The Principles of Legitimacy in Islam and its Influence upon the Muslim

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ABSTRACT

Some beliefs that the Islamic government in an unpopular and undemocratic government where the rights of the ruler is the bulk of the people-including the rights for determination type of government and the rulers-are ignored so the religious government lacks rational legitimacy, is the election and admissibility of the people. Hence, some have called for the addition of a "democratic" clause to the "religious rule" theory. In this study, contrary of this idea, show that Islam fourteen centuries ago paid special attention to popular legitimacy and based its government on acceptance and election in this study, we discuss that Islam forms a government and determines its type and ruler. It enumerates the rights of Muslims and the community, but because of Prophet Mohammad.

Keywords- Islamic Government, Legitimacy, Democracy, revelation.

I. INTRODUCTION

After fourteen hundred years since the advent of Islam and comprehensive studies and researches on its teachings by Muslims and non-Muslims, and the presentation of numerous works in this field, including the present. Important aspects of the lessons of political-social strategy of Islam, for various reasons, have not been properly studied and explained.

Human society has been created with various interests, motives and desires. The government, as a superior power, has a pivotal role in the community, ensuring the accommodation of laws and regulations in the mentioned society. The absence of government in a human society will lead to chaos and disintegration. Therefore, its very existence is obvious. In all theories presented on government, the necessity of the existence of government has been mentioned in community, only the school of anarchism denies existence of government. Anarchists believe that human beings can handle their social life with moral principles, and necessity of government, Islam has emphasized the existence of the government, It is not Jean-Jacques Rousseau as defined in the definition of government; government is mediator between people and government body which connects them and enforces political freedom, if we carefully notice above definition, we notice that from his point of view that government is a political and social category and does not mention religion and divine sovereignty. However, basis of government is absolute divine sovereignty; this definition would not be approved by Islam. Islamic government is rule of law of the divine kind. The people play an effective role in such a way that the participation Muslims in the government and paying attention to their opinions is one of the important principles of Islam and is a special concern of God.(Sadiq & Mahdi, 1396)

Principles of legitimacy in Islam?

In Islamic society, people are created by God, and no one is allowed to interpose in their affairs without their owner's permission.

It is not a personal idea, but is taken from the verses of the Qur'an and hadiths. The importance of the issue is finding the legitimacy in Islam and to know how the legitimacy of the people is legitimized and what is the difference between authority of the people and the non-Islamic system?

People rule in Western political thought, which is manifested in a democratic system, begins with the introduction of the individual as the end. In this thought, the individual has an identity independent of society and government and is able to provide his definition of human relationship with the universe. Accordingly, the sovereignty of the people is intertwined with the concept of government representation, and the people establish the principles of the constitution in a social contract and consider the legitimacy of laws and government as their will and consent. Thus, the most important special task of the government it is to adhere to the representative of Kai and guarantee the rights and freedoms of the people. Relationship in the religious principles of the Iranian constitution

Who is the representative to adhere to and guarantee the rights and freedoms of the people? In the religious principles of the Iranian constitution, there is a direct relationship between the sovereignty of the people and the sovereignty of God. It is left to God to the people. On the other hand, by freely accepting the principles of the Holy Sharia, the people define their sovereignty within the framework of Islamic religious principles. Thus, not only is there no conflict between religious principles and the sovereignty of the people, but there is also a difference in principles. (Ali poor & sayed Mohammad, 1993)

II.   SOVEREIGNTY COMES FROM TWO DIFFERENT PERSPECTIVES

2.1 The divine legitimacy of people

God has entrusted them the political strategy of the Muslim followers to exercise their intention within religious norms. People are ruled by God over their social destiny and no one has the right to deprive them of this "divine right". The people elect the leader and the leaders of the society from among the qualified ones, in order to organize public services within the framework of a contract or a power of attorney contract or a company contract or a lease contract regarding the constitution compatible with religion. The intention of people, as long as it is in line with the goals of the religion and is not incompatible with the rules of Sharia, and their consent must be ensured by the above-mentioned restrictions. The incompatibility of the laws passed by people with the ideas of Anwar can be ensured by the "supervision" of the jurists of the followers. Since the final document of legitimacy is based on God and is limits of the sharia, he can use his God-given right and exercise sovereignty, this is divine legitimacy, but because people are the mediators between God and the government and the people's element in legitimacy Involved, we called it divine-popular legitimacy. It can also be called popular legitimacy by observing rules of

procrastination. It is obvious that on this basis, the authority of the people during the guardianship and authority of God and in the last rank, not beyond it, the people are never independent of legitimacy independent of divine permission and impartiality and are considered without any religious legitimacy apart from God. This group of Shiite jurists believe region in which the sharia, while preserving the goals of the religion and not opposing the rules of the sharia, has allowed the people exercise sovereignty and express their opinion, is a vast region that recognizes this region and observes the goals and Religious methods, with the compilation of divine decree and popular rights, the Islamic Republic is formed. Based on this type of legitimacy, five theories about the state have been proposed in Shiite jurisprudence.

