

Comparative Study of Political Principles of Medina Charter Which Covers Several Principles of Democracy

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Abstract

Medina Charter was the political product created by Prophet Muhammad SAW which strengthen the position and authority of Prophet Muhammad amongst Medina's society in order to be well accepted by the configuration of Medina society which at that time were heterogenous, consisted of Anshar, Arab, Jews, Christians and group of Islamic hypocrites. This research ought to identificate the political principles of Medina Charter to be compared to Liberal Democracy. The literature and comparative study have been done. The result is Medina Charter has similarity and differences from liberal democracy, as it has more islamic approach of democracy.

Keywords: *Medina Charter, Liberal Democracy, Comparative Study, Political Principles, Politics.*

I. INTRODUCTION

The Hijrah (Migration) of the Prophet Muhammad SAW and his followers (Muhajirin) from Mecca to Medina was a milestone in the history of Islam, because the Prophet Muhammad's preaching in Mecca received a lot of opposition from the Quraysh who were still leading and dominant at that time, while the people of Medina had pledged allegiance to the Prophet Muhammad when some of them made the pilgrimage to Mecca through the Aqabah agreement. When the Prophet arrived in Medina, he was appointed as leader of the people of Medina. But the population of Medina also consisted of various ethnic groups. So that kind of situation required the Prophet to proceed extra ordinary things that caused his arrival with the Muhajirin from Mecca will be well received by Madina's society where all of the communities lives in Madinah could live together well and in harmony. Therefore a Joint Agreement was created called the Medina Charter or in the hadith book it is usually called Shahifah which means sheet. The author will try to explain the intricacies of this collective agreement and see its compatibility with state theory, the constitution and liberal democracy.

II. LITERATURE REVIEW

A. Political Principles of Medina Charter Based on J.S. Pulungan Interpretation

1. Principles of the Ummah/Community Group Principle

The first article of the Medina Charter states that Mukmin (believers) and Muslims is the same ummah or the same community, and do not include the other groups of societies. In chapter 25 it is determined that the Jewish tribes and their allies are one people together with the Mukmin (believers). The use of the word ummah in the two decrees containing two meanings and functions. The term ummah can be specific, namely adherents of a particular religion and followers of the Prophet, such as Muslims or followers of the Prophet Muhammad, and can also be general, namely every generation of humans is one ummah, and all human nations are called mankind, without religious restrictions (creed).

2. Principles of Unity and Fraternity

The charter stipulates that mukmin (believers) may not enter into a partnership or alliance with another family of believers without other consent (article 12). A believer is also not permitted to kill another believer for the benefit of a disbeliever who is detrimental to the believer (article 14). Likewise, a believer is not permitted to enter into a peace agreement by leaving other believers in a state of war in the way of Allah, except on the basis of equality and justice between them (article 17). The Charter also stipulates that believers are helpers or defenders of other believers (article 15). This decree certainly strengthens the Prophet's previous steps in bringing the Muhajirin believers together with the Ansar believers in a real and effective way.

3. Principle of Equality

The equality of the human element is seen in the decree which states that all residents of Medina are one Ummah or Ummah who have the same status in social life and have equal rights to freedom in choosing religion and belief (articles 25-35), the right to defend themselves (article 36 b), equality of responsibility in maintaining the security of the city of Medina (article 44), equality of obligation to bear the costs of war if necessary (articles 24 and 38), equality of rights in providing suggestions and advice for good (article 37). Nabu also guarantees that Jews who follow this charter obtain the rights of protection and equality without persecution and that no one helps their enemies (article 16). This also applies to the Jews of al-Aus and their allies (article 46).

4. Principle of Freedom

First, The Medina Charter also regulates the freedom stick to carry out a proper habits of the people of Medina. The Muhajirin of the Quraysh adhered to their proper habits, taking and paying diat (ransom) among themselves, and ransoming their captives according to good customs.

