



The Concept of Shura in Islamic Governance Practice of Shura during the Caliph Umar Bin Khattab

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ABSTRACT

Shura is one of the political conceptions among the conceptions whose roots are firmly rooted in the midst of Islamic society, and become a feature of the Islamic government system from government systems other than Islam. Shura has maintained its existence in Islamic political life, to strengthen the relationship between the rulers and their people, in the form of continuous reference to the rulers to the people to produce political decisions that are in the interest of the wider community, which depart from awareness, maturity and understanding, and to make great power on humans is close to the idea of general principles for Muslims. Shura is not only applied in the government system. But also implemented in the order of everyday life. For example, deliberation applied in family, work, social, economy as well as in society. deliberation is also a clear proof of respect for human reason; which we can see is a proof of God's glorification to humans, therefore deliberation can provide a benefit; and with deliberation can also produce a solution. And with deliberation also everyone will have the same opportunity without distinction, everyone is free to express opinions. Moreover, in terms of determining the leader of the people, deliberation has an important role in that regard. The practice of shura applied by Umar bin Khattab during the reign of that time became a role model for the people in the next period. The Shura Council formed by Umar became a concept that was not only applied in the government system at that time, but also practiced in social activities and government systems in Islamic countries to this day. The practice of shura during the reign of the caliphate of Umar bin Khattab became the forerunner to the institutional implementation of the concept of shura in the political history of Muslims. For this reason, tracing the practice of shura during the reign of Umar is an interesting study to discuss in the midst of the existing political dynamics.

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1. INTRODUCTION

Since the early period of Islamic history, the behavior of Muslim life in all its aspects has been regulated by Islamic law. Therefore, in coaching and development, efforts are always made based on the Qur'an, as the last revelation to humans, who apply it to a large extent exemplified and operationalized by the Sunnah of the Prophet (Sirojuddin Ali, n.d.).

The concept of shura is known in Indonesian as the word deliberation. The definition of deliberation starts from someone who asks others for opinions on a problem. The opinion is only a consideration in determining policies and making decisions. So there is no obligation to accept the suggestions submitted. Before the arrival of Islam, the Arabs had known deliberation to resolve the problems they faced. Even deliberation has been used as a tool in terms of choosing their tribal chief. This institution is called "Council (Nadi)" (Waro, 2019).

After Islam came, the Qur'an justified it with the term "Shura" and made it a part of Islamic teachings in the context of social life. Then the treatise of Muhammad SAW developed this institution into a new concept, which previously was only a tribal communal institution and related to blood (kinship) into a social trait related to the nature of faith (Ismail, 2017).

Islam is a religion that strongly encourages its adherents to adhere to the principle of shura (deliberation) in living the wheel of life. Because, in addition to the rules in the Qur'an that oblige to follow these principles, shura is also the second basis of the Islamic state system after justice (Devina, 2017).

Shura is not only applied in the government system. But also implemented in the order of everyday life. For example, deliberations are applied in family, work, social, economic affairs and also in society. In general, shura can be interpreted as everything that includes the form of giving advice (advice). Therefore, the idea of mutual advice or consultation gave birth to the formation of a shura or consultative institution at the beginning of Islamic history, voting rights, election of representatives, establishment of parliament, and election of leaders of the Islamic republic in modern times (Prayogo, 2018). And also in principle deliberations it is the social side of the doctrine of monotheism. It is also a means to create a harmonization in everyday life. And deliberation is also a clear proof of respect for human reason; which we can see is a proof of God's glorification to humans, therefore deliberation can provide a benefit; and with deliberation can also produce a solution. And with deliberation also everyone will have the same opportunity without distinction, everyone is free to express opinions. Moreover, in terms of determining the leader of the people, deliberation has an important role in that regard (Tania, 2019).

However, after the death of the Prophet there were no explicit instructions on how to determine the leader of the people, there were only general instructions in solving problems and making policies by way of deliberation. Thus, deliberation becomes a necessary thing in determining a leader of the people and head of state. So that the leadership of the four al-Khulafaur Rashidun was determined through deliberation.

In fact, apart from the presence of two texts in the holy book of the Qur'an which command to apply or carry out the principle of shura, several hadiths have revealed how important it is to do shura, because with shura, the right way is to reach a solution that is wiser and for the benefit of individuals and groups. and countries will be easily obtained (Devina, 2017) (Muhammad Mustakim, 2015).

If we see that there are several advantages possessed by the concept of shura, then that is the background for Muslim intellectuals to never release this theme into their works. Especially with regard to leadership and government.

Some of these thinkers include Sayyid Qutb, Hasan Al-Banna, Fazlur Rahman. The three thinkers simultaneously said that in an Islamic government, the concept of shura must be upheld. Because, if there is a problem, especially in a government, there must be deliberation to reach a mutual agreement.

The deliberation that took place at that time was not meant to limit the caliph's authority as in the parliamentary system according to our current understanding. Thinkers who give opinions to the caliph also have no right to impose their opinions on him. With the deliberation, full power remains in the hands of the caliph. He is accountable to Allah, to himself, and to the people who raised him (Adaruddin, 2018) (Abbas, 2018).

In making decisions, the caliphs used to do this through deliberation, especially with senior friends or Ahl al-Shura, who later on by the scholars were referred to as Ahl Hall Wa Al'-Aqd, a collection of experts who were competent in solving problems that occurred (HASIBUAN, 2020).

Shura is the right of all Muslims against the caliph. Therefore, they have the right to the caliph so that in many cases the caliph refers to them for his opinion (As-Suyuthi, 2000). Even ordinary people can express their opinions before the caliphs freely, including correcting the wrong opinion of the caliph. And if a caliph exceeds his rights and violates the provisions of Allah and His Messenger, it is the people or the people who will straighten it out.

A character like Umar is not only brave, but he also likes to consult. And he was also close to the Prophet Muhammad. His closeness was not only with the Prophet, but also with the whole community. And the Prophet also trusted Umar to be his main advisor.

