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## ***Umara* and *Ulama* in Umar ibn Abdul Aziz as Well as His Responsibility in the Implementation of Islamic Law in the Time of the Government of the Dynamic Bani Umayyah.**

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**Abstract:** This study focuses on the application of Islamic law during Umar ibn Abd Aziz as *ulama* and *umara*. At the beginning of the Umayyad dynasty's reign, there is a separation between religion and state. Religious authority was led by *ulama* and authority of state was held by the caliph. This separation has an impact on injustice, the gap in the application of the law and the separation between the law (rules) issued by the government and the law (fatwa) issued by the *ulama*. The method used in this study is descriptive analytics by analyzing the historical data about Umar ibn Abd Aziz intensively, especially in legal policy. The finding is that Umar ibn Abd Aziz is a statesman who is supported by scholars. He is very concerned about the sources of Islamic law. Thus, each of his policies is oriented to Islamic law. Umar also raises *qadi* and *emir* from the chosen people so that the application of the law is evenly and indiscriminately and there is no more discrimination between the groups in the social, political and legal fields.

**Keywords:** *umara*, *ulama*, Umar ibn Abd Aziz, law

### **Introduction**

Umayyad dynasty (661-750 AD) emerged after Al-Khilafah Al-Rasydin reign (632-661 AD). During the reign of AL Khulafa Al-Rashidin, policies in the temporal power and spiritual power were in the hands of caliphs, who were acquaintances of the Prophet, Muhammad SAW. Meanwhile, during Umayyad dynasty reign emerged a new policy that is the separation between religious authority (spiritual power) and political authority (temporal power). It is understandable that Mua'wiyah as the first ruler of Bani Umaterseyah was not an expert in religious matters, so that, religious matters were left to *ulama* (scholars). Therefore, they appointed *qadhi* or judges in every big city. In general, *qadhi* decides a matter based on their *ijtihad* which relies on the Qur'an and Hadiths as the first source. [1]

There are discriminations against Muslims who are not from Arab circles during Umayyad Dynasty. They are known as *Mawali* or *Al Hamra* (the Red One), while for Muslims who are from Arab circles are known *As Sayid* (the Lord) among non-Arabs. [2] Arab people usually get a job in the government department, even one of the requirements to become a *qadhi* must be from Arab circles. As for *Mawali* people, they work as artists, craftsmen and scientists.

The differences between the position of Arabs and *Mawali* people are not only limited to social position, but also in economic aspects and the application of the law that they receive. In the economic aspect, they are obliged to pay high taxes plus paying *Jizyah* tax. During the Prophet and Al Khulafa al Rasydin reign, *Jizyah* tax was paid for by non-Muslims who are living in Muslim territories, so that, their wealth, soul and safety are same as other Muslims. It means that Islamic government provides security guarantee and convenience for non-Muslims either. As for *Mawali* people, *Jizyah* tax payment is a policy that is not fair in their birthplace. Apart from that, Umayyad dynasty privileges people from the royal family or from Umayyad circles itself. They get some privileges in term of social, economic and legal aspects. Nepotism also committed by the rulers, untouched by the law at that time. Consequently, the application of the law is sharp down and blunt up to the rulers of Umayyad dynasty at that time.

History has recorded that a number of events concerning with various tyrants committed by some rulers and the crimes that they have committed. Then, *ulama* began to oppose the tyranny. They

wanted the rulers to be the pioneers in implementing Islamic law as well as possible, so no more injustice and atrocity. [3]

Since Umayyads came to govern, a caliph did not have to be an expert in religious matters (*fuqaha*), because they only concerned of government matters. Consequently, there was a shift towards authoritarian of Islamic leadership values during the administration. This situation made the caliph to use his power to enrich himself and his family. The monarci system adopted by Umayyads has removed the *Shura* tradition in solving the problems of the state and Muslims. With the inheritance succession system, the community does not have the opportunity to assess the qualifications of their leaders, because they have to accept their leaders in the family of the Umayyads. [4] Apart from that, the Baitul Mal no longer functions as people's property but rather become the family wealth of the rulers of Umayyad Dynasty except during the time of Umar ibn Abd Aziz. [5] In other words, for the caliph who has the character of *ulama* and *umara* in him, of course, the assets in the Baitul Mal are distributed properly and correctly. While for the caliph who has bad habits, these assets are used to enrich his relatives and be used for his pleasure.

