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Tracing the historical and ideological roots of ISIS: Shi'ite or Sunni?

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1 Abstract

This article describes a comprehensive study of ISIS (the Islamic States of Iraq and Syria) by examining both their historical and ideological roots, Shi'ite or Sunni - including their patterns and terror motives and also by mapping their doctrinal understanding that they adopt. The data stem from various studies, books and news that are widely spread in mass media by literature study (library research). This study was inspired by the emergence of ISIS which in recent years has shocked the world for their savagery and ferocity in committing the murder. Moreover, their leader (Abu Bakr al-Baghdadi) has declared himself as the caliph and called on Muslims worldwide to join them. That issue has been a controversy across the Muslim world; many Muslim groups accepted and joined the ISIS, while others rejected its presence. Based on these library research results, it can be inferred that, historically ISIS has existed since 2004 and the origin of ISIS cannot be separated from the existence of Tawhid wa al-Jihad. In terms of doctrine, the concept of shared leadership of ISIS tends

to lead to Sunnis, although al-Baghdadi himself does not meet the criteria to be appointed as caliph. Personally, al-Baghdadi does not possess the leadership capacity required as a caliph, based on one of the caliph's criteria, that is '*adālah* (justice) that he does not have.

Artikel ini, dengan menggunakan pendekatan kualitatif, mengkaji akar sejarah dan ideologi ISIS, Shi'ah atau Sunni -termasuk di dalamnya pola dan motif teror-, kemudian memetakan paham doktrinal yang mereka anut agar diperoleh kajian yang komprehensif tentang ISIS. Data diperoleh dari studi kepustakaan (*library research*) yang berasal dari berbagai hasil penelitian, buku, dan berita-berita di media massa. Penulisannya terinspirasi oleh kemunculan ISIS yang pada beberapa tahun terakhir telah menghebohkan masyarakat dunia, karena kebiadaban dan keganasannya dalam melakukan pembunuhan. Selain dari itu, Abu Bakar al-Baghdadi sebagai pemimpin ISIS, mengangkat dirinya sebagai khalifah dan menyeru umat Islam di seluruh dunia untuk bergabung ke dalam kelompoknya. Deklarasi yang sepihak itu mendapatkan respons beragam. Sebagian kaum muslimin memilih menjadi anggota ISIS, sedangkan yang lain menolak kehadirannya, karena ISIS dinilai melakukan kekerasan hingga menjurus kepada pembunuhan. Berdasarkan hasil penelitian ini, secara historis ISIS sudah ada sejak tahun 2004 dan asal muasal ISIS tidak terlepas dari keberadaan *Tauhid wa al-Jihad*. Dilihat dari segi doktrinal, konsep kepemimpinan yang dianut ISIS cenderung mengarah ke Sunni, meskipun al-Baghdadi sendiri tidak memenuhi kriteria untuk diangkat menjadi khalifah. Secara personal, kapasitas al-Baghdadi sebagai pemimpin, belum dapat terpenuhi secara sempurna, karena unsur '*adālah* (adil) yang semestinya ada dalam diri seorang pemimpin, tidak ia miliki.

Keywords: *History; Ideology; ISIS; Shi'ite; Sunni*

Introduction

This article reveals both the historical and ideological roots of the Islamic State of Iraq and Syria (ISIS). Does ISIS adopt Shi'ite or Sunni ideology? This article was inspired by the fact that ISIS in the past few years has shocked the world for its savagery and ferocity in the murder. After the World Trade Centre (WTC) attacks on September 11, 2001 (also referred as 9/11), terrorism became the headline news in almost all mass media across the world. The event of hijacked Boeing 767 and Boeing 757 American Airlines which then were flown into the towers of the World Trade Center was widely covered by CNN. The American mass media, like *Time* and *Newsweek* also reported that 11 September incident.¹

That deadliest terrorist attack became a milestone for the American foreign policy to be repressive in combating terrorism. America, at that time was under George Walker Bush's command, combated war against terrorism. Three days after the deadly tragedy in Twin Skyscrapers, the American Congress agreed to spend USD 40 billions to combat terrorists. That fund doubled the budget that Bush requested annually. The Congress also gave authority to President Bush to use all power sources required to take revenge.²

The United States then combated massive military aggression in the Middle East. However, the policy actually ignited "the spirit of jihad" among groups of Muslims. American occupation of Afghanistan and Iraq actually gave rise to a number of counter attacks. Several bombings and acts of terror targeted the American people and its allies in various parts of the world. In Indonesia, for example, the 'Bali Bomb'³ and JW Hotel

¹ Adian Husaini, *Jihad Osama Versus Amerika*, Jakarta: Gema Insani Press, 2001, 1-2.

² Adian Husaini, *Jihad Osama Versus Amerika ...*, 5.

³ A year after the incident of 11 September 2001, precisely on October 12, 2002, a group of radical Indonesian initiated by Imam Samudra exploded a suicide bomb on the

Bomb proved the real evidence of Indonesian 'jihadists' over American actions that were considered to be more cruel than the attack on the Twin Towers on September 11.

The latest counter attack against US was the emergence of terrorist groups called ISIS. This radical group set the concept of Islamic *khilafah* and announced themselves as 'a country' commanded by Abu Bakar al-Baghdadi'. This study, using qualitative approach, aimed to examine the historical and ideological roots of ISIS- including its terror patterns and motives-, also to map the doctrinal understanding that they adopt to obtain a comprehensive study of ISIS. Data were obtained from various studies, books and news in mass media through literature study (library research).

