



## The Establishment of an Islamic State from Fiqh Siyasah Perspective: A Normative Study of the Quran

Imam Shobirin Rahman<sup>1</sup>, Sukma Dewita<sup>2\*</sup>, Muhammad Iqbal<sup>3</sup>

<sup>1</sup>Pondok Pesantren Modern Al Bukhari Agam, Indonesia

<sup>23</sup>Universitas Islam Negeri (UIN) Sjech M. Djamil Djambek Bukittinggi, Indonesia

<sup>1</sup>isobirin049@gmail.com, <sup>2</sup>sukmadewita14@gmail.com, <sup>3</sup>mohi.iqbal54@yahoo.com

\*Correspondence author: [sukmadewita14@gmail.com](mailto:sukmadewita14@gmail.com)

Received	27-01-2026	Revised	14-03-2026	Accepted	28-06-2026
----------	------------	---------	------------	----------	------------

**Abstract:** This study examined the concept, legal framework, and normative foundations of establishing an Islamic state from the perspective of Islamic law by referring to the Quran, Hadith, fiqh siyasah, and the views of classical and contemporary scholars. The research was motivated by ongoing debates concerning the relationship between Islam and the state, particularly the demands of certain Muslim groups for the establishment of an Islamic state or khilafah within the context of the modern nation-state. The study employed a normative-qualitative method through library research, utilizing thematic Quranic interpretation, Hadith analysis, and a comparative review of the political thoughts of al-Mawardi, al-Ghazali, Ibn Taymiyyah, al-Maududi, and an-Nabhani. The findings indicated that the Quran and Hadith did not prescribe a specific form of state but emphasized fundamental principles of governance, including justice (*al-'adl*), consultation (*al-shura*), trustworthiness (*amanah*), equality, law enforcement, and public welfare (*maslahah*). From the perspective of Islamic law, the establishment of a state was regarded as a collective obligation (*fardhu kifayah*) to ensure the implementation of amar ma'ruf nahi munkar and the realization of Islamic legal objectives. The Islamic state was understood as a political institution aimed at upholding the maqasid al-sharia, rather than merely representing a formal religious authority. Moreover, the establishment of any state, including an Islamic state, was required to fulfill constitutive and declarative elements recognized in constitutional law, such as population, territory, sovereignty, constitution, and international recognition.

**Keywords:** Islamic state, Fiqh siyasah, Nation state, Ulil al-Amr

### Introduction

The Indonesian people have agreed to establish the Unitary State of the Republic of Indonesia (NKRI), which has a unitary form of government based on Pancasila and the 1945 Constitution, not an Islamic state or a caliphate. This form is considered the most ideal way to unite the nation's children, who come from various ethnic groups, races, religions, and classes. However, the longing and demand to establish an Islamic state in the form of a caliphate to ensure the implementation of Sharia law is once again being heard among the Muslim community. The reform era, with its freedom of expression, democracy, and recognition of citizens' rights, has been used as an opportunity to reemphasize the importance of establishing an Islamic state (Santoso & Nasrudin, 2018).



Islam has contributed to the development of a country's political system or government. The democratic values in Islamic law are similar to the basic elements of democracy in Indonesia. Robert N. Bellah concluded that the government practiced by the Prophet Muhammad SAW in Medina was egalitarian and participatory, and was formed as a modern state. The basic elements referred to in the doctrine of Islamic government are justice (*al-'adl*), egalitarianism (*al-musawah*), and deliberation (*al-shura*), which are realized in the practice of Islamic state politics. In the context of the Indonesian state, the relationship between Islam and the state, historian Kuntowijoyo concluded that Islamic teachings have contributed greatly to the Indonesian state. Islam shapes civic culture, national solidarity, the ideology of jihad, and social control (Pulungan, 2018).

