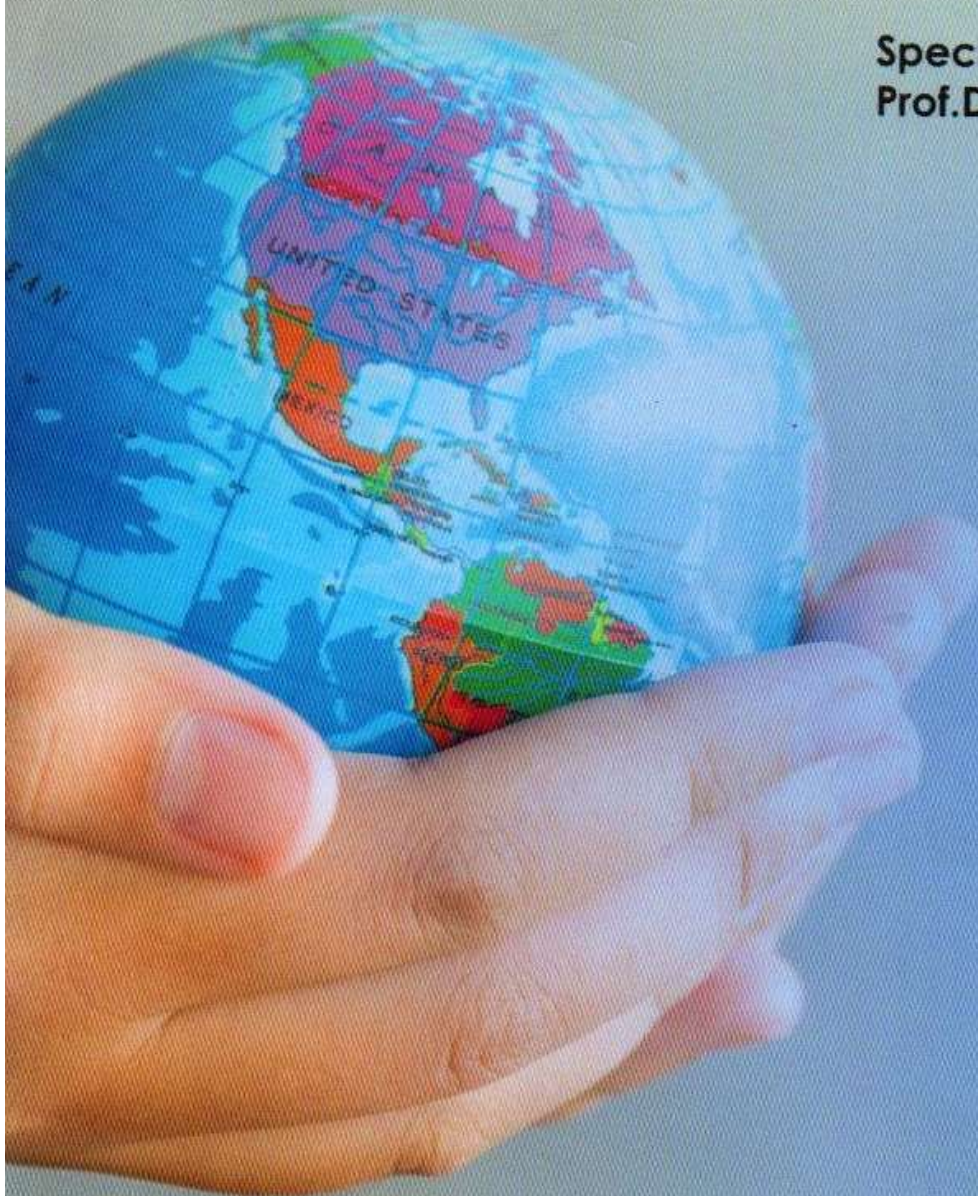


*Review*  
**ON GLOBALIZATION**  
**FROM AN ISLAMIC PERSPECTIVE**

Edited by Ali Musa Harahap

Special Address by  
Prof.Dr. Mohtar Mas'ood





**REVIEW ON GLOBALIZATION**  
FROM AN ISLAMIC PERSPECTIVE

### **Undang-Undang Republik Indonesia Nomor 28 Tahun 2014 tentang Hak Cipta**

**Lingkup Hak Cipta Pasal 1 Angka 1 Hak Cipta** adalah hak eksklusif pencipta yang timbul secara otomatis berdasarkan prinsip deklaratif setelah suatu ciptaan diwujudkan dalam bentuk nyata tanpa mengurangi pembatasan sesuai dengan ketentuan peraturan perundang-undangan.

**Pasal 1 Angka 4 Pemegang Hak Cipta** adalah pencipta sebagai pemilik Hak Cipta, pihak yang menerima hak tersebut secara sah dari pencipta, atau pihak lain yang menerima lebih lanjut hak dari pihak yang menerima hak tersebut secara sah.