Secondly, freedom from lack. This can be seen in the provisions of the Medina Charter which states that "Indeed the believers must not allow anyone among them to bear the burden of debt and the burden of a family that must be provided for, but give him assistance in a good way in redeeming prisoners or paying diat (article 12).

Thirdly, freedom from persecution and demanding rights. This principle is understood from article 16 of the Charter which states "That the Jews who follow us have the right to receive protection and equal rights without any persecution against them nor will they be helped by those who are their enemies, and that no one may prevent anyone from demanding their rights (reply) for being hurt",

Fourthly, freedom from fear. This principle can be understood from article 47 which reads "That whoever leaves the city of Medina or remains (in it) will be safe except for those who commit injustice and sin.

Fifthly, freedom of opinion. This principle is not stated explicitly by the text of the Charter. This principle is understood from article 37 which reads: ".. and that amongs them served each other with good suggestions and advise and do proceed good things, without committing sins. Furthermore Article 23 stated: "Should you face any different opinions about something, then indeed the reference (to resolve it) is to Allah and Muhammad,

Sixthly, freedom of religion, humans have the right to personal freedom to choose any belief or ideology. This kind of spirit is stated in the Medina Charter which states that Jews continue to adhere to their religion and believers also adhere to their religion (article 25).

5. Principle of Relations Between Religion Followers

The provisions of articles 37, 44, 24 and 38 emphasize the existence of general obligations, namely the general participation of all residents of Medina in efforts to realize common defense and security and to protect the city. They also have to work closely together to cover the costs of war if they fight together. For the country of Medina, which is still young and whose people are heterogeneous, this decree has strategic significance in consolidating cooperation between social and religious groups to jointly anticipate threats that may arise from within and without. This is important, because in article 29 it is emphasized that Yathrib is a holy place for participants in the agreement.

6. Principle of Defence

The text of the Charter stating article (44) which has been quoted, was interpreted by Ibn Sallam as an invading outsider of the city of Medina. All Mukmin/believers and Jews should be working together and help each other to protect the city of

Medina. Meanwhile, the text (chapters 24 and 38) which has also been quoted, contains a special meaning of the expenditure in war is charged on them. The provisions imposed a burden on the Jews to cover war expenses if they fought alongside the Muslims and they received a share of the spoils of war. If not, they don't get a share.

7. Principle of Neighbourly Living

J.S. Pulungan understands this principle from the text of the Charter which says: الجَارُ: stating in this text is given the meaning by Muhammad Hamidullah as "one who receives protection". Therefore, others should respect the person who has one's protection. People who receive protection have the same rights and obligations as their protector.

Lexically, the word الجَارُ has several meanings. In the Al-'Arabic language the word is given the meaning of "one who receives protection, one who is next to one's house, a helper (al halif, al-nashir), a friend in trade," and "adjacent houses" the provisions of his wife's charter. This means that the Medina Charter not only regulates relations between communities of Madina residents in general social life, but also specifically regulates the rules of neighborhood relations.

8. The Principle of Helping and Defending the Weak and Persecuted

This principle is a specific formulation of the content of the provisions which have been quoted previously for other principles, namely: That believers should not allow anyone among them to bear the burden of debt and the burden of a family that must be provided for, but they should help him by a good way to pay diat (article 11).

9. Principle of Peace

The Medina Charter sets out these principles of peace explicitly which Muslims must adhere to. In article 17 it reads: "And indeed the peace of believers is one, it is not permissible for a believer to make a peace agreement alone without other believers in a state of war in the way of Allah except on the basis of equality and justice between them". Another provision in article 45 emphasizes that believers are fond of accepting and initiating peace.

10. Principle of Musyawarah/Mutual Discussion

This principle is not explicitly stated in the Madira Charter. However, if one of the articles is understood, namely article 17 as has been quoted, which states that if Mukmin/believers eager to enact peace action, it should mutually agreed and accepted by each parties. This is of course can be achieved through a procedure, namely mutual and fair discussion between them.

