Theoretical explanation of Sovereignty and Statehood in Islam within the purview of Modern Time

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**ARTICLE DETAILS**

**ABSTRACT**

**Purpose:** The main theme of the present study was to provide previous empirical and other literature reviews of sovereignty and statehood in Islam and particularly its compression with modern times.

**Approach:** Prior study on statehood was examined from various aspects.

**Findings:** It has been relevelled that Statehood and sovereignty is one of the important elements of an Islamic state in the modern world. Besides, in Islam, one of the greatest attributes of God is sovereignty. However, the western notion of sovereignty developed by declining God’s sovereignty is rejected on two grounds; the first slam lacks any historical evidence to grant ultimate power to any political authority or ruler. Second, the notion of sovereignty in a specific historical and present social European setting is an attempt to undermine the absolute authority of the church. Notwithstanding, there are three notions of Islamic sovereignty.

**Implications:** The study concluded that in the Islamic State, sovereignty belongs to Allah and Allah is the only one who rules which is viewed in the form of divine laws and Jurisprudence. The interpretation of this rule of sovereignty as that there is no concept of people’s sovereignty in Islam is not correct because Allah cannot be an immediate ruler in the political connotation.

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**Introduction**

The concept of Statehood and sovereignty is of utmost importance to understand the elements of an Islamic state in the modern world. The Ottoman Empire's downfall and the colonization of the Muslim world were the main reasons for the modern-day discussion of sovereignty and statehood.

The first thing that springs to mind is whether Islamic theories of sovereignty can be compared to those
developed by Western political philosophy. The common thought which prevails in the west is that the development of Islamic political philosophy has been constrained by the unquestioning acceptance of Allah and the Qur’an as the plain reading of Allah’s word. Challenges have been brought by progressive intellectual Muslims to the political theory of Islam with a view that modernity is not a challenge to Islam but to Muslim societies (Bassiouni, 2014). It is evident from the fact that the political philosophy of Muslim States over the globe has been changed without any change in the Quran and Sunnah at all which testifies to the fact that the change is the outcome of changing scholars, leaders, and elites over the time but not Islam. While discussing different scholarly views on the theory of sovereignty, the point is worth mentioning that the Islamic theory of sovereignty represents Islam applying God’s Law in the civil realm (kingdom of Saudi Arabia) while the ideology and scholarly work of Muslims and their views are not included. If we refer to the West, it has tried to fix the problem of absolute sovereignty via community transitions in sociopolitical history and has incorporated the salient features of sovereignty into a multinational organization where the member nations’ liberty is constrained (Malpas & Davidson, 2012).

**Islamic and Western Concept of Sovereignty**

In Islam, one of the greatest attributes of God is sovereignty. The western notion of sovereignty developed by declining God’s sovereignty is rejected on two grounds; the first slam lacks any historical evidence to grant ultimate power to any political authority or ruler. Second, the notion of sovereignty in a specific historical and present social European setting is an attempt to undermine the absolute authority of the church (Alijla & Hamed, 2015). It can be transferred to men by making them lords over others to the extent of use of God’s sovereignty where the Islamic Sharia places restrictions on political and governing authority.

**Three Notions of Islamic Sovereignty**

The view of Muslim scholars on the concept of sovereignty covers three distinct approaches.

The first group argues that sovereignty is the attribute of God and Islamic Sharia and they demarcate the term ‘sovereignty’ from ‘authority’. The group proclaims that ‘sovereignty’ is the pure and absolute attribute of God whereas ‘authority’ is delegated to Ummah to exercise within the parameters of sovereign power (Saed, 1999). It further says that if an Islamic state has emerged as a result of the wishes of the people, God's sovereignty over the state must be stripped away. Theorists that belong to this group base their contention on the following verse of Quran 4:59:

“O you who have believed, obey Allah and obey the Messenger and those in authority among you.”