#### **Ketentuan Pidana Pasal 113**

- (1) Setiap Orang yang dengan tanpa hak melakukan pelanggaran hak ekonomi sebagaimana dimaksud dalam Pasal 9 ayat (1) huruf i untuk Penggunaan Secara Komersial dipidana dengan pidana penjara paling lama 1 (satu) tahun dan/ atau pidana denda paling banyak Rp 100.000.000 (seratus juta rupiah).
- (2) Setiap Orang yang dengan tanpa hak dan/ a tau tanpa izin Pencipta atau pemegang Hak Cipta melakukan pelanggaran hak ekonomi Pencipta sebagaimana dimaksud dalam Pasal 9 ayat (1) huruf c, huruf d, huruf f, dan/atau huruf h untuk Penggunaan Secara Komersial dipidana dengan pidana penjara paling lama 3 (tiga) tahun dan/atau pidana denda paling banyak Rp 500.000.000,00 (lima ratus juta rupiah).
- (3) Setiap Orang yang dengan tanpa hak dan/ a tau tanpa izin Pencipta atau pemegang Hak Cipta melakukan pelanggaran hak ekonomi Pencipta sebagaimana dimaksud dalam Pasal 9 ayat (1) huruf a, huruf b, huruf e, dan/atau huruf g untuk Penggunaan Secara Komersial dipidana dengan pidana penjara paling lama 4 (empat) tahun dan/ a tau pidana denda paling banyak Rp1.000.000.000,00 (satu miliar rupiah).
- (4) Setiap Orang yang memenuhi unsur sebagaimana dimaksud pada ayat (3) yang dilakukan dalam bentuk pembajakan, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/ a tau pidana denda paling banyak Rp 4.000.000.000,00 (empat miliar rupiah).

# REVIEW ON GLOBALIZATION

## FROM AN ISLAMIC PERSPECTIVE

EDITED BY ALI MUSA HARAHAAP

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Ali Musa Harahap  
Agur Lybeshari  
Aprilia Restuning Tunggal  
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Novi Rizka Amalia  
Fadhlan Nur Hakiem  
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### **Editor:**

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### **Layout:**

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### **Cover Design:**

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### **First Edition, June 2021**

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195 + viii hlm. ; 16 cm x 23 cm

ISBN: 978-602-5620-78-2

### **Publisher:**

UNIDA Gontor Press

Kampus Pusat Universitas Darussalam Gontor

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# Acknowledgment

Praise be to Allah (SWT) for enabling us to complete this book. I wish to express our heartfelt to the Department of International Relations at University of Darussalam gontor for the intellectual environment it has provided us in completing this work.

I owe a large debt of gratitude to Al-Ustadz Dr. Mohamad Latief, the Dean of Faculty (Humanities) for his initial conceptualization and Al-Ustadz Fadhlan Nur Hakiem M.Si, the Head of Department who supported this work to its final production. I am grateful for their encouragement and their patience as the project evolved through its many interactions.

The contributors deserve special recognition for contributing from their own free time to write chapters for the book. I would also like to thank the UNIDA Gontor Press for publishing the book. In particular, Al-Ustadz Muhammad Rendra Adhi Swandana, S.E, Al-Ustadz Ihsan Fauzi, A.Md, Al-Ustadz Mustajib, S.Pd.I for their diligent assistance deserve special mention, for the highly professional manner they went about in advising on how the manuscript should be submitted for publication.

*Ali Musa Harahap*

# Introduction

This book is a collaborative effort by the lecturers of the Department of International Relations, University of Darussalam Gontor. As editor, I gather my colleagues at the Department to contribute chapters to the book. The response was encouraging. By March 2021, we were able to gather ten chapters. One major limitation of the book is the absence of a central theme that links all its chapters.

In our contemporary age, which is fundamentally different in many ways, from the situation of the humanity during those past centuries - especially with the growth of Western ideological 'globalization' through satellite channels and internet and the intellectual, technological, economical and political influence and negative effect that this 'globalization' has on the Ummah, this ensures as Muslims, the need to have a fundamental review of general contemporary globalization, especially, at the International Relations arena. For, this globalization is born under the shade of those distortions and unpleasant practices and pressures. The reviews to these phenomena should be comprehensive and include all that relates to civilizational vision of the Ummah, its past methodologies of life and all the heritage laws relating to these methodologies.

While making these reviews, its essence should be properly understood. The Qur'anic principles and their goals should be returned to, through an awareness that is religious, intellectual, social and structural, so that the Ummah's thinking and its laws and orders will keep pace with new human cultural evolutions and their potentialities and challenges under the name of 'globalization'. Through lively and informative exercise of independent judgment, the Islamic fundamentals could be defined, its goals could be clarified and its discourse could be reformed so that confusion could be avoided and fundamentals are not mixed with secondary matters, and the discourses, laws, and orders are not put in conditions, forms and expressions that are not suitable with the current reality of the Ummah and this age. It will be possible for Islamic discourses on International Relations, to always achieve the goals of the Qur'anic guidance and aspirations of the human nature irrespective of the difference in times and places. By addressing the specificities of particular regional and historical situations in Africa, the Middle East, and Asia, this special issue highlights the dynamic and heterogeneous nature of contemporary identifications of globalization. Contributors of this book have successfully examined globalization as its engagement with the state, business and economics, security, history, fashion, and guided imagination from Islamic point of view.

