

FREEDOM OF RELIGION IN THE PRINCIPLES OF THE ISLAMIC NOMOKRASI

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ABSTRACT

Human thought about the country laws developed in various situations the history of human civilization. Although the concept of State law is regarded as a universal concept and are recognized by civilized nations, but at the level of implementation turns out to have a diverse character and traits. This happens because the influence of the historical situation in addition to the influence of the philosophy of the nation, schools of philosophy and the political ideology of a country. One of the substance of the State of law is the guarantee of the protection of human rights (human rights). Therefore, the context of the freedom of religion cannot be separated from the HAM as it is a human right that belongs to every citizen to embrace a religion according their respective beliefs. By understanding the existence of Nomokrasi Islam as the country's law that put the norms of Islamic law (Sharia) in the Organization of the Government of a country, then the right of religious freedom also need to be protected.

Keywords: religious freedom, the principles of the Islamic Nomokrasi.

INTRODUCTION

Historically and practically, the concept of State law appears in a variety of models such as the State of the law according to the Qur'an and Sunnah or Nomokrasi Islam, State law according to the concept of a continental European named rechtsstaat, State law according to Anglo-Saxon concept (rule of law), the concept of legality socialist, and the concept of legal state of Pancasila.

One of the substance of the State of law is the guarantee of the protection of human rights (human rights). Therefore, the context of the freedom of religion cannot be separated from the HAM as it is a human right that belongs to every citizen to embrace a religion according their respective beliefs.

Human rights in Islam enshrined in transcendent to the benefit of human beings, through the Islamic Shari 'a derived through revelation. According to the Shari'ah, human beings are creatures of free has a duty and responsibility, and hence, it also has rights and freedom. Is essentially the Justice upheld on the basis of equation or egalitarian, indiscriminately? This means that tasks run will not be realized in the absence of freedom, while the freedom in existential unrealized without any responsibility themselves. By understanding the existence of Nomokrasi Islam as the country's law that put the norms of Islamic law (Sharia) in the Organization of the Government of a country, then freedom of religion needs to be protected.

Because of that, then problems that can be formulated is how the principle of Islamic Nomokrasi in providing guarantees of protection of freedom of religion?

DISCUSSION

1. The Conception Of The Islamic Nomokrasi

In the context of the law of the State administration, the term Nomokrasi (monocracy: United Kingdom) comes from the Latin "nomos" meaning "norm and cratos which means power, which when combined means the deciding factor in organizing power is the norm or legal term is therefore very closely with the notion of the sovereignty of the law as the supreme power. If the term is associated with Islam as a State religion or good community, then a meaning that appears is the sovereignty of the Islamic law as Supreme ruler, or better known as the supremacy of Shariah.

A misconception or an incorrect understanding of the concept of angle of Islam until now still a trace on the perception of Western scholars. They understand the concept of State in Islam as a "theocracy", derived from the word Theos = God, and kratos = power (cratos is the word Theos and Greece).

The right predicates to the concept of the State is nomokrasi in Islam (Islam) and not a theocracy. Because the theocracy is a country, as formulated by Ryder Smith, ruled by God or gods in Oxford Dictionary theocracy formulated as "a form of Government that recognizes God (or gods) as King or ruler of the nearby". According to Majid Khadduri, the term "theocracy" created by Flavius Josephus (c. 37-100 ad) that he used to show the characteristics of the type Israel state that existed at the beginning of the Christian era. Josephus State of Israel when the country as a theocracy. That term, and then approved by j. Wellhausen and he used also as a predicate for the Arab States (Islam).¹