A brief history of ISIS

ISIS has been existing since 2004, and it has about 15.000 active members. Historically, the origin of ISIS cannot be separated from the existence of *Tauhid wa al-Jihad*, the group that against the American and coalition forces. The group's leader was Abu Mushab al-Zarqawi of Jordan, swore allegiance (*bai'at*) to al-Qaeda. Unfortunately, in June 2006, al-Zarqawi was dead and replaced by Abu Hamzah al-Muhajir, then the leadership was taken over by Abu Umar al-Baghdadi.⁴

² Sari Club and Paddy's Bar, in Legian Kuta (Bali) as a form of expression of jihad against the kuffar (US and allies) that fought against Islam and the Muslims, especially the US invasion on Muslim-majority countries such as Iraq and Afghanistan. Imam Samudra stated: "(Jihad) in the Shari'a is the fight against kuffar and their allies, especially the greatest jihad now is jihad against America and its allies who involved in the crusade war and fought Muslims all over the world. Especially by dropping thousands of tons of bombs in Afghanistan in September 2001, exactly in the month of Ramadan 1422², to approximately 200,000 innocent elderly man, Muslim women, and small children." See Imam Samudra, *Aku Melawan Teroris*, Ed. 2, Solo: Jazera, 2004⁹ 107-109.

⁴ Reno Muhammad, *ISIS: Kebiadaban Konspirasi Global*, Ed. I, Bandung: Noura Books, 2014, 29-30.

⁴ In October 2006, the group *Tauhid wa al-Jihad* joined with several *kabilah* and tribes in Iraq, such as al-Dulaim, al-Jabbur, al-Ubaid, Zuubaa, Qays, Azza, al-Tay, al-Janabiyyin, al-Halaliyyin, al-Mushahada, al-Dayniya, Bani Zayd, al-Mujama', Bani Shammar, Inaza, al-Suwaidah, al-Nu'aim, Khazraj, Bani Al-Him, al-Buhairat, Bani Hamdan, al-Sa'adun, al-Ghanim, al-Sa'adiya, al-Ma'wid, al-Karabla, al-Salman, and al-Qubaysat. The coalition of *Tauhid wa al-Jihad* and many tribes in Iraqi established the *Islamic State in Iraq (ISI)* and appointed Abu Umar al-Baghdadi as leader.⁵

In 2010, after a fierce war against the Americans and the Iraqi government for four years, Abu Umar al-Baghdadi was killed. His position as head of ISI was inherited by Abu Bakar al-Husseini al-Qurashi al-Baghdadi. In April 2013, al-Baghdadi explicitly adhered to expand the military operation of ISI to Syria, and collaborated with rebel group of Jabhat al-Nusra.⁶

Ayman al-Zawahiri, the leader of al-Qaeda after the death of Osama bin Laden, forced al-Baghdadi to instruct his army to leave Syria, and focused only in Iraqi. Because of disagreement between them, on 17 April 2013, ISI officially separated from al-Qaeda fi al-Iraq (AQI). After the split from AQI, al-Baghdadi rebranded itself "Levant"/"Syria" in ISI, became *Islamic State in Iraq and the Levant/Syria (ISIL/ISIS)*.⁷

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⁵ Reno Muhammad, *ISIS: Kebidaban Konspirasi Global ...*, 31.

⁶ Aaron Y. Zelin, "Al-Qaeda Announce an Islamic State in Syria", in *The Washington Institute for Near East Policy*, on 9 April 2013. He wrote: "Early Tuesday morning, Sheikh Abu Bakr al-Husseini al-Qurashi al-Baghdadi -the leader of the Islamic State of Iraq, an al-Qaeda branch-released an audio message announcing the extension of its 'Islamic State' into al-Sham (the Levant), effectively bringing Syrian jihadist rebel group Jabhat al-Nusra (JN) into the fold."

⁷ Reno Muhammad, *ISIS: Kebidaban Konspirasi Global ...*, 31-32. The main official of al-Qaeda itself is officially declared the termination of the relationship between al-Qaeda with ISIS on 2 February 2014. See Aaron Y. Zelin, "Al-Qaeda Disaffiliates with the Islamic State of Iraq and al-Sham", in *The Washington Institute for Near East Policy*, on 4 February 2014.

The emergence of ISIS shocked the world. By using the sectarian sentiment between Sunni versus Shi'ite and chaliphate as a political entity to unite all Muslims in the world, ISIS called on all Muslims to join them.⁸

Based on the data revealed by CNN dan Pew Research Center, as quoted by Reno Muhammad, around 11.000 people from 25 countries in the world have come to Syria to join ISIS and involved in war against President Bashar al-Assad's regime. According to the data above, the countries that contributed ISIS largest members outside Iraq and Syria are as follows; Tunisia (around 3.000 members), Saudi Arabia (2.500 members), Morocco (1.500 members), Rusia (800 members), and France (700 members).⁹

Of the total 204 million Muslim populations in Indonesia, there are about 30-60 people, or 0.00003 percent, join ISIS. Of 34 million Algerian populations, around 200 citizens (0.000575 percent) join ISIS. European countries that have the highest numbers of ISIS fighters include Finland (0.071 per cent), Ireland (0.07 percent), Australia (0.06 per cent), Denmark (0.044 percent), and Belgium (0,039 percent).¹⁰

Although al- Qaeda was the forerunner of ISIS, many researchers argued that ISIS is superior to al-Qaeda. Ansyaad Mbai quoted Brett McGurk, Deputy Assistant Secretary of State for Iraq and Iran, as follows: "They (ISIS) are more prepared and more advanced, they are considered more brutal, indiscriminate, and they have slaughtered their opponents mercilessly. ISIS have more trained members than Alqaeda that we faced in Iraq."¹¹

According to Mbai, ISIS in fact has the similar goal with the radical group affiliated to Al-Qaeda. But, ISIS has different strategies and tar-

⁸ Reno Muhammad, *ISIS: Kebidaban Konspirasi Global ...*, 69.

⁹ Reno Muhammad, *ISIS: Kebidaban Konspirasi Global ...*, 57.

¹⁰ Reno Muhammad, *ISIS: Kebidaban Konspirasi Global ...*, 58.