Conceptually, there are at least three paradigms regarding the relationship between Islam and the state; the first is the integralistic paradigm, the second is the secularistic paradigm, and the third is the symbiotic paradigm. The controversy surrounding these three paradigms is caused by the lack of explicit explanations in both the Quran and the hadith, which are the main sources of Islamic law, regarding the concepts of power, sovereignty, constitution, structure, and system of government. It is not surprising that in the course of Islamic history after the Prophet Muhammad SAW until the modern era, Muslims have implemented various systems and forms of government, ranging from democratic caliphates to absolute monarchies (Pulungan, 2018).

This research is relevant to the study written by Dri Santoso and Muhamad Nasrudin (Santoso & Nasrudin, 2018) entitled "Perceptions of Muslim Academics in Metro City Regarding the Teachings of Establishing an Islamic State." The results of the study show that the formation of a state is inevitable (*sunnatullah*), as a result of human nature as social beings who need the help of other humans. Humans then unite in an organized manner, with some leading and others being led within a region/city to achieve common goals. This is the beginning of the formation of a state. This opinion is shared by several Islamic philosophers, including Ibn Arabi, al-Farabi, and al-Mawardi. However, there are still differences of opinion among scholars regarding the form of the state. Should a state formed by Muslims be in the form of a caliphate or an Islamic state, or should it depend on the will of Muslims in their respective regions? This means that Muslims may establish a state in the form of a nation-state. These differences of opinion are caused by the absence of a clear passage in the Qur'an that explicitly commands Muslims to establish a state and determine its form.

The aim of this study is, first, to determine the law on establishing an Islamic state. Second, to determine the arguments for establishing an Islamic state. Third, to describe the elements of an Islamic state. So, what is the law on establishing an Islamic state? Are there any arguments that discuss this, or elements that are necessary for the establishment of an Islamic state? All of this will be explained in this article, and I believe it is important to discuss this research because, in this day and age, there are some Muslims who are eager to establish an Islamic state without knowing the laws, foundations, or arguments, or even the elements of an Islamic state itself. Most of them claim to represent organizations that promote monotheism, but their goals are unclear, especially in an independent country like Indonesia.

## Method

This study uses a *normative-qualitative* method with a library research type of study. The data analyzed consists of primary and secondary documents, including verses from the Qur'an, literature on political science and government, literature on fiqh siyasah, and journals on Islamic law related to the concept of establishing an Islamic state. The analysis was conducted through a thematic interpretation of relevant verses of the Qur'an and a comparative study of the opinions of classical and contemporary scholars on the formation of an Islamic state. Using this method, the study aims to explore the concepts, principles, and legal foundations of Islam that underlie the establishment of an Islamic state in a thorough and systematic manner, thereby producing a comprehensive and applicable understanding in accordance with the modern context.

## Result and Discussion

### The Law of Establishing an Islamic State in Islamic Law

A state is generally an organization of sovereign power with a system of government that enforces regulations on the people in a certain area. A state is also an area that has a system or regulations that apply to all people in that region, and it stands independently. Meanwhile, an Islamic state is a state whose political behavior is based on Islamic values or teachings derived from the Quran and Hadith (Putri & Zainuddin, 2022). The definition of a state is not only bound by an agreement between communities (*social contract*), but also accompanied by duties and authorities that must be carried out by the community to develop the state for the better. This is especially true in the system of government and law that is implemented to ensure the welfare and security of its people. A country will not be independent if one of its elements is incomplete or unfulfilled. Therefore, to help fulfill the objectives of a country, there needs to be a state foundation that will regulate the lives of its people, especially if a country is said to be independent when it receives recognition from other countries, so that it is able to claim a territory that has been established as a country (Aulia & Rohmah, 2022).

The existence of a country is inseparable from a system of government. A government is a group or collection of people or organizations that are given full sovereignty to rule and have the right to make and enact laws or regulations in a particular region or country. Everyone living in a region must be bound by regulations to prevent problems in social life. There must be one person who is appointed, elected, or entrusted to fill this government position. The leader who holds this position is fully responsible for their duties in government, both in terms of regulations, social issues, and so on.