Predicate theocracy more appropriately associated with for example a country led by the Pope in the middle ages and the Vatican City it is today as a "spiritual power" h. m. Rasjidi describes the sense of spiritual power institutions that is the "Kingdom of the Pope where religion experts the commoners. In Islam it is not there. Even lived as a priest who did not mate nor Islam. Islam knows no hierarchy of clergy such as in Catholicism. On the contrary, Islam prioritizes the similarities between adherents. Because it is unlikely a group of religion can claim themselves as "Deputy of God" so they came to power in the country. In this connection, appropriate view Louis Gardet cited as h. m. Rasjidi that the concept of State in Islamic law is that a State that power are ordinary people that is not the spiritual powers of the institution, with a feature that really stood out was "egalitaire" which means equality between population either regular or know religion. Either a Muslim or not Muslim. Therefore, the predicate State in Islam the most precise is nomokrasi Islam means the Dominion is based on the laws that come from God, "because the Lord is abstract and just let the law succinctly ... Majid Khadduri cites". The formulation of The Oxford Dictionary as follows: "Nomokrasi is a system of Government which is based on a legal code: a rule of law in a society. "Muhammad Tahir Azhary rate, formula nomokrasi here still contain or constitute the genus be grip, therefore in relation to the concept of country according to Islam, Muhammad Tahir Azhary argues" nomokrasi Islam "is the predicate. Thus it would seem that nomokrasi specificity from the

¹ *Ibid.*, hlm. 15.

Islamic law. When formula Khadduri was used as the starting point, then the formula nomokrasi: Islam is a system of Government based on the principles and norms of Islamic law (Sharia). He is "the rule of Islamic law".²

2. Freedom of religion in the principles of the Islamic Nomokrasi

Nomokrasi Islam is a State law that has general principles as follows:³

a. The Principle Of Power As A Mandate

Allah said in the Qur'an An-Nisaa: 58 the meaning: "Verily, God told you to convey to the Commission reserves the right to accept it, and (told you) when setting the law among humans that you set with the fair. Verily, Allah gives you the best possible instruction. Allah is powerful Seer hear again".

When the text is formulated using the legal line formation method as taught by 5 and developed by Sayuti Talib, then that can be drawn from the two lines of the law, namely:

The first line: humans are obliged to deliver to the trustee or trustees are entitled to receive it.

The line of the second law: humans are required to establish the law fairly.

The words of the mandate in the Indonesian Language called "mandate" can be interpreted as "deposit" or "message". In the context of "State power" words of the mandate can be understood as a delegation or authority and because of that power can be referred to as the "mandate" which originate or come from God. Formulation of power in nomokrasi Islam is a "power is a gift or favor of God which is a mandate to man to be observed and carried out carefully in accordance with the basic principles that have been set out in the Qur'an and the Sunnah of the Prophet is exemplified by. Power it would later have to be accountable to God".⁴

Ibn Tamiya explained that "magnifying magnifying-Country folk as Regent of the mandate are not yet off her responsibilities by simply running the Government are good and wise, but further responsibility is to choose a good employee and can give satisfaction to its people. It is reflected in his statement clearly states that:⁵

"The election of the head of State, aides (priest) must be the best possible way, are not affected by the elements of nepotism, personal relationships, friendships or bribes. If the head of State (the priest) acted opposite, then he is considered to have Kaka (khair) to the giver of the mandate".

In tune with the views of Ibn Taymiyyah, Sayyid Jamal Al Afghanir in his book "Ar Raddu ' Ala Ad Dahriyin" then clarifies the definition of governmental agencies to assume the mandate, namely: the army, the police, the judge, The Ministry of finance, Magnifying-Ministry and others ". Thus in view of Islamic thinkers "compulsory mandate establishing the law to enforce the mandate entrusted to him through the oath of allegiance (mubaya'ah/social contract)". It is in harmony with the words of the Prophet Muhammad that "you are the leader and you will be prompted to liability against which he ruled". Thus the mandate is essentially

² Muhammad Tahir Azhary, *Suatu..., op.cit.*, hlm.65-66.

³ *Ibid.*, hlm.64.

⁴ M. Daud Ali, M. Tahir Azhary, dan Habibah Daud, 1988, *Islam untuk Disiplin Ilmu Hukum Sosial dan Politik*, Jakarta, PT. Bulan Bintang, hlm.116.