As a person who likes deliberation, Umar bin Khattab was finally elected as caliph through a suggestion from Abu Bakr and his senior friends. As is known, there are fears that the split after the Prophet's death will happen again. Caliph Abu Bakr As-Siddiq consulted with the companions. The deliberation itself was carried out through a closed forum which was attended by Abdurrahman bin Auf and Ustman bin Affan from the emigrants, and Asid bin Khudair from the Ansar (Khairul, 2018).

Regarding the members of the shura council, which consisted of leaders from the Muhajirin and the Quraysh and the Ansar, they were people who had the same right to be elected as caliph. At the time of Umar bin Khattab the members of the shura council consisted of Ustman bin Affan, Ali bin Abi Talib, Zubair bin Awwam, Talhah, Sa'ad bin Waqas and Abdurrahman bin Auf. There is one more member, namely Abdullah bin Umar who has the right to vote but does not have the right to be elected, as was the decision of Umar bin Khattab (Abdullah's father). Of the seven people, Abdurrahman bin Auf as chairman of the shura council made and appointed Ustman bin Affan as the third caliph and then took bai'at (Khairul, 2018).

The practice of shura applied by Umar bin Khattab during the reign of that time became a role model for the people in the next period. The Shura Council formed by Umar became a concept that was not only applied in the government system at that time, but was also practiced in social activities and government systems in Islamic countries to this day.

The practice of shura during the reign of the caliphate of Umar bin Khattab became the forerunner to the institutional implementation of the concept of shura in the political history of Muslims in modern times. For this reason, tracing the practice of shura during the reign of Umar is an interesting study to discuss in the midst of the existing political dynamics.

2. RESEARCH METHOD

The data collection used in this thesis uses the Library Research method, namely by examining books, magazines, several articles and newspapers, as well as the internet which the author considers relevant to the subject matter.

The method of discussion in this thesis is an analytical description, namely by describing the existing data (both primary and secondary data), then analyzing it proportionally so that the details of the answers to the problems related to the subject matter will be clearly visible.

3. RESULTS AND DISCUSSIONS

3.1 Shura as a system of government in Islam

a. Definition of Shura

Secara umum dapat dikatakan bahwa, kata Syura memiliki banyak pengertian dan alangkah baiknya kita mengetahui dari mana asal kata Syura itu dibentuk. Kata Syura berasal dari akar kata sya-wa-ra, syawir berarti: berkonsultasi, menasehati, memberi isyarat, petunjuk dan nasehat. Ada pula yang mengartikan Syura dengan arti menjelaskan, menyatakan, mengajukan, dan mengambil sesuatu. Kata Syura yang berasal dari bahasa Arab ini, kemudian diserap kedalam bahasa Indonesia menjadi kata musyawarah yang memiliki arti mengumpulkan dan menyimpulkan pendapat berdasarkan pandangan antar kelompok (Mubarok, 2019).

The deliberation taken from the root word syawara according to Quraish Shihab means 'removing honey from the beehive'. In line with the basic meaning of honey for medicine. Honey produced by bees. So, deliberation should be like a bee that is a very disciplined creature, its

cooperation is amazing, wherever it lands it never breaks, does not disturb unless disturbed (Faruqi, 2019).

Thus, indirectly, Shura means choosing the best ideas by gathering a number of people who have arguments, experience, sophistication of opinion, and other conditions that if they can give the right opinion and the right decision.

Fazlur Rahman also said that the word Shura comes from the verb *syawara-yusyawiru* which means to explain, state or propose and take something. *Syawara* is *tasyawara* which means negotiating, exchanging opinions; *syawir* which means asking for opinion or deliberation

According to Imam Shahid Hasan Al-Banna, Shura is a process of seeking a decision and an agreement based on the majority vote and based on the Qur'an and as-Sunnah, and let every matter be left to the experts in order to realize a result that is satisfactory. maximum in order to maintain stability between the leader (government) and the people (Karim, 2019) (Musawar & Zuhdi, 2018).

Shura or deliberation is to explain the existing case, state or submit an opinion and finally a decision will be taken. In other words, it can also be said that Shura or deliberation is an exchange of opinions, which ultimately results in an idea that results in a joint decision through deliberation.

Al-Qurtubi said that deliberation is one of the rules of sharia and legal provisions that must be enforced. So whoever serves as head of state, but he does not consult with experts in science and religion (ulama) must be dismissed (Hartono & Nurhalim, 2019). And Ibn al-Arabi also said, that deliberation is a meeting to discuss problems; each of them consulted each other and expressed opinions (Rambe & Mayasari, 2021).

Shura, or opinion-taking in Islam, is one of the political conceptions among the conceptions whose roots are firmly entrenched in the midst of Islamic society, and become a feature of the Islamic government system from government systems other than Islam. Shura has maintained its existence in Islamic political life, to strengthen the relationship between the rulers and their people, in the form of continuous reference to the rulers to the people to produce political decisions that are in the interest of the wider community, which depart from awareness, maturity and understanding, and to make great power on humans is close to the idea of general principles for Muslims (Harisah, 2018).

Broadly speaking, the understanding of Shura according to the author based on the previous explanation is a decision-making process or formulation in solving problems or forming a regulation or law based on the collection of ideas or ideas from various interrelated parties based on the guidelines or rules contained in the Al-Qur'an. Qur'an and As-Sunnah, for the sake of reaching an agreement and for the common good.

b. The Basis of Shura in the Qur'an and Sunnah

Since the early days of Islamic da'wah, when the Muslims in Mecca were oppressed individuals and were always pursued by the enemy, the Qur'an had grown from them a society that had a perfect sense of solidarity. Their individuals are united by bonds of brotherhood and solidarity, namely faith in Allah and worshiping Him by establishing prayer and mutual cooperation by exchanging opinions and observing Shura.

Thus, Shura is made one of the elements of social solidarity. In addition, Allah has honored Shura by making it the name of one of the surahs in the Qur'an (Asy-Syawi, 1997).

