HASAN TURABI'S CONCEPT OF FIQH DEMOCRACY AND ITS RELEVANCE IN MODERN POLITICAL CONTEXTS

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ABSTRACT

Hasan Turabi's thoughts on the fiqh of democracy offer an integrative approach between Islamic principles and modern democratic systems of government. He emphasizes that democracy in Islam must be based on shura (deliberation), which allows for the active participation of the people in political decision-making. In the concept of fiqh of democracy developed, Turabi emphasizes several key aspects, namely the application of sharia through consensus (ijma'), respect for the freedoms and rights of the people, social justice, and separation of powers to prevent authoritarianism. These principles were designed to keep the Islamic political system relevant to the demands of modernity without abandoning the fundamental teachings of the religion. His thought is significant for Muslim countries that are still seeking a balance between Islamic values and contemporary democratic systems. Through a literature review of his works and several related sources, this article explores how fiqh of democracy can be an alternative solution in building a more inclusive, just, and participation-oriented system of government. Thus, Turabi's thoughts can be relevant to be the main reference in efforts to integrate Islam and democracy in modern politics, providing a new perspective in equitable governance.

Keywords: Fiqh of Democracy; Hasan Turabi; Modern Politics; Relevance

A. introduction

The political landscape in many Muslim countries today still faces major challenges in integrating Islamic values with democratic systems of governance(Mutakin, 2016). Politics and democracy and their development cannot be separated from the basic values of Islamic law(Lira Sopi Ema et al., 2024). The debate on the relationship between Islam and democracy is increasingly pronounced, especially in Muslim-majority countries(Ahmad et al.,

2025). In some countries, despite political transitions and changes in government systems, issues related to human rights, freedom of speech, and recognition of pluralism remain major challenges. The thinking of Hasan Turabi, who advocates a shura (deliberation)-based model of democratic governance, provides a new perspective in the search for a balance between Islamic tradition and the demands of modern democracy. As the leader of the National Islamic Front (NIF) in Sudan, Turabi sought to create a system that not only encouraged people's political participation, but also adhered to Islamic principles that emphasized social justice and diversity. However, while his ideas offer a solution to plurality and modernity, their application in the political practice of the Islamic world still requires deeper adaptation to the evolving social realities(Al-Turabi, 2016).

Fiqh of democracy, as a growing study in Islamic political thought, aims to bridge the principles of Islamic teachings with the demands of modern government systems. Many Islamic thinkers, along with the emergence of modern political systems, have sought to find common ground between Islamic teachings derived from the Qur'an and Hadith and the principles of democracy prevailing in many countries. Hasan Turabi, a Sudanese cleric, scholar and politician, made a significant contribution in this regard(Berridge, 2017). Turabi believes that the democratic system based on deliberation in Islam can be adapted in the context of modern government, as long as it remains based on the principles of sharia and social justice. According to Turabi, deliberation, which emphasizes people's participation in decision-making, is very much in line with the essence of democracy in the Western world, while still maintaining the sustainability of Islamic values in a socio-political context.

Modern politics in Islamic democracy is a system of government that combines democratic principles, such as popular participation, justice and freedom of speech, with Islamic values based on the Qur'an and Sunnah. In this system, sovereignty remains in the hands of the people, but within the limits of Islamic law that regulates morality and social justice. Modern politics in Islamic democracy also emphasizes the accountability of

leaders, social welfare, and the protection of human rights in accordance with Islamic teachings, thus creating a balance between democracy and sharia in state governance(Nurhakim, 2020).

Turabi's thoughts on the fiqh of democracy provide a new perspective for Muslim countries that want to integrate a democratic system without sacrificing Islamic identity. Turabi emphasizes that democracy in Islam is not a secular form of government or without religious principles, but rather a government colored by sharia principles that guide the social and political life of the people. For Turabi, a fair and participatory system of government can be implemented in Islam, without having to abandon the fundamental teachings of the religion. This view is important because it provides space for Muslims to actively participate in determining state policy, without having to feel the conflict between the demands of religion and the democratic system(Al-Turabi, 2016). In this context, Turabi's thought can be an alternative for Muslim countries that are looking for a more inclusive system of government that is in line with Islamic teachings.

The relevance of Hasan Turabi's thought in the modern political context is increasingly felt, especially in Muslim countries that are still struggling to find a balance between traditional Islamic values and contemporary democratic demands. These countries often face the dilemma of combining religious principles with political practices that prevail in a globalized world. With major challenges such as globalization, societal plurality and modernity, many question whether democracy can be implemented without sacrificing aspects of religion that are considered important in social life. In the face of these challenges, Turabi's thought offers a relevant perspective, namely by integrating the principles of sharia within a more inclusive democratic structure, which not only makes room for freedom of speech, but also ensures social justice.