⁵ Zainal Abidin Ahmad, 2001, *Membangun Negara Islam*, Yogyakarta, Pustaka Iqro, hlm.33-37.

a trust given by the society to its Presidents, to meet all the interests of the State in the form of realizing a just and prosperous society, which is based on honesty and regularity, as well as to ensure good relations between the citizens of the country, as well as diplomatic relations with other countries. Therefore, a leader in the eyes of Islam will be subject to liability and the obligation to guarantee his mandate that he would hold both to its people as the giver of the mandate as well as to the Blessed Prophet Muhammad Khaliq. Also said "the of the mandate and do not deprive of the ". (HR. Ahmad and Abu Dawud)

b. The Principles Of Deliberation

Allah said in the Qur'an Ali Imran: 159, meaning: "then caused grace from God that you apply gentle towards them. If you be hard again with a rough, of course, they keep away from the lift. Therefore their ma'afkanlah, invoke forgiveness for them, and with them in it ".

Allah said in the Qur'an Ash-Syuura: 38 the meaning: "and (for) those who receive (comply with) the cry of their Lord, and establish prayer, are their affairs (disconnected) and among them; and they spend a portion of the sustenance we have given them."

The Prophet said, "people who consulted (asked for an opinion) is a person who can hold a mandate (to be honest, sincere and can keep a secret)". (Narrated By Athabrani)

Deliberation can be interpreted as a forum of exchange-traded thoughts, ideas or ideas, including suggestions put forward in solving anything problem before arriving at a decision making. Seen from the angle of the statehood, then deliberation is a constitutional principle.

Deliberation is a constitutional principle in Islamic nomokrasi. Because it is a principle, then how the application of the Qur'an and Sunnah is does not set it up. This is entirely left up to the humans to regulate and specify one. At the time of the Prophet's Medina as head of State, he has gathered the best friend in the mosque of Medina to be consulted every time he faced a problem state. According to Hasan Ibrahim Hasan in "an Islamic Date Siasyi I", outline the principles of organization of deliberations relating to the conduct of the State is divided into: first, discussion in terms of the selection of the Caliph (head of State), known as (fi mubayat'ati al Khalifah), as happened at the time of the succession of leadership (Khulafau ar Caliphs) after the Prophet's death. Second, the deliberations in the formation of the Constitution (as-Musyawaratun fi tasyari ') as performed by the Prophet Muhammad at the time formed the Charter of Medina. Third, the discussion about politics and Government policy (siasah as-fi Musyawaratun wa al-idarah). Fourth, deliberation about security and war (Musyawaratun fi al-amaniyah wa al-jundiyah), as exemplified by the Prophet at the time of the war of Tabuk, where the Prophet, calling friends to decide whether or not the war so implemented. In addition to regulate warfare, tactics and strategies of Prophet Muhammad also often consulted beforehand with friends he has known as friends, although the Assembly calls the power tactics and strategies on the war powers of the Warlords that is Prophet Muhammad himself, the same thing in peace any Prophet often first take decisions that concern the interests of his people, as set forth in the Hadith, he stated that the question of the temporal should be. Fifth, the deliberations of the Court of Justice and (qadai fi al-Musyawaratun wa al-Ahkaam), as reflected in the Hadith of Prophet Muhammad narrated by Athabrani in Al-Awsat and Abu Said in the Al-Qada is told that Ali Ibn Abi Talib said to the Messenger of Allah:⁶

⁶ Zainal Abidin Ahmad, *Membangun..., op.cit.*, hlm.104-108.

"O Messenger of Allah, if it comes a problem that there is no decision in the Qur'an and Hadist, law what the Lord enjoined unto me? Bring the question within the people's consultative Member, honest and good among you, and do not disconnect with your own opinion ".