This book is an acknowledgement of contributions of the Department of International Relations to the department and progress of this University.

Finally, we dedicate this book to our students, the real source of our pride and inspirations.

*Ali Musa Harahap  
Siman, Ponorogo*



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# Democracy in Iran?

## Genealogy of *Wilayat al-Faqih* as an Existing Political System in Iran

*Sofi Mubarak*

### Introduction

It seems clear that history has shown how Islam actively and simultaneously plays in the dynamics of world politics. Since the time of the prophet and *khulafa' alraashidin* with Medina as the center of government and the constitution of Madina as its base, until the fall of the Ottoman Empire in 1924, Islam has always had an important position in the dynamics of global politics. Interestingly, even after the collapse of the Ottomans Caliphate, Islam has always been considered in the constellation of international politics. Independence movements in several Muslim countries after the collapse of the Ottomans in 1940s and 1950s, the emergence of Muslim thinkers with their progressive ideas about Islam and politics, and the growth of Islamic political movements that have strong ideological roots and a significant role in defending Muslim interests in the international world are some real examples of that role.

As a result, Islam has always opposed by many civilizations in the world. For instance, after the 9/11 attack, Muslims were percept as terrorists or at least supporters of terrorism. It can be read in the book of Deepa Kumar, *Islamophobia and the Politics of Empire*, how the perception of the western about Islam and Muslims is even worse. Many Muslim countries also considered -by liberal democracy measurement- as non-democratic countries. M. Steven Fish, in his article entitled *Islam and Authoritarianism* concluded that what is, in reality, show that Muslim countries are markedly more authoritarian than non-Muslim countries, and to him, the station of women links Islam and democratic deficit. Otherwise, the current political system is not only liberal democracy or Illiberal democracy (democracy with less values). There are many systems exist even develop and remain in peace. For instance, the kingdoms, sultanate, communism, socialism etc. One of the well-known non-democratic country is Iran, whom develop their unique political system based on their religion and culture. This system is 40 years old since it emerged in 1979, and even many direct or indirect attack on this system and the country, Iran and its political system Wilayat al-Faqih still exist presently.

## **Religious Roots of Wilayat al-Faqih**

Wilayat al-Faqih (Guardianship of Islamic Jurist) is a Shiite political system implemented in Iran since the 1979 revolution by Ayatullah Ruhullah Khomeini. This system requires the fuqaha (religious scholars) to establish a state during the Ghaibah Al Kubra period, namely the absence of the 12th Shi'ite Imam from 329 H to the present. So, the highest authority in Iran is not the president, but Wilayat al-Faqih, led by a faqih or Jurist who is considered just and knows the problems of his time. Wilayat al-Faqih is a system which only implemented only in Iran, and it has long religious (Shia) historical roots.

Shi'a is one of the sects in Islam which has followers of approximately 10-15% of the total Muslim population of the world. This flow is commonly found in Iraq, Iran, Yemen, and several regions in central and southern Asia. Within the Shi'a itself, there are several different schools, for example, the Shiite Twelvers, Ismaili, Zaydis, Alawites, and Druzes. This paper focuses on the discussion of the Shiite Twelvers which is the main teaching in the Islamic Republic of Iran and is the embryo of the emergence of Wilayat al-Faqih. For simplicity, all the words Shia/Shi'a, Shiite/Shi'ite, Shiism/Shi'ism after this, will refer to Shia Twelvers.

Shiite Twelvers is one of the largest Shiite schools today. Its followers are scattered in several countries such as Iran, Iraq, Lebanon, and Bahrain. This school believes the twelve priests of the Ali lineage who had been divinely appointed from birth. Ali and his eleven descendants were considered by the Shiite to be the Twelve Imams who had the highest authority in the Shiite religious structure. Currently, only the Imam has the authority to interpret religion. All rely on the Imam in all matters, from religious, social, political issues, and so forth. This further confirms the conception of Imamate in the Shi'a school. Sayyid Muftaba Musavi Lari, a Shiite fiqh scholar, believes that Imamate is a form of God's government. So, he is God's command in his appointment, as is the case in prophethood. Because God chooses who He wants among His servants. But there is a major difference between Prophethood and Imamate. Prophethood is the establishment of the treatise, while Imamate is the guardian of this treatise.

The position of an Imam in the Shiite tradition is very important, even the center of their teachings. So, it is not surprising that when their twelfth Imam was invisible (hiding), the Shi'a experienced a religious crisis and practically lost the figure of their religious policies. The departure of the Imam eventually led to a debate about the role of the jurists who represented the position of the Imams, especially regarding whether they might conclude religious laws. The emergence of jurist in the religious role as a representative



of the Imam has begun since the occultation of the twelfth Shiite Imam. As they believe, Muhammad bin Hassan Al-Asykari went through two periods of occultation. In his first occultation, as the mouthpiece of the Imam the priest was appointed four scholars to deliver Imam's message. They are respectively Uthman ibn Said al-Amri, Muhammad ibn Usman al-Amri, Al-Husaini ibn Ruh an-Naubukhti, and Ali ibn Muhammad as-Samiri. After the Imam underwent the second Ghaibah, a debate arose about the role of the cleric in making decisions on sharia laws. Two main schools of thought emerged about the inference of religious laws in the Shi'a tradition after the departure of their Imam, namely the traditional school (Akhbari) and the rationalist school (Ushuli). Akhbari is those who hold that the legal approach must be through historical channels, in this case, the exclusive history through the Imams to the Prophet Muhammad and rejects rational principles. That is, everything must be returned to history. Whereas the Ushuli group are those who accept and even develop rational principles in understanding the Qur'anic and Sunnah texts and conclude the laws from both sources.