Based on this necessity, humans finally agreed to establish a state. A common aspect of this idea of statehood is the relationship between two parties to a social contract or agreement on a voluntary basis, a contract or agreement that results in rights and obligations for both parties on the basis of reciprocal law. Therefore, leaders, in addition to having the right to be obeyed by the people and demanding their full loyalty, also have obligations that must be fulfilled for their people. Examples include providing protection to the people and managing the interests of the people properly and with a sense of responsibility (Putri & Zainuddin, 2022).

According to Kuntowijoyo, Islam as a religion and the state as a power have different histories. Religion has preachers and scholars who give warnings and implement them based on collective consciousness, while the state has a

bureaucracy and army that enforce power and implement it based on government decisions and policies. According to Arskal Salim, although the terms “state” are not explicitly found in the Qur'an or Hadith, there are several terms that imply the formation of a state, such as *khalifah* (leadership), *shura* (deliberation), *ummah* (community), *ulil amri* (commander), *sultan* (ruler), *mulk* (kingdom), and *al-hukm* (law). Thus, it can be said that the Quran provides concepts for social life and guidelines for statehood, such as deliberation, justice, equality, mutual cooperation, and religious tolerance. In addition, there is also a hadith that provides an understanding of the importance of leadership, which means the following: “If three people are traveling, they must choose one of them as their leader” (Abduh & Sholihin, 2022).

According to Munawir Syazali in his work *Islam and State Administration*, Muslim scholars agree on the importance of establishing a state. The existence of a state is necessary as a system of cooperation between people to achieve their goals in life. In this regard, Ibn Taymiyyah said: Muslims cannot fulfill all their needs in life without cooperation and mutual assistance with others. That is why humans live in groups, and every group needs a leader. Therefore, establishing a state to manage the affairs of the people is the most noble religious obligation, because religion cannot stand without government. Allah commands us to promote what is good and forbid what is evil. This command cannot be carried out without the power of authority and government (Santoso & Nasrudin, 2018).

The establishment of a state in Islamic law is a perfect process based on clear principles and laws. According to Islamic law, establishing a state has a strong foundation and requires the implementation of Sharia principles to ensure the continuity of social life in accordance with Islamic law. The law of establishing a state is considered *fardhu kifayah* according to al-Mawardi, who says that this is a collective obligation needed to create comfort for the people. The state in Islam acts as a tool to implement Islamic Sharia law. This view explains that the state is a means to achieve the comfort of the people and uphold the principles of Islamic law. Al-Ghazali and Ibn Taimiyah have different opinions about the obligation to establish a state. Al-Ghazali emphasizes the importance of the state for worldly and afterlife order, while Ibn Taimiyah sees the establishment of a state more as a practical necessity than a religious obligation (Asma, 2024).

The existence of religion in the social life of a community is indeed an urgent matter and occupies a primary position. If a person has a religion, it makes them more civilized and moral in accordance with their beliefs. Similarly, in the context of statehood, religion is one of the important things that the state upholds for its citizens. However, this does not necessarily make religion the basis of the state's ideology and system of government, as is often debated in issues concerning an Islamic state. This basically arises from groups that misunderstand history and the interpretation of verses in the Quran. This way of thinking exists because certain individuals or groups aspire to establish an Islamic State or *khilafah al-Islamiyah* to replace the current state that stands firmly among them, prioritizing the interests of certain groups for the sake of lust or other things, and instilling an ideology based on rejecting or ignoring religious, ethnic, racial, or any other diversity (Ahmad, 2024).