¹¹ Ansyaad Mbai, *Dinamika Baru Jejaring Teror di Indonesia dan Keterkaitannya dengan Radikalisme Transnasional*, t.tp.: AS Production Indonesia, 2014, 123.

gets. They claim to fight against Muslims who convert from Islam (apostate) and hypocritical Muslims.¹²

As quoted by Ansyaad Mbai, Lucy Fisher, foreign policy analyst from the UK, stated that the most important factor that caused the rise of ISIS in Iraq was economic problem. In fact, the economic issue explicitly had encouraged ISIS to get much support from the Sunnis in Iraq who had been suppressed by the leadership of the government adopting policies that tend to be in Shi'ism. Moreover, most of the Sunni Iraqis work as farmers and live in poverty.¹³

The roots of terrorism in the history of Islam

In Islam, the term associated with terrorism, among others are; *al-irhāb*, *al-hirābah* (robbery), *qaṭi' al-tariq* (robber), *al-baghy* (uprising), and *al'unf* (the opposite of meekness).¹⁴ The term *al-irhāb* derives from the word *arhaba-yurhibu* that means intimidation ² threat,¹⁵ and it may have significant meaning *akhafa* that means create fear, and *fazza'a* that means creating horror.¹⁶ In al-Qur'an itself, the terms that associated with jihad physically are mentioned in QS. al-Taubah: 29,¹⁷ 107,¹⁸ 123;¹⁹ al-

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¹² Ansyaad Mbai, *Dinamika Baru Jejaring Teror* ...,123.

¹³ Ansyaad Mbai, *Dinamika Baru Jejaring Teror* ...,124-125.

¹⁴ Muhammad bin Mukarram bin Manzhur al-Afriqi al-Mishri, *Lisān al-'Arab*, Juz 4, Beirut: ¹¹ Dar Ṣādir, n.a., 97.

¹⁵ Ahmad Warson Munawwir, *Kamus al-Munawwir*, Surabaya: Pustaka Prograssif, n.a., 539.

¹⁶ Ibnu Manzhur, *Lisān al-'Arab*, hlm. 436. Lihat Louis Ma'luf, *al-Munjid fī al-Lughah wa al-A'lām*, 282.

¹⁷ QS. al-Taubah, 9: 29, "Fight those who (do) not believe in Allah and not in the Day the Last, and not they make unlawful what Allah has made unlawful and His Messenger, and not they acknowledge (the) religion (of) the truth, from those who were given the Scripture, until they pay the willingly, while they (a ⁶ subdued".

¹⁸ QS. al-Taubah, 9: 107, "AND [there are hypocrites] who have established a [separate] house of worship in order to create mischief, and to promote apostasy and disunity among the believers, and to provide an outpost for all who from the outset have been warring against God and His Apostle. And they will surely swear [to you, O believers], "We had but the best of intentions!" -the while God [Himself] bears witness that they are lying."

Ma'idah: 33,²⁰ and Ali Imran: 167.²¹

In the history of Islam, the origins of the emergence of terrorism is identical with the existence of Khawarij, a group of Ali bin Abi Talib's followers who left the group and split themselves because of their disappointment over Ali's policy that conduct *tahkim* (arbitration) to resolve the dispute with Mu'awiya bin Abi Sufyan. The Khawarij then perceived Ali and Muawiyah and all those who accepted Ali's policy as infidels, with the consequences that they may be killed for being Khawarij's political opponents.²²

According to Azyumardi Azra, Khawarij is synonymous with terrorism, in tem of using violence. They do not even hesitate to commit murder and persecution on political dissidents, both in religion and in politics.²³

Even so, before the caliphate of Ali bin Abi Talib, precisely at the time of Caliph Uthman bin Affan, the ripples of terrorism have emerged. Uprisings occurred in the territory of Islam, such as Kufa, Basra and Egypt, because of the dissatisfaction over the Uthman government that was perceived to be wasteful in spending the *baitulmal*'s treasure and left of-

¹⁹ QS. al-Taubah, 9: 123, "O you who believe! Fight those who (are) close to you of the disbelievers, and let them find in you harshness. And know that Allah (is) with those who fear (Him)."

²⁰ QS. al-Ma'idah, 5: 33, "It is but a just recompense for those who make war on God and His apostle, and endeavour to spread corruption on earth, that they are being slain in great numbers, or crucified in great numbers, or have, in l' result of their perverseness, their hands and feet cut off in great numbers, or are being [entirely] banished from [the face of] the earth: such is their ignominy in this world. But in the life to come [yet more] awesome suffering awaits them."

²¹ QS. Ali Imran, 3: 167, "And that He (might) make evident those who (are) hypocrites. And it was said to them, "Come, fight in (the) way (of) Allah or defend." They said, "If we knew fighting certainly we (would have) followed you." They - to disbelief that day (were) nearer than [them] to the faith, saying with their mouths what was not in their hearts. And Allah (is) Most Knowing of what they conceal."

²²Kasjim Salenda, *Terorisme dan Jihad dalam Perspektif Hukum Islam*, Ed. I, Jakarta: Badan Litbang dan Diklat Departemen Agama RI, 2009, 2.

²³Azyumardi Azra, "Jihad dan Terorisme", in Tabrani Sabirin (ed.), *Menggugat Terorisme*, Jakarta: Karsa Rezeki, 2002, 72-73.

face only to his family. Moreover, Abdullah bin Saba²⁵ created propaganda by saying that Ali should be appointed as the caliph after the Prophet's death, instead of Abu Bakr al-Siddiq, Umar bin al-Khaththab, dan Utsman bin Affan.