This view of sovereignty is connected to the notion of “Al-Hakimya”, which is described and adopted by Al-Mawdudi and Sayyid Qutb.

The second group argues that the Ummah, the country, is the source of sovereignty and power.

Representatives in the Ummah use and take guidelines from Sharia as the fundamental framework of Islamic laws, and the ruler is the leader of this law (Alijla & Hamed, 2015). A national decision is of utmost importance in all matters when consultation is made between a ruler and the consultation committees comprised of people engaged in the process of law-making according to Sharia.

This notion of sovereignty is supported by the practice of appointment of Caliph, Hazrat Abu Baker after the demise of the Prophet (PBUH). Neither God nor prophet delegated Abu Baker the power to rule but his friends (Sahaba) and the citizens in Mecca and Medina nominated him as the first intelligent Calip. This implies that all authority, including juridical authority, comes from the nation and its inhabitants, with a condition that it is based on the framework of the Sharia.

The third group adopts a middle approach to link the views of both groups. They stated that judicial
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Sharia embodies sovereignty of the Divine while the dominance of the state is represented in the assemblies or consultations. Mohamed Hamad, Al-Samad, Mohammed DiaEldin, and Al-Rayyes are among those Islamic scholars who believe that God's sovereignty and national sovereignty both exist. However, it is worth mentioning that all three Islamic views of sovereignty share the same idea that there is a limit to the sovereignty and authority of man by Sharia.

Western Legal View of Sovereignty

Bodin and Hobbes can be rightly said the first writers of the modern doctrine of Sovereignty. Sovereignty is called to be asserted in “a determinate human superior, not in the habit of obedience to a like superior (Mahajan, 2005)” The same notion of sovereignty was stated by Austin in the 19th century.

Bodin, Hobbes, Bentham, and Austin gave the juristic view of sovereignty and declared the lawmaker as the most sovereign with absolute authority by avoiding the moral or abstract idea of sovereignty found in the concept of Sovereignty of God or the General Will (Ahmad, 1958). It shows that the modern idea of sovereignty is influenced by Greek, Rome, and Christian civilizations passing up the idea of sovereignty present in Islamic civilization.

The belief that Bodin and Hobbes were the first modern writers of sovereignty in the history of political thought is rejected, though they may be considered as such in the history of European political thought only(Ahmad, 1958). The claim is defended that “if we believe in the unity of history we must also believe in the unity of the history of political thought(Ahmad, 1958).” In the light of this claim and its justification by Ahmad, the credit is the first writers of the concept of legal and political sovereignty must go to Ibn Abi-ar-Rabi, Al-Farabi, and Ibn Khaldun even though they lived and died in the so-called Middle ages(called by West).

Ibn Khaldun (1332-1406 A.D) is known as the greatest historical philosopher of Islam. Ibn Khaldun, in his Muqaddama, calls a human being a social animal who cannot live all alone. Yet they have an apparent tendency to quarrel and conflict also.

The Idea of Caliphate

The concept of statehood in Islam is much in news today. Dr. Baker mentions the different reasons why Islam and its concept of statehood are much in news today. He explains these reasons;

a) Islamic states are located at the intersection of the three continents Europe, Africa, and Asia on the globe map, which is both geophysical and politically significant.

b) Political awareness among Muslim states after the I and II world war resulted in almost 35-40 Muslim states,

c) Oil reservoirs of the Muslim states

d) Perhaps more importantly, the meddling by superpowers in the name of their purported global interests (Baker, 1981).

If we refer to the early Islamic periods, the Arabian community was built on kinship. Prophet Muhammad (BPOH) altered the foundation of political and social life and substituted the blood kin with a community of faith. Thus the society and aggregation of the ummah of the Prophet- was integrated into the teaching along with the message which substituted ancient ummah or tribe made on the bases of kinship.