c. The Principle Of Justice

In view of the teachings of Islam justice becomes important, because people who were given the mandate to act fair, either to itself or the House of her relatives. The Prophet often reminded people to act justly as possible in solving disputes between humans. Alignments in fairness, be mandatory for all people especially those who are given the authority to disconnect the disputes that happen in society. Given the partisanship to the lusts (of injustice) tend to make man applies the tyrant. Islam in it is so criticized. At the time of Caliph Umar in Al-Khattab U.S. Justice, enforcement became a top priority, so that the Caliph Umar Ibn Al-Khattab as, known as the Caliph of the fair. The same is done by the Syaidina Caliph Ali Ibn Abi Talib, who strongly oppose the U.S. acts unilaterally carried out by his subordinates. In view of the behavior of the Islamic teachings of favoritism, either because the factor of religion, ethnicity, race, nationality, forbidden to factor, is the Act or acts that are very strongly opposed and condemned by God Almighty, Allah. Speak in QS. An-Nisaa: 135, meaning: "o people of faith, be ye really justice enforcement, witness for God even against yourselves or parents and the. If he is rich or poor, God know better. Then ye shall follow the lust because want to deviate from the truth. And if you play the invert (the words) or a reluctant witness, then surely Allah is all knowing everything what you do ".

Allah said in the Qur'an Al--: 8 which means: "o people of faith be so people who always uphold (the truth) because Allah, as witnesses. And do not case against something the House, encouraging you to be unfair. Apply, because fair it's closer to piety. And fear Allah, Verily Allah Doth know what ye used to do ".

Allah said in the Qur'an Al-An'aam: 149 the meaning: "and you shall not approach the property of orphans, except with a more useful, until he was an adult. And perform properly measure and scales with the fair. We do not load to someone rather than just. And when you say, then let you apply fair, he is kin (mu), and fill the promise of God. That God commanded you, so that you may remember ".

Observe the text of verses from the Qur'an on top, giving the notion that justice is a noble act, so that it becomes a duty for all mankind regardless of the human background, social status, poor rich, tribe, as described by Ibn Taymiyyah declared that "God supports Government fair and do not support a Government that although the Muslim Government". He further stated that the regime which ignores the principles of fairness in administering his Government, as well as against Sunnatullah. While Ibn Qoyim with the Hadith qudsi refers to writing that:

"Verily, God sent his messengers and lowering the Holy Scriptures, so that administer justice because justice establishment over heaven and Earth. When signs of Justice was looked and saw his face with any form, then there's religion and jurisprudence (law) of God is ".

Thus justice is the basis of the subject matter that should not be removed (sine qua non) and must be owned by a country. Where justice is opposed to all kinds of persecution, tyranny and rape the rights of others as well as the discriminatory action discriminatory-.

The Prophet said, "Behold, my people will not be United in error. Therefore if there is a dispute then follow the most votes ". (Narrated by Anas bin Malik)

If the principle of Justice is associated with the *nomokrasi* of Islam, then he should always be viewed in terms of the functions of State power. The function that includes three obligations for the principal organizer of a country or a Government as holder of the power, namely: first, the obligation of applying the power of the State with a fair, honest and wise. All the people without exception should be able to feel the delights of Justice arising from State power. For example, the implementation of State power in the fields of politics and Government. All people must be able to obtain his rights in a fair manner without something of discrimination. Second, the obligation to apply the power of Justice with *seadil-fair*. The law must be enforced as it should be. The law applies to anyone, regardless of his position. Thirdly, the obligation of the State organizers to realize the goal of an equitable, prosperous society and prosperous under the also the grace of Allah SWT. This relates to justice and social welfare.

The principle of Justice in *nomokrasi* Islam contains a concept of high value. He is not identical with the Justice who created humans. Man-made justice with the doctrines of humanism has alienated the transcendental values and overestimated as individual human beings, so that man becomes the central point. On the contrary, the concept of Justice in *nomokrasi* Islam puts man in a reasonable position both as individuals and as a society. Man not as the central point, but rather it is the "servant of God" whose value is determined by his relationship with God and with our fellow human beings alone or according to the formula of the Qur'an "Allah wa hablun min hablun min al-nas" (the bond between man and God and between man and man). In the doctrines of Islam only Allah who occupies a central position. Therefore justice in Islamic humanism always are theocentric, meaning that it rests and centered to God, God is great and Almighty. Thus the concept of Justice in Islam have advantages that cannot be found in the concepts of Justice, according to the human version. Finally, it should be noted one of the doctrines in Islamic law "to avoid punishment in the mistakes that have not believed", is one of the very important principles of Islam should also be carried out by every judge wise in enforcing justice.⁷

d. The Principle Equation

The principle requires the existence of an equivalent position of a fellow human being, there is no nobler humanity from other people, or in other words the principle equation is meant that all humans are equal, and should be equal before the law and required the Government, there should be no group has privileges, all have the same opportunities to each other. Allah said in the QUR'AN. Al-Hujuraat: 13 which means: "o man, verily, we created you from a male and a female, and made you and that you each other. Behold the noblest person among you but God is the most God-fearing among you. Verily, Allah is all-Knowing Supreme again Know".