Previous literature, including research by Mas'adah (2018), entitled Epistimology of Hasan Turabi's Reform of Usul Fikih, in this study discussed Hasan Turabi's reform of usul fiqh(-, 2018). The research focuses on two issues of Hasan Turabi's usul fiqh reform, which is

certainly different from the focus of research in this article which will discuss Hasan Turabi's concept of democratic fiqh. Likewise, research conducted by A. Nabilul et al (2024), entitled Hasan Al-Turabi's Pragmatic Approach to Establishing an Islamic State in Sudan(Maram et al., 2024), which discusses Hasan al-Turabi's Pragmatic Approach in Establishing an Islamic State in Sudan. Previous research was also conducted by Hatta (2015) entitled Hasan Al-Turabi's Islamic Legal Thought(Hatta, 2015). Which criticizes the various Islamic thoughts of Hasan Turabi. The studies mentioned above can be used as references in this article, but the focus raised has significant differences. This article focuses on the study of fiqh of democracy according to Hasan Turabi, as well as its relevance in the modern political context. Thus, this article offers novelty in this research by raising the unique perspective of Turabi's thoughts on democracy within the framework of Islamic teachings that have not been widely discussed in previous studies.

Therefore, this article aims to examine in depth the relevance of Hasan Turabi's thoughts on the fiqh of democracy, as well as how the concept can be applied in the modern political context in the Islamic world. The article will explore Turabi's idea of linking democracy and shura in Islam, and examine whether his approach can be a solution for Muslim countries that are transforming towards a more democratic system of governance while remaining faithful to Islamic values. In doing so, this article seeks to offer new insights into how Turabi's thinking is still highly relevant in the face of the evolving political dynamics of the Islamic world.

B. Method

The research method used in this article is library research, which relies on collecting data and information from relevant written sources. This research will examine various works of Hasan Turabi, including books, articles, and essays that discuss his thoughts on fiqh of democracy. Through this method, the author will analyze Turabi's views on democracy in the Islamic system of government, as well as how his ideas relate to the principles of shura and people's participation in political life. In addition, this research will also examine the relevance of Turabi's thoughts to modern political developments in the Islamic world,

especially in the context of countries that are trying to integrate Islamic values with contemporary democratic systems. Thus, this research aims to provide a deeper understanding of the relevance of Turabi's fiqh of democracy in the current political practices of the Islamic world.

C. Result and Discussion

Biography Hasan Turabi

Dr. Hasan Al-Turabi was born in Kassala, Eastern Sudan, in 1932, into a family with a long tradition of teaching Islam and Sufism. From an early age, he was educated in the field of law, successfully completing his undergraduate studies at the Faculty of Law at the University of Khartoum in 1955, then pursuing his master's degree in London, and earning his Ph.D. in Constitutional Law from the Sorbonne University in Paris in 1964. During his stay in France between 1959 and 1964, he also traveled to the United States of America(Jamaluddin, 2017). In academia, Turabi served as Dean of the Faculty of Law at the University of Khartoum, but he chose to leave the post to enter politics.In December 1964, he became a member of parliament and Secretary General of the Islamic Charter, a move that led to a long and dynamic political career(Hassan & Buaben, 2015).

In 1969, after an attempted coup by leftist groups, Turabi was first imprisoned by the Sudanese government until 1977.In the same year, he decided to vote for the National Reconciliation Agreement with President Nimeiri. During this period, Turabi held several important positions, including being Attorney General from 1979 to 1982, as well as being chief advisor on legal and foreign affairs until March 1985. Despite several incarcerations, he remained an influential figure in Sudanese politics. In 1988, he led the National Islamic Front (NIF), which was in coalition with the government of Shadiq al-Mahdi. This coalition led Turabi to the positions of attorney general, then deputy prime minister, and foreign minister.

A highly influential political leader, Turabi also served as Secretary-General of the Khartoum Islamic Congress, which comprises Islamic nationalist parties, groups and movement figures from 55 Muslim countries and the West. In 1996, he was elected speaker of parliament, the second most important position in Sudan after the president, who was

then held by General Umar al-Bashir, also a member of the NIF party.However, in February 2001, he was arrested on charges of treason against the state after signing a deal with an armed Christian rebel movement in South Sudan. Although the charges were not proven, his detention was seen by many as an attempt to remove his political influence that threatened al-Bashir's rule. Despite his imprisonment, many believe that Turabi is the true leader of Sudan since the establishment of the Islamic Republic of Sudan[1].

