Islamic State

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It is a need for order in societies made up of people. Because human nature can only be comfortable and happy in regular environments. Irregular environments are uncomfortable for people. For this reason, it is essential to have an administration that will ensure order in human societies. This administration is called the state.

Since the religion of Islam came as a mercy to all worlds, it appeals to all people. For this reason, the understanding of the state in Islam is also universal. The

understanding of the Islamic State is not only open to cultures and geography, but also open to time, valid until the apocalypse. For this reason, the understanding of the state in Islam has very different characteristics from other understandings of the state. These features reveal the understanding of the Islamic State.

The understanding of the Islamic state is basically based on the verses of the Qur'an and the hadiths of our Prophet (pbuh). Other important sources are the consensus of Ummah (ijma-i ummet) and the comparison of fiqh scholars (qiyas-i fukahâ). As a result of these resources, the understanding of the Islamic State began to take shape during the period of the four caliphs and later developed thanks to the just and responsible Muslim statesmen. Many religious works, commentaries, politics, advice, history and sociology books, poems, edicts and fatwas have been put forward that support this understanding of the state.

Islam is not based on man's duties towards Allah alone. At the same time, it has determined the relations that ensure the coexistence of people. He also revealed the necessary moral principles to ensure the happiness of people and the formation of a society with dignity and personality. Since these principles cannot be enforced with only moral advice, sanctions related to them have also been defined. It is the Islamic State that will implement all these.

In Islam, not only the superior abilities and emotions of man are taken into account, but also his natural weak points. This realistic human understanding of Islam is different from other religious understandings and philosophical thoughts. For example, Christians accept that man comes from bad leaven, inherited original sin from Adam and Eve, and will never change. Hinduism, on the other hand, accepts that man develops initially bad and then good. Some philosophers, such as Rousseau, think that man is actually good and then corrupts. This issue is considered differently in Islam. In Islam, man was created completely and cleanly (The Fig, 95/4,5). But later it was brought down below. Except for those who believe and do good deeds.

Since man can have good and bad sides, it is imperative that there is an authority to regulate human societies. This authority is the state. Because, by following his nafs, a person can have frustration, mischief and fitna. These features are explained in the following verses:

“*Certainly, man is in a state of loss*.” (Al-Asr, 103/2)

"*However, people have become very fond of struggle*." (Al-Kahf, 18/54)

"*We created man into a life of toil and hardship*." (The City, 90/4)

"*Indeed, man is born impatient*." (Al-Ma'arij, 70/19)

These features make it possible for a person to be a toy in the hands of his ego and ambitions. He may even see other people as an implacable enemy.

"*Have you seen anyone who has taken his own desire to be his God?"* (Al-Furqan, 25/43)

It is obvious that these characteristics of human beings will push societies to rebellion and disorder. On the other hand, Islam opposes disorder and recommends orderliness.

"*O you who believe, obey Allah. If you quarrel about something - if you believe in Allah and the Last Day - immediately take it to Allah and His Messenger; this is both auspicious and better in the end."* (Women, 4/59)

In the 80th verse of Isra Surah, Allah Almighty wants His Prophet to pray as follows:

"Give me strength from Yourself to help me." (Al-Isra, 17/80)

Ibn Kesir (ra) interpreted this verse as follows: "Islam is in need of state authority in order to eradicate the evils and badnesses that the Qur'an cannot destroy with its advice and sermons." The following hadith reported from Hazrat Anas (ra) explains how necessary the state is for people: "*The head of state is Allah's protection on earth. If one of you arrives in a country in which there is not the head of state, he should not stay there, let him leave."*

Because of man's natural desires and inclination to evil, it is understood that living in society will only be possible under the authority of a state. This state must be of Islamic character. This Islamic State has to be governed according to the orders and prohibitions of Allah and the Sunnah of the Prophet. Only in this way, the desired peace and trust in the society in all respects is ensured.

The Birth of the Islamic State

The birth of the Islamic state begins with the allegiances of Aqaba made in 620 and 622 AD. In 620, 12 Muslims from Medina paid allegiance by placing their

hands in the palm of the Prophet (pbuh) in a very secret way outside the walls of Mecca. This oath of allegiance is as follows: “You will have a choice over us, to listen and obey in distress, in contention, and in joy and bliss. And we will not object or oppose the chief who has the authority to order - no matter who has it. In the way of Allah, we will not be afraid of anyone who belittles and despises us. We will not associate anything with Allah, we will not make any slander among ourselves, and we will not disobey you in any of your good actions.”