The Qur'an is a foundation that contains ethical and moral instructions and guidance in human life. Although the Qur'an never clearly states the solution to every problem and only takes the form of a sign, it is the signs regarding state and government guidelines that have a fundamental basis in the Qur'an. This sign can be seen from the existence of rules that require consultation in the Qur'an. Because deliberation is one of the values of constitutional political ethics in the life of an Islamic state and is included in the discussion of the State, the discussion of the Shura principle is also contained in the Qur'an (Hidayat & Suwanto, 2020).

There are three verses in the Qur'an that contain suggestions for deliberation in reaching a decision. Although the three verses consist of different backgrounds. The first verse is in Surah Ash-Shura verse which means "And (for) those who accept (obey) the call of their Lord and establish prayer, while their affairs are (decided) by deliberation between them; and they spend some of the sustenance we give them." This first verse explains the characteristics of the believers,

namely that they accept (obey) the orders of their Lord, establish prayers, and pay zakat, and in completing their affairs they are resolved by way of deliberation. The second verse is in Surah Al-Imran verse 159 which means "So it is because of the mercy of Allah that you are gentle with them. If you were hard-hearted and harsh-hearted, they would certainly distance themselves from all around you. Therefore forgive them, ask forgiveness for them, and consult with them in this matter. Then when you have made up your mind, then put your trust in Allah. Verily, Allah loves those who put their trust in Him".

This second verse explains that matters between Muslims are resolved by way of deliberation. And the third verse is in Surah Al-Baqarah verse 233 which means "Mothers should breastfeed their children for two full years, namely for those who want to perfect breastfeeding, and the obligation of the father to feed and clothe the mothers in a ma'ruf way. Someone not burdened but according to ability levels. a mother should not suffer misery because of her child and a father because of his child, and the heir is obliged to do so. if both want to wean (before two years) with their willingness and deliberation, then there is no sin on either of them. and if you want your child to be nursed by someone else, then there is no sin for you if you pay according to what is proper.

This third verse explains that the breastfeeding period is two years, if husband and wife want to wean their child on the willingness and deliberation, with the intention of the child's benefit, they agree to stop breastfeeding or wean it before the two years period, this is permissible.

For Muslims, As-Sunnah or hadith is the second basis after the Qur'an. The meaning of the sunnah here is something that comes from the Messenger of Allah, whether it is in the form of words, deeds or approval. Indeed, people who adhere to the sirah of the Messenger of Allah, will find that he carried out deliberation in most of the affairs of the Muslims, in many cases he asked the Muslims to give their opinion. From Abi Hurairah ra, he said: "I do not see anyone more deliberation than the Messenger of Allah towards his companions". Rasulullah SAW said which means: "There is no deliberation people except them will show to the truest thing." The Prophet once said again: "When one of you asks his brother for advice, so let him guide him."

The above hadith explains and calls for the importance of deliberation or helping someone in solving various kinds of problems, both about worldly problems and hereafter issues. Because by way of deliberation can make it easier for someone to get out of the problems that exist in him.

c. Characteristics of Shura in Islam

Shura is a political concept that does not require that decision-making be bound by it. The opinion of the Shura Council is only consultative in nature, therefore it is relative and not binding according to the wishes of the authorities. The obligation of a ruler is only in carrying out deliberation, not taking their opinion. The responsibility for the decisions taken is borne by the authorities to carry out the results of the decisions. In addition, Shura does not recognize the acquisition of a majority opinion, as is known in the concept of democracy, and does not set a limit on quantity. Shura also does not recognize a standard formula. Sometimes the leader (ruler) takes part of the opinion of the Shura Council, the whole or one opinion from the many opinions put forward by the Shura Council.

However, the characteristic of the ruling that took effect after it became clear to the majority that it was he who was closest to truth and justice after free dialogue and exchange of opinion was held, was that the decision was only a relative decision, not qaht'i. This means that the opinions that have been expressed and discussed are not completely eliminated, there is even the possibility of being re-elected on another occasion, in another place, in another society, or because of different conditions. This is something that is permissible in Islam

The characteristics or character of Shura as mentioned above, that Shura in Islam is a form of decision-making that is not binding, is not based on a decision taken based on a majority vote and is not limited to quantity alone and Shura does not recognize a standard formula, so that the decisions taken can be accepted by all parties involved in deliberation. However, the decision taken in the Shura is a stipulation that is closest to the truth, although it does not rule out the possibility that ideas or ideas that are not stipulated in the Shura at another time can be used, depending on the situation and conditions, because in Islamic law it is permissible.

d. Shura Principles in Government

Deliberations will produce the expected results in an optimal, valid and accountable manner if each participant upholds, respects, and maintains the basic principles in deliberation. These basic principles are equality in rights and obligations, freedom and justice.

The first principle that we will explain is the principle of equality in deliberation. In the holy book the Qur'an has set a principle that Islam does not discriminate against anyone in obeying the laws and regulations, and no one is higher than the other. Whether it's leaders, rulers, or even the common people, they still have the same position before the law.

The Qur'an does not tolerate differences between one believer and another. Male or female. In line with this view, the Qur'an establishes the principle of Shura to guide people's decision-making processes.

There is one example in pre-Islamic Arab society. Each tribe is proud of *asabiyyat* (faith towards family, tribe, and class) and *nasab* (origin of descent) so that they fall into conflict, political and social chaos. Their society which is based on *asabiyyat* does not recognize any similarities between human beings. One tribe to another did not protect each other. One tribe is the enemy of the other tribes that must be eliminated, because each tribe considers itself superior to other tribes. Each tribe is busy with its own business, without any social concern for other tribes.

The example above is really inhumane. Humans before the law or justice are the same. Nor can it be seen from personal or civil rights. Islam also does not recognize absolutely any form of privilege among humans that can be seen in rights, race, ethnicity, or skin color.

