the ummah in accordance with His revelation. This also applies to Muslims today (Tahrir, n.d.-a).

From this, they conclude that the verse indicates the importance of Muslims having a judge or ruler after the death of the Prophet (peace be upon him), who will decide matters according to the Qur'an that He has revealed. For Hizb ut-Tahrir, the judge or ruler referred to after the death of the Prophet (saw) is a caliph, and his system of government must be the caliphate system. They emphasized that the verse directly refers to the need for a caliphate with a caliphate system to enforce the laws of Allah among Muslims (Tahrir, n.d.-a).

According to the author, the argument Taqiyuddin An-Nabhani clearly shows that it does not explicitly state that the form of the state is the caliphate, as explained in these verses. These verses further emphasize the importance of human beings to settle matters justly according to the commands of Allah and His Messenger, as well as obedience to *ulil amr*. Meanwhile, Taqiyuddin An-Nabhani believes that all the commandments of Allah cannot be carried out perfectly except with the establishment of the caliphate (An-Nabhani, 1996). Thus, according to him, the establishment of the caliphate government is an obligation, in accordance with the instructions contained in these verses. Furthermore, Taqiyuddin emphasized his view by quoting a hadith from Hisham Bin Urwah narrated from Abu Shalih from Abu Hurairah, that the Prophet (peace and blessings of Allaah be upon him) said:

"After me there will be leaders among you. So there is something good and then it passes with the good. Likewise, evil will pass with evil. So listen to them and obey them, if they are in accordance with the truth. If they do good, then it is your right (to get the good). And if they do evil, then it is your right and at the same time your duty (to remind them)." (HR Bukhari)

The hadiths mentioned above contain a notice from the Prophet (peace and blessings of Allaah be upon him) that there will be a ruler who rules over the Muslims. In these hadiths, it is also stated that those responsible for the leadership and regulation of Muslims are the caliphs. This shows the importance of establishing a caliphate. One hadith even forbids Muslims to rebel against their rulers. The whole of this hadith affirms that establishing a government for Muslims is considered an obligation that must be carried out (An-Nabhani, 1996). According to Taqiyuddin An-Nabhani, the command to obey an imam also means that Muslims are required to realize the caliphate system. In addition, the order to fight against the person who usurped the position of imam is a clear and strong

indication that it is very important to maintain the existence of a single imam in the caliphate system. Taqiyuddin's statement is:

"The command to obey the Imam is the command to establish the Caliphate, and the command to kill the person who takes it is the unequivocal reason for preserving a caliphate" (An-Nabhani, 1996)

The author analyzes that in Taqiyuddin An-Nabhani's argument, there is no explicit allusion to the obligation to establish a caliphate. The postulates from the Quran and the Sunnah emphasize the importance of practicing Allah's commandments. Taqiyuddin made the caliphate a historical obligation, that it was the caliphate in history that used a lot of Islamic law, and these laws were taken based on the Qur'an and the Sunnah.

On the other hand, especially in Indonesia, there is a very strong view against the interpretation of HT (Hizb ut-Tahrir) regarding the postulates of the Qur'an which are considered the basis for the obligation to establish a caliphate. Interpretation of verses such as QS. Al-Maidah: 48-49, which is understood as an order to the Prophet Muhammad (saw) to decide matters according to the law of Allah and not according to the lust or desires of the Jews, is generally considered too far to be associated with the caliphate system. Some scholars argue that HT's interpretation of the phrase "ruler" (judge) in the verse to be caliph in the caliphate system of government is a conclusion that is too hasty and needs to be investigated further before it is widely adopted, especially in the context of the discrepancy between the prophet's duties as spiritual leaders and the role of political government (Rofiq, 2012).

2. QS. An-Nisa: 59

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

"O you who believe, obey Allah and obey the Messenger (Prophet Muhammad) and the ululamri (rulers) among you. If you disagree about something, return it to Allah (the Qur'an) and the Messenger (the Sunnah) if you believe in Allah and the Last Day. That is better (for you) and better as a result (in this world and in the hereafter)."

Hizb ut-Tahrir Indonesia (HTI) interprets this verse as a command to obey Allah, His Messenger, and ulil amr. In their interpretation, the ulil amr referred to in these verses includes imams, sultans, and qadhis who lead based on Islamic sharia, not based on secular authority or thagut (Tahrir, n.d.-a). The importance of umr ulil who is able to apply sharia law thoroughly is considered an obligation. Therefore, HTI argues that establishing a ruler who can implement Islamic laws is a must. Leaders who meet this criterion are caliphs with a system of caliphate government. Thus, according to HTI, ulil amr in this context refers to a caliph who

regulates based on the caliphate system of government, which is tasked with implementing Islamic sharia to solve all the problems of the ummah.