The passage describes how the process of Genesis of mankind. God has created it from men and women. The first mate is Adam and Eve. This was followed by other couples through a marriage or family. So all the people coming from the same incident process. He was born of the mother and father. In fact the man is "one family" that comes from Adam and Eve. The

⁷ *Ibid.*, hlm.90-91.

process of creating a "uniform" that constitute a criterion that basically all humans are the same. Then from the Surah Al-Hujurat: 13 it's a principle can be drawn, in Islam humankind has the same position. This is called the principle of equations in nomokrasi Islam.⁸

e. The principle of the recognition and protection of Human rights

History shows that the Prophet Muhammad and the Muslims for more than 13 years in Makkah uncountable since the appointment of Muhammad as the Messenger, yet have the power and the political unity that ruled the area. Muslims into a community of free and independent after in 622 M hijrah to Medina, the town was formerly called Yatsrib. Prophet Muhammad in his explanatory against the Quran, in the second year of the Hijra in Medina has instituted a Charter governing Medina life and set up a relationship between the heterogeneous community of Medina, as the House of emigrants (the inhabitants of Mecca the Prophet's hijrah to Medina together) , ansar (residents or natives of Medina), Jews from many different tribes and groups as well as the remains of a people who have not yet converted to Islam paganis but declared themselves subject to the prophets. As explained earlier, this Charter Munawir Sjadzali, did, laying the Foundation for the life of the State in which community compound in Medina. In the Charter of Medina affirmed that Muslims, although coming from different groups, is a community. The Charter also set the pattern of the relationship between the Muslim community and among the Muslim community with a community of other non-Muslims. This relationship is based upon the principles of good neighborly, mutual help in the face of a common enemy, defend the oppressed, mutual advising and respect religious freedom run. In view of the teachings of Islam is the obligation of the State and the Government (the Caliph) to protect all the people. In the Islamic Caliphate of the recognition and protection of humans have practiced correctly and firmly. This is evidenced by the existence of the protection of minorities from arbitrary treatment of the House majority. As performed by the Prophet Muhammad against a Muslim who wants to persecute a Jew in Medina. The same is done by the Caliph Umar Ibn Al-Khattab as, at the time of his leadership, has rebuked the Governor of Egypt Amr bin hard Ash, to the home of a Jewish displacing affected by project construction of the mosque, where he sends labelled bone straight line using a sword, he told the Governor. Where in the he message that Jews must remain guarded and protected, no one can interfere with the rights of the Jewish people.⁹

Allah said in the Qur'an Al-Israa ' : 33 the meaning: "and do not kill the soul which Allah prohibited (killing him), but with one (reason) is right. And he who killed tyrants, then Verily We gave power to his heir, but do not let the heirs that exceed the limits in the killing. Verily, he is the one who gets the help ".

Thus if the scrutiny of the verse in Surat Al Israa ' above, then in the eyes of Islam, Muslims are prohibited from committing murder in any form unless things are justified and permissible by law syara '. As in war, it is in a very tight. Included also in terms of having his conviction to Islam very forbidding Muslims to impose the will of his religious teachings or to anyone else, it proves that Islam lays the recognition and protection of the human race to have his conviction, in other words a human being has the right to be free from all sorts of nõtigung or form and including the issue of his religion or his beliefs. Almighty God said in the QS. Al-

⁸ *Ibid*

⁹ Muhammad Tahir Azhary, *Suatu...op.cit.*, hlm.89-90.