Meanwhile, establishing a caliphate or Islamic government is obligatory according to Sunni scholars as a replacement for the duties of the Prophet Muhammad SAW. The aim is to regulate the lives and affairs of the people, both

worldly and religious, and to preserve the religion. Muslims are obliged to show obedience to the government. Political power must be used as a tool to implement Islamic law, uphold justice and realize the welfare of society, maintain equality among the people through cooperation and mutual assistance, and create peace and security. The system of government in Islamic law is aligned with the government of the Prophet Muhammad SAW, in managing the city of Medina to become an advanced region in various aspects, even becoming an economic center. In addition, the Khulafaurasidin (caliphate) government formed institutions for good state management and as a system of government that prioritizes deliberation to reach consensus (Paikah, 2019).

Recently, the discourse on the caliphate system has become the main agenda of Hizbut Tahrir Indonesia (HTI) as part of the international Hizbut Tahrir. According to HTI, the main problem facing Muslims today is caused by the failure to implement Islamic law in society. The only institution capable of guaranteeing the total implementation of the Islamic system and laws in society is the Islamic caliphate. HTI's idea has been rejected, particularly by Muhammadiyah, al-Washliyah, and Nadhlatul Ulama, the three largest mass organizations in Indonesia, for various reasons. Hizbut Tahrir seeks to revive and reimplement the caliphate system as it was practiced during the time of the Prophet and the Khulafa' al-Rasyidun. Hizbut Tahrir believes that Islam has limited the form of its sole authority, namely a government that enforces the law in accordance with what has been revealed by Allah SWT. Islam has also established and limited the form of government to the caliphate system and made it the only system of government for the Islamic State (Tanjung, 2018).

According to some parties, establishing the caliphate is an obligation for all Muslims. In the book *al-Fikr al-Islami*, it is emphasized that it is a fatal mistake to interpret the understanding of *wajib kifayah* as the removal of an obligation for some Muslims because something has been done by other Muslims, even if that obligation has not yet been fulfilled. According to Hizbut Tahrir, the obligation to establish a caliphate is the crown of all obligations imposed by Allah on Muslims. Establishing a caliphate is the greatest obligation in religion. Meanwhile, those who do not intend to establish a caliphate will be sinful, even committing the greatest sin. There are some groups who reject the notion that establishing the caliphate is obligatory, both rationally and according to Islamic law. Among those who reject this are al-Asamm from the Mu'tazilah group. According to them, what is obligatory is to implement Islamic law, because if Muslims are just and have implemented Allah's law, then the existence of an imam is no longer needed, nor is the establishment of the caliphate (PS et al., 2018).

The issue of the Hizbut Tahrir organization in Indonesia has recently come to the fore following the decision to dissolve it by the government through the Coordinating Minister for Political, Law and Security, and a review by the President ordering the investigation of a number of organizations that oppose Pancasila and suspect that HTI strongly contradicts Pancasila and the 1945 Constitution, it is necessary to review this wisely and through a clear legal process so that the public becomes more aware of the consequences and commitments of mass organizations in social, national, and state life. However, the dissolution of the HTI mass organization by the government must certainly be examined and proven by legal means whether the mass organization is dangerous to the integrity of the Unitary State of the Republic of Indonesia. In other words, the dissolution of

HTI by the government should have been carried out in accordance with the procedures set out in Law No. 17 of 2013 on Mass Organizations. The terms and conditions for the dissolution procedure are clearly outlined in the articles on sanctions for the revocation of mass organizations (Marfiando, 2020).

It can be concluded that establishing a state based on Islamic law is *fardhu kifayah* according to al-Mawardi. Specifically, the establishment of an Islamic state or a state whose government is based on Islamic law is obligatory according to Sunni scholars, but it must have a strong foundation and require the implementation of complex Sharia principles to ensure the continuity of social life in accordance with Islamic law. An Islamic state is intended as a means to achieve the comfort of the people and uphold the principles of Islamic law. The establishment of a state or an Islamic state is not permitted for any other reasons that are not in accordance with Sharia and Islamic law. This includes ethnic, tribal, racial, intergroup, or other personal interests. Furthermore, it cannot be based solely on economic needs or desires.