III.   GENERAL VIEW ON AUTHORITY OF THE PEOPLE IN THE PRESENCE OF THE HOLY PROPHET (PBUH)

Undoubtedly, the leadership of the Islamic government the founder of the school of Islam, the Holy Prophet (PBUH), is his responsibility, and after that, the guidance of the people and the leadership of the government with the Imams is a right that he has been appointed by God and introduced by the Holy Prophet (PBUH). On necessity of government and the establishment of a political system, all Sunnis except the Kharijites and a very small number such as Abu Bakr Asm, agree. Introduce the religious and worldly people them and prevent them from oppressing each other. Disorder and chaos will be created and the religious and social life of the people will be disrupted Many other Sunni theorists reason for the necessity of Imamate They consider the government as sharia, not rational, and believe that the human intellect cannot rule in this matter, but it is sharia that rules the handing over of affairs to the first.

Sunni theories typically rely on the two basic principles of "consensus" and "council" to justify the legitimacy of their political system. Relying on more consensuses on justifying the legitimacy of the old caliphate and the principle of the council is mostly cited in new theories. (Hiyood, Alam, (1393)

IV.   THE AUTHORITY OF PEOPLE IN NON-ISLAMIC WORLD

Democracy is government for people and by people. It is the definition given by most dictionaries, and is probably the most widely accepted definition, and the etymology of the term is Demos (people (Greek rule has its roots. Philosophers and statesmen the ancients

used this concept quite straightforwardly. Pericles said that our government is called democracy because its administration is in the hands of many, not few. Aristotle, after defining several types of democracy, concludes by saying that Oligarchy A system that allows everyone to participate is a democratic system or we can say that "democracy" is changing direction here. For other uses, see Democracy. Democracy (French: Democratie) is a form of government that manages righteous people with little error, in which it is not a particular individual or group that rules, but the people who rule. There are different types of democracy and we are witnessing the multiplicity of democracies in the international community. There are fundamental differences between different types of democracy. Some of them give more representation and power to the citizens. In any case, if in a democracy, strict legislation is not in place to prevent an unbalanced distribution of political power (for example, separation of powers). A branch of the ruling system may be able to seize a lot of power and possibilities and call it a democratic system. The "rule of numbers" is called as the main and distinguishing feature of democracy. In the absence of accountable governance, the rights of minorities in society may be abused (in which case it is called the tyranny of the majority). In addition, freedom of expression, freedom of political thought, and a free press are other fundamental pillars of democracy that allow people to vote with awareness and information according to their personal interests.

The most famous definition of democracy is its simplest: the rule of the people over the people. The definition, which by its very nature denies the rule of a part or all of the people, whether by the individual or the group, over the whole of society, is based on the idea that all people should be united in governing in some way. Democracy, meaning the rule of the majority, has three main characteristics, and these three distinguish democracy from non-democratic systems and represent the main political duties of the people: first, that the goals and objectives of government are determined and proposed by public opinion, not aristocratic groups. Any type; Second, leaders are elected by the people and there is no other way to reach government positions than through general elections; and third, the general public always has the right to oppose their chosen policies. Bryce argued that in order to complete democracy in the sense of people's sovereignty, the masses must first be educated as much as possible so that they can make better use of their abilities and opportunities to participate in politics and gain more power to judge and judge public affairs.; And secondly, he encouraged people to pay more attention to public issues and to judge about them. Democracy is not possible without a conscious and interested majority in political issues. (Fanahi, Abul Fazal, 1388)

V. THE AUTHORITY OF THE PEOPLE AND DEMOCRACY FROM THE ISLAMIC POINT OF VIEW

some may ask that when we accepted the law and knew exactly the channels and areas of law enforcement and convinced that, for example, in a particular case, a law should be implemented, what difference does it make whether the law is enforced or not? umer? When the same divine law was enforced, what need is there for God's permission? We accept that divine law must be implemented in society, but why should God give permission to the law enforcer? If the above doubt is raised in the jurisprudential space, it should be answered with the method of jurisprudence and the method of the jurists, but if those in a public environment and a free and open space, regardless of adherence to the principles of jurisprudence and research methods in Islamic jurisprudence, They raise a skepticism and want to get an answer that can be understood and digested based on their general and simple thinking, for such people we can, given the examples and examples that exist in our social life and on Let's act on their basis, answer the doubts, including this doubt. For example, you have rules in family life and family environment that have been set for your spouse and children. Their toys and stationery follow this rule. If one of them seizes his property without the other's permission, he will be challenged. Or, for example, in a relationship between two families or two neighbors, if one of the neighbors enters your house without permission and seizes some of your property and household items and you are not harmed, you protest why he entered the house without permission. You became us or why you seized our property, even if he served you, you give yourself the right to object to him. For example, suppose a law and a directive are implemented in an office, but the order of the directorate or management that must implement that regulation and directive has not yet been announced, if someone comes and says I am a righteous person. And I know the law well, and to sit at the table and deal with the affairs and implement the directive, no one will allow him to do so, even if he is the one whose sentence will be announced soon, as long as His sentence has not been signed and announced. He has no right to sit at that table and order and do something, and if he does, he will be reprimanded and may even be tried and punished, even though he has served and done the same things. Which must be notified after arrival? Because the principle has been accepted by all rational people that unless a competent official allows someone, he does not even have the right to legitimate and legal possessions, let alone matters that are against the law and crime. (Stankzai, Nasrullah, 1387)