Outside of politics, Turabi is also known as a leading thinker and writer on international Islamic movements. His work in modern Islamic thought began with writings such as Women In Islam and The Prayer in the late 1960s, as well as The Islamic Movement in Sudan in 1989. Turabi wrote many works in Arabic, including Al-Iman wa Atsaruha fi Al-Hayat, Tajdid Al-Fikr Al-Islami, and Al-Wihda wa Al-Dimukratiyyah wa Al-Fann.Some of her writings on women and the position of non-Muslim communities in Islamic countries have been translated into English. In addition, she contributed a chapter on the Islamic State to the book Islam and Development edited by John L. Esposito. While in prison, Turabi also completed his famous work, The Political Vocabulary of Islam, which reflects his thoughts on politics and governance in the Islamic context.

Fiqh Concept of Democracy in Islam

Democracy, which comes from the Greek words "demos" (people) and "kratos" (power), literally means power in the hands of the people. Various scholars give various definitions of democracy. Joseph A. Schumpeter defines democracy as an institutional system that allows individuals to gain political power through competition over popular votes. Sidney Hook defines democracy as a form of government in which important decisions are made by majority consent freely given by adult citizens. Meanwhile, Philippe C. Schmitter and Terry Lynn Karl describe democracy as a system of government that requires the government to be accountable for its actions in the public domain, with citizens participating indirectly through

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[1](Al-Turabi, 2016)

elected representatives. Abdul Ghani Al-Rahhal, in his book Al-Islāmiyyūn Sarab al-Dīmūqrāṭīyyah, states that democracy is the rule of the people by the people, with the people as the source of power. Based on these various definitions, it can be concluded that democracy is a system of government in which the supreme power is in the hands of the people, either through direct participation or through representatives elected in free elections(Sahidah, 2024). The concept of fiqh of democracy in Islam refers to an attempt to integrate the principles of Islamic teachings with a system of government that emphasizes the active participation of the people in political decision-making. In this context, fiqh of democracy not only discusses issues of Islamic law in general, but also explores how a system of government based on deliberation (shura) and the principles of sharia can be applied in the modern political context.

In Islam, shura or deliberation is an important basis for political decision-making. The Prophet Muhammad himself has applied this principle in various aspects of life, including in government. Therefore, in Islamic democratic fiqh, the concept of deliberation becomes the main foundation for determining state policy, where Muslims can actively participate in the decision-making process through elected representatives.

Fiqh of democracy in Islam emphasizes social justice, respect for individual rights, and diversity as part of the sharia principles that must be applied in the government system. This means that democracy in Islam is not secular, but remains based on religious teachings that govern the social and political life of the people. For example, political decisions taken must always be in line with Islamic values that emphasize justice, humanity, and the welfare of society.

In practice, the fiqh of democracy in Islam offers a solution for Muslim countries to run a democratic system of government without sacrificing religious identity. It allows Muslims to participate in governance while respecting the religious principles that underlie their social and political lives. Thus, fiqh of democracy in Islam can be an alternative for Muslim countries in their search for a more inclusive and just system of governance, in accordance with Islamic teachings that maintain a balance between

individual freedom and social obligations.(Zainuddin, 2013).

Hasan Turabi and the Fiqh of Democracy

Democratic Fiqh according to Hasan Turabi refers to an approach to understanding and applying Islamic law that emphasizes the principles of democracy and popular participation. Hasan Turabi, a Sudanese scholar and politician, argues that Islam can be applied not only in the context of authoritarian or monarchical rule, but also within the framework of a system of government based on popular participation and the principles of justice.

Some important points related to Democratic Fiqh according to Hasan al-Turabi are:

1. Implementation of Sharia Through Consensus (Ijma')

Hasan Turabi emphasizes the importance of consensus or agreement of the people in determining laws and policies related to socio-political life. This can be achieved through deliberation and active participation of the people in the decision-making process. The necessity of consensus is based on the verse: And whoever opposes the Messenger after the truth has become clear to him and follows a way other than the way of the believers, we leave him to his own misguidance ... (Q.S An-Nisa' verse 115). This verse invites people to follow the path of the believers. Meanwhile, deliberation for Muslims is based on the verse: And for those who accept (obey) the call of their Lord and establish prayer and their affairs (are decided) by means of deliberation between them, and they spend some of the sustenance We give them (Q.S Ash-Shura verse 38).

In the above verse, the sentence "amruhum shura" (their affairs are decided by deliberation) is a sentence with a subject and predicate in the form of a noun (al-jumlah al-islamiyyah) like the sentence "al-hajj 'arafah". Therefore, the deliberation of the Muslims and the decisions taken from the deliberation are a must for all Muslims. This is supported by several traditions that vary in their authenticity(Al-Turabi, 2016).