Under such conditions, Umar ibn Abd Aziz was appointed as a Caliph of Umayyad Dynasty. Umar no longer followed the traditions of his predecessors in leading Muslims. If the previous leader tended to be tyrannical and ignored the citizenry, Umar applied a policy oriented towards people's justice and the application of Islamic law in the midst of society. He appointed ten prominent *ulama* as his advisors. Umar did not want to decide on a matter, whether it was a political matter or a religious, before he asked for an approval among his advisors (*ulama*). [6]

Before becoming a caliph, Umar ibn Abdul Aziz was known as respected *ulama* in Medina. Within Umar ibn Abd Aziz, there are two great characters, namely a scholar (*ulama*) and a leader (*umara*). He led like an expert, decided the case like a not like a ruler who is selfish, authoritarian and merely carnal. [7]

Umar's leadership was seen when he was appointed a caliph. He cried because he was given a big responsibility in maintaining Muslims. His mind was filled with the issues of starving peopl and sick, homeless people, oppressed and persecuted people. His authority and *zuhud* for Islam made him decided to live as a simple person after becoming a caliph. The clothes and vehicles were sold and the money was handed over to the Baitul Mal.

Umar ibn Abd Aziz did not only perform Islamic teachings in the form of personal rituals. He also made himself as the guardian of Islam. He made his power as a place where people can carry out Islamic shari'ah in their daily lives. What was done by Umar is due to his fear of Allah, so he left all of traditions contrary to the principles of Islam.

### **Method of the Research**

The method used in this study is analytical descriptive by using a literature study approach. The use of this method is adapted to the themes discussed, namely describing and analyzing Umar ibn Abd Aziz as an *ulama* and *umara* in applying Islamic law during his reign. The procedure used is to collect data in detail about the facts about the themes discussed from various sources then analyzed them in depth.

### **Umar ibn Abd Aziz as *Ulama* and *Umara***

The term 'ulama' is for the designation of religious authorities. While umara is the designation for holders of political authority. Therefore, the two authorities are in the Prophet and Khulafa al-Rashidun. During the Umayyad Dynasty, the separation of the two authorities occurred. The Umayyad government administered the government administration based in Damascus, while the religious jurists were concentrated in Medina. To compensate for the rulers who were not religious experts, the *ulama* built a framework of Islamic law in their respective areas such as in Medina, Makkah, Kuffah and other regions. [8]

A leader of the state has the duty to implement Islamic law in five aspects, namely: social; economic; education; domestic or foreign politics; and government. The application of these five aspects in Islamic history depends on the willingness of a leader of state. [9] The characters and

personalities of a leader will determine where the government is headed. As a leader who has a virtuous personality, he will bring the government and his people to be good as well as an Umar ibn Abd Aziz.

When Umar ibn Abd Aziz was appointed as caliph, he mobilized all of his potential and abilities, and devoted his entire life to reforming state affairs, security stability, welfare equality, and enforcing justice at all levels of society. For those reasons, Umar ibn Abdul Aziz applies some methods such as: safeguarding Islamic property; efficiency of time and energy; deft in dealing with an issue; simplifying bureaucracy; selecting judges, regional heads, and officials; eliminating all activities that are not in line with Islam's principles, embodiment balance in society, and persuasive dialogue with the rebels decently, so that, they support the government's policies and join with other groups. Among the policies carried out by Umar bin Abdul Aziz, there are the dismissal of officials of government who are unjust and replaced with new officials who are conscionable and righteous, even though they are not from Umayyah circles. He also abolishes the privileges granted to his family and were not favoritism towards all his people. All politics carried out by the Caliph Umar bin Abdul Aziz in carrying out his duties is political based on '*amar ma'ruf nahi munkar*', namely a political system whose policies aim to enjoining what is right and forbidding what is wrong. Evidently, he dismisses the wrongdoers and replaced them with pious people and *ulama*.