With this allegiance, the necessary environment for the emergence of a solid state has been prepared. Two years later, 72 people pledged allegiance to the Prophet (pbuh) in Aqaba. With this, the Muslims of Madinah stated that they would defend the Prophet in every matter when needed. This social contract was the basis of the Islamic state.

When the Prophet (pbuh) migrated to Medina, there were polytheistic Arabs, Jews and Christian Arabs in Medina. The Prophet made the Muslims who emigrated from Mecca brothers with the Muslims of Medina. In those days, the concept of tribe was dominant in Medina. Each tribe was subject to its own law. They did not recognize any other political authority. This situation always brought conflict with it. To resolve this situation,the Prophet met with the companions, polytheists, Jews and Christians and agreed on a text. This text was the world's first written constitution.

According to the principles in this constitution, the protection of the rights of individuals and tribes was left to a central authority. This is the concept of the state. Likewise, the execution of the provisions was left to this central authority. They were given autonomy regarding the trial of non-Muslims. Criminals would be punished according to their religion. By agreement, the two parties could apply to the Islamic court. If there was a disagreement between societies, the Prophet was accepted as the sole authority in resolving this conflict. It was decided that we would face the dangers coming from outside together. However, if Muslims were attacked because of their religion, non-Muslims were free to help.

This deal had a soft tone. Although this constitution was originally preached only for the city of Medina, this constitution was also applied to another Islamized region or land annexed to Medina. This constitution was very clear and soft. Therefore, although Muslims spread over three continents, they did not feel the

need to change or abolish this first constitution. Only some new administrative rules and regulations were added.

The Prophet (pbuh) was the head of this state. Non-Muslims also believed in the righteousness and justice of Muhammad as a human being. They already called him "Muhammadu'l-Amin" since his youth. It was natural in all respects for the Prophet to be the head of state. Because the revelations continued. The Prophet was also the person who knew Islam best. Everyone trusted him. Because he was a messenger sent by Allah to people. The miracles he showed had tied the Muslims to him. They would not accept the presidency of anyone other than his presidency anyway.

The Nature of the Islamic State

The Islamic State was formed on the basis of law. The president and other officials at the head of the state cannot arbitrarily use their powers as they wish. The authority given to them arises from the basic sources of Islam. The main sources of Islam have saved the sovereignty from the weaknesses and desires of human beings and bound them to solid principles.

"*Indeed, we have sent down to you the Book so that you may judge between people with the truth as Allah has sent you."* (Women, 4/105)

"In whatever you may differ, the verdict thereon rests with God" (Al-Shura, 42/10)

Heads of state in Islam are not mavericks. Even the Prophet, like an ordinary Muslim, strictly obeyed the orders and prohibitions of the Qur'an. From time to time, the Prophet was warned by revelation. For example, some hypocrites made excuses for not participating in the Tabuk expedition. They got permission from the Prophet. Thereupon, Allah warned the Prophet as follows:

"*By God, why did you allow them, to do so before it had become clear to you which ones were truthfull, so that you might recognize the liars?"* (Repentance, 9/43)

The following verses are evidence that sunnah is a source that must be followed in Islamic law:

"*Say, Obey Allah and the Prophet! If they go the other way, surely Allah does not love the disbelievers."* (Ali Imran, 3/32)

"*Whoever obeys the Prophet has obeyed Allah. And whoever turns away, We did not send you as a guard for them."* (Women, 4/80)

"*O you who believe, obey Allah, obey the Messenger, and obey those in authority among you. If you have a disagreement about anything, refer it to Allah and His Messenger if you truly believe in Allah and the Last Day. This is best, best in the end."* (Women, 4/59)

"*However, when Allah and His Messenger decide on a matter, neither a believing man nor a believing woman has any other choice in that matter. Whoever disobeys Allah and His Messenger has committed a clear error."* (The Confederates, 33/36)

These verses have made it obligatory for Muslims to obey the Prophet. Because Allah explained some issues to His Prophet verbally and with his actual Sunnah.