Baqara: 256 which means: "there is no compulsion to (enter) religion (Islam); Indeed clearly the right path than a road. Therefore those who renounce Thaghut and believe in God, then surely he has hold the rope is a very Strong which will not be lost. And Allah is hearing knowing ".

So if there is a group of people of a particular religion actually let alone of Islam, it was substantially contrary to the teachings of Islam itself, given in view of Islam the killing be done by fulfilling the conditions outlined by syara ' as a legal defense of honor, religion, and others. Islamic view of human right to be free from all forms of threats, terror, fear and others. If scrutiny in depth the verse above, the Muslim Caliph or ruler/(country) shall be obliged to provide the recognition and protection of human rights, regardless of the background of the people, because Islam does not permit Muslims to apply mayhem well against fellow Muslims as well as non-Muslims, because it is contrary to the teachings of Islam.

Allah said in the Qur'an Al-Israa ': 70, meaning: "and indeed We exalt the sons of Adam, we carried them on land and at sea, We give them a sustenance from the good things and we debate them with the advantages of most creatures that we have created".

The sons of Adam here is a human being as a descendant of the Prophet Adam. The verse above clearly express the glory of the human in the text of the Qur'an called (glory). Mohammad Hasbi Ash-Shiddieqy divide the karamah into three categories namely (1) the personal glory or karamah fardiyah; (2) the glory of the karamah community ijtimaiyah; and (3) political or glory karamah siyasiyah. In the first category, protected his personal good as well as the man's wealth. In the second category, the status of the human equation is fully guaranteed and the third in the category of Islamic nomokrasi put the political rights and guarantee the rights it entirely for everyone citizens, because it's in the Qur'an is called a "caliphate" God on Earth ".¹⁰

f. The Principle Of Free Justice

This principle is related to the principle of Justice and equality. Where the judge in the lawsuit with disconnected should be fair and free from any kind of pressures and influences that make judges apply no objective in resolving a dispute.

Allah said in the Qur'an Nisaa verse 58, meaning: "Verily, God told you to convey to the Commission reserves the right to accept it, and (told you) when setting the law among humans that you set with the fair. Verily, Allâh gives you the best possible instruction. Allah is Maha Seer hear again ".

The Prophet said, "When a judge seeking law (honestly) and its decision is correct, then he will earn two reward. But if his decision wrong then she will gain a reward ". (Narrated By Al-Bukhari)

The judge's verdict should reflect a sense of legal justice against anyone. A famous Islamic jurist Abu Hanifa held that judicial power should have freedom from all kinds of forms of pressure and interference of the Executive power, even the freedom includes the authority of judges to impose an award on a ruler when it violates the rights of the people. The principle of free justice in the Islamic nomokrasi not just earmarks for a State of law, but also it is an

¹⁰ Wijaya Kusuma, *Doktrin..., op.cit.*

obligation that must be carried out for each judge. The free trial is a requirement for the principle of Justice and equality law.¹¹

g. The Principle Of Peace

Nomokrasi Islam to be enforced on the basis of the principle of peace. Relationship with other countries should be maintained and adhered to the principle of peace. Basically the attitude of hostile or war is something that is forbidden in the Qur'an. Just war is an act of emergency and defensive or defending themselves. Qur'an only allow acts of violence or war when others start first launched or try the Islamic teachings. The Quran governs the law of war and as follows:

Allah said in the Qur'an Al-Baqarah: 194, meaning: "sacred month's haraam with the Moon, and on something that is worthy of respect, applicable law qishash. Therefore whoever is attacking you, then it, balanced with his attack against him? Transgress God and know that God is with those who are cautious. "

Allah said in the Qur'an Al-Hajj: 40 which means: "Have allowed (the fight) for the people who fought, because they were persecuted. And Allah, the Almighty really helped them ".

h. The Welfare Principle

The principle of welfare in nomokrasi Islam aims to realize social justice and economic justice for all members of society or people. The task was charged to the organizers of the State and society. The notion of social justice in the Islamic nomokrasi is not merely the fulfillment of material or material needs, but includes also the fulfillment of spiritual needs of the people. The State's obligation to pay attention to the two kinds of needs that and provide social security to those who are less capable or not. The Qur'an has set a number of sources of funding for social security for members of the public who need it with based on the principles of social justice and economic justice. The sources of these funds among others are: zakat, infaq, sadaqah, grants, and endowments, by not closing the possibility for State income-income from other sources, such as taxes, duties, etc.