11. Principle of Justice

This principle found a position in the Medina Charter which was stated explicitly as a legal system in the life of the people of Medina. In articles 2-10 it is stated that the believers should be fair in paying the diat (fine) and ransoming captives. No party should be harmed. The meaning of these articles is that there is no continuous grudges or hostility between the parties to the dispute, so that social relations are maintained well. This can be realized if all groups in Medina feel that there is justice. Then article 13 demands that the believers should be fair in in dealing with the perpetrators of crime, unfairness in law and sinful act, even against their own children.

12. Principle of Punishment Implementation

This principle in the provisions of the Charter focuses on providing legal sanctions to perpetrators of crimes and to parties who politically show hostility and commit treason. The formulation of this principle is based on several provisions of the Charter.

Article 21 implies the law of qishash (taking equal revenge), exchange life for life. But the implementation of qishash is not absolute. This may not be done once the family of the murdered victim forgives the murderer and is willing to accept compensation or death.

13. Principle of Leadership

What is meant by the principle of leadership in this discussion is the position and standing of Muhammad SAW, as well as his function in the Constitution of Medina and his leadership as head of the Madinah state government. With regard to the first item several articles of the Charter state:

In fact, if you have different opinions about something, then refer the solution to Allah and Muhammad saw., (article 23). In fact, none of them (residents of Madinah) are allowed to leave except with permission from Muhammad saw., (article 36), 5 Indeed, if there is an incident or dispute between the owners of this shahifat which is feared to cause danger, then in fact the resolution is returned to Allah and Muhammad peace be upon him, and indeed Allah pays attention to what is in this shahifat and confirms it (chapter 42). These decrees show that the Prophet Muhammad, peace be upon him, was recognized as the leader of the people of Medina, in addition to being the leader of his people.

14. Principle of Piety, Amar Ma'ruf and Nahi Munkar

The taqwa (obedience to Allah), makruf, and nahi munkar (carry out the God's comand and stay away from God's prohibitions) stipulated in the Medina Charter are understood as the principles of government of the Medina state, and the principles of vertical and horizontal relations of its society. This principle is

understood and formulated from the provisions of article 13 which states: And indeed, the devout believers must oppose people who commit crime among them or prosecute people who commit injustice, or sinful acts, or enmity, or damage between people. believer. They must all oppose it together, even if it is against one of their children. And indeed believers who are devout must adhere to the best and straightest guidance (article 20).

B. Political Principles of Liberal Democracy

Democracy had been developed throughout history as alternative/contrary political model of feudalism. The development of democracy branched into several school of thought, liberal democracy was born as consent of group of people that ought to have acknowledgment of individual right and minimum control of government. W.B. Gallie stated that underlying principles of liberal democracy are pluralism and toleration among varieties of interest groups and acceptance of conflicting point of view in politics and priorities within a constitutional framework and rule of law. It is also dictate the separation of powers and protection for individual rights.

Levitsky and Ziblait on “How Democracies Die” proposed that the unwritten norms of democracy play a significant role in the continuity of democracy, thus can be translated into the principle of mutual toleration and principle of restraint of institutional prerogatives. Rawls stated that democracy has to be gained a full political autonomy through justice, protection of individual rights, openness of social participation on public affair, and collective self-determination. On citizens point of view, Offe on Micro-aspects of Democratic Theory stated that there were two major way of thinking on liberal democracy: 1. Utilitarian principles of pleasure of majority, 2. Social participation on self evaluation and self examination to constituted what is right over the pleasure of majority.