The concept of statehood in Islam, therefore, is quite different from the one that derives its authority from the man-made authority or their morality base authority. Islam embraces that God is the sovereign of the whole universe and this is the God who made laws or put the foundation of law. In addition, the Prophet's authority over the people in the early Islamic state was considered the second foundation.

The ruler or caliph served as the third pillar of the early Islamic community. Hazrat Abu Bakr- Prophets’ most trusted adviser and the first Caliph, used to lead public prayers/worship in place of the prophet when the prophet was too ill. After the demise of the Prophet, Abu Bakr was appointed as the first caliph. As a
result, Abu Bakr was democratically selected by community members to follow the Prophet. He was granted the title of caliph, which translates as vicegerent or deputy and denotes someone whose job it is to provide righteous judgments (Baker, 1981). Hazrat Abu Bakr was succeeded by three more Caliphs. During the time of the Four Rightly Guided Caliphs (632 AD-661 AD), the appointment of the Caliph was made through different methods, however, the appointment in all cases was confirmed by the Muslim community through its consent formally obtained by way of baiyat (J. J. Iqbal, 1984).

The prophetic caliphate's political program is the sole valid form of government, and it also corresponds with the reign of the four well-directed or properly led caliphs. Moreover, after this golden period, Caliphate witnessed a progressive decline. The practical requirements of a growing empire and the inconsistent Arab temperament were two factors that made the issue worse. This changed the caliphate into a personal rule under the Umayyads and subsequently an imperial government based on the Persian model during the Abbasids that moved gradually to its ruin.

There remained two main factors that altered the character of the caliphate (Baker, 1981). The first was the shift of military headquarters from Madina to Kufah during the reign of the fourth caliph Ali (656-661) due to military operations. As the first Umayyad Caliphate, Maawiya afterward carried on the caliphate in Damascus (661-680). Furthermore, this mitigated the significance and influence in the discussions and decisions of the Muslim scholars and jurors of Medina. The adoption of the dynastic concept of succession to the caliphate was the second modification (J. J. Iqbal, 1984).

The first disagreement in the Muslim community on the issue of leadership was raised during the times of Caliph Ali (RA). There was disagreement on who should head the Ummah and what his responsibilities should be. The Kharijis, who divided themselves from the Caliph Ali (RA), had differences, particularly on the issue of adjudication of the murder of previous Caliph Usman (RA) between Caliph Ali (RA) and Amir Muawiya (RA). Arbitration in this matter was not accepted and declared as a sin against God. Writings of different Muslim scholars, including Ibn Taymiyya, Imams al-Ghazali, al-Baghdadi, al Mawardi, al-Juwayni, al-Razi, Ibn Khaldun, Abu Yusuf, al-Baqillani, and al-Khunji is a rich source of Islamic historical works on the state’s ruling and sovereignty (Lambton, 2013). Some of the mentioned writers believe that the sovereignty of God- if taken in its literal form- cannot function in human society because God cannot be an immediate ruler in the political nuance. They elaborate that it is no God but God's law that provides the basis of the state (Khadduri, 2006) and the term that can be applied appropriately to the Islamic state is nomocracy which means "a system or government based on a legal code; the rule of law in a community". However, Syed Abdu Rahman uses the most appropriate term that can best explain the nature of the Islamic form of state and called it “khilafat” (Rahman, 1986). Qur'an emphasizes the sovereignty of Allah on one hand and repeatedly refers to the vicegerency conferred on man on the other hand. These verses of the Quran testifies this fact:

Behold, thy Lord said to the angels:
"I will create a vicegerent on earth"
"And remember how He made you inheritors"
And make you inheritors in the earth;"

Dr. Allama Iqbal has discussed the same doctrine of sovereignty under the Islamic concept of tauhid which means the oneness of God. According to Iqbal

"The essence of 'Tauhid' as a working idea is equality, solidarity, and freedom. The state, from the Islamic standpoint, is an endeavor to transform these ideal principles into time-space forces, as an aspiration to realize them in a definite human organization” (M. Iqbal, 2013).