The propaganda successfully rekindled the spirit of the supporters of Ali and people who did not like Caliph Uthman, then they eventually attacked Madinah and killed Uthman bin Affan, even though Ali and his two sons, Hasan and Husain, had blocked them at the gates of Uthman's home.²⁴

Violences under the guise of religion also has occurred during the Abbasid dynasty in the era of Caliph al-Ma'mun (813-833 H), al-Mu'tasim (833-842 H), and al-wathiq (842-847 H). The caliph who adopted Mu'tazilah doctrine had imposed their understanding that the Koran was a creature. Even, many Muslim clerics at that time were victimized, one of whom was Imam Ahmad bin Hanbal who was put in prison. In the Shia, there was a sect called Assassin, a splinter group from the extreme firqah Ismailis, led by Hassan al-Shabah. Hassan al-shabah permitted his group to commit murder of their political opponents of Saljuks in the 11th and 13th century.²⁵

This stream also adopted extreme Ismaili Shia doctrine that encouraged deprivation, both in the city and in the mountains. Many people became victims of these groups, one of which was Nazim al-Mulk, the minister of the Sultan of Baghdad. Terror acts continued to spread to Persia, Syria, and Palestine. The majority of victims killed were Sunni Muslims.²⁶

²⁴ Abu Ja'far Muhammad bin Jarir al-Thabari, *Tārīkh al-Thabari: Tārīkh al-Rasūl wa al-Mulūk*, Juz III, Kairo: Dār al-Ma'ārif, 1963, 450-465.

²⁵ Kasjim Salenda, *Terorisme dan Jihad ...*, 3.

²⁶ A. M. Hendropriyono, *Terorisme: Fundamentalis, Kristen, Yahudi, Islam*, Jakarta: Kompas, 2009, 57.

² The issue of terrorism is often associated with the movement of fundamentalism and radicalism.²⁷ Fundamentalist movements who skippered by Muhammad bin Abdul Wahab (1703-1792 AD), brought about the theme of great purification of Islam (purification). This movement was divided into two, namely Wahabi Haraki and Wahabi Tarbawi. To realize its ideals, Wahabi Haraki proclaimed jihadist movements in destructive and offensive ways; on the other hand, the Wahabi Tarbawi conducted jihadist movements through the provision of educational facilities, worship, procurement of books and implementing other educational programmes to spread their understanding.²⁸

The ideological and organisational roots of ISIS

If we explored further - before Khawarij emergence -, at the time of the Prophet, there was a forerunner to the birth of extremist groups. The figure who was supposed to be the “pioneer” was Dhul Khuwaishirah, a man from Tamims. This statement can be traced from the following hadith:²⁹

²⁷According to M. Dian Nafi², the difference between fundamentalism and radicalism lies in the realm of implementation. Fundamentalism is still in the realm of ideology or thought, while radicalism requires substantial changes in the form of action. Delivered ² “Training Capacity Building for All Elements in Abah Lutfi Center Foundation “, on Friday, August 28, 2015, in Ungaran, Semarang, Central Java. This differs from the definition of fundamentalism and radicalism, defined ² by Abu Ridho. He viewed fundamentalism (al-uṣūliyah) as ideas or ideologies that tend to fight for something radical. While radicalism (al-judhriyah), is the ideology or stream that requires changes or social and political reform by force or drastically. This ² understanding resists gradual improvement in economic, social, and politics gradually. See Abu Ridho, *Terorisme*, Jakarta: Pustaka Terbiatuna, 2003, 97 and 101.

²⁸ ¹¹im Salenda, *Terorisme dan Jihad ...*, 6-7.

²⁹ Muhammad bin Isma'il bin Ibrahim bin al-Mugirah bin Bardizbah al-Bukhari, *Ṣaḥīḥ al-Bukhārī*, hadith number 3341, Juz 11, Maktabah Sy ¹¹ah, t.th., 442. Also see hadith that has similar interpretation but in different writing in Muslim bin al-Hajjaj bin Muslim bin Ward bin Kausyadz al-Qusyairi, *Ṣaḥīḥ Muslim*, hadith number 1765, Juz 5, Maktabah Syamilah, n.a., 299.

حَدَّثَنَا أَبُو الْيَمَانِ أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ رَضِيَ اللَّهُ عَنْهُ قَالَيْتِمَا نَحْنُ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهُوَ يَقْسِمُ قِسْمًا أَنَاهُ ذُو الْخُوَيْصِرَةِ وَهُوَ رَجُلٌ مِنْ بَنِي تَمِيمٍ فَقَالَ يَا رَسُولَ اللَّهِ اغْدِلْ فَقَالَ وَتِلْكَ وَمَنْ يَغْدِلُ إِذَا لَمْ أُغْدِلْ قَدْ خِبتَ وَخَسِرْتَ إِنْ لَمْ أَكُنْ أُغْدِلْ فَقَالَ عُمَرُ يَا رَسُولَ اللَّهِ اتَّذَنْ لِي فِيهِ فَأَضْرِبَ عُنُقَهُ فَقَالَ دَعَهُ فَإِنَّ لَهُ أَصْحَابًا يَحْقِرُ أَحَدَكُمْ صَلَاتَهُ مَعَ صَلَاتِهِمْ وَصِيَامَهُ مَعَ صِيَامِهِمْ يَقْرَأُونَ الْقُرْآنَ لَا يُجَاوِزُ تَرَافِيهِمْ يَمْرُقُونَ مِنَ الدِّينِ كَمَا يَمْرُقُ السَّهْمُ مِنَ الرَّمِيَةِ يُنْظَرُ إِلَى نَصْلِهِ فَلَا يُوجَدُ فِيهِ شَيْءٌ ثُمَّ يُنْظَرُ إِلَى رِصَافِهِ فَمَا يُوجَدُ فِيهِ شَيْءٌ ثُمَّ يُنْظَرُ إِلَى نَضْبِهِ وَهُوَ قَدْ حُدَّ فَلَا يُوجَدُ فِيهِ شَيْءٌ ثُمَّ يُنْظَرُ إِلَى قُدْذِهِ فَلَا يُوجَدُ فِيهِ شَيْءٌ قَدْ سَبَقَ الْفَرْثَ وَالدَّمَ آيَتُهُمْ رَجُلٌ أَسْوَدٌ إِحْدَى عِضْدَيْهِ مِثْلُ نَذْيِ الْمَرْأَةِ أَوْ مِثْلُ الْبِضْعَةِ تَدْرَدُرُ وَيَخْرُجُونَ عَلَى حِينِ فُرْقَةٍ مِنَ النَّاسِ قَالَ أَبُو سَعِيدٍ فَأَشْهَدُ أَنِّي سَمِعْتُ هَذَا الْحَدِيثَ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَشْهَدُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ قَاتَلَهُمْ وَأَنَا مَعَهُ فَأَمَرَ بِذَلِكَ الرَّجُلِ فَالتَّمِسَ فَأَتَى بِهِ حَتَّى نَظَرْتُ إِلَيْهِ عَلَى نَعْتِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الَّذِي نَعْتُهُ