The debate above inspired Al-Hilli to formulate the *ijtihad* theory in Shiite. Difficult or even impossible to find similar works before the Al-Hilli in the Shiite tradition. Al-Hilli's work is considered to be a starting point for understanding and developing *ijtihad*, especially for adherents of rationalist understandings. The definition of *ijtihad* in the Shia view was also first introduced by Al-Hilli who stated that *Ijtihad* according to *fuqaha* was an attempt to deduce *shar'i* laws. So, issuing sharia law from sharia arguments is *ijtihad*. This is because the process of inferring sharia laws is based more on thought and not solely from the end of texts, including those in the form of *qiyas* or others. So, *qiyas* in this form can also be called *ijtihad*.

Al-Hilli's idea was firmly rejected by traditionalists, who in principle rejected the role of ratio in making sharia law. They reasoned that this concept was never known in Shia. They are

worried that if the Shia adopt this new concept, it will be like suicide, considering that this concept was the object of attack and criticism from the Shiites to the Sunnis who first used it. This would also adversely affect their theological beliefs, which believed the sole authority after the Prophet rested with the Imams. Meanwhile, the clerics from the Ushuli circles defended this concept and even developed it. In this concept of *ijtihad*, they adhere to the *taswib* doctrine, namely that all mujtahids who disagree with each other are true because Allah SWT does not set definite general laws in areas that require *ijtihad*. This second opinion has a great influence on Shiite society.

The dynamics of thought above do not necessarily make the Shiites flourish. They even experienced an era where the scholars were not sensitive to social problems. In fact, all other responsibilities and powers of the Prophet were transferred to the cleric, except for the privilege of receiving God's revelation. The scholars at that time only focused on religious matters and gave religious edicts. The clerics were preoccupied with religious rituals, which in the end put aside social problems that occurred in the community. This is understandable given the Shiite tradition is indeed close to many rituals such as the Sufis, which makes them social apathetic, especially political. But over time, the Shi'a scholars, especially in Iran, began to explore the social problems of society. This was especially true in the period of the Safavid dynasty which opened the opportunity for the cleric to emerge and become a very important and influential social force in Iranian society. This then generated the concept of *Marja 'taqlid*, which will describe further.

## **Political Origin of *Wilayat al-Faqih* in Iran**

Shi'a scholars began to appear in public since the ascension of the Safavid dynasty as ruler of Iran at the beginning of the 16th century. Before the Safavid dynasty came to power, Iran was

relatively ideologically controlled by Sunnis. During Safavid time, the Twelver Shiites were made the state's official religion. As proof of the start of the application of Shiism as the official state religion, the names of Shi'ite Imams are always mentioned in Friday sermons and the printing of coins is stamped with Shi'ite slogans. There is no doubt that the enactment of the Shiite Twelver in Iran is the most prestigious and enduring of Safavid achievements.

It was in the Safavids era that the embryo of the Islamic government of Wilayat al-Faqih was formed in Iran. Although the role of the cleric at that time was not as significant as in modern times, the Shi'a clerics began to be able to identify themselves who did not only play a role in the religious world but also had an obligation as holders of social moral control of society. At this time, the Akhbari group emerged and controlled all religious lines. Some consider that this period was the time of the Akhbari scholars. However, that does not mean the Ushuli group has no place; they were able to survive the onslaught of intellectual opposition from the Akhbari group. Their strongholds were the works of mujtahids such as Hasan bin Zain al-Din al-Amili (died 1602), Ahmad bin Muhammad al-Ardabili (died 1585), Ali bin Husayn al-Karaki (died 1534) and Baha al-Din al-Amili (died 1631). Most of them have a better relationship with power compared to the scholars from the Akhbari circles. In other words, the closeness with the authorities makes the Ushuli group able to develop their scientific traditions calmly and have the authority that is recognized by the state.

The authority of the cleric at this time was simply derived from their more knowledge of the Shi'ite doctrines which became the official state religion. Furthermore, the scholars at that time legitimized their authority with ideological grounds, certainly not in conflict with the Safavid government law: in the period of the twelfth Imam's sermon, all questions about religious behavior had to be decided on an ongoing basis by mujtahids who had competence in the field of Islamic law and juridical methods (fiqh

and ushul fiqh) and be able to do legal conclusions independently (ijtihad). Lay followers are required to consult with mujtahid and “imitate” their example, a practice known as taqlid. Initially, this taqlid idea did not run smoothly; the opposition of the opposition groups led by the Akhbari was very strong. However, with the support of the authorities, the clerics elite from the Ushuli group was given more authority and power. In fact, the scholars were given important positions to administer waqf administration, donations from Safavid nobles, and khums and several other religious funds. The scholars were also given positions as shaikh al-Islam (now Imam Friday). However, at this time the true position of the power of the cleric’s policy was still struggling in the shadow of ideas and seeking influence. The scholars are still struggling with issues of inter-group debate, Sunni-Shi’a, traditionalist-rationalist. Ideas also only appear in religious matters, not yet touching social problems. The role of the cleric began to appear active when the Safavid dynasty collapsed.