"*We sent those prophets with miracles and books. O my Prophet! We have sent down the Qur'an to you so that you may explain to the people what has been revealed. Maybe they will reflect upon it."* (Bees, 16/44)

The Companions were aware that it was essential to follow the Sunnah of the Prophet during in his life and after his death. When Muadh bin Cebel was the governor of Yemen, he answered the question of the Prophet how he would rule: "If I cannot find a decree given in the book of Allah, I will judge according to the sunnah of Allah's messenger." After the death of the Prophet, when Muslims could not find a provision in the Qur'an, they would resort to the Sunnah. If Hz. Abu Bakr (ra) did not have a sunnah in memory about an event, he would ask Muslims if anyone knew a sunnah about it. We know that other caliphs and Companions followed the same path as Tâbiîn and Tebe-i Tâbiîn who followed their path.

Everything that emerged from our Prophet is not legally binding for his ummah. Some are legally binding, while others are not. For this reason, Islamic jurist Abdulkerim Zeydani explains the evaluation of his circumcision in terms of whether it is legal or not:

"Everything that comes from the Prophet (pbuh) is not legal for his ummah. Some of them are legally binding, some of them are not. For this reason, sunnah

is divided into two parts in terms of whether it is legal or not. The first part is the sunnahs that emerged from the Prophet as he spread the orders he received from Allah. This part of sunnahs are considered legal and undisputed. Some of the examples can be in the form of saying, doing and silent. It is thought that Nebi's silence always shows the permissibility of that idea. For this reason, it is also legal for the ummah. The second part is the sunnahs that emerged from the Prophet as a human, but not any order of Allah. These are not legally binding.

The Companions, knowing these qualities of the Prophet, separated them from each other. Objections were made to him on some human issues and they were applied differently by the caliphs. There are many examples of this in Islamic history. In fact, the Prophet himself explains that he later gave up on the decisions he made: "*For men; I wished to forbid their wives to come near them as long as they nurse their children. Later, I gave up this idea, considering that there was no such prohibition in the Byzantines and Iranians."* A similar example is this: "*If I knew that it would not cause difficulties for my Ummah, I would have ordered them to use the miswak in every prayer.*"

The following hadith of our Prophet sheds light on the issue:

"*If I give you an order regarding your religion, accept it. When I express my opinion (remember that) I am human too."*

In the verses below, it is stated that our Prophet was a human being:

"*We did not send messengers before you except for some men whom We revealed to them. If you don't know this, ask the people of the Book."* (Al-Anbiya, 21/7)

"*Say, I am only a human being like you. But it is revealed to me that your God is only one God. Therefore, whoever desires to meet his Lord, let him do good deeds and not associate anyone in the worship of his Lord."* (Al-Kahf, 18/110)

The Companions accepted some of the rules that have not been seen before, in terms of being "good". For example, we can mention the collection of the Qur'an as a mushaf (book), the control of prices, and the call to prayer from the minaret for Friday prayers since the time of Hazrat Osman (ra).

After the Qur'an and Sunnah, another source of Islamic law is ijma (consensus). We can cite the following hadiths to legitimize ijma:

"*The hand of Allah is on the unified community (congregation)."* (Hadith)

“*My ummah will never ally on a mistake.”* (Hadith)

However, ijma is not inviolable like verses and sacred hadiths. Some interpretations and understandings have always been the subject of discussion.

If a solution cannot be found in ijmâs for any issue, qiyas (comparison) is applied. Islamic jurists base the qiyas as a religious evidence on the following verses and hadiths:

“*Here we bring these representations for the people. But only those who have knowledge can think and understand.”* (The Spider, 29/43)

"*I am giving judgment with my opinion on matters, if I did not receive revelations about them.*" (Hadith)

The order given by the Prophet to Muaz, the governor of Yemen, "*Act according to the Qur'an and Sunnah, and act with your own opinion in matters that have not been resolved with them*" is also a proof for comparison.

On the subject of comparison, Mehmet Niyazi says the following in his book "Islamic State Philosophy":

“Essential characters of comparison are transmission, synthesis and personal. There is no infallibility in comparison. Comparison studies can be done on the same subject continuously, and better ones can be found. There are two conditions for qiyas: 1) qiyas is applied in situations that are not found in the Qur'an and hadiths. 2) There must be a common cause between the subject at hand and the subject from which judgment will be derived. We understand very well that qiyas has an important place in Islamic law from the instructions sent by Hazrat Umar (ra) to Abu Musa al-Ash'ari:

“If there is no provision in the Qur'an or hadith about an issue and you are in doubt about it, think again about the issue, look for the provisions on the precedent of the issue and decide accordingly.”