The implementation of the principle of equality in Islam, according to Artani Hasbi, basically aims for every person or group and class to find their human dignity and can develop their achievements properly in society, to the point of stepping on the pattern of state political life in a government.

This principle is not explicitly stated by the Medina charter. However, if one understands one of the articles, namely Article, which has been quoted, which states that if believers want to make peace, there must be a basis of equality and justice between them, it has the connotation that to make peace it must be mutually agreed upon and accepted.

Without deliberation or Shura equality or fairness is impossible to fulfill, because in the Deliberation all participants have equal rights to get a fair opportunity to express their respective opinions and views on the issues being negotiated.

The third principle is the principle of freedom. Among the human values that Islam is also very concerned about is "freedom" with which it can save people from all forms of pressure, intimidation, dictatorship and colonialism. Freedom here includes: freedom of religion, freedom of thought, political freedom, civil liberties and all forms of essential freedom.⁵⁶ The word free here is often misused. Because, actually free does not mean free from all attachments. On the contrary, freedom here always relies on being bound by norms. Likewise, freedom in Islam is not freedom as free as it can be, but freedom bound by *syar'i* bonds.

And freedom in social politics is usually called "independence". The freedom or independence that is the substance of Shura is freedom and independence in society or in groups. If we pay attention, the provisions of the Medina Charter are not explicit about the importance of deliberation and historical postulations about the Prophet's practice of carrying out deliberation. He did not give instructions regarding certain patterns and forms, and the number of participants in the deliberations was not fixed, sometimes he only consulted or asked for opinions with his friends, and sometimes only asked for the opinion of one of them. Even in making decisions, sometimes he follows the opinions of friends, both the opinions of the majority group and the minority group.

That is, they have the freedom to determine the form and system of deliberation and the mechanism is adapted to the demands of the times and places and their needs. What is important in the implementation of the deliberation and the decision-making procedure is that they stick to the principles of Islamic teachings, namely freedom, justice, and equality in speaking in expressing opinions.

The principles of Shura in government include aspects of equality in rights and obligations, freedom and justice, because in Islam as stated in the Qur'an it is regulated that there is no difference between humans, both Muslims and non-Muslims, between men and women. women

and even between the poor and the common people, and are not differentiated based on skin color or based on ethnicity. Therefore all are considered equal in the eyes of the law.

In the sense of the word in the Shura or Islamic law highly upholds the rule of law. So that everything that is decided or stipulated in the Shura can be fair. Because the purpose of deliberation or Shura is to determine decisions that can be accepted by all parties and for the common good.

e. Ijmak as Substance for Shura

Shura or deliberation in a series of explanations is always associated with a discussion of consensus. Ijmak from Arabic means consensus or agreement. In terms of ushul fiqh experts, it is the agreement of mujtahid priests among Muslims about Islamic law at a time after the death of the Prophet Muhammad. According to most ushul fiqh scholars, ijmak is seen as one of the sources of Islam after the Qur'an and hadith.

Despite the existence of the holy book Al-Qur'an and Sunnah, Muslims at all times have agreed on the obligatory shura, despite various irregularities that led to his elimination in choosing rulers. According to Taufiq Asyawi, what is meant by ijmak is the perfect form of it, namely a comprehensive ijmak for the people or a syara law that is agreed upon by all members. And it can also be said that ijmak is the people's agreement on a syara law

For example, the companions of ra have agreed on the obligation to appoint general leaders. This Ijmak has been quoted by many scholars, among them by al-Mawardi who said: "Imama is intended to carry on a prophetic mission in maintaining religion and dealing with worldly affairs. Giving the Imamate contract (bond) to the person who carries it out is obligatory according to ijmak; the only difference is whether this is obligatory according to reason or according to syara'. This is because the priest carries out matters related to the Shari'ah

And the consensus of friends is also one of the most prominent sources of law in matters of the constitution and laws. Shura also existed and were clearly illustrated in the government system throughout the Khulafa 'ar-Rashidin era, in fact they almost would not decide a case except after deliberation, and that happened in all matters.

The idea of Ijmak has developed since the time of the Companions to the time of the mujtahid priests. Friends of Umar bin Khatab, for example, once gathered friends to exchange ideas. If they agree on a certain issue, Umar runs his politics; but if they disagree or have different views, they review the matter again until they reach an agreement.

Based on the results of the description above, we can draw an understanding of the permissibility of shura is the consent of friends, because ijmak is one of the sources of law in Islam after the Qur'an and the Sunnah of the Prophet Muhammad SAW. And whatever is decided or determined at the shura must be through the agreement of the parties who are in deliberation. In essence, shura and ijmak are interrelated, shura is determined based on ijmak and what is stipulated in shura must be based on the consent of the people who are in deliberation.

f. Shura's Commitment to Shari'a

If we want to know more about Shura, it is better if we first limit the meaning and must distinguish it from anything related to imported theories so as not to produce incorrect laws. Shura in a narrow sense is a means that obliges the Shari'ah to issue decrees from the congregation that must be adhered to by it, the individuals, and the authorities.

Before we explain Shura's commitment to Shari'ah, we should first know the explanation of Ustadz Abbas Mahmud al-Aqqad who will first explain the difference between Shura and democracy. Ustadz Abbas Mahmud al-Aqqad tried to really explain the substantial difference between Shura and European democracy, namely that Shura was established on the basis of creed and divine law with the following explanation:

"Indeed, the opinions of a Muslim regarding the truth of the system, justice and independence are subject to the belief of his God and do not precede him. The coming of a world form of government (God's government), as required by its rules, is the highest example of a government that does not recognize injustice in it and a deviation from the Shari'a or the highest example of a democratic government as it should be.