The collapse of the Safavid dynasty in 1722 was followed by the waning of Shiite disputes with Sunnis. This allows the Shi’a scholars to concentrate on the application of existing ideas, especially on the issue of the method of interpreting the law (ijtihad) by clerics from the Ushuli group. A pragmatic Ushuli scholar Muhammad Baqir Bihbihani openly gave authority and authority to the mujtahid to establish juridical rules when the primary source (history) did not provide it. The Akhbari group also started implementing ijtihad even though it was limited. Legitimacy in this concept is based on the absence of choice except for ijtihad in order to broaden the scope of the science of jurisprudence in the Imam’s period. The collapse of Safavid brought opposition between tribes in Iran. Eventually, the Qajar tribe emerged victoriously and rose as the new rulers of Iran. The leadership of the Qajar dynasty (1796-1834) did not change the positions of the cleric. Positions for the cleric were retained. The weakness of the Qajar administration system, given that they are nomadic tribes who have no experience in

running a government, makes the role of the clerics even greater. This shows that the influence of the cleric of the great Ushuli circles and the strong consolidation and rapid development of the political power of the Qajar dynasty both strengthened each other's historical course.

The development of Ushuli scholars in the Qajar dynasty was influenced by their ability in the administration of education and justice. In organizing education, scholars have full control and power over the existing education apparatus. In the judicial system which is divided into two, 'urf and sharia, the clerics have authority in the sharia justice. If the 'urf court is only limited to the problems of criminal resistance against the state and the like, the sharia court held by the cleric oversees the problems of civil law and disputes. The significant authority possessed by the Ushuli clerics had a large influence on society. This is evident from the increase in the number of Ushuli mujtahid scholars from only five at the beginning of the 19th century to more than one hundred at the end of the Qajar dynasty. At this time the clerics occupied a very strategic position so that it was easier to develop and carry out their thoughts practically. At this time also, the institution of Marja Taqlid was established. It is a relatively new concept as a development of the Ushuli version of the ijthihad doctrine. This institution gives a very significant influence in the future, especially regarding the role of the clerics in a social community and its relationship with society.

The concept of Marja 'taqlid was officially institutionalized in 1846 when Shaikh Muhammad Hasan Najafi (died 1850) became the only source of reference for the Shiite community. Najafi has pledged itself as an 'absolute (Mutlaq) and perfect (Tamm) Marja which means the highest hierarchical position of the Marja'. This concept has never been known before or rather does not contain significant significance in the period before the Qajar dynasty. The concept of Marja 'was previously only known as a collection of traditions/history as termed by Astarabadi as Marja' al-Shi'a. The



establishment of the Marja 'taqlid institution further strengthened the position of the clerics at the time, who had already gained economic power from the control of public religious funds such as khums and zakat, court confiscated funds from transactions of prohibited and ownerless goods, endowments, and proceeds. bazaar, However, the momentum of the concept of Marja 'only came in the period after Najafi, who was spearheaded by a Marja' named Hassan Shirazi. Shirazi practically brought the concept of Marja 'to enter actively in the socio-political world, something that has never been done before, which only dwells on matters of religious doctrines. For example, when a massacre was carried out by Abd al-Rahman, a British royal stooge, against Hazira (one of the Shiite groups in Afghanistan), Shirazi who disagreed with the action sent a letter to and the Queen of England in an attempt mediating the protection of Shiite minorities in Afghanistan. This is the beginning of the role of the cleric in the practical world of social politics.

The maximum of the role of the clerics when it was a massive tobacco boycott in Iran as a rejection of the tobacco monopoly by the British. This incident began when Nasr al-Din Shah gave a concession to G.F. Talbot in March 1890 to monopolize the production, sale, and export of tobacco which was in force for fifty years. This agreement was clearly detrimental to the people, especially traders who suffered heavy losses due to this monopoly. In response to public unrest at the time, Shirazi issued a fatwa forbidding buying, selling tobacco, and also smoking in protest at the monopoly policy. This fatwa received a very large response in the community and there was an anti-tobacco boycott movement in Iran. Finally, in 1892, Nasr al-Din Shah paid some compensation to a British company to revoke this tobacco concession permit.

The anti-tobacco fatwa above has enormous implications for the development of the social status of clerics in Iran. Cleric is no longer interpreted as holding only the power of religious authority, but also in social, even political matters. Shirazi succeeded

in building the image and trust of the community in the Marja institution 'which had been built before, even expanding its reach. Shirazi is known as laying the foundation of the role of ilama in the political field, which finally culminated when the Iranian revolution led by Ayatullah Khomeini succeeded in occupying the most important position in the modern Iranian government. Shirazi was also considered to elevate the degree and authority of the Marja fatwa 'as well as covering socio-political issues.