There is an insurmountable hierarchy among these resources. Nothing can be added to the Qur'an and Sunnah, which Islamic scholars call "aslu'l-asl" (original of the original), and nothing can be ignored. According to the logic of the business, the Sunnah is not contrary to the Qur'an. Ijma cannot be contrary to the Qur'an and Sunnah. Qiyas, on the other hand, cannot be found contradictory with the three sources that preceded it.”

Islamic law also gave importance to the customs and traditions of Muslim nations. These are also considered as resources. Ali Fuat Başgil explains this issue in his book titled “Main Organization Law” as follows:

“Therefore, customs are firm in an issue that has no place in edle-i erbaa (Qur’an, Sunnah, Ijma, Qiyas).” That is, “If there is no provision on the subject in other sources of Islam, judgment is given according to custom and tradition.”

We see that the custom is considered valid in some of the decrees of Imam Malik. Because Imam Malik based some of his rules on the customs of the people of Medina. Imam Azam and his students differed in the rules due to the change in customs. When Imam Shafii went to Egypt, he changed some of the decrees he had given in Baghdad. Because he saw that the customs in Egypt were different.

Regarding the custom, the Mecelle (a civil code devised in the nineteenth century and used until 1926) contains the following provisions:

“The custom is a sharia that has been rendered arbitrated.”

“What is customarily allowed is as if it were stipulated.”

“Assignment by custom is to be assigned by nass.”

Alongside the sharia (law), which is based on the main sources of Islam, a customary understanding of law has emerged, usually in matters of public concern. Of course, customary law can only be used in matters for which there is no shar'i law. The important thing here is the interest of the law. As an example of this law interest: In Ömer's period, we can provide for the establishment of prisons, printing money, keeping official records in state affairs, and similar services and needs for the welfare of the society. This is a right given to the head of state and officials.

Here, we come across the issue of whether the mind can be a resource or not. However, this issue has been widely discussed by Islamic scholars. Most of the scholars preferred to obey the orders instead of scrutinizing the religious provisions with reason. Some scholars have tried to build the whole legal structure on reason. These people are less. These people thought of Hazrat Umar as their pioneer. Hazrat Umar put forward opinions against the Prophet on some issues. However, despite the objections of Hazrat Umar, the Prophet did not go beyond what he clearly stated.

In the Islamic state, the area of private law is left to the lawyers. The duty of the head of state (caliph) or the state is not to make laws, but to obey the law itself and to make up the citizens. This issue has also attracted the attention of foreign lawyers. For example, Joseph Schacht says in his book "Introduction to Islamic Law":

“Islamic law gives us an extreme example of the Law of Lawyers. It was created and developed by private experts. Only jurisprudence, not the state, played a legislative role…”

On this subject, Mehmet Niyazi says the following in his book "Islamic State Philosophy":

“We know from history that caliphs and sultans were judged and punished from time to time. These show us that all rulers in the Islamic world, including the Prophet, have to act in accordance with the Qur'an and other legal law (customs, etc.). The rights of the person are not the favor of the state, nor the caliph or the ruler. It is the product of the Qur'an, the Sunnah, as well as the legal law. Other persons or administrators must abide by these rights. There is no arbitrariness in customary law either, it finds its legitimacy in necessity.”

Purpose of the Islamic State

The religion of Islam aims to make people happy both in this world and in the hereafter. He explained the purpose of man's creation and explained what he should do and what he should not do as long as he lived. Because human is really different from other beings and it is clear that he was created specially. Therefore, he deserved to be the caliph of Allah. As long as man lives, he must know God. He must believe in His power and strength. He should follow the verses of the Qur'an and the Sunnah of the Prophet so that he can be happy in both worlds.

The most important purpose of the Islamic states established throughout history was to fight for the sake of "I'lai Kalimatullah" (the spreading Islam on the world). Another name for this is jihad. According to this, the meaning of jihad is to exert life, strength and effort in the way of Allah. This meaning includes all worship and good deeds done for the sake of Allah. The meaning of the word jihad is not to force people into Islam, as non-Muslims understand it.