According to Imam al Mawardi, the obligation that must be carried out by an *umara* among them:

1. Maintaining religion to remain based on the truth and in accordance with the understanding agreed upon by the generation of *Salaf*. If *bid'ah* and fallacy arise, he is obliged to straighten it with *hujjah* and guide it from the confusion.
2. Enforcing the law fairly so that the wrongdoers do not dare to persecute, and no one is wronged because he is unable to defend himself.
3. Running the 'had' law so that no one violates the prohibitions of Allah and safeguards the rights of people.
4. Appointing trusted officials and competent people to assist him in carrying out his mandate and authority as *umara* (Muslim leaders). [10]

In addition, Umar ibn Aziz built a good government by instilling the most important values, namely:

1. Effective, namely a government that implements efficient management that strives for justice and simplicity.
2. Responsible, namely trustworthy in carrying out tasks that earn the trust of the people.
3. Quality, brings benefits to all aspects
4. Moral, have morals and ethics in running the government. [11]

Umar ibn Abd Aziz was known as a scholar in his time. He did (a long journey) in *thalabul ilmi* (study) to Medina. In Medina, he studied from Abdullah ibn Umar ibn Khattab and Anas bin Malik. He was known as a knowledgeable and intelligent person. Therefore, Umar became a scholar and a fair leader and *faqih* in religious affairs. Even Anas ibn Malik praised Umar as he said "I have never been led to prayer similar to the prayer of the Prophet other than this young man, Umar ibn Abdul Aziz". [12]

Umar ibn Abd Aziz's knowledge of religious matters makes *ulama* to approach the palace and the assembly of Umar ibn Abd Aziz with enthusiasm. They also participate in determining state policies actively. Sufyan ats-Tsauri and Maimun bin mahran stated that the scholars were like the students in front of Umar ibn Abd Aziz. Among the reasons the *ulama* followed Umar ibn Abd Aziz are:

1. The closeness between them in this case is their status as acquaintance scholars.
2. The compatibility of the *ulama* in the renewal concept of Umar ibn Abd Aziz.
3. Umar ibn Abd Aziz involves *ulama* in community affairs earnestly.
4. Umar elects government officials who are competent and have expert knowledge. [13]

As an *ulama* and statesman, Umar ibn Abd Aziz was aware that scholars had an important role in society and how noble they were in the view of the Prophet Muhammad. So, they were considered

as the heirs of the prophets. Awareness of the importance role of *ulama* in his government, Umar ibn Abd Aziz did not want to stay away from *ulama*. For this reason, he often communicates with *ulama* while asking for their fatwas. Among the *ulama* contacted by Umar ibn Abd Aziz were Salim bin Abdillah bin Umar bin Khattab and Hasan Basri.

Umar ibn Abd Aziz himself was a pious believer for his extensive knowledge. That is why he loved the scholars and he could not part with *Waratsatul Ambiya*. If he was not appointed as an *umara* in Umayyad Dynasty, surely, he would have been a great scholar of his time. Then he was appointed as a governor and caliph so that he was better known as *umara*. However, he basically gathered two professions (*ulama* and *umara*) to become integrated in him, and it could be said that Umar ibn Abd Aziz was an *umara* who is *ulama* and *ulama* who is *umara*. [14]

### **Umar ibn Abd Aziz's efforts to implement Islamic Law during Umayyad dynasty.**

During Umayyad Dynasty, or also known as *tabi'in*, it experienced a very rapid expansion of territory. Thus, the territory of its authority covers a variety of cultures, languages, and customs. These differences create a variety of new problems in a legal perspective. To be able to unite all of them in one legal entity, vivid guidelines are needed to regulate their behavior in various scopes. [15] Therefore, the *ulama* worked hard and devoted their energy and ability to restore and solve problems based on Islamic law, as well as holding to shari'ah and the laws required by the government in the form of benefits and necessities of life. Their enthusiasm increased in establishing the law on various events which were unlikely to occur, so that Islamic legislation did not restrict the life necessities and also did not limit one problem only. [16]