According to some parties, establishing a caliphate or Islamic government is an obligation for all Muslims, as is the case with Hizbut Tahrir Indonesia (HTI). According to HTI, the main problem facing Muslims today is caused by the failure to implement Islamic law in society. The only institution capable of ensuring the total implementation of the Islamic system and laws in society is the Islamic caliphate. HTI's idea has been rejected, particularly by Muhammadiyah, al-Washliyah, and Nadhlatul Ulama, the three largest mass organizations in Indonesia, for various reasons.

According to Al-Maududi, he actually agrees with the concept of Islamic government. Maududi's view is that Islamic government, *al-hakimiyah*, or jurisdictional power and supreme legal authority in this universe, belongs only to Allah, and cannot possibly be the right of anyone other than Allah (Azhar, 2017). This is based on the words of Allah SWT in Q.S Al-Baqarah verse 107, which means: "Do you not know that the kingdom of the heavens and the earth belongs to Allah? And you have no protector or helper other than Allah." Similarly, in Surah Al-Furqan verse 2, it is written: "(He is) the Owner of the kingdom of the heavens and the earth, (He) has no son, and there is no partner in His dominion. He has created everything and then determined its measure precisely." In Surah Al-An'am verse 57, Allah SWT says that the establishment of laws is the sole right of Allah, and this is reinforced by Surah Al-Kahfi verse 26, which affirms that there is no protector except Allah and no partner for Allah in exercising His authority.

Furthermore, according to Al-Maududi, the Quran stipulates that obedience must be and should not be to anyone other than Allah alone, and that it is obligatory to follow His laws. It is also forbidden for a person to abandon Allah's rules and follow the rules made by other humans, laws that they have made themselves, or the tendencies of their own desires (Azhar, 2017). However, there are certainly pros and cons regarding the establishment of an Islamic state. Some Muslims enthusiastically support the establishment of an Islamic state. However, they often disagree on the steps or procedures for establishing it. Some seek to separate themselves and form a new power, while others seek to overthrow the existing state through a coup or other means. Still others seek to achieve it through more compromising measures, but their struggle remains directed toward the establishment of an Islamic state.

One real example is Hizbut Tahrir Indonesia (HTI), which is among the groups that support the establishment of an Islamic state. What makes HTI stand out is the alternative narrative they offer in understanding Islam. Unlike mainstream Indonesian Islam, which is moderate and accepts the concept of the nation-state, HTI rejects modern state borders and considers democracy to be a system of kufr (unbelief). For HTI, the only legitimate system of government according to Sharia law is the caliphate, with a caliph as the supreme leader of Muslims worldwide. This narrative appeals to some who feel that the Indonesian political system has not been able to provide social justice, clean government, or a strong religious identity (Taufiqurrohman *et al.*, 2025).

Hizbut Tahrir Indonesia (HTI) emphasizes total obedience to Sharia law (kaffah), so that if someone is Muslim, they must embrace Islam in its entirety, both in terms of Sharia law and state governance, which must also be based on Islam. This is based on the argument in Q.S Al-Baqarah verse 208, which calls on believers to practice Islam (peace) completely and not to follow the steps of Satan. However, they interpret this verse with a singular interpretation that greatly influences political aspects. Several studies show that the presence of HTI has influenced religious patterns, especially among young Indonesians who have a high interest in social issues and the search for meaning in life in the modern era. Due to all the controversies and problems surrounding HTI in Indonesia, which are considered a threat to the sovereignty of the long-established Indonesian state, as well as a threat to pluralism and tolerance in society, on July 19, 2017, the Indonesian government officially disbanded HTI, although there are still some individuals who continue to secretly voice support for this organization.