Abu al-Yaman told us; Shoaib preach to us; from al-Zuhri, he said: Abu Salamah ibn Abdurrahman reported to me that Abu Said al-Khudri RA said: "When we were with the Prophet Muhammad who was distributing wealth, came closer to the Prophet a man from Bani Tamim named Dhul Khuwaishirah. He said, 'O Messenger of Allah, be fair!' Then the Prophet responded, 'Woe to you! ³² Who could do justice if I was accused of unfair?! Really you really lose if I am not fair'. Then Umar bin al-Khattab said, 'O Messenger of Allah, let me slash his neck'. The Messenger said, 'Leave him alone. Because, he has friends that one of you regard that your prayer itself is nothing, when compared with their prayers, as well as your fasting compared with their fasting. They read Koran, but did not pass their throats. They became infidel as an arrow shot to penetrate (the body) game to be

targeted (because the speed is too fast and the arrow pierced and out of the body of his target). If we see the part of the sharp end of the arrow, then no part of the hunted animal was stuck (both blood and flesh). If seen the connecting section between the stem and the edges, nothing stuck. If seen the shaft of his arrow nothing encountered. And when viewed from the fur of arrows (the latter part of the arrow), then nothing found. The exit of the arrow (from the body of the prey) quicker (faster) than the release of stains and splashes of blood from the animal's body. Their sign is a black person, one of his upper arms (there is flesh) like female breast or some sort of swaying piece of meat. They appear when there was a split in the ¹³ *mat* of the Muslims (at the time of the dispute of Ali and Muawiyah). Abu Sa'id said, "I testify that I heard this hadith from the Prophet and I bear witness that Ali bin Abi Talib had to fight them, and when I was with him, then he [Ali] ordered to search for the man, the man finally was arrested and brought before him, then I could see the traits mentioned by the Prophet Muhammad."³⁰

Dhul Khuwaishirah's protest who did not agree with the share of property that was done by the Prophet showed that he had a tendency to fight anyone who he thought was wrong. In fact, the prophet is a messenger of God who is given legitimacy to establish legal provisions through speech (*qauliy*), action (*fi'liy*), as well as provisions (*taqririy*), and receives a guarantee of infallibility (avoid sin). Consequently, every Muslim - including Dhul Khuwaishirah- should obey the Prophet without doubt of any decision taken by him.

In the present context, the position of the Prophet as both the carrier and the formulator of the command of sharia law that are not stipulated in the Qur'an, is analogous to the position of the government in a country. One of the government functions is to formulate laws that govern the way

³⁰ HR.al-Bukhari in Bab *Isti'abah al-Murtaddin wa al-Mu'anidin wa Qitalihim*; Sub Bab *Tark Qital al-Khawarij li al-Ta'alluf wa an La Yanfira al-Nas Minhu*.

of life that must be obeyed (legislative function). However, the law which is created by the Prophet can not be denied since the source comes from the God's revelation and has the absolute truth. In contrast to the laws created by human beings are the result of *ijtihad* and the truth is *zhanni*. However, the legal-formal aspects, such as citizens, rule or regulation of the country is still binding the people. In other words, people still oblige to abide by the rules of the country, in addition always obey Islamic Shari'a.

So, Dzul Khuwaishirah's protest to the Messenger can be said as a form of defiance on the legitimate government. Moreover, this attitude arose because of his personal ego of self-righteous, without recognizing that the Prophet has the authority to take out a policy. This indicates that the extremist and radical movements emerge because of egocentric and exclusive religious mindset. This way of thinking makes someone act antipathy to see the possibility of another truth that comes from people or groups outside of himself. They tend to feel the most righteous, most Islamic, and the most eligible ones to enter heaven because they have the "quality" of worship that is so much better compared to other Muslims.

In the above hadith it was mentioned that Dhul Khuwaishirah became the forerunner of the birth of the splinter group when a dispute between Ali and Muawiyah bin Abi Sufyan took place, called as the Khawarij. The hadith informs us that one characteristic of radicals is opportunistic by taking advantage of the precarious situation among the Muslims. Their strategy is riot creation that ultimately will lead to divisions among the Muslims. By doing so, the strength of the Muslims is divided and cannot be united.

The similar strategy is also adopted by ISIS nowadays. By using the conflict between Iraq and Syria, they do "to fish in troubled waters". The tangled social, political and economical situations are used by ISIS to take the people's hearts in those two countries. ISIS applies the issue of justice

and prosperity as propaganda to overthrow the governments that are perceived unable to meet their obligations.

The terror motive of ISIS

In their research, Collier and Hoeffler concluded that there was a close relationship between economic factors (poverty issues) with the level of conflict and terrorism.³¹ Economic disparities became significant factors causing the emergence of violence and terrorism.³² The economic system of capitalism that ruled the world was suspected to be the root of that problem. Lacks of employment, continuous suffer from poverty, and low standards of living have triggered poor people to make a frontal change. As a result, they looked for an alternative action as a way to change the social strata and the status quo of the government that was considered to be unfair. Religious propositions which stated that the government must be adhered for justice, led to the understanding that people had the right to rebel and to be disobedient when government acted arbitrarily and was unable to meet the people's rights. This had paved the ISIS step in recruiting new members from the Sunnis in Iraq.