Taqiyuddin An-Nabhani interpreted the verse "*Return him to Allah and the Messenger*" as an instruction to return affairs to sharia law. According to him, the power that exists among the ummah and individuals, as well as those who manage their aspirations, should be based on the teachings brought by the Prophet (saw). Ummah and individuals are expected to submit to sharia law because true sovereignty is in the hands of sharia (An-Nabhani, 1996). Taqiyuddin emphasized that the caliph should not be seen as merely the executor of the wishes of the people, as in a democratic system, where the caliph plays the role of the executor (ajir) who fulfills the will of the people. On the other hand, the caliph is bai'at by the ummah based on the Kitabullah (Al-Quran) and the Sunnah of His Messenger to implement sharia law, not to obey human desires. If there are people who have violated the caliph by deviating from the provisions of the sharia (e.g. by rebelling or opposing the rules of the Shari'a), the caliph is expected to oppose them until they return to obeying the applicable provisions of the Shari'a (An-Nabhani, 1996).

These postulates affirm that for a Muslim it is mandatory to follow sharia law and be bound by the law of Allah. This applies both in human actions and in the use of objects. Thus, a Muslim should not commit or abandon an act except after knowing the law of Allah regarding the act. He must know whether an action is obligatory or recommended (mandub), so that he can do it, or whether it is haram or makruh, so that he must abandon it, or whether the action is included in the category of mubah, so that he is free to do it or abandon it. Based on this principle, the rule applies that "the original law of human action is bound by the law of Allah". In other words, every action taken by a Muslim should be in accordance with the principles set forth by Allah's law in the Quran and the Sunnah of His Messenger (Zalum, 1990).

The author sees that Taqiyuddin An-Nabhani emphasizes the importance of sovereignty in the hands of sharia as the main pillar in the Caliphate, with the main goal of realizing the implementation of Allah's laws which are the basis for every human activity. However, there is confusion in the interpretation of QS. An-Nisa: 59, especially in the understanding of Hizb ut-Tahrir (HT), where ulil amr in this verse is considered a leader or ruler who leads the territory with Islamic sharia principles, especially in the context of a caliph who implements the caliphate system.

According to Nadirsyah Hosen, quoted by Riyadzul Malikah, the concept of ulil amr in several interpretations of the Qur'an has various meanings. There are those who interpret ulil amr as scholars, umara, companions of the Prophet, or leaders in general on the condition that they must believe in Allah and His Messenger and do not command munkar acts which are disobedience to Allah. Thus, the variation in understanding of ulil amr has become a subject of wide debate (Juhari & Malikah, 2021). Therefore, in the author's view, it is inappropriate

to compartmentalize the understanding as stated by HT as the only valid meaning of the verse.

Muhammad Izzah Darwazah stated that verses related to state affairs do not directly refer to the form of the state or the Islamic system of government. On the contrary, these verses focus more on the spirit of formation and the obligation to have a head of state who is responsible for regulating and solving the problems of the people (Rasyid, 2023). The legitimacy of establishing a state based on the verses of the Qur'an does not explicitly highlight the form of the state or the obligation to establish a particular state. However, the spirit of these verses is expected to provide a positive response from the community in the context of today's times.

Interpretation of Scholars of Tafsir on the Foundations of the Khilafah System of Hizb ut-Tahrir

This verse comes down in the context when a group of Jewish priests came to the Prophet Muhammad with the intention of influencing him or misleading him from his religion. They claimed that if they joined the Prophet Muhammad, the Jews would follow them without any objection, as well as they would bring their disputes to be decided by the Prophet if he promised to support them. Their request was refused, and in response, verse QS descended. Al-Maidah verse 49, as explained in *Asbabun Nuzul* by Ibn Katsir (Katsir, 2001).

To find a more comprehensive context, this study refers to several books of tafsir from classical to contemporary periods. According to Ibn Abbas (d. 68 AH), this verse is a command to decide matters by referring to the limits that have been set by Allah, and not to follow lust by abandoning the truth that has been set (Thalhah, 2009). According to Imam As-Shafii (d. 204 AH), this verse is understood as an appointment to the authority of an Imam to judge a non-Muslim who is bound by a peace treaty (Asy-Syafii, 1983). According to the Qurthubi (d. 671 AH), deciding matters by referring to the decisions that Allah has revealed in His book. He also criticized discriminatory jahiliyah law, where the punishment for honorable people differs from the punishment for commoners, based on their social status (Qurthubi, 2008).

Thus, this verse contains various interpretations from scholars of interpretation, each of which emphasizes the importance of deciding cases by adhering to the law that has been established by Allah, as well as showing the authority and responsibility of the imam or leader in adjudicating and upholding justice for all parties, regardless of social status.