Meanwhile, the group that opposes the establishment of an Islamic state generally reacts negatively whenever they hear the term "Islamic state." They often imagine that an Islamic state is synonymous with a European-style theocracy of the Middle Ages. In their view, the characteristics of a theocracy are difficult to avoid, as it is seen as a country with a cruel, sadistic, authoritarian, iron-fisted government that oppresses freedom and human rights, and is bloody in every way. Power does not lie with the people but in the hands of a handful of people who act in the name of God, yet their hands are stained with blood, committing heartbreaking atrocities. According to Prodjodikoro, the concept of establishing a country must fulfill the requirements for establishing a country, namely: the existence of a territory, a people, a government, and a sovereign constitution or basic law. All of the elements mentioned above were present in the city led by the Prophet Muhammad SAW when it was still called *Yathrib* (Medina). The sovereign constitution took the form of the Medina Charter, which was clearly written in manuscript form and was obeyed by the entire Medina community at that time (Vachruddin, 2021).

Concepts regarding the establishment of a nation state and political and governmental systems also exist among Muslim scholars. Some Muslim scholars are a priori opposed to Western thought, while others accept Western concepts. There are also those who try to study Western concepts, then take the positive values and filter out concepts that contradict Islamic law. Those who are prejudiced and anti-Western thought usually propose the concept of the Caliphate as the basis for the government of a country, especially an Islamic country. Meanwhile, the second group, which is opposed to the first group, believes that Western thought on this issue should be used as a reference because it represents

developed countries. The third group believes that the concept of the state is a matter of *ijtihad* (independent reasoning) that aims to achieve the welfare of society. Therefore, it is necessary to consider adjustments to the situation, developments in thought, and the welfare of the nation-state concept.

The goal of an Islamic state, in the Western view, is the welfare and freedom of the people living in that country. Or it could also be said that the goal of the state is to create conditions in which the wishes of its people can be fulfilled optimally. It is clear that from a Western perspective, the state only aims to bring its people worldly prosperity, without accompanying it with spiritual happiness. This is a result of the separation of religion and state in the Western perspective. Contrary to the Western version of the purpose of the state, in Islam the existence of the state is very important, namely in order to implement Islamic law or, in other words, to uphold the laws of Allah. According to Ulya & Khair (2025) the general purpose of Islamic law, including the establishment of an Islamic state, is to realize the teachings of Allah SWT to bring about happiness in this world and the hereafter.

According to Lintje Anna Marpaung (Marpaung, 2018) in her book *Ilmu Negara*, the elements of the state itself are divided into three, namely: First, the elements of a traditional state, which means that if a state is established naturally, it only needs to fulfill three elements as basic requirements in the sense that the establishment of the state does not encounter any difficulties. For example, if an area is not colonized or controlled by another country, the elements of the state are established by the presence of a people, Second, the modern state element, which is a region or area that will form a state by freeing itself from colonialism or the control of another country. Therefore, the independence that has been obtained becomes one of the requirements for establishing a state so that there is no interference from any other country. For example, Indonesia broke free from Dutch and Japanese colonialism, and Malaysia broke free from British colonialism. Third, the elements of a state according to the Montevideo Convention, which is an international legal convention (held in a city in Uruguay (Montevideo/South America in 1933), where a state must have four elements, namely inhabitants (people, residents, citizens, or nation), territory (specific) or sphere of influence, supreme authority (sovereign ruler or sovereign government), and the ability to interact with other states. These four elements are constitutive elements and are further complemented by a declarative element, namely "recognition," both *de jure* and *de facto* recognition.

Based on the descriptions above, it can be concluded from all types of state elements that in establishing a state, the following elements must be fulfilled: constitutive elements, inhabitants (citizens, residents, nationals, or people), a (specific) territory or sphere of influence, a supreme authority (a sovereign ruler or sovereign government) along with a constitution that governs it, the ability to relate to other countries, and independence from colonialism or the authority of other countries. In addition, a country must begin with a declaration to obtain *de jure* and *de facto* recognition.