Zulfi Mubaraq also considered that the socio-economic problems also triggered the emergence of acts of terrorism. It could be seen from the solutions that he explored in his research. He noted that one of the options that needed to be taken by the government to deal with terrorism was to improve the social and economic system and to improve the distribution of welfare, because the process of marginalization could lead people

³¹ Collier dan Hoeffler, "Greed and Grievance in Civil War", in *Oxford Economic Paper*, Vol. 56 (2004), 563-595.

³² Siti Mumum Muniroh and Maghfur Ahmad, *Perempuan di Balik Teroris: Religiusitas, Penyesuaian Diri, dan Pola Relasi*, Pekalongan: Kementerian Agama Republik Indonesia, 2013, 52.

to act of terrorism.³³

Muniroh and Ahmad noted, there were at least two major issues related to economic factors that triggered the birth of terrorism act. First, the economic disparity among people could give rise to terrorism. This happened because people from low economic group struggled to get the economic justice through violence. Secondly, the group that had specific motives and targets often used terror to achieve economic gains.³⁴

Referring to that thesis, related to economic issues, the ISIS phenomenon can be viewed from two perspectives. First, from the perspectives of ISIS members who are originally from Iraq, poverty is a motivation that encourages them to follow the movement of radical leader, Abu Bakr al-Baghdadi. Economic disparity as a result of the discriminatory attitude of the government is likely to impose a policy set by the Shiite, and has forced poor Iraqi Sunni to do radical changes through frontal movement. The Abu Bakr al-Baghdadi's offer for those Sunni people to become members of ISIS gets a "warm welcome" of Sunni Muslims in Iraq.

Secondly, from the point of view of ISIS as a terrorist organization, murder and destruction they do make them easier to take control of assets in the areas they control. If the news that stated ISIS was formed by US intelligence (CIA), the British (MI6), and Israel (Mossad) was true, this would benefit all three because they occupy Syria which is being in conflict. On the pretext of eradicating ISIS, these countries can undertake expansion in the Middle East. Economically, they are free to dominate abundant oil resources. In this way, they will become an important player in determining global oil prices.

³³ Zulfi Mubaraq, *Tafsir Jihad: Menyingkap Tabir Fenomena Terorisme Global*, Malang: UIN Maliki Press, 2011, 347.

³⁴ Siti Mumum Muniroh dan Maghfur Ahmad, *Perempuan di Balik Teroris ...*, 54.

The second opinion refers to the statement of Edward Snowden, a former employee of the National Security Agency (National Security Agency/NSA) United States, which claimed that ISIS is formed by American, the United Kingdom, and Israel intelligence agencies.

In the news that was released by Global Research, an independent media research organization in Canada, Snowden revealed that the intelligence agencies of British, US and Israeli Mossad are working together to create a new caliphate state called ISIS. Snowden said that the intelligence agencies of the three countries formed a terrorist organization to attract all extremists around the world. They call such strategies as “honeycomb”.³⁵ The strategy was created to display all the extremists in the same place, so it is easy to target. Not only that, ISIS will prolong instability in the Middle East, especially in Arab countries.³⁶

Snowden’s statement was not a mere nonsense. Before Snowden revealed the depravity of America, Noam Chomsky, an American philosopher expressed a similar statement that Americans were terrorists who shouted others as terrorists. According to Chomsky, America became the “brains of terrorism” by taking action, ranging from conditioning, creating, and implementing of terrorist acts in various countries, such as Nicaragua, El Salvador, Palestine, Lebanon, Iraq, Egypt, Libya, and Syria.³⁷

³⁵ *Harian Republika Online*, “Snowden: ISIS bentukan Israel, AS, dan Inggris”, www.republika.co.id/berita/internasional/timur-tengah/14/08/01/n9m0h7-snowden-isis-bentukan-israel-as-dan-inggris, accessed on 29 September 2015, at 10.09 GMT.

³⁶ The formation of ISIS as a terror organization stability disruptor in the Middle East was acknowledged by Hillary Clinton. As reported by the Daily Egyptian, Elmihwar, Hillary declared it in her latest book, *Hard Choice*. He admitted that the US government and Western countries deliberately formed ISIS in order to divide the Middle East. See, “Hillary: ISIS Products US to the Middle East Turmoil”, in nasional.inilah.com/read/detail/2125665/hillary-isis-produk-as-agar-timteng-bergolak, accessed on 29 September 2015, at 10:07 GMT.

³⁷ Noam Chomsky, *Maling Teriak Maling: Amerika Sang Teroris*, Bandung: Mizan, 2001, 24.

Yasraf Amir Piliang agreed with Chomsky that the Americans had successfully wrapped the terror activities on behalf of international terrorist organizations. Therefore, as a member of the UN Security Council, the United States of America has the task to eradicate the terrorists to uphold global peace.³⁸

Surprisingly, Hillary Clinton, former Secretary of State, who was also the candidate of US Democratic Party, quoted in her latest book titled "Hard Choice", which was launched in October 2015, recognized that ISIS deliberately was created by the USA to disrupt the Middle East and the Islamic world, where ISIS as a radical militant group consisted of extreme takfiri as the majority members, including its leader Abu Bakr al-Baghdadi, the former al-Qaeda member who defected from the leadership of Sheikh Ayman al-Zawahiri, who replaced Osama bin Laden's leadership. In her book, quoted by Tjipto Subadi, Hillary Clinton wrote, "We have visited 112 countries and we agreed to set up an Islamic Country (Islamic State/ IS) that we will later use it to destroy the Middle East".³⁹ On another occasion, when she delivered her testimony before the US Congress that was broadcasted by CNN, Hillary Clinton said that the US financed al-Qaeda and the Taliban, and also used the radical *takfiri* as the seeders of terrorism.

If Hillary Clinton openly said that the US deliberately created the IS, President Obama, in a press conference discussing IS, accidentally slipped his talk by saying that the US trained the IS troops. So, what Obama said in a press conference was considered as "Freudian slip", which he accidentally mentioned things that were buried in his subconscious aspect of mind which was usually honest. That means, Obama acknowledged that

³⁸ Yasraf Amir Piliang, *Bayang-bayang Tuhan: Agama dan Imajinasi*, Bandung: Mizan Publika, 2011, 104.