The source of Islamic law was not much different from the previous period at the time. The legal sources used are the Qur'an, Sunnah, *Ijma'*, and *Qiyas* (*ijtihad* by way of *qiyas* or by way of *istinbath*). Umar ibn Abd Aziz ordered the bookkeeping of hadiths which are a source of Islamic law after the Qur'an. This bookkeeping starts from Umar's instructions to the governor of Medina, Abi Bakar Muhammad ibn Umar ibn Hazm, to examine the hadiths and record them, "You must pay attention to the hadith of the Prophet, then write it because I am afraid of the abolition of knowledge and the disappearance of the *ulama*". [17] The attention of the Caliph Umar to the source of Islamic law was very extensive because he was an *ulama* who always guided the ummah and lead the people in accordance with the Islamic Shari'ah, so that he was known as the fifth caliph al Khulafa al Rasydin.

One form of Umar's attention to the source of Islamic teachings is the movement and effort in codifying the Hadith. Codification of Hadith was officially carried out during the reign of Umar bin Abdul Aziz. He sent a kind of instruction to all governors to collect all of Hadith in their respective regions. In particular he also gave instructions to the governor of Medina, Abu Bakr Muhammad bin Hazm, to collect the hadiths that were on him and the hadith from 'Amrah binti Abdurrahman al Ansari, a student of 'Aisha. Then, special instructions were also given to Muhammad ibn Muslim ibn Shihab al-Zuhri. Al Zuhri was the first to respond the instructions from Umar bin Abdul Aziz, so he was known as the person who codified the hadith for the first time. This initiative of the Caliph Umar bin Abdul Aziz is a brilliance and positive action. Therefore, this action was well received and a very positive impact for the development of hadith in later period. [18]

One that becomes a benchmark for knowing the good and bad of a scholar and fairness or the tyranny of a ruler, it can be seen from their interaction with the people; holding to Islamic law; how firm and consistent they are in applying, disseminating and maintaining Islamic laws. In the reign of Umayyad dynasty, the caliphs and the rulers are only concerned with their own interests, wealth, worldly power without regard to spiritual values. [19] The longing of the people towards the figure of *umara* (leader) who applied justice and law was getting bigger, especially for those who were ruled out by the government of Umayyad Dynasty. To that end, the appointment of Umar as caliph was considered to be as light in the midst of nepotism practices applied by Umayyads.

Administrative law is implemented in the courts by *qadhi* from among the *ulama* appointed by the caliph. In addition, the government established a special court called the *Mazhalim* court, which is a court dedicated to the rulers and government officials. Here, the caliph personally decide the case and give justice according to the caliph policy. Other institutions formed are the region of al-Hisba, its

function is to solve daily life problems such as: misappropriation of customers, imitation goods, fraud in trading, and others. Meanwhile, Fiqh issues are resolved by the *ulama*, so that the problems made by the government authorities are not a matter of religion. This has an impact on the grouping of *ulama* (scholars) namely government scholars through the appointed *qadhi* and 'private' scholars who solve religious problems amid society. [20] This kind of problem occurred for many years until the appointment of an *ulama* to become a caliph that is Umar ibn Abd Aziz. During his period, all matters of religion and state were resolved by the caliph. Umar returned the position of religious and government authorities at the time of the Prophet and Khulafa al-Rashdin, and there was no longer the term 'government scholars' and 'private scholars.'

Umar ibn Abd Aziz fostered the people like an *ulama* and developed the country like an *umara*. He carried out two important missions, namely as *umara* who served to prosper the people and the mission as an *ulama* who gave spiritual prosperity to the people. So, he fosters Muslims and builds the country by prioritizing spiritual values without ignoring other values.