This movement continued in the years that followed. Marja Institute 'significantly increased the trust of the community. The Marja 'after Shirazi seems to be inspired by the role that has been carried out by the Marja institution' they have formed. One proof is the role played by Khurasani when pushing the success of the Iranian people in the action of the constitutional revolution in 1906-1911. This is done in order to uphold a sense of community justice. At that time, traders and workers were nervous about the rapid influx of cheap foreign goods. Not only that, but Khurasani also made important breakthroughs. For example, fatwas on the legality of banks, the military, and education issues. Not only in social and economic matters but Khurasani's fatwa also touched on political issues, even at its peak. He called for a rebellion against Shah Muhammad Ali and forbade people to pay taxes to the oppressive regime. This fatwa overthrew the Shah and replaced him with his young son. This shows once again that the existence of the Marja institution really has a big impact on Iran.

During the Qajar dynasty, the role of the cleric seemed to be the determinant of all policies. They have a central role in the political scene in Iran. The ups and downs of public trust in the government, as well as in the opposition, did not change the slightest view and public confidence in the cleric. Muhammad Mosaddeq said, "Under the Qajar kings, the foreign states could not sign a contract with Iran without the agreement of several groups of ministers, cleric and influential dignitaries. This usually required time and money without any guaranteed result." However, the authority

of the cleric did not always run smoothly. Intellectual resistance from traditionalists is still happening. Also, the collapse of the Qajar dynasty and the rise of Reza Khan to become Shah in the new dynasty in 1921 became a separate test for the scholars. The new dynasty, called the Pahlavi dynasty, has a motto of Western-style modernization and centralization of power. He followed the modernization model in the style of Mustafa Kamal in Turkey. This Western modernization project is clearly at odds with the ideas of the cleric group. Reza Shah even wants to return Iran to its past culture and change Iran's name to Persia. In almost every line of ideology, politics, social, and culture, Shah Reza always attacks the power and rights of the cleric. Not only that, under this regime, the control of education and justice which during the Qajar dynasty was controlled by cleric was revoked. However, the castration of the role of the cleric did not go smoothly. The community continues to side with the Cleric. However, it is evident that there were very few breakthroughs made by the clerics in this era, which were caused by pressure from the regime which was very hard and sometimes used military forces.

In 1941, Reza Shah resigned from his position and left Iran. This was due to the massive invasion carried out by the Soviet Union from southern Iran and Britain from the north. This alliance of two forces finally occupied Iran which then lost its sovereignty until the end of the Second World War. Reza was overthrown and replaced by Shah Muhammad Reza who was still inexperienced. The rise of the new Shah led to differing views among scholars. Some of them support and others refuse. A prominent Marja 'Ayatullah Burrujirdi became one of the strongest supporters of the Shah. He even obstructed the activities of the clerics opposing the regime and proposed the formation of a constituent council to strengthen the power of the Shah.

The divisions between the cleric made their strength weaken. The disunity was still ongoing when Muhammad Mosaddeq, prime minister of the Shah Reza era, conveyed the idea of nationalizing the

Anglo-Iranian Oil Company (AIOC). Although at that time there was a fatwa that supported nationalization and was influential in society, its influence was not as strong as the anti-tobacco fatwa. You could say, at this time there was no unity of opposition forces from the clerics. However, in the late 1950s, the unity of the cleric was re-awakened, triggered by the White Revolution, particularly in land reform and women's suffrage. The scholars agreed not to approve the program, which was then followed by the wider community. Inevitably, the unity of the cleric brought significant resistance to the Shah's government. The influence of the call of the clerics led to massive and bloody protests in 1963 and marked the return of the authority of the Marja institution. The demonstration, supported by Ayatullah Ruhullah Khomeini, would later bring major changes to Iran. This incident was an embryo for the fall of the Shah 16 years later, after the 1979 Islamic revolution and the beginning of the Islamic government era. Cleric authorities ultimately did not only dwell on the outside or become supporters of power; that authority goes deeply into the core of Iran's politics in the Wilayat al-Faqih system. The government is ruled by them.

## **The Emergence of *Wilayat al-Faqih***

In the Wilayat al-Faqih system, the jurist plays an important role in an Islamic government, arguing that only they can be trusted and have qualifications, both in terms of moral integrity and in carrying out religious and social tasks. With such qualifications, it is believed that God's laws will be well realized, and the purity of revelation can also be well guarded. In the concept of the reign of Wilayat al-Faqih, the jurists have authority as guardians, interpreters, and implementers of God's laws. It is obligatory for the jurists to enforce the prescribed government, both collectively and individually, for the implementation of Islamic laws and the protection of Islamic territorial boundaries. Such a government is a true and just Islamic government. However, there is no hierarchical level that indicates that one jurisprudence is superior to another or

that one has more territoriality than another.