When discussing the establishment of an Islamic state, all the elements of a state that have been determined must also be fulfilled. However, a Muslim scholar named an -Nabhani, formulated that the Islamic system of government is based on four principles, namely that sovereignty belongs to the Sharia and not to the people, power is in the hands of the *ummah*, the appointment of a caliph is *fardhu*

(obligatory) for all Muslims, and the caliph has the right to adopt Sharia laws and formulate a constitution and legislation. If any one of these principles is not fulfilled, then the system of government is not an Islamic system of government. Therefore, examining and understanding the caliphate must be done through a normative and objective approach.

Meanwhile, according to al-Maududi, the Islamic political system is based on three main principles, namely tawhid, risalah, and khilafah. The concept of tawhid affirms that Allah is one, sovereign over all His creations, the true ruler of this universe, the only one worthy of worship and obedience, and that the highest jurisdiction and sovereignty in the universe belongs only to Allah. Humans, both as individuals and as a society, have absolutely no authority over this universe, because the rights they possess are gifts from God (Gunawan, 2019).

The characteristics of an Islamic state are that all citizens must be Muslim, the supreme leader must be Muslim, and Islamic law (the law of Allah) must be applied. Apart from that, there are other important elements inherent in an Islamic state according to the opinions of Muslim scholars as explained above, namely tawhid and risalah, sovereignty belongs to the Sharia and not to the people, power is in the hands of the people, the appointment of a caliph is fardhu for all Muslims, and the caliph has the right to adopt Sharia law and to draft a constitution and legislation.

Considering all of the above explanations, it can be concluded that in establishing an Islamic state, it must first fulfill the elements of statehood according to constitutional law. Therefore, with the concept of an Islamic state, it must fulfill the elements of an Islamic state according to the opinions of Muslim scholars. If any of the elements of statehood are not fulfilled, then it cannot be called a state. If any of the elements of a state based on Islam are not fulfilled, then it cannot be called an Islamic state.

## **Conclusion**

Establishing a state based on Islamic law is fardhu kifayah (a collective obligation) according to al-Mawardi. Specifically, establishing an Islamic state or a state whose government is based on Islamic law is obligatory according to Sunni scholars, but it must have a strong foundation and require the implementation of complex Sharia principles to ensure the continuity of social life in accordance with Islamic law. According to some parties, establishing a caliphate or Islamic government is an obligation for all Muslims, as is the case with Hizbut Tahrir Indonesia (HTI). HTI's idea has been rejected, particularly by Muhammadiyah, al-Washliyah, and Nadhlatul Ulama, the three largest mass organizations in Indonesia, for various reasons. According to the scholar Al-Maududi, he actually agrees with the concept of Islamic government. Maududi's view is that Islamic government is al-hakimiyah, or jurisdictional power and the highest legal sovereignty in the universe, which belongs only to Allah and cannot be the right of anyone other than Allah.

Establishing a state must take into account and fulfill the elements of statehood, namely the constitutive and declarative elements. The characteristics of an Islamic state are that all citizens must be Muslim, the supreme leader must be Muslim, and the law applied is Islamic law (the law of Allah). Apart from that, there are other important elements inherent in an Islamic state according to the opinions of Muslim scholars named an-Nabhani and Maududi. The conclusion of establishing an Islamic state is that it must first fulfill the elements of establishing a

state according to state law. Therefore, with the concept of an Islamic state, it must fulfill the elements of establishing an Islamic state according to the opinions of Muslim scholars.