It shows the law of God as "absolutely supreme." It by no means is to limit human freedom. Rather it is an effective protection against the error of judgment to which human reason is prone (Rahman, 1986).

Towards the Islamic Republic
The development of the fledgling state during the first four well-guided Caliphs and the brief survey of its decline in the Umayyad and Abbasic caliphates is to take us towards the political system in the form of Islamic Republics claimed by Muslim leaders of Pakistan, Iran, and Libya to see and understand what they define as the Islamic Republic in the modern world. It is easier to express in words than it is to put into practice. Besides, in the Islamic Republic, God has sovereignty, and as a result, God's Laws (shari'ah) should be ultimate. Notwithstanding, there is no consensus, raising the question of what sort and extent of earthly power or authorities these countries can establish? (Baker, 1981). The vulnerability to evils and loss of moral values deteriorates the situation further as these states are devoted to growth in education as well as in science and technology.

A solution can be discovered by looking at the link between shari'ah (the law) and khilafa (the governing authority or authorities) and understanding the meaning of the term Khalifah as used in the Holy Qur'an and throughout Islamic history.

We will turn to the work of a Pakistani scholar, Kemal A. Faruki, who mentions the three-stage of progress or development regarding Khalifah in Muslim history (Faruki, 1974).

There was no doubt about the shari'ah's dominance over the Khalifah during the early Medina caliphate. And the authority of the caliph was subject to his conduct by the shari'ah only. The caliphate witnessed considerable modifications throughout the reigns of the Umayyad and Abbasic caliphates in the middle stages. The Shari'ah doctrine remained preeminent, but in fact, the caliph was the greatest authority on earth as God's vicegerent (Faruki, 1974). In the post-caliphate period following the destruction of Baghdad, an acceptable kind of Islamic state was still feasible provided the monarch (sultan) listened to religious instruction from the 'ulama as shown in the writings of al-Dawwani (Faruki, 1974).

During various periods of Islamic history, most Muslim thinkers establish the opinion that the Khalifah of the holy Qur'an is the Khalifah of man-God’s trustee- as the Qur’an refers to mankind in general and not to a particular person. Faruki (1974) disclosed that authority explained by the Qur’an as under “for understanding and carrying out God’s commands is nothing less than the totality of God’s vicegerents in an Islamic state, which is the Muslim community. Hence, an Islamic state, even in matters of shari'ah understanding, cannot be monarchic, autocratic, or oligarchic, but must necessarily be democratic, although its democratic nature may require special -expression for shari'ah purposes.”

Democracy and Ummah
Could the powers and duties of the Caliph be replaced by the body of persons elected as representatives in a Muslim state? Turkey was the first country in the Islamic world just after the collapse of the Ottoman Empire and the Caliphate in Istanbul in 1924 which give effect to the view that the power of the Caliph can be transferred to the elected body of person known as the elected assembly. The viewpoint was the same as that of khawaraj in the early history of Islam who stated that the appointment of the Caliph is not obligatory and Muslims can handle their affairs by consultation among themselves, as the Quran advises (J. J. Iqbal, 1984). The transformation which took place in Turkey was adopted by many Muslim states including Pakistan creating legislative assemblies. In the view of Justice Javed Iqbal, this transformation and replacement of the Caliphate by the Western ideology of democracy is an imperfect one. He supports his viewpoint by explaining that:

I) Islamic State needs to be run and administered by the best among Muslims but the western method of election for an appointment does not fulfill the purpose and no election of the best, therefore.

II) Voting is not a replacement for baiyat, a mutual agreement.
Similarly, in Islam, there is no requirement to uphold the majority viewpoint.

Some Sunni legal schools reject the Ijma as a source of law. They think that Shura is only a group of specialists or advisors that Calipha must appoint, through selection or nomination and not through election for consultation purposes (J. J. Iqbal, 1984).