As the holders of the authority of the Imams, the jurists have the responsibility and duty of continuing the prophetic mission as the task carried out by the Imams. The most important political aspect here is how to create a just government based on God's law. On that basis, then in the reign of Wilayat al-Faqih, there is no separation between religion and politics. Substantially both contain the same mission and purpose, which is to create a just order based on God's law. According to Ayatollah Khomeini, the separation of religion and politics, as well as the demand that the cleric should not interfere in social and political matters, is part of the propaganda of imperialism. He condemned the scholars who were reluctant to involve themselves in social and political matters. They are considered by Imam Khomeini as people who reject the obligations and missions delegated to them by the Imams.

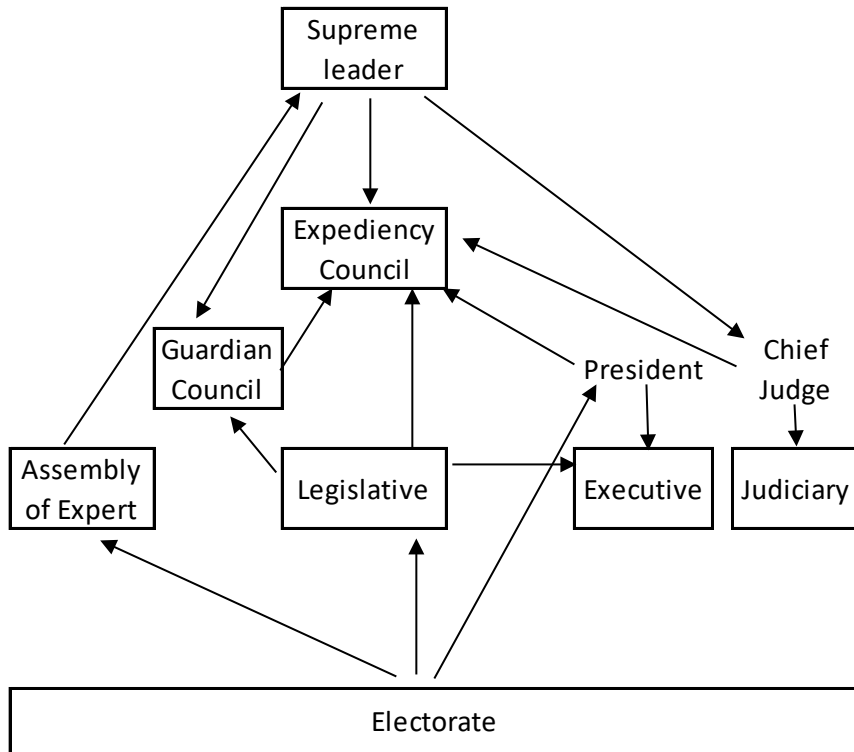
In its implementation, this system began with a referendum held on April 1, 1979, resulting in 99 percent of the total electorate, choosing to set up the Islamic Republic of Iran. The referendum was attended by twenty million participants from twenty-one million total voting rights holders. This is certainly very convincing for the government to be formed, 99 percent support is a form of community approval for the implementation of the Islamic system in Iran. From this result, a debate which had previously arisen about what system was best for Iranians was answered. It also agrees Khomeini's statement which states that, "What the nation wants is an *Islamic Republic*, not one word more and not one word less. Not just a Republic, not a democratic Republic, not a democratic Islamic Republic. Do not use the word 'democratic' to describe it. This the Western style."

This referendum became the basis for the general election for a constituent body of 73 people with the name Majles-e Khebregan (Assembly of Experts), who would later be tasked with drafting the Islamic Constitution. The document contained 175 chapters of



40 amendments added after Khomeini's death. In this document, it is stated that this document will remain in effect until the return of Mahdi. The Preamble emphasized faith in God, Divine Justice, the Qur'an, Judgment Day, Prophet Muhammad, the Twelve Imams, the return of the Hidden Mahdi, and, most notably, the concept of the Wilayat al-Faqih conceived by Khomeini. One form of legislation that forms the basis of the Wilayat al-Faqih system is the 1979 Constitution which adopted Ayatollah Khomeini as Wilayat al-Faqih, Marja Taqlid amma and the leader of the revolution (Article 107). While Article 109 contains the special skills of leaders or the Leadership Council, namely: (1) Meeting the requirements in terms of scholarship and policies that are essential for religious leadership and fatwa issuance, and (2) socially oriented, courageous, capable and have sufficient expertise in government. The 1979 Constitution gives the highest state authority and ends to the Wilayat al-Faqih/the Guardianship of Islamic Jurist (if there is no Wilayat al-Faqih).

When compared with democracy (although this concept was rejected by Khomeini), this Constitution, however, has some similarities with democracy, for example in general elections. General voters - defined as all adults including women - are given the secret and direct voting power to elect the president, the Assembly, the provincial and local councils and the Assembly of Experts. The age of the voters which was originally sixteen years was later reduced to fifteen years, and then rose again to sixteen years in 2005. From this, it appears that, constitutionally, Iran is a democratic country despite its different name and shape.