Let us suggest to those who say that Shura is the same as democracy, must add to its Islamic character as al-Aqqad did. Because without giving these characteristics, some people will take the

notion that democracy is sufficient without sharia. In the end, they only suffice that democracy or majority vote is a matter that is quite valuable and can be considered valid without having to discuss the extent of its commitment to the Qur'an and As-Sunnah.⁶⁴

It has been explained above that there is a difference between shura and democracy, because shura is based on creed and divine law. Because based on faith and divine law, it can prevent authoritarian decision-making from leaders or people who have an interest in a problem. And the process of determining and making decisions is also different between shura and democracy, because in shura it does not recognize the acquisition of a majority opinion as found in democracy. Therefore, decision making in shura feels more fair, acceptable to all parties involved and can be accounted for by the leader.

g. Shura and Democracy

At the beginning of this chapter, it has been explained the definition of Shura from several opinions, as stated by Imam Shahid Hasan Al-Banna Shura is a process in finding a decision and agreement based on the majority vote and based on the Qur'an and As-Sunnah, and let every matter be left to the experts in order to realize a maximum result in order to maintain stability between the leader (government) and the people.

The etymology of democracy comes from the word "Demos" which means the people or residents of a place, and "Cratein" which means power or sovereignty. So "Demos-Cratein" or democracy is a state condition where in the system of government, sovereignty is in the hands of the people, the highest power is in a joint decision with the people.⁶⁶ And democracy has always been a discourse because democracy is able to cross geographical, ethnic, religious and social boundaries. culture.

There is always a debate between Islam and democracy as well as Shura and democracy. And here we can see that there are several groups who have different views in seeing the relationship between democracy and Islam. The first group, namely those who reject democracy in the name of Islam. The reason is because Islam comes from God, while democracy is the work of humans. And the second reason, democracy is the sovereignty of the people, while Islam is the law of Allah. The third reason is that democracy is determined by the majority vote even though the majority vote is not necessarily the truth. The fourth reason is that democracy is something new, and it is included in the category of heresy in religion, whereas previous generations of Islam did not recognize democracy. The fifth reason, democracy is a product of the West.

The second group, those who accept democracy in total without filtering it first. This group considers that western democracy is the only right solution to solve the problems of the state, people and homeland. The third group, they state that the positive element in democracy is essentially a thought that is in accordance with Islamic teachings. One of the Islamic thinkers belonging to this third group is Yusuf Al Qardawi.

Yusuf Al Qardawi saw that in democracy there are the basics of Shura, as well as aspects of advice in religion, commanding good and forbidding evil, reminding each other in kindness and patience, upholding justice, eradicating injustice and achieving benefit while avoiding damage and so on. He added that the desired democracy is a democracy that continues to prioritize and glorify beliefs, norms, religious foundations, insights and morals, and prioritizes all these noble values above democracy itself.

Philosophically, the supremacy of God's commandments (shari'ah) is as a basic standard, which is considered and believed to be the source of the highest sovereignty. In other words, democratic values are applied, as long as they do not conflict with Shari'ah, as long as they do not conflict with Shari'ah, while implementing the principles of deliberation or Shura is an integral part of the reality of pure monotheism.

3.2 Shura Practice at the Time of Umar Bin Khattab

a. Election of Umar Bin Khattab as Caliph

When Abu Bakr became seriously ill and felt that his end was near, he immediately decided to appoint his successor. Abu Bakr did not seem to want to leave a conflict in determining the leadership position of Muslims as happened in Saqifah Bani Sa'idah. At that time the Muslim army was fighting against the Roman and Persian armies. They certainly really need moral and political support from Medina. It was on this basis that Abu Bakr decided to prepare a potential successor.

So Abu Bakr consulted with Ustman bin Affan, Abdurrahman bin Auf from the Muhajirin and As'ad ibn Khudair from the Ansar. For the benefit of the people, Abu Bakr asked that the agreement on the appointment of Umar as a successor caliph not to be leaked

After seeing that they all agreed with him on this matter, he dictated to Ustman bin Affan his will which was written as follows, "In the name of Allah, the Most Gracious, the Most Merciful. This is what Abu Bakr willed to the Muslims. Amma ba'du, verily I have appointed for you Umar ibn Khattab as the successor caliph. Then as mentioned by ath-Tabari, Abu Bakr looked at the crowd (after dictating his will), and said, "Are you happy with the person I appointed as caliph for you? By Allah, I did not do this without deliberation and I did not appoint relatives, and indeed I have appointed Umar ibn al-Khattab as your successor caliph. So listen to him and obey.

The election of Umar bin Khattab at that time was believed to be the head of the state judiciary; and objectively judged to be able to carry out the mandate and duties as caliph later. This choice was not immediately decided by himself, but also discussed in advance with his great friends. After it was agreed, the candidate for the successor caliph was announced

The confirmation of Umar as caliph has a very important value for the development of Islam as a political force. At that time, a solid government supported by a fairly sophisticated bureaucracy was established from the Arabian peninsula, Palestine, Syria, Iraq, Persia, to Egypt. The policies he took received tremendous respect from the Muslims, except for the Shia group.

b. Implementation of Shura Values during the reign of Umar Bin Khattab

The leadership of the ummah has been handed over to Umar bin Khattab through bay'at. Caliph Umar holding the reins of government means he holds the leadership mandate. Umar tried to uphold the values of deliberation, even though he already had power, but Umar did not want to rely on all his actions on the power factor. Even with the deliberation, Umar's power and authority increasingly showed his integrity towards the people, as stated in his speech that he was like one of them, so Umar could not escape from his friend. However, as the head of state, Umar feels responsible and is ready to accept opinions through various deliberation activities carried out

As is well known, that Umar was appointed caliph through deliberation which also showed that the reign of Abu Bakr had ended. And Umar continued to pay attention to deliberation in the interests of the people, and besides that he also showed his commitment to shura. Deliberations have existed since the reign of Abu Bakr and continued until the reign of Umar bin Khattab, and from this Umar bin Khattab built deliberation which was the development of the basic principles of deliberation that had existed and were built from the previous leadership period. And by Umar bin Khattab these principles were strengthened into an institution to respect the opinions of the people. Starting from here Umar gave wider rights and opportunities to participate in government. This can be seen by the establishment of a deliberation institution (Majlis Shura) within the government. The formation of this institution showed an extraordinary development at that time. Because with the existence of this institution, a decision is taken from the Majlis Shura institution and all decisions taken can be more focused and can be quickly resolved.