If we take it generally, in a Muslim sovereign nation, the legislative process might take place in three different areas.

1) Firstly to uphold the rules outlined in the Quran and Sunnah
2) Secondly to harmonize all current legislation with the Quran and Sunnah
3) Thirdly to enact laws that are not incompatible with the Quran and Sunnah as secondary legislation

Therefore, to construct the contemporary legislative through elections, it is first necessary to make the voter aware of its obligations and rights under Islamic law. Second, to elect their representatives through Islamic-affiliated political parties or on a non-party basis with candidates aware of their legislative limits prescribed by the Quran and Sunnah (J. J. Iqbal, 1984).

Mostly in the Arab World, the issue is even more perplexing. For instance, until 1952, Iraq, Jordan, and Egypt all practiced constitutional monarchies of the British kind, but Syria and Lebanon are republics designed after the French model (Najjar, 1958). Does it not give rise to confusion and conflict if not accompanied by the restatement in modern terms of the teachings of Islam by Muslim intellectuals? (Najjar, 1958). It makes Islamic countries like Western-type of political organizations adopted by Muslims. Since the opinions, attitudes, and thoughts of the majority of people determine and govern how a democracy functions. However, Muslims as a whole are more aware of how their values, culture, and beliefs conflict with those of a new and foreign system since they have a wider variety of cultural and religious perspectives. Islam is undergoing different severe changes in the region of “governmental organization” and political system. The Islamic Republic of Pakistan is a country that has a provision in its constitution stating that laws that do not follow the Holy Quran and Sunna (Muhammadan Traditions) are invalid (Government_of_pakistan, 1973). Syria proclaimed that the primary source of legislation will be Islamic law (Khadduri, 1951). Other nations, like Saudi Arabia and Yemen, strictly enforce Quranic rules (Najjar, 1958).

Citizenship and Ummah

The concept of citizenship perceived in Islam is that the Islamic State is made up of all Muslims and that citizenship and religion are the same. The citizen (believer) owes his loyalty primarily to and after Islam to his immediate social group (Najjar, 1958).

Recently, a Pakistani Political scientist disclosed that Najjar (1958) stated that

"Islam enjoins that the best in should rule and the best only be judged on Islamic cording to their faith and deeds. Only on this criterion of belief or of action does Islam recognize the categorization of human beings not on birth, language, appearance or geographic nearness”

Margoliouth continues by stating that citizenship is a question of faith in a society where the nation's religions are the same, "Although we are apt to think of Islam as a religion, it is probable that the Prophet thought of a nation”

In a such like situation if we refer to the word ‘Umma- which means nation- the question arises here that who constitutes Umma. To meet this query, we must refer to the first-ever constitution-constitution of Medina by Prophet Muhammad (BPOH) issued on 1 A.H having 53 Articles. The Umma was described as “the followers, the Muslims, as well as those who reside in Medina” in the opening paragraph of the Constitution of Madina. Its first and second sections are explained by Watt (1961);
“(1) This is a document from Muhammad the Prophet (governing the relations) between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined and labored with them. (2) They are one community (Umma) to the exclusion of all men.”

It establishes the view that Muslims alone do not constitute Ummah and it includes others who Live within the borders of the Islamic states. Public ruler who comes through political consultation or free elections- resulting in a democratic society- is the highest authority in the state but his delegated authority is subject to Sharia and legislative diligence if there is no straight reference or description in the Quran or Sunna. It means that no one in Ummah-including the head and consultation body- can ever act contrary to the limitations imposed by Quran and Sunnah which impose a direct restriction on Umma’s sovereignty.

**Islamic State - a State or a Non-State Actor**

In the modern world, political sovereignty in international law of a state means total control over its territory and internal affairs, and it excludes all outside powers by the concept of non-interference in the internal affairs of other countries(Vila, 2016). This principle of territorial integrity was recognized in the Peace of Westphalia in 1648 ending the thirty years war, among continental European states(Vila, 2016). A fresh surge of nationalism in Europe was sparked by the Peace of Westphalia. Due to the spread of European influence spread over the world, the Westphalian concept of sovereignty became a vital element of international law and the prevailing world order (Wickramasinghe, 2015).