**Figure 1.** Chart of the Islamic Constitution

From the chart above, the President, the Legislature, and the Assembly of Experts are directly elected by the people. The president is elected every four years and is limited to only the last two periods. The president is defined as the chief executive and the highest official authority after the Supreme Leader. The Legislative, also elected every four years, are described as people's representatives. Whereas a Supreme Leader is chosen by Assembly of Experts which consists of 86 jurists. Members of this assembly are elected by the people for an eight-year term. Not only voting, but this assembly also oversees the behavior of the Supreme Leader and has the authority to dismiss Supreme Leader if it violates religious teachings. Supreme Leader also appointed the head of the Supreme Court to be the supervisor of three courts: the general

court (the case of ordinary citizens), the revolution court, and the military court. Finally, the Supreme Leader has full authority to command war.

## Conclusion

From the explanation above, the Iranian constitution has covered at least some elements of democracy in the political system of the Wilayat al-Faqih. Fareed Zakaria in his article in foreign policy entitled the Rise of Illiberal Democracy revealed that since a century ago when talking about democracy in the West, the meaning was always liberal democracy, not the other. Liberal democracy according to him is a political system marked not only by free and fair elections, but also by the rule of law, separation of powers, and the protection of basic rights of speech, assembly, religion, and property. But the problem is, there is never a concrete measurement of how far the element goes. Some studies related to the ranking of democracy, such as those conducted by Freedom House, for example, only examine people's perceptions, not the contents of their constitution, for example.

This is certainly important for future research; the problem is that liberal democracy and its values appear to be over-enforced in certain countries. See, Middle Eastern countries, Iraq and Afghanistan for instance, which continue to suffer were the consequences of a failed democratization process led by the United States. And see also, how Singapore, with its system that is not liberal democracy, has never been questioned, in fact, there has been almost no discussion about the application of liberal democracy in Singapore. This led to the question, is democracy or liberal democracy can objectively be the only determination of successful of the states? Is liberal democracy can being the only measurement of the state welfare and happiness of the population? Therefore, Iran with its Wilayat al-Faqih which has lasted 40 years in 2019, is one concrete example of how a system that originates

from the cultural and religious treasures in Iran can survive and grow despite pressure from the US embargo. From this point on, discussions about the political system going forward certainly do not end with democracy, but also elaborating on other alternatives that can be better at managing society and the state. Of course, not only in the realm of academic discussion but also to the real implementation such as the Wilayat al-Faqih system in Iran.

(Endnotes)

- Abrahamian, Ervand , A History of Modern Iran, Cambridge University Press The Edinburgh Building, Cambridge CB2 8RU, UK, 2008
- Al-Hilli, M., *Ma'ariful Ushul*, Muassasah Ali al-Bait Alaihi al-Salam, Qum, 1404 H.
- Ali Taghavi, S.M., *The Flourishing of Islamic Reformism in Iran: Political Islamic Groups in Iran (1941–61)*, Routledge Curzon, New York, 2005.
- Daniel, E.L., The History of Iran, Greenwood Press, London, 2001.
- Fish, M. Steven, Islam and Authoritarianism, World Politics 55 (October 2002), pp. 4-37
- Ganji, Manouchehr, Defying the Iranian Revolution: From a Minister to the Shah to a Leader of Resistance, Greenwood Publishing Group, 2002
- Kasravi, A., Tarikh-e mashruteh-e Iran [History of Iran's Constitutionalism], Tehran, 1980.
- Keddie, N.R., *Religion and Rebellion in Iran: the Tobacco Protest of 1891-1892*, Frank Cass, London, 1966.
- Khomeini, *Islamic Government: Governance of the Jurist* (online).
- Kumar, Deepa, Islamophobia and the Politics of Empire, haymarket Books, Chicago, Illinois, 2012.
- Maleki, A., 'Decision Making in Iran's Foreign Policy: A Heuristic Approach,' Journal of Social Affairs, vol. 19, no. 73, 2002, pp. 39-59.
- Moaddel, M., 'The Shi'i Ulama and the State in Iran,' *Theory and Society*, vol. 15, no. 4, 1986, pp. 519-556.
- Mottahedeh, Roy Parviz "Keeping the Shiites Straight," Religion in the News 6, no. 2 (2003).
- Moussavi, A.K. The Struggle for Authority in the Nineteenth Century Shi'ite Community; The Emergence of the Institution of Marja'i Taqlid, thesis, Institute of Islamic Studies, McGill University, Ottawa, 1991.
- Musaddiq, M., *Khatirat va Ta'ammulat*, Iraj Afshar (ed), Intisharat Ilmi, Tehran, 1986.



- Musavi Lari, S.M., *Teologi Islam Syi'ah*, diterjemahkan oleh Tholib Anis, Al-Huda, Jakarta, 2004.
- Yamani, *Filsafat Politik Islam; Antara Al-Farabi dan Khomeini*, Mizan, Bandung, 2002
- Zadeh, Kazem Ghazi, *Message of Thaqaalayn: General Principles of Imam Khumayni's Political Thought* (daring), translated by A. N. Baqirshahi, vol. 2, nos. 2 & 3, <<http://www.al-islam.org/message-thaqaalayn/vol2-n2-3/general-principles-imam-khumaynis-political-thought-kazem-ghazi-zadeh-0>>, accessed December 17, 2019
- Zakaria, Fareed, Rise of Illiberal Democracy, *Foreign Affairs*, Nov/Dec1997, 78, 6, ProQuest Social Journals