Ibn Kathir (d. 774 AH) in his work stated that any law that does not come from Allah is called the law of ignorance. The law of ignorance is explained as the determination of the law based on personal thoughts and passions, which cannot match the justice, wisdom, and goodness contained in the law of Allah (Katsir, 2001). Wahbah Zuhaili responded by defining the law of ignorance as any law that is contrary to the law of Allah and His Messenger. For him, the law of ignorance is a misguided path, while the law of Allah is based on knowledge, justice, light, and

correct guidance (Zuhaili, 2012). Meanwhile, Quraish Shihab explained that this verse establishes the territorial principle of law, which means that Islamic sharia must be applied in Islamic areas. Those who decide to adopt unjust laws of ignorance, are considered to prefer to follow their own passions rather than follow Allah's provisions (Shihab, 2002).

In essence, the views of Ibn Katsir, Wahbah Zuhaili, and Quraish Shihab affirm that the law that comes from Allah is the only one that is right and just, while the law of ignorance is a form of improper legal decision, based on personal thoughts and passions, without considering the justice and guidance that comes from Allah and His Messenger.

There are three key concepts that are interesting to study in Surah Al-Maidah verses 49-50 and An-Nisa verse 59, including the command to punish with what Allah has revealed, the prohibition of following lust, and the prohibition of following the law of ignorance. These verses do not directly direct or explain the obligation to establish the Caliphate system. These verses, especially Al-Maidah verses 49-50, emphasize the importance of ruling with what Allah has revealed as the main principle in regulating social life. The prohibition of following lust and the prohibition of following the law of ignorance show that the decisions and regulations made must be based on the principles of justice and guidance from Allah.

However, there is no explicit explanation in these verses that relates or makes the obligation to establish the Caliphate system part of the practice that is directly commanded. The concept of the Caliphate as an Islamic system of government may be discussed in the context of different hadiths and interpretations, but not directly from these verses.

Thus, while these verses affirm important principles in the organization of society based on Islamic law, their relevance to the obligation to establish the Caliphate depends on the interpretation and context used in the analysis of the interpretation and theological thought of the Jews who do not establish based on what Allah ordained, but rather on their own measure to unfairly determine the law based on social strata. This kind of law is called a law based on lust. Punishing based on *nasfu* is mentioned several times in other verses. For example, in Surah an-Nisa 135.

According to Ash-Syaukani in Fathul Qadir, this verse leads to the prohibition of unjustly establishing laws. This verse emphasizes the importance of justice in giving testimony in a case (Syaukani, 2007). According to At-Thabari, this verse is intended to affirm that when a person is asked to testify, he should not follow his lust in favor of one party, even if the accused is a rich person. This confirms that wealth or poverty should not be an obstacle for a person to remain fair in bearing testimony (Thabari, 2009). This verse is closely related to the verses in Surah Al-Maidah (49-50), which also affirm the prohibition of following lust and encourage to act justly regardless of one's social status. In essence, these verses affirm the principles of justice that must be upheld in all aspects of life, including in court proceedings and giving testimony.

Based on the explanation above, broadly speaking, the *mufasir* explained that these verses affirm the obligation to establish the law fairly regardless of a person's

social status. This commandment was followed by the prohibition to follow lust and the prohibition to follow the law of ignorance. For example, in the context mentioned, Jews at that time often established laws based on social strata, so there was a difference in treatment in law enforcement between the poor and the rich. In essence, these verses call for upholding a just law based on Islamic law, which should not be influenced by personal or group interests (lust), and must stay away from the jahiliyyah legal system that does not prioritize absolute justice.

CONCLUSION

The conclusion of this paper is that Hizb ut-Tahrir and his establishment, represented by Taqiyuddin an-Nabani, view that establishing a caliphate system is an obligation that cannot be ignored for Muslims. They interpret some verses of the Qur'an, such as QS. Al-Maidah: 48-49 and QS. An-Nisa: 59, as the basis for this obligation. According to Hizb ut-Tahrir, Muslims must decide matters with the law revealed by Allah, which in their context is the application of the caliphate system as the only way to realize the law of Allah comprehensively. However, in the Indonesian context, Hizb ut-Tahrir's interpretation of the obligation of the caliphate is rejected by most circles, who see that the verses of the Qur'an that they use as the basis for establishing the caliphate do not explicitly support their interpretation. This shows the fundamental difference in views between Hizb ut-Tahrir and the views of the majority of people and Islamic scholars in Indonesia.

The obligation of the Indonesian state must have a forum that can unite all elements both religiously and culturally. Therefore, especially the Indonesian state has established Pancasila as the basis of an ideology that can accommodate and unite all forms of culture, cultural diversity and religion. So that the implementation of a system that favors certain groups such as HT and HTI will damage the peace of Indonesia within the framework of the ideology of Pancasila. That is, Jahiliyyah or not stipulates the law of government, not in the form of the state (Caliph or Democracy) but in the executor. On the other hand, the Qur'an does not explain the system of government and the specific form of state that Muslims must follow, including the Caliphate. So, what is contained in the Qur'an is a moral imperative for human life

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