Westphalian sovereignty consists of three aspects. Firstly, a sovereign state was made the symbol of the most powerful political unity. Secondly, all authority and control over its territory were declared the attribute of government only (known as territorial integrity). Thirdly, it lifted prior legal constraints on a's actions inside its borders (Mansbach, 2004). This changed the way Westphalian nations interacted with each other under these elements of statehood.

In an Islamic political state, there are three components to the Islamic political structure, namely: the Sharia; the Caliph; and the Ummah. Now if we turn to the situation in the Middle East with the proclamation of sovereignty and Caliphate by ISIS, it generates contrasting and competing views placing more challenges to the idea of sovereignty. The invasion of Iraq in 2003, which brought an end to decades of Sunni domination and brought in a Shiite administration, prepared the door for groups like the Kurds to assert their right to self-determination (Wickramasinghe, 2015). Because of this, the Islamic world is currently going through its version of the Thirty Years' War, which was fought between Protestants and Catholics to rule Europe and gave rise to the Westphalian system..“(Wickramasinghe, 2015).

The deep influence and control of religion upon international affairs can be seen on every informational platform: from the Israeli-Palestinian conflict to Al-Qaeda cells throughout the world to the impact of Evangelicalism on US politics (Wickramasinghe, 2015). Now if we turn to the political scenario of the Middle East, it is dominated by the Islamic State (ISIS). The political ideals of this group are transnational. ISIS maintains control over territory whose borders are determined by religion by recruiting members from across international borders and the world. They have requested the dissolution of the boundary between Syria and Iraq Caliphate in the territories and control 8 million Syrians and Iraqis, with about 400,000 of those under their control supporting the Islamic State(Wickramasinghe, 2015).

Abu Bakr al- Baghdadi- the ISIS leader- said in 2014;
‘Rush O Muslims to your state. It is your state. Syria is not for Syrians and Iraq is not for Iraqis. The land is for the Muslims, all Muslims’.

Assuming the title of Caliph, Al-Baghdadi is assisted by two chief advisors, one for Syria and the other for Iraq. Each of them oversees 5-7 governors and nine councils, including the Leadership Council, the Shore Council, the Military Council, the Legal Counsel, the Fighters' Assistance Council, the Financial Council, the Intelligence Council, the Security Council, and the Media Council(Wickramasinghe, 2015). In the light of the above-mentioned facts, will ISIS be called an insurgency or a state-holding territory, the
most important attribute of statehood? Under the norms of the Peace of Westphalia, ISIS constitutes an insurgency because

i) It does not claim territorial sovereignty.

ii) Its ideology stands in contrast to Westphalian sovereignty

iii) It doesn't want recognition as a state. Rather it wants recognition as being the only legitimate political entity on the planet

If we, for instance, admit the establishment and existence of ISIS, it makes the issue more politicized. ISIS is of the size of a small American state university, fielding no more than 30,000 with no air force or navy, no reliable tax base, or any of the other resources found in even the smallest and most fragile of nations and no single and formal recognition by any State across the globe(Rothkopf, 2014). Why couldn't the U.S. beat an army the size of a junior college though it took the U.S. only three and a half years to defeat the Axis in World War II? When asked about the time frame to curb and defeat the threat posed by ISIS, Admiral John Kirby of the U.S.- the spokesperson for the most powerful military force the world has ever known told that it might take 5 years, 7 years, or even more(Rothkopf, 2014). It is evident from the 15-year war against the Taliban that fighting insurgencies is challenging. The situation deteriorates further when the claimed insurgency is not fighting in a pure guerilla-style like Al Qaeda and the Taliban in Afghanistan but claim and hold territory, build and maintain supply chains, and protect illicit oil shipments like ISIS- all in the effort to construct a state(Rothkopf, 2014).