³⁹ Tjipto Subadi, "IS dan Teori Konspirasi," *Suara Merdeka*, 30 December 2015, 4.

the US indeed had trained IS militants.

The 'open statement' of Hillary Clinton and President Obama's 'slip of the tongue' increasingly demonstrated the truth that actually IS was formed by US through the CIA, with the aim at disturbing the stability all over the Middle East and the Islamic world. Now the question is, if the conspiracy theories about ISIS are true, what is the real purpose of US government creating a "monster" in the Middle East?

First, the extreme takfiri ideology adopted by ISIS was deliberately created by the CIA with the help of Mossad to create a chaos throughout the Middle East and the Islamic world, as it was said by Hillary Clinton in her book called "Hard Choice".

Second, ISIS was deliberately created to discredit Islam and Muslims in the world. Terror in Paris and Russian civil air blasting, Metrojet, effectively spread the Islamo Phobia worldwide.

Third, IS was deliberately created to overthrow the regime of Bashar al-Assad, and also to create chaos throughout the Middle East and the Islamic world through the political *divide et impera* strategy between Sunni and Shia.

The Syrian war that has lasted for 4 years reached 250,000 victims could not be separated from the future US political strategy in the Middle East, with the main objective to fully control of Middle East oil. Meanwhile Israel is very concerned with the fall of Bashar al-Assad regime, in which Syria is the only Arab country that has border with Israel and it is in war and never agrees to establish peace with the Jewish state.

Fourth, if the IS had threatened the US by bombing New York like Paris and attacking the White House in Washington, the threat would never happen. If this threat happens, then certainly there is a break away faction and defection in the inner circle of IS leadership under Caliph Abu Bakr al-Baghdadi. So far, IS has not specifically conducted spectacular attacks against US and Israeli's interests around the world, not even

entered into the US or Israel territory to carry out deadly attacks such as occurred in Paris.

Although originally ISIS was created to encompass terrorists from around the world, the subsequent development may open the possibility of the three countries to use it as a political tool to legitimize their invasion of Syria. This thesis is supported by similar facts that happened in Iraq and Afghanistan. On the pretext of combating terrorism, America invaded two oil-producing countries. As a result, the current United States have strong political power to set the course of government in those two countries. With a high bargaining power, America was able to drive the officials and authorities in Iraq and Afghanistan.

Terrorism pattern of ISIS

Based on the methods used by the terrorists, terrorism can be grouped into two categories. *First*, physical terror, which is a terror that aims at generating fear and anxiety through physical targets (physical) in the form of murder, persecution, rape, hostage-taking, torture, and other physical cruelties. *Second*, mental terror is using all means that may cause fear and anxiety without physically hurting the victim, only giving psychological distress.⁴⁰

In the context of terror conducted by ISIS, the ISIS used both physical and mental terrors. *Firstly*, for controlling the amount of territory in Iraq and Syria, ISIS uses physical violence which even led to the death of the victims. Iraqis and Syria were considered their enemies, they killed Christians, Catholics, Yazidis - to which they believed were not Muslim- and Muslims who refused to swear allegiance to ISIS, will be slaughtered by means of vile: beheaded.⁴¹ Beside killings, ISIS militancy also took

⁴⁰ Siti Mumum Muniroh dan Maghfur Ahmad, *Perempuan di Balik Teroris ...*, 62.

⁴¹ See Tempo Online, "Tolak Bai'at ISIS, 700 Warga Sheitat Dipenggal", in dunia.tempo.co/read/news/2014/08/17/115600268/tolak-bai'at-isis-700-warga-sheitat-dipenggal, accessed on Sunday, 4 October 2015, at 14.10 GMT.

hostages. Iraqi and Syrian women were suffered from ISIS crime. They were raped by members of the terrorist group.⁴²

Secondly, ISIS also conducted mental attacks to those considered to be their opponents. The countries that consider ISIS as a terrorist organization, is branded as ¹⁴ enemy. Even, countries with Muslim population as majority, if they do not swear allegiance to Abu Bakr al-Baghdadi, the ISIS will fight against them. Indonesia had been threatened because its involvement with the international world in rejecting the legality of ISIS as an Islamic state. In some videos uploaded on Youtube, ISIS members from Indonesia explicitly challenged to fight against the Indonesian police and the Indonesian National Army, and the Islamic organization Nahdlatul Ulama.⁴³

Viewed from the target scale, terrorism can be categorized into two groups. First, the national terror is addressed to those who inhabited a territory and state power. That group of terror includes armed rebellion, national stability riot and national security threats. Second, international terror, the terror that targets a nation or other countries outside the region inhabited by terrorists. Muniroh and Ahmad divide this second type of terror into two forms: the terror of the powerful against the weak, including colonization, invasion, intervention, aggression, and open warfare; and the terror of the weak to the powerful, such as piracy, security problems, sabotage and suicide bombings.⁴⁴

⁴² Among the victims was a Yazidi girl whom was raped for 30 times in a day. See, Kompas Online, "Wanita Yazidi: Saya Diperkosa 30 Kali dalam Beberapa Jam", in 24ternasional.kompas.com/read/2014/10/22/16451281/Wanita.Yazidi.Saya.Diperkosa.30.Kali.Hanya.dalam.Beberapa.Jam, accessed on Sunday, 4 October 2015, at 14.13 GMT.

⁴³ In a video released on Youtube, an ISIS member from Indonesia, Abu Jandal al-Indonesi challenged Densus 88, Indonesian Police commander, Indonesian military commander, dan NUForces. See Metro TV News, "Prajurit ISIS Tantang Du³⁰ Banser dan Panglima TNI", in news.metrotvnews.com/read/2014/12/26/336867/prajurit-isis-tantang-duel-banser-dan-panglima-tni, accessed on Sunday, 4 October 2015, at 14.25 GMT.