Allah said in the Qur'an Al-Ma'aarij: 24-25 "And the people who are in a particular part of the available assets. For the (poor) that requests and people who don't have anything (who did not want to ask) ".

The Prophet said, "when you are given something without you ask then use (eat) and in part". (HR. Muslim)

i. The Principle Of Obedience The People

Allah said in the Qur'an An-Nisaa ': 59 which means "Hi folks who believe, obey our God and observe the Apostle (his), and ulil amri among you. Then if you are of a different opinion about something, then he to Allah (Quran) and messengers (his), if you truly believe in God and days later. This is better (for you) and better as a result. "

The Prophet said, "Be heard, obedient and disobedient in a time of pleasure (convenience and spaciousness), in trouble and narrowness, in and in the moment of experiencing things that are unpleasant though the situation was detrimental to ". (Narrated by Muslim and Annasai)

¹¹ Muhammad Tahir Azhary, *Suatu....op.cit.*, hlm.104.

The principle of obedience the people meaning that all people without exception are obliged to obey the Government. The extent to which these principles binding the people? Islamic legal scholars agreed that the obligation of the people to obey the ruler or the Government is all along the ruler or Government that apply the principles of the Islamic nomokrasi prinsip as already described above. In other words, as long as the ruler or Government not be tyrants (the tyrant/authoritarian/dictator) during this time the people obliged to obey and submit to the ruler or Government.

According to Mutwalli and Rayet as quoted by Mohammad s. el-wa, stated that in fact the principles of Islam is the basis of the law and the Constitution in the Islamic system of Government. Similar with the view of Mohammad s. el-wa, Shaykh Ali Abd Al Razeq, state that, without having to look at the type of his Government, the most important is the purpose of the rule of Islam itself, in implementing Islamic laws in a wide sense, sourced in the Qur'an and As-Sunnah. Krech Ludolf Monday as quoted by r. Moh. Sjafi'i Wirakusumah stated that "Islam is a source of regulations or laws, not merely a religious order and civilization or moral conduct but more than that, Islam also became the primary source for the Organization of the State legal nomenclature. This means that Islam is a form of regulation, not limited to rules governing the relationship between personal behaviors, but more than that, Islam is also becoming an important source of inspiration in the governance of the country.¹²

CONCLUSION

Based on the description-description that has been presented, then it can be inferred that the ninth of Nomokrasi principles of Islam, then among those principles which guarantee the protection of religious freedom covers:

1. The Principle Of Power As A Mandate

Leaders who are appointed and/or elected by the people always trust in the hold and run the Government of a country as well as being able to trial on the whole of its citizens without distinguishing the race, tribe, religion, or any other group. Each leader must ensure and guarantee protection to any of its nationals to embrace religion and to worship according to their respective beliefs.

2. The principle of Justice

In Government, leaders have to treat the whole of its citizens fairly without exception. In the context of religious freedom, all citizens are given the same opportunity (fair) to run religious teachings and worship according to their respective beliefs.

3. The principle of the recognition and protection of Human rights

In the view of Islam is a State obligation and Government (the Caliph) to protect all its people are denied their rights and their religious freedom rights: examples in which the Qur'an teaches that there is no compulsion in religion, therefore, every citizen has the right to run their religious teachings and worship according to their respective beliefs.

4. The Principle Of Peace

Islam teaches that all mankind should co-exist peacefully, although it has the distinction of tribe, race, religion, or class. Such a peace can be realized through the attitude and behavior that is owned by every human being for example: mutual respect and respect between the

¹² Mohammad S. el-Awa, *Sistem...*, *op.cit.*, hlm.101-102.

people of the one with the other, avoiding conflict or war unless the war is allowed according to the Islamic Sharia, the mutual reminding each other, and so on. Thus the atmosphere of peace, calm, secure, and 10 can be realized.

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