For a long time, westerners interpreted jihad differently and tried to defame Islam. For them, jihad means fighting them until the whole world becomes Muslim or submits to Islamic rule. Thus, it is claimed that the aim of the Islamic state is war. However, all these claims are unfounded. The purpose of the Islamic state is never what they understand. The purpose of these deliberate propagandas is that they fear the service of the justice of the Islamic State to humanity. Because there will be no more exploitation and oppression in places where the Islamic State dominates. This is not in the interest of imperialists and colonialists.

As the first step in the establishment of the Islamic State, Allah gave the task of conveying to His Prophet. Because for the establishment of the Islamic State, people must first know what Islam is. This is possible with the Prophet's communicating and teaching.

"O Prophet, convey what has been revealed to you from your Lord. If you do not, you will not have conveyed and fulfilled the embassy of Allah." (The Table, 5/67)

With this command, our Prophet (pbuh) communicated Islam to everyone with all his might throughout his life. It is commanded in the Qur'an that this message be completely peaceful and humane:

"*Invite people to the way of your Lord with wise and good advice. Fight them with whatever ways or means is best."* (Bees, 16/125)

Communicating is a requirement of freedom of belief and thought, which is the right of all people. Unless the communiqué is resisted and hindered, the duty of preaching is carried on by peaceful ways and means. If the duty of preaching is hindered, the society and state that prevent it will violate one of the most sacred human rights. In this case, jihad is waged with him according to the conditions with violence.

The aim of the Islamic state is to provide the principles of social life, which we explained in our previous article "Principles of Life in Islamic Society". Ensuring the realization of these principles in a society is both sufficient and necessary for the people of that society to live happily and safely.

Human happiness begins with trust. People whose lives, honor and property are not secure always live in anxiety. Such people cannot be happy. This is why the Islamic State has prohibited all forms of rape.

Islam has accepted the family as the core of society. The man and woman, who are the foundation of the family, are integrated in the family by completing each other. The Islamic State takes every precaution to ensure that family life is healthy. However healthy families create healthy societies. Societies without strong family ties always live in turmoil and unrest. For this reason, the primary aim of the Islamic State is to ensure that family life is safe, healthy and peaceful in all aspects.

The Islamic State glorifies halal wealth. He wants labor to be the basis of wealth. He opposes and prevents the acquisition of wealth through unlawful means. He wants wealth to participate in the community economy. For this, he opposes earning without working and making effort. Such behavior ensures that all strata of the society are in a dynamic order. The state plays a regulatory role between labor and capital, which are the basic elements of economic life.

The Islamic State attaches importance to education. It tries to keep people from complying with their nafs and their bad desires. It takes measures to raise a perfect human being in all respects, and for their education and development from the earliest ages. It is tried to make people have merit through education. It enables people to grow up both in the world and in the otherworldly way.

The Islamic State takes the necessary measures to enable people to learn science and encourages them to learn science.

"*It is obligatory for every Muslim man and woman to acquire knowledge*." (Hadith)

Fulfilling the requirements of this hadith is an aim of the Islamic State. The first command of Islam is the verse "*Read!"* (The Clot, 96/1). It is the duty of the Islamic State to try to make people read and gain knowledge by following this first commandment.

The verse "*Say, my Lord, increase my knowledge*" (Ta Ha, 20/114) orders people to increase their knowledge. Knowledge is the most important need for human beings like water and bread. He fights for life with it, sees the truth with it, and has a firm Islamic belief with it. All these are matters that lead people to happiness in this world and the hereafter.

Conclusion

The Islamic State represents the orders expressed in the Qur'an and hadiths, and which have an impact on the political and social life of the society. In other words, it ensures that laws and activities comply with the sources of Islam. The principles that Islam brought to the state are essential elements for human happiness. If we look at the past events in history, we see that the source of all the unrest and violence in societies stems from the lack of concentration of force in the law, that is, leaving the fate of people at the mercy of a dictator or a group, injustices, despotism, lack of value for merit or deep economic imbalances in the society. The Islamic State has the necessary features to eliminate all these negativities. Thanks to these features, it prevents the deterioration of the economic balance in the society and tries to meet all the necessary needs of the society and individuals. These, in turn, open the doors of happiness to people both in this world and in the hereafter.

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