III. METHODOLOGY

The research methods used are library study and comparative study methods, library/documentation study is data collection that is not aimed directly at the research subject, the thing that needs to be considered when requesting literature is the authenticity of the data (Suteki and Taufani: 2022) in Islamic studies, literature that used will really be seen for its authenticity, because it will provide a way to make assumptions, procedures and techniques for analyzing the text (Karcic: 2006)

The Comparative Element in Islamic studies can be seen from: (a) the existence of different ta'arif / definitions for various problems in a science, (b) the number of

opinions in various scientific disciplines, (c) the existence of schools of thought in the study of science, (d) the existence of various beliefs and religions, (e) the existence of various kinds of expertise from expert people. (Dede and Heri: 2017)

IV. RESULT AND DISCUSSION

From each principle, the author tries to match the values of each principle which are reflectively similar, including:

1. The principle of equality with the principle of pluralism and toleration
The Medina Charter guarantees that the Jews of Madinah will have the same rights as Muslims, there will be no differences in terms of security, economics and their respective customs as long as it does not take the form of tyranny. This principle is in line with the principle of pluralism and toleration in democracy which guarantees the rights of its citizens regardless of their religious status as recognized by the state. It should be noted that each country can make legal regulations regarding what conditions a person needs to be recognized as a citizen, such as the State of Indonesia which requires its citizens to adhere to one of the 6 official religions that have been determined by the state. The uniqueness of the Medina Charter is that it recognizes the rights of people who has acknowledge Islam but still adhere to their respective religions. This shows that the Medina Charter treat the individual as a whole in accordance with their own existence, and do not just as an administrative requirement.
2. The principle of freedom with the principles of openness of social participation
According to Suyuthi, the freedoms written in the Medina charter include good customs, freedom from shortcomings, freedom from persecution and demanding rights, freedom from fear, opinion and religion. These six freedoms can be grouped as social, economic, security and religious freedom. While in democracy political freedom is usually further detailed in practice in the form of a party system that represents a particular state ideology, of course in each type of democracy the freedom provided varies within its limits.
3. The principle of peace with the principle of mutual toleration
The peace referred to in the Medina charter is peace between Muslims and people of other religions, as well as between the people of Medina and their enemies. The article which states that believers are obliged to fulfill an invitation for peace from their enemies shows that there are instructive sentences regarding how to make peace. This is not specified in the principles of democracy where the emphasis tends to be on the majority respecting the rights of the minority and vice versa.

4. The principle of justice

The Medina Charter uses two words to define justice, namely 'adl and qishth. 'adl has a general and inclusive meaning while qishth contains the meaning of parts or scales, which is a parable that justice is like a scale where both sides are equal in weight. This principle is similar to the principle of justice which will grant rights and legal demands to citizens regardless of economic, social, religious, etc. status.

5. Principles of law implementation with the principle of justice and Restraint of Institutional Prerogatives

The Medina charter explicitly states that guilty people must be punished and the law has a form of trial that is in accordance with written articles or will be determined by the prophet's decision if it is not written in the charter. Legal certainty and the judicial system are in accordance with the principle of justice in a democracy where the law must be upheld and the courts must be neutral to realize the supremacy of the law itself, but democracy gives its several institution a boundary to be respected between them.

Of the five principles in the Medina charter that are compatible with democracy, differences and similarities can be observed. There are unique Islamic principles that are not found in democratic principles, such as the Ummah, Unity and Fraternity, Relations between religious believers, Helping and defending the weak and persecuted, Deliberation, Leadership, and the principles of piety, amar ma'ruf and no evil. Democracy also has principles that are unique to itself, especially regarding appointing leadership through a general election system where all people have the right to participate and their votes are counted equally for everyone. Of course, democracy as developed in the modern era has gone through a long road and has changed in form based on events typical of its time.

V. CONCLUSION

The similarities and differences in the contents of the Medina charter show that the Medina charter can be considered as an early state constitution which has several principles that have the same value as several principles of modern democracy. The democracy contained in the Medina charter is also combined with Islamic principles which makes it unique. So it can be concluded that the Medina Charter is the constitution which became the basis for the founding of the democratic and Islamic state of Medina.

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