## References

- Abduh, M. R., & Sholihin, R. (2022). Negara Syariah Indonesia (Tinjauan Pemikiran Arskal Salim Tentang Konsep Negara Syariah). *Journal Of Islamic And Law Studies*, 6(2), 9–22.
- Ahmad, N. M. (2024). Sistem Negara Khilafah Dalam Tinjauan Hukum Islam: Kontroversi Atas Wacana Sistem Khilafah. *Al-Iqro': Journal of Islamic Studies*, 1(2), 112–121. <https://doi.org/10.54622/aijis.v1i2.287>
- Asma, S. N. (2024). Kedudukan Fiqh Siyasah Dalam Hukum Islam. *Lex Sharia Pacta Sunt Servanda: Jurnal Hukum Islam Dan Kebijakan*, 1(2), 32–37. <https://journal.alshobar.or.id/index.php/lespass/article/view/269>
- Aulia, M., & Rohmah, S. N. (2022). Hubungan Islam dan Negara dalam Negara Hukum. *Jurnal Sosial Dan Budaya Syar-I*, 9(1), 285–302. <https://doi.org/10.15408/sjsbs.v9i1.24789>
- Azhar, I. S. (2017). Negara Islam. *Hijri: Jurnal Manajemen Pendidikan Dan Keislaman*, 6(1), 119–132.
- Gunawan, S. (2019). Karakteristik Negara Islam; Kajian Awal Ide Negara Abul A'la Maududi. *Jurnal Al-Maqasid*, 5(2), 186–199.
- Marfiando, B. (2020). Pembubaran Hizbut Tahrir Indonesia (HTI) Ditinjau dari Kebebasan Berserikat. *Jurnal Ilmu Kepolisian*, 14(2), 89–101. <https://doi.org/10.35879/jik.v14i2.253>
- Marpaung, L. A. (2018). *Ilmu Negara*. Penerbit Andi.
- Paikah, N. (2019). Tata Kelola Pemerintahan dalam Hukum Islam. *Al-Bayyinah*, 3(1), 45–60.
- PS, A. M. B. K., Wahid, A., & Perwira Yustika, G. (2018). Kontroversi Penerapan Khilafah Di Indonesia. *Jurnal Islamika: Jurnal Ilmu-Ilmu Keislaman*, 18(01), 19–24.
- Pulungan, J. S. (2018). Relasi Islam dan Negara: Studi Pemikiran Politik Islam dalam Perspektif al-Qur'an. *Intizar*, 24(1), 185–202. <https://doi.org/10.19109/intizar.v24i1.2187>
- Putri, E. F., & Zainuddin, Z. (2022). Konsep Negara Menurut Perspektif Al-Mawardi. *Jisrah: Jurnal Integrasi Ilmu Syariah*, 3(1), 19–26. <https://doi.org/10.31958/jisrah.v3i1.5779>
- Santoso, D., & Nasrudin, M. (2018). Persepsi Akademisi Muslim Di Kota Metro Terhadap Ajaran Mendirikan Negara Islam. *Al-Daulah: Jurnal Hukum Dan Perundangan Islam*, 8(1), 25–49. <https://doi.org/10.15642/ad.2018.8.1.25-49>
- Tanjung, I. U. (2018). Studi Komparative Pendirian Negara Khilafah Di Indonesia. *Jurnal Penelitian Medan Agama*, 9(1), 111–139. <http://jurnal.uinsu.ac.id/index.php/medag/article/view/3967>
- Taufiqurrohman, A., Prastiyo, W., Oktavia, D., Laili, A. N., & Syam, R. S. El. (2025). Hubungan Hizbut Tahrir Indonesia (Hti) Dengan Dinamika Keberagamaan

Dan Kebernegeraan Di Indonesia. *Jurnal Sains Student Research*, 4(1), 436–448. <https://doi.org/10.61722/jssr.v4i1.8178>.

Ulya, Z., & Khair, U. (2025). Prevensi Fatwa MUI tentang Pernikahan di Bawah Tangan Perspektif Maqashid al-Syari'ah. *Al Muhkam: Journal of Islamic Law and Jurisprudence*, 1(2), 158–166. <https://doi.org/10.65980/almuhkam.v1i2.48>

Vachruddin, V. P. (2021). Konsepsi dan Strategi Muhammad SAW dalam Mendirikan Negara Madinah Al-Munawwarah. *Fajar Historia: Jurnal Ilmu Sejarah Dan Pendidikan*, 5(1), 70–88. <https://doi.org/10.29408/fhs.v5i1.3355>