Umar bin Abdul Aziz ran his government based on the Qur'an and the Sunnah. the first thing he did when he became Caliph was that he promised to govern by firmly adhering to the Qur'an and Hadith, as in his speech after being elected for a while. he said, "The Prophet of Allah and the Khulafaur Rashidin have established their Sunnah. Whoever obeys, it is the same as justifying the Holy Qur'an, and affirming the religion of Allah for him. Humans do not replace, change or look for others. As opposed to this, and whoever is guided by Him, he will receive instructions. [21]

As *umara* and *ulama*, Umar preached and applied Islamic law by using his power as caliph. He sent treatises to *amir*, governors, and employees in Islamic jurisdiction. He appealed to all of them to carry out "*amar ma'ruf nahi mungkar*" seriously and carry out the law fairly, and punish those who are guilty indiscriminately and uphold the commands of Allah and the Prophet then stay away from His prohibitions. What Umar ibn Abd Aziz did was reasonable, because immorality, injustice and wickedness were rampant everywhere as a result of the "inheritance" government and the old traditions adopted by the caliphs before Umar. To overcome these problems, Umar reminded his subordinates, "It has come to me the report, that there have been many rampant tyrannies among you, having been carried out freely by people in your cities and they have been openly doing things that are forbidden, an act that is totally disliked by Allah. The perpetrations that have been carried out by respectable people, actions that have never been done by the *Salaf* of your ancestors who are meritorious, and their deeds will not invite the coming of the perfect blessings of God upon them ... "[22]

Umar ibn Abd Aziz succeeded in reviving "*amar makruf nahi mungkar*" based on his awareness and devotion to Allah SWT and merely expecting His pleasure in every action. He positioned himself as a *tabi'in* scholar and *ijtihad* priest. Caliph Umar Abdul Aziz was very concerned about the religious values and morality of his people. The personality of the Caliph Umar Abdul Aziz gives an example and a profound influence on society including their tendencies, wants and interests. Umar Abdul Aziz does not only uphold religion only in his own country. He also paid attention to the non-Muslim community by inviting them to embrace Islam through letters to the kings of India and other nations. He wrote that if they embraced Islam, their rights and obligations would be similar to Muslims, and as such, many of them converted to Islam and changed their names to Arabic names. [23]

During his time as leader of Muslims, Umar ibn Abd Aziz wants policies that are taken are not contrary to Islamic sources that can disserve people. For this reason, he assumed that the position of the judge during his reign was an important position to uphold justice based on Allah's Law. So in choosing a judge, several criteria are applied, namely:

1. Knowledgeable,
2. Wise,
3. Maintain personal purity,
4. Deliberation,
5. Sturdy in holding the truth

Umar issued instructions to all judges at the central and regional levels, if the truth is clear, then he must punish him, but if the case is unclear, then it should not be abandoned and must bring the

matter to those who understand it better. Umar also instructed the judge, to act as objectively as possible to see the case that he faced. All humans are equal, the wrong is still wrong, even though it comes from among the Umayyad officials, and the truth remains true even though it is from ordinary people. Thus, Islamic law is applied regardless of social status in society to the present.

### Conclusion

Umar ibn Abd Aziz was appointed as the eighth Caliph of Umayyad Dynasty after Caliph Sulaiman ibn Abd Malik. Umar's appointment as caliph was due to Sulaiman knew the quality and personality of Umar ibn Abd Aziz so that he was appointed as a caliph. Umar ibn Abd Aziz is a scholar who has a high level of knowledge. He was respected by the scholars of his time. When he became governor and caliph, he was nicknamed as the *umara* who was an *ulama* or *ulama* who was *umara*, because he had the character of *ulama* and *umara*.

As *umara* with his policies, Umar ibn Abd Aziz succeeded in establishing good governance. As a scholar, he also succeeded in applying Islamic law in his time. So he was nicknamed the fifth al-Khulafa al-Rasydin because he managed to carry out the mandate that had been given to him. The success of Umar ibn Abd Aziz in leading Muslims was inseparable from Umar's dexterity and response to the problems that occurred. There are two patterns of leadership within him that *umara* and *ulama* so that he succeeds in governing Islam well, prosperity, justice and the application of Islamic law created in the society.

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