ISIS opposes state sovereignty because it is a man-made law that isolates Muslims from one another and forces them to be tied by artificial borders; as a result, acknowledging state sovereignty is akin to showing respect for it(Wickramasinghe, 2015). Hakim al-Muteiri during a talk on the Al Jazeera program “Sharia and Life” in 2012 disclosed that

‘The house of Islam is one, and the legal rulings are one. This map that was imposed by Sykes-Picot and imposed by the Western occupation is of no consideration legally’.

Aside from ISIS, several other organizations throughout the world are unhappy with present state borders and contest them, but not the standards of sovereignty. ISIS, in contrast, opposes not just the idea of boundaries but also the present borders as well(Wickramasinghe, 2015). He may be referring to the map circulating on the internet that purports to depict the vision of ISIS of an Islamic Caliphate(Gunter, 2015). “There may be a perception that other governments have some kind of sovereignty outside of the borders shown on the map, but any sovereignty that interferes with territory considered to have traditionally belonged to Muslims would be invalid.’(Wickramasinghe, 2015).

ISIS's view of the sovereign state is intriguingly both pre-and post-Westphalian in that it demands to be recognized as a sovereign state. While it is seeking to create a new world order erasing political borders and territorial lines be based on religious identity with a community of people bound by religious values(Wickramasinghe, 2015). Demolishing boundaries between Syria and Iraq by ISIS signifies borders as an offensive created as a result of the Sykes-Picot Agreement 1916 (Marx, 2012) between Britain and France with the assent of imperial Russia. It was a secret agreement for the dismemberment of the Ottoman Empire dividing Turkish-held Iraq, Syria, Lebanon, and Palestine into various French- and British-administered areas (Wickramasinghe, 2015).

**Conclusion**

In an Islamic state, sovereignty belongs to Allah and Allah is the only one who rules which is viewed in the form of divine laws and Jurisprudence. The interpretation of this rule of sovereignty as that there is no concept of people’s sovereignty in Islam is not correct because Allah cannot be an immediate ruler in the political connotation. Misrepresentation due to misunderstandings and misinterpretations among Muslim academics as well as misquotations by Western writers. Moreover, there is an agreement of opinion among all Muslim scholars on Umma’s sovereignty in Islam yet this sovereignty cannot go beyond the
limit of Sharia. This concept of sovereignty builds various absolute divine rules and gives the people space in the Islamic state to exercise their power over their political life, policy, and polity as well. It is not God but God’s law that provides the basis of the state (Khadduri, 2006). Maulana Abdul Ala Maudood most properly used the term “the democracy” by which he characterized the Medinan democratic means of arriving at decisions. According to Smith (1943), a country should have

"none of this moder European or American democracy, this Bol- shevik regimentation, this fascist apotheosis, this Turkish revolt from Islam; the only state for Muslims . . . is the Islamic Theocracy."

This is also close to Ayatollah Ruhollah Khomeini’s view which claims that “true democracy” means the representation of the people by the “ulama”. With the death of Muhammad Rashid Rida of Egypt, no Muslim thinker of any repute has agitated for the restoration of the Caliphate- a balancing act of the autonomy of Islam and external pressure for modernism.

In the international community, the nations must design their constitutions and laws in the framework of their own sovereignty. The prevailing view today is that the Caliphate claimed by ISIS, slows down the customary world order and the system of states as it exists today. Calling it a state is to give it a false air of legitimacy, though its claim seems similar to the one experienced by Europe during the Middle Ages, in which the church ruled politically in the name of God. The victory over ISIS in Syria might end up empowering the brutal regime of President Bashar al-Assad and in Iraq, the only result may be the birth of a Shiite-led regime in Baghdad again- the main reason for the half-hearted effort to curb ISIS.

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