During Umar's reign, deliberation activities increased compared to before, because at that time there were many problems to be faced, in addition to the wider development of Islam. State and religious issues arise and must be discussed in deliberation forums. Umar bin Khattab highly respected his friends and took advantage of the creativity of their thoughts and opinions, because according to Umar these friends were deliberation participants who had the main right to express opinions clearly. They are the friends of ahl al-shura who live in the city of Medina and are not allowed to leave the city. Here are the values of the shura as follows:

1). Equality and Freedom

Umar bin Khattab was one of the greatest companions in Islamic history after the Prophet Muhammad. Its greatness lies in its success, both as a wise statesman and as an expert mujtahid, in building a great country that is upheld on the principles of justice, equality and brotherhood taught by the Prophet Muhammad. In his position as a mujtahid, Umar was ranked first among the seven companions of the Prophet who gave many fatwas, and the foremost person carrying the banner of the ra'y madhhab who went to the presence of Allah with nine tenths of knowledge, according to Bin Mas'ud. 74 Umar also tried to instill a sense of equality and independence among his people. One example is when he took firm

action against landowners, but on the other hand he is also friendly to ordinary people. The generals and governors were always shivering with fear when dealing with Umar. But on the other hand, the little people and the people will feel free to comment on his conversation when he is in public. From there, the condition is very visible depicting equality and independence.

In addition, equality before the law in Islam is reaffirmed by equality before the judiciary. All citizens are equal before the judiciary, both in terms of their compliance with decisions, the procedures followed in carrying out indictments, the basis for complaints, the principles for deciding, implementing decisions, implementing the law as well as the obligation to act fairly between disputants. There is no difference from one individual to another, even the enemy feels justice and equality before the court.⁷⁵

And the caliph Umar bin Khattab tried and fought for the principle of equality before the law, which was an extraordinary *ijtihad* from Umar based on Islamic law sources, where until now there are still many countries that want to realize these principles. This can also be seen from several revolutionary events that occurred in Europe in the 18th and 19th centuries, which aimed to create equality before the law and the courts.

In the economic field, Umar implemented a system of government intervention (positive freedom) in certain cases by making new policies, such as agricultural lands that had just been liberated by the Islamic army in Syria, Iraq, Persia and Egypt. Nationalized, the cultivators remained the original owners on the condition that they were subject to income tax. The tax proceeds are distributed to all strata of society.⁷⁶

With the implementation of the system, all parties can feel justice and all feel benefited and no one feels disadvantaged so that all can enjoy the results of the agriculture they work on. People who are underprivileged or who are not involved in the business of cultivating agriculture can also enjoy the results through improving facilities from the tax proceeds taken from the profits from the agricultural income.

2). Enforcement of Justice/Law

In carrying out the government, Umar made several new regulations. These regulations are produced on the basis of deliberation. For example, fostering government by establishing offices, laying the foundations of justice and administration, establishing *bait al-mal*, setting up postal networks, and placing troops in border areas. With the many tasks carried out by Umar, Umar always asked for opinions from his great friends in solving several problems through the deliberative institutions that he had formed.

This deliberative body is divided into three. Namely, general assembly, special congregation, and limited congregation. The first is the general assembly. That is a meeting for the general public in the city of Medina. From there, they were invited to attend the Prophet's mosque and after praying they gathered and the caliph Umar conveyed the problems that needed to be discussed. In a general assembly like this, the deliberation participants consist of a large number of community members and friends who have expertise in their respective fields.

The second deliberative institution is a special session, this session is usually held with permanent members of the assembly, which is held at certain times after the general assembly is over. Here, the caliph needs the opinion of people who are seen as *ahl al-hall wa al-aqd*. If he has not been able to decide on a problem even though the matter has previously been questioned in the general assembly, or there are among his friends who are not satisfied with the results of the general assembly agreement. So that the decision cannot be said to be the final result, but is only a proposal that has the support of the majority of the deliberation participants. Then the great friend consulted again with the caliph. This is what is called a special trial category.⁷⁸

The third deliberative institution is a limited court. This trial is only carried out if there is a problem faced by the caliph. Actually, the problem could only be the caliph himself who decided. However, he still held deliberations with his friends, although in limited numbers. And during the reign of Umar there were also several forms of trial. Namely the official trial

and the emergency session. Official meetings are usually held in the capital city of the State, while emergency sessions do not have to be held in the capital city, apart from being not bound by regulations.

When Umar served as caliph there was a man who stole an item in the bait al-mal but Umar did not carry out the punishment of cutting off the thief's hand. And there were also some slaves who stole a camel, and even then they were not punished with cutting their hands because they were proven to be hungry.

So, for Umar, it is not always the punishment that has to be cut off. The suspension of cutting hands is also carried out in war. Umar's prohibition on cutting the hands of thieves in battle was interpreted by Umar so that the thieves did not run away and join the enemy. Such considerations clearly influenced Umar's thinking in applying the provisions of the verse that explained the punishment of cutting hands, so that his interpretation was not dry and adrift with the texts of legislation in Islam. In addition, Umar's consideration of not cutting his hands also departs from the exceptions specified in the Qur'an for people who are under duress.

At the time Umar served as caliph also never distributed zakat to one of the converts. Because Umar thought that at that time the Prophet was still alive, the converts were given zakat with the aim of strengthening Islam, but during Umar's time the situation had changed and Islam was already strong. Thus that part is no longer valid.