Given this accepted principle in social life, we easily understand why in a society that belongs to God and the people have accepted God as their Lord, if someone wants to rule without the permission of their Lord, he is just like someone who wants to rule in to preside over an office, or to run for office without the permission of a competent authority, such as the President or the Islamic Consultative Assembly, or any other authority which must give him a mandate. Even if his work is right and good, he will be reprimanded and they can punish him. That is why we say that the executor of Islamic law must be appointed with the permission of the owner of the people and the Islamic society, which is God Almighty. Otherwise, he will be reprimanded. Like someone who does things without being installed by a higher authority, and of course he will be reprimanded. Even if he is not prosecuted, people are not obliged to obey him. Even in the case of the implementation of the same law, people say that if you are in charge of this unit or ministry, you should have a ruling, who allowed you to do this?? And until they are sure that a ruling has been issued by a competent authority, they do not consider themselves obliged to obey him.

VI. THE PREFERRED METHOD OF DEMOCRACY FROM THE ISLAMIC POINT OF VIEW

In the face of the question of which of these methods of government does Islam accept? We have already said in connection with the legislative dimension that if the meaning of democracy in the legislature is that whatever the majority vote of the people - 50% plus one vote - was given to it, then the law is valid, official and obligatory, even if it is against the text of the Qur'an., Islam does not accept such a democracy in legislation. Islam itself, which has explicit laws on various matters of governance, including the judiciary, economy, management and laws related to other organs of the country, does not allow a law to be formalized contrary to the explicit text and the final ruling of the Qur'an. If we want to recognize such a law, we have ignored Islam. The incompatibility of this method of democracy in legislation with Islam is a topological issue, that is, it is self-evident and does not need to be argued. If we say that democracy in legislation means the validity of a law that is not compatible with Islam, it is obvious that Islam will not be compatible with it, and there is inconsistency in the text of that proposition, and there is no need for a reason. When a statement of incompatibility with Islam is taken into account, there is no need to questions. (Muhsin, 1387)

Whether it is compatible with Islam or not, because it is presumed in Islam itself, so if democracy in the legislative dimension means that a law that is not compatible with Islam is recognized as valid, and we assume that Islam recognizes such a law as valid. This means that what is not compatible with Islam is compatible with it! This is clear and does not need to be argued. What needed further explanation and we promised to discuss is the issue of democracy in the future.

It is the implementation, that is, what is the role of the people in determining the law enforcers, as well as the role of the people in electing those who want to enact the laws within the framework of Islamic principles - that is, the members of the Council. In cases where Islam has not established fixed and permanent laws, and with the passage of time and changes in the way of human life and the transformation of previous structures, the establishment of new laws for new issues and needs is necessary; Islam has allowed a legitimate government. To establish the necessary laws in the four values of Islam for this area, which is called "the region of emptiness" in the words of the late Martyr Sadr? Like traffic rules that cars coat from the right or from the left, and how fast they move. It is obvious that the Qur'an and hadiths do not have a text in this regard, and the establishment of such variable and temporary rules, which are subject to changing temporal and spatial conditions, has been entrusted to the Islamic government. Sets appropriate rules. (Ali poor & sayed Mohammad, M. 1993)

VII. CONCLUSION

We conclude that Islam, both in harmonies with human nature, which is inclined to social life, and a comprehensive and all-encompassing parent, has dealt with issue of superior sovereignty fundamentally or decisively, in addition to its divine teachings. In a way, issue of guardianship, which includes true sovereignty and genuine authority in the view of the school of Islam, has been introduced as a fundamental element of religion. Based on our monotheistic worldview, we think that the political and legal authority of the state, like other principles in government, must be rooted in God and returned to him, and any sovereignty entrusted to him will be legitimate because sovereignty The state is not intrinsic, but is a transverse bond, and according to the principle ("all of us in breadth must end in us in essence"). All transcendental sovereignty must be nationalized as an inherent sovereignty, and since Allah is the creational and legislative lord of human beings, then the formative and legislative sovereignty of the data from it would be him.

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CONFLICT OF INTEREST

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