2. Freedom and Rights of The People

Hasan Turabi argues that Islam recognizes individual freedom and basic rights, such as freedom of speech, assembly, and free choice of leaders through a fair process. Many people are afraid when confronted

with new opinions that have not been expressed by previous scholars. It is as if all that a mujtahid is allowed to do is to pick and choose from old opinions that are relevant to a particular situation or to come up with new reasons that corroborate an old imam's opinion on an issue. If any thinker dared to come up with a new opinion or fault an old opinion, it would invite high fear for the continuity of religion. In fact, ijtihad is a permanent institution in religious life with new conditions to generate new opinions in response to changing challenges and moving historical conditions.

3. Sosial Justice

Hasan Turabi, in his view of democratic fiqh, emphasizes the importance of social justice as a key principle in a system of government based on Islamic law. According to Turabi, social justice includes not only the fair distribution of wealth, but also ensuring equal rights and treatment of all citizens, without discrimination based on ethnicity, religion or social status. In this context, fiqh should be translated as a means to create a harmonious and just society, where all levels of society can enjoy their rights equally, whether in the political, economic or social spheres.

Furthermore, Turabi proposes that in democratic fiqh, the principle of shura (deliberation) becomes key in decision-making, allowing the people to participate directly in the political process(Al-Turabi, 2016). Democracy in his view is not secularism, but rather a flexible application of Islamic law that is responsive to the needs of modern society. Social justice, in this context, means empowering the people to participate in building a just state, where the government functions not only as a regulator, but also as a facilitator that guarantees the basic rights of every individual.

4. The Principle of Shura (Deliberation)

Hasan Turabi supports the application of the principle of shura in government, which is decision-making based on deliberation involving various elements of society. This reflects an acceptance of a more inclusive democratic system. Muslims should master the system of resolving differences and returning them to unity without allowing legal matters to be bound by the opinions and fatwas of certain jurists. Such arrangements can be resolved by deliberation and meetings to negotiate issues that arise in their lives. Those with more

knowledge explain it to those with less knowledge. Those with less knowledge convey their problems to those with more knowledge. Thus, there is interaction and discussion until finally there is certainty about the issue. Either a general opinion crystallizes, or a decision is agreed upon, or a majority opinion is taken, or unimportant branch issues are left to the holders of public affairs according to their specialization(Al-Turabi, 2016).

5. Separation of Powers

Although within an Islamic framework, Hasan Turabi also recognized the need for separation between political and religious authority, and valued the independence of state institutions to prevent oppression. The separation of powers in the fiqh of democracy according to Hasan Turabi refers to the concept of the division of duties and responsibilities between various state institutions to prevent the concentration of power in one party, and to ensure the creation of balance and justice in the system of government. Turabi, as an Islamic political thinker, promotes this principle to adapt Islamic governance to the modern concept of democracy without abandoning the principles of sharia.

According to Turabi, the separation of powers in the context of democratic fiqh aims to ensure that the legislative, executive and judicial powers can operate independently but still supervise and balance each other. This means that the legislature (in charge of making laws) should not be fully under the influence of the executive (government), and conversely, the judiciary (courts) should have autonomy in carrying out its functions, so that it can uphold justice without the intervention of other powers.

In this context, Turabi views that while Islam provides guidelines on how to manage the state based on sharia principles, this separation of powers is important to prevent abuse of power and ensure that decisions taken are the result of deliberation that reflects the will of the people. This system also provides room for the people to participate in decision-making in a fair manner, so that democratic principles such as popular participation and accountability are maintained.

Overall, the separation of powers in the fiqh of democracy according to

Hasan Turabi does not mean separating religion from politics, but rather regulating the division of roles between various state institutions within the framework of sharia principles, to ensure that the government runs fairly, transparently and in accordance with Islamic values. With this approach, Hasan Turabi seeks to show that Islam, with its democratic principles, can be the basis for building a more participatory and just system of government, avoiding tyranny and promoting social welfare.

The Relevance of Hasan Turabi's Fiqh of Democracy

The relevance of Hasan Turabi's fiqh of democracy in the modern political context is closely related to the principles that combine Islamic values with contemporary democratic systems.

1. Application of Sharia Through Consensus (Ijma')

In modern political times, the application of sharia through consensus (ijma') has become relevant because many Islamic countries have adopted a more pluralistic and democratic legal system(Agus Anwar Pahutar, Wendra Yunaldi, Shofwan Karim, Rusydi Am, 2024). In this context, ijma' does not only mean agreement between scholars, but also involves the community in agreeing on the interpretation and application of Islamic law that is relevant to contemporary conditions. For example, in the case of economic or social law, consensus involving various groups of society can result in solutions that are more inclusive and adaptive to the challenges of the times, while maintaining Islamic values.