In maintaining the integrity of the State, Umar also needed a formidable military force. Umar also began to form a regular army with a reward system by the State from the baitul mal. Baitul mal in this case has a function as a state treasury and a center for state supplies. In this case the famous Diwan Umar, which is a list of people in the army arranged according to their respective tribes. The Diwan also provides a determination of the amount of salary that must be received. In fact, the diwan further explains the grouping of the salary amount based on the period of time they embraced Islam.⁸⁰

It was during Umar's time that prisons began to be established. At first Umar bought the house of Shafwan bin Umayyah for four thousand dirhams to be converted into a prison. And finally the prison was founded. Initially the prison was placed for criminals only. However, people who are in debt and cannot afford to pay are sent to prison.

The legal consultancy institution which is also a companion to the judiciary and law enforcement institutions is also in Umar's government. This institution functions for the general public who want to take a case in court, know their rights and obligations before the law. Umar's intention was to form the institution for the people regarding the rule of law. If anyone wants to know the law of something, he can ask the jurists who were appointed by Umar in every big city or settlement.

In the field of law, Umar also reformed the Islamic judiciary. And Umar was also the first to lay down the principles of justice by compiling a treatise which was sent to Abu Musa Al-Ashary. The treatise was later called *Datur Umar* (Umar's constitution), or *Al-Qadha's* treatise (judicial letter). To improve governance mechanisms in the regions, Umar equipped his governor with several staff, such as the chief secretary, military secretary, tax officials, police officers, finance officials, and judges and religious service officials.

During Umar's reign highly uphold justice and equality before the law, for example at that time Egypt which was one of the provinces in Umar's territory there was a house of a Jewish person which was located next to the governor's palace, and the house would be torn down by the governor for turned into a city park, but the Jew refused to demolish his house, he complained to the governor, but the governor ignored him, finally the Jew reported to the caliph Umar, and Umar sent a message in the form of a camel bone which had been given a straight line by the caliph's sword. Omar. Then the message was received by the governor of Egypt, after receiving a message from the caliph Umar, the governor immediately apologized to the Jews and rebuilt the house of the Jews. The message implied how fair Umar was to the people and how firm Umar was towards his men who run the government.

Caliph Umar was very fair and wise in solving various kinds of problems, both problems that befell his people or problems regarding law in religion, Umar was not always alone in solving each of these problems, Umar mostly resolved these problems with shura experts who did have competence in their fields each, so that every decision taken can be accountable to the people.

3). The Priority of Deliberation on Matters That Affect the People

In Islamic Shari'ah it is emphasized that the leader's policies concerning the people must follow the principle of benefit and this is a rule that has been agreed upon by the imams. A leader places himself before Allah like the position of a guardian to an orphan. This is as exemplified in the case of baitul mal management. If someone is in need, then he can take it from the property, and if his need is sufficient, he must return it, and for those who have enough, they must refrain from taking the right in the baitul mal.

If a leader distributes zakat, he should distribute zakat to those who are entitled to receive it and should not be excessive in the distribution. This means dividing equally if the needs are also the same. A leader may not ratify a will to a person who does not have heirs of more than one third of his wealth. Also, a leader should not take out wealth from the baitul mal and then give it to people who don't need it and ignore those who need it.

Umar bin Khattab once appointed Amar bin Yasir as a prayer priest and at the same time commander of the war. Then appointed Abdullah bin Mas'ud as judge and took care of the baitul mal, appointed Uthman bin Hunaif to handle the distribution of land. Umar gave a salary or daily allowance for these three people, in the form of a goat taken from the baitul mal, and must be divided between the three of them. The stomach and stomach became part of Amar. Another quarter of the portion became Abdullah bin Mas'ud's share, and another quarter became Uthman bin Hunaif's share. In this case, Umar said, "I put myself in your midst in dealing with this property like the position of an orphan guardian. In Surah An-Nisa verse 5 it is stated, "Whoever (among the maintainers) is able, So let him refrain (from eating the orphan's property) and whoever is poor, let him eat the property according to the proper way." It is on this basis that the leader should not overestimate the distribution and should distribute it among the Muslims according to their rights.

Caliph Umar in running his government always pays attention to the needs or interests of the people or the interests of his people above his personal interests, for Umar a responsible leader is a leader who knows what the people he leads or his people need. his people, for example Umar went directly to see the condition of his people, so that no one felt aggrieved from the decisions he had made and Umar was spared from unjust acts that were prohibited by religion.

4). Formation of the Succession Team for the Election of Uthman bin Affan

When Umar faced death after being stabbed by the Magi, Abu Lu'lu'ah, Umar appointed six great friends.⁸² The six great friends who were caliphs consulted and chose one of them, after asking the public. After Umar died, they handed over the affairs of investigation and consultation with the people to one of them, namely Abdurrahman bin Auf. After continuously deliberation with the community for three days, Abdurrahman bin Auf found that most of the people preferred Uthman bin Affan. So, he held a public meeting in the Medina mosque, and after exchanging opinions, the meeting ended with the appointment of Uthman bin Affan as caliph, which was followed by the allegiance of all mankind by acclamation.

Deliberations over the election of Uthman originated from the idea of Umar before he died. After Umar's death the ahl al-shura gathered at the house of al-Miswar bin Makhramat for several days to discuss replacing the caliph. At the first meeting did not produce maximum results. In fact, what was seen was only the competition between the Banu Umiyah and the Bani Hasyim, each of which nominated Uthman and Ali. At that time Abdurahman bin Auf proposed to the members of the assembly with an offer who would resign as a candidate, he was the one who was given full rights to determine who would become the caliph.

This was not supported by any of the deliberation participants. This was used by Abdurahman bin Auf to revoke himself as a candidate for caliph and asked the participants

of the deliberation to be appointed as chairman of the election and in the end it was approved by the members of the assembly, except for Ali bin Abu Talib who only remained silent. In the end, Ali said after being urged by Abdurahman bin Auf to promise that Abdurahman bin Auf would not follow his passions and would not choose his own family and would not put the people in trouble. From Ali's words, it can be seen that Ali is worried about the election chair because of the family relationship for the candidates to be elected. Abdurahman bin Auf himself was not too ambitious to use the authority of the deliberations delegated to him. This is evidenced by Abdurahman bin Auf in using the method of deliberation. Abdurahman bin Auf not only relied on official sessions, but also used a method by going around meeting figures or conducting hearings with people outside the prominent assembly, namely great friends, even commanders and scholars in Medina. . From the results of deliberation with the figures present at the hearing, it can be concluded that the majority of the people are more inclined to Ustman bin Affan. Abdurahman bin Auf's action is a referendum to find out the extent of the people's opinion, and this can be taken into consideration in making decisions.

When the deliberation session was about to start again, a fierce debate broke out between Uthman and Ali's supporters. This shows that in deliberation it is allowed to have freedom and freedom of opinion. For example, when Ali was asked, it was seen that he was reluctant to promise if he served as leader to act in accordance with the Book of Allah and the Sunnah of the Prophet and the two previous caliphs. Ali replied with a spontaneous and less assertive sentence, he also said, "I hope so, I will do according to my knowledge and abilities. I will give my best." This is understandable because Ali is known as a friend who is knowledgeable, and a pious person, so he sees everything according to his views and knowledge. Although this attitude is considered less favorable politically, because a leader is required to be firm in dealing with all the problems and problems of life that occur in the community. In relation to this, Uthman bin Affan answered firmly, he said, "yes, I did it". And politically Uthman won because he had convinced the chairman of the election, Abdurrahman bin Auf, before the members of the assembly and other leaders with a firm and proper attitude and became a leader. Abdurrahman bin Auf immediately said the creed that he had completed his task and then pledged allegiance to Uthman as caliph followed by the attendees of the deliberation session. Uthman bin Affan answered firmly, he said, "yes, I did it". And politically Uthman won because he had convinced the chairman of the election, Abdurrahman bin Auf, before the members of the assembly and other leaders with a firm and proper attitude and became a leader. Abdurrahman bin Auf immediately said the creed that he had completed his task and then pledged allegiance to Uthman as caliph followed by the attendees of the deliberation session. Uthman bin Affan answered firmly, he said, "yes, I did it". And politically Uthman won because he had convinced the chairman of the election, Abdurrahman bin Auf, before the members of the assembly and other leaders with a firm and proper attitude and became a leader. Abdurrahman bin Auf immediately said the creed that he had completed his task and then pledged allegiance to Uthman as caliph followed by the attendees of the deliberation session.

The implementation of the deliberation to determine the third caliph was better than before, although there were still some parties who were not satisfied. In terms of votes, Uthman got three votes while Ali got two votes. Decisions resulting from this deliberation are not only based solely on the results of the trial, but also take into account the general opinion of the community. This can be seen from Abdurrahman bin Auf's persistence in meeting with leaders and intellectuals to conduct hearings, so there is no reason to say that the chairman of the election had a tendency to be unfair.

In the implementation of the deliberation for the election of the third caliph, even though it was on the initiative of Umar before his death - as was the case with the Messenger of Allah - Umar preferred to leave the leadership problem open and let the people or society solve their own problems and problems. Unlike the Prophet, Umar prefers to leave the matter to a team or assembly which is a representative of the people. This shows that there

are developments in the implementation of deliberation that are different from what has been carried out by the first caliph Abu Bakr Siddiq. The election of the third caliph can be categorized as the last deliberation in the reign of Umar bin Khattab as well as the beginning of the deliberation of the era of Uthman bin Affan's reign.

Basically, during Umar's leadership, he continued the deliberation or shura system that had previously been outlined in the Qur'an and which existed during the caliphate of Abu Bakr, but not only continued, but Umar also took part in perfecting the procedures for its implementation. , so that during his leadership the shura was a brilliant achievement from the reign of the caliph Umar, because many problems or problems had been resolved by way of deliberation or by means of shura.

4. CONCLUSION

The process of appointing Umar bin Khattab as caliph began when Abu Bakr felt that his death was near, Abu Bakr felt he had to choose his successor as caliph. After deliberation with friends or people who have deliberation qualifications (ahlul halli wal 'aqdi) finally Abu Bakr chose Umar bin Khattab as his successor to become caliph. At that time some of the Companions opposed Umar's nomination because they were worried about his toughness and assertiveness. However, after the friends consulted with Abu Bakr they finally agreed on the nomination of Umar to be Abu Bakr's successor. Then Umar was appointed as the successor of Abu Bakr accompanied by his friends to pledge Umar as caliph.

Umar was appointed caliph through deliberation which also showed that the reign of Abu Bakr had ended. Umar sought to uphold the values of deliberation and demonstrate his commitment to shura. Even though he already had power, Umar did not want to rely on all his actions on the power factor. However, as head of state Umar felt responsible and ready to accept opinions through various deliberation activities carried out.

Deliberations have existed since the reign of Abu Bakr and continued until the reign of Umar bin Khattab, and from this Umar bin Khattab built deliberation which was the development of the basic principles of deliberation that had existed and were built from the previous leadership period. And by Umar bin Khattab these principles were strengthened into an institution to respect the opinions of the people. Umar gave wider rights and opportunities to participate in government. This is realized by the establishment of a deliberation institution (Majlis Shura) within the government. The formation of this institution showed an extraordinary development at that time. Because a decision is taken from the institution.

Umar bin Khattab highly respected his friends and took advantage of the creativity of their thoughts and opinions, because according to Umar these friends were deliberation participants who had the main right to express opinions clearly.

Next can be seen values shura which contained in the reign of Umar bin Khatab include equality and freedom, enforcement of justice / law. Umar said that in deliberation there is no difference before the law. Whether it's seen from the tribe, poor or rich, officials or ordinary employees, it's the same in the eyes of the law. And Umar also gave freedom to his people to reprimand anything to his head of state if he violated the regulations that were set. The priority of deliberation in matters that concern the people. Because the wisdom of a leader concerning the people must follow the principle of benefit, and this is a rule that has been agreed upon by the priests.

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