2. Freedom and Rights of the People

The freedoms and rights of the people in Turabi's fiqh of democracy are particularly relevant in modern political times, where individual freedom and popular participation in the political process are integral to democracy. In many countries, especially in the Arab world and Muslim-majoritycountries, freedom of speech, opinion, and vote are essential in ensuring justice and legitimate governance. Hasan Turabi emphasizes that these freedoms must be protected by Islamic law which provides space for individuals to actively participate in political life, individual freedom before statepower

and a balance between the rights of individual citizens and the collective rights of the community either through free and fair elections, or in public forums that encourage constructive dialogue(Defrizal & Zulham, 2020).

3. Social Justice

Social justice, which is at the core of Turabi's fiqh of democracy, is particularly relevant in the modern political context, where inequality is growing. Social justice is one of the fundamental principles in Islamic teachings that plays an important role in shaping a just and prosperous society. This concept not only includes the equitable distribution of economic resources, but also emphasizes the importance of individual rights and justice in law, politics, and social interaction(Nur & Dzatun, 2024). Turabi's application of the principle of social justice reminds us of the need for state policies that ensure equitable distribution of wealth, equal access to education and healthcare, and protection of marginalized groups. In modern political times, the application of social justice based on Islamic principles can also be seen in efforts to reduce poverty, promote social welfare, and fight for the rights of workers and minority groups.

4. The Principle of Shura (Deliberation)

The principle of shura or deliberation is very relevant in modern political systems that prioritize popular participation in decision-making. In today's political world, deliberation serves as the basis of deliberative democracy, where important decisions are taken after open discussion between the government and the people. Turabi considers that shura is not only a religious obligation, but also a way to strengthen political legitimacy and prevent authoritarianism. Shura can strengthen the relationship between government and society through an open, participatory and transparent consultation process. The implementation of shura in local government systems can also be aligned with modern democratic principles(Aprilya & Tohawi, 2024). The application of shura is relevant in strengthening more inclusive and accountable governance, making shura an ideal model to adopt in public policy making in Muslim-majority countries(Efendi, 2024). The application of shura in this modern era means creating space for inclusive democracy, both through public

forums, active participation of the people in politics, and dialogue between various parties in society.

5. Separation of Powers

The principle of separation of powers put forward by Turabi is also very relevant in this modern political age, where many countries, especially Indonesia, have adopted a system of government that separates executive, legislative and judicial powers to maintain balance and prevent abuse of power. In Turabi's fiqh of democracy, this separation of powers serves to ensure that no one institution or individual controls the entire state, which can lead to tyranny or oppression. With the separation of powers, each state institution has a clear function, and a system of checks and balances can be put in place to keep the government fair and not abused(Fodhi et al., 2024).

Overall, the relevance and application of Hasan Turabi's fiqh of democracy in this modern political age offers solutions to create a more inclusive, just, and democratic state, while still referring to universal Islamic principles. These principles can be adapted to the existing socio-political context, providing a moral and ethical foundation in building a government that functions for the welfare of all people.

E. Conclusion

Hasan Al- Turabi, a prominent Sudanese thinker and politician, developed the concept of fiqh of democracy that integrates Islamic teachings with modern democratic principles. Through this concept, Turabi emphasized the importance of popular participation in political decision-making, based on the principle of shura (deliberation), which encourages the active involvement of the people in determining state policies. In Turabi's view, Islam can be applied in a democracy-based government system without abandoning the principles of sharia. Turabi's fiqh of democracy includes several important aspects, such as the application of sharia through consensus (ijma'), respect for the freedoms and rights of the people, emphasis on social justice, and acceptance of the separation of powers to maintain a balance between state institutions. Turabi also supports individual freedom and the right to choose leaders through a fair process, and emphasizes the importance of social justice in government.

The relevance of Hasan Turabi's fiqh of democracy in the modern political context is immense, especially in adapting the principles of inclusive, fair and participatory democracy in Muslim-majority countries. These principles can be adapted to create a more just system of government that is responsive to the needs of society, without compromising religious values. With this approach, Turabi attempts to show that Islam can be the basis for building a more just, transparent and sustainable system of governance. For future research, it is suggested to add a discussion on the implementation or application of Hasan Turabi's fiqh of democracy that remains relevant in the context of today. This can be a further topic that will deepen the study and provide a more comprehensive discussion.

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