⁴⁴ Siti Mumum Muniroh dan Maghfur Ahmad, *Perempuan di Balik Teroris ...*, 63.

Based on the scale of the targets, ISIS terrorist actions has categorized into national terror, which then developed into international area. Initially, ISIS only operated in the Iraqi state and built a mass base there. However, especially after the success of recruiting members and holding insurgent group Al-Nusra Front, ISIS chose to expand its power to Syria. Even, ISIS was able to recruit a number of Muslims from various countries to join and become members of the group.

The ISIS terror scale type can be categorized into terror from the powerful to the weak at a time, but at other times ISIS behaves as terrorists of the weak against the powerful. Challenges to fight openly waged by Abu Bakr al-Baghdadi shows that ISIS military forces may not be underestimated. Besides having a relatively complete arsenal, ISIS also successfully occupied a number of key sites in Iraq and Syria. Among the cities in both countries that occupied by ISIS are Ramadi, Mosul, Palmyra, Ain Issa, Kobani, and Tikrit.

The ISIS even challenged the respective state's legitimate governments in Iraq and Syria and conducted a series of aggression that led to the conquest of the cities in the two countries. ISIS also disrupted the stability of the countries and conducted sabotage, then fought by using military equipment. However, ISIS rarely uses suicide bombers to terrorize the enemy. They often act frontally by direct attacks.

Wilkinson, as cited by Muniroh and Ahmad, classified terrorism into three groups, namely revolutionary terrorism, sub-revolutionary terrorism, and repressive terrorism.⁴⁵

In the context of ISIS, acts of terror that they do can be classified into the revolutionary terrorism because ISIS calls for a thorough and fundamental change. It can be inferred from ISIS utopian ideology and its ambition to change the current system of government, especially in the

⁴⁵ Siti Mumum Muniroh dan Maghfur Ahmad, *Perempuan di Balik Teroris ...*, 63.

Muslim-majority country. ISIS intends to unite all of Muslim-majority countries, and form a single caliphate in which ISIS will take control over the government led by Abu Bakr al-Baghdadi as caliph. In other words, ISIS intends to revive the Islamic caliphate that was victorious in the past, during the Ottoman Empire period. They also strongly condemned models of government in Islamic states that are considered adopting pagan system -democracy. Given that, they offer the best option to the Muslim-majority countries to restore the past glory of Islam by implementing a caliphate system as well as the use of Islamic law as the basis of the state legislation.

ISIS terrorist movement pattern has some similarities with the movement of Islamic fundamentalism in the caliphate period. Kasjim Salenda identified four characteristics inherent in Islamic fundamentalism in the era of the caliphate, including Shi'ites, Kharijites, Qadarites, and Mu'tazila, namely: *First*, closed and exclusive. They tend to do guerrilla actions or underground. The strategy used is the double finesse in which on the one hand to be exclusive and anti-pluralism if they were in their own territory, but when they are outside of their territory they use the taqiyah tactics (cloaking) to avoid being detected by the state. *Second*, live in cluster, colonize, and not permanent. Their lives are not permanent depend on the conduciveness of the territory where they build the defense. *Third*, they have a strong commitment to establish an Islamic state. Khawarij and Ismailis political thought, for example, adopted the concept of socio-political order referring to the verses, without considering the political consensus in the community. *Fourth*, ISIS intends to do a change in a revolutionary way. The member recruitment is not bound by geographical aspect, but rather by the integrity and commitment to change the system of a sovereign state.⁴⁶

⁴⁶ Kasjim Salenda, *Terorisme dan Jihad ...*, 125-127.

In the case of ISIS, among those four traits, there are three characteristics in common, namely life in cluster and not permanent, committed to establish an Islamic state, and aspire to make changes in a revolutionary way. However, the first characteristic is really opposed to the movement patterns of ISIS. Because, the direction of al-Baghdadi's organization conducts the terror acts openly. In other words, ISIS tends to implement a single strategy by fighting face to face, not an underground movement.

Fear of Islamic movement

Western concern on the development of Islam is evident from the statement of John L. Esposito. In his book, *The Islamic Threat: Myth or Reality?* Esposito stated, the fear of a global revival of pan-Islam still exists today. Following the victory of the Iranian revolution, Ayatollah Khomeini's call for more Islamic revolutions, accepted by the believers, not only in the Islamic world but also in the West.⁴⁷

Esposito uses the term "global intifada" that showed massive movement among Muslims in the world to move and do the revolution. In a different context, the emergence of ISIS which was called by Abu Bakr al-Baghdadi could become the Muslims' interest. Many Muslims feel that they are called for "jihad" by Baghdadi to fight and establish an Islamic caliphate.

Countries with Muslim majority, such as Indonesia, as well as those of minorities, such as Australia, recognize that many of their citizens join and fight for ISIS. Although there has been notification of sanction or punishment for their participation, some militia did not budge. People who joined ISIS considered that ISIS which was proclaimed by al-Baghdadi

⁴⁷ John L. Esposito, *Ancaman Islam: Mitos atau Realitas?*, translated by Alwiyah Abdurrahman dan MISSI from *The Islamic Threat: Myth or Reality?*, Ed. III, 1996, Bandung: Mizan, 200.

is the forerunner of the global *Daulah Islamiyah* as formed in the era of the Ottoman Empire.

Moreover, the existence of the hadith about the prediction of appearance of the Mahdi and the best Muslim force became the legitimation of the status of ISIS. In fact, there is no clarity about the identity of al-Baghdadi, the track record of his education, as well as his religious affiliation. Even, some mass media describe him as an agent assigned by the Central Intelligence Agency (CIA, US Intelligence Institute) in collaboration with the Mossad (Israeli Intelligence Organization) and the United Kingdom, to recruit radicals from around the world using ISIS as a cover.

Therefore, the mindset and policies that apply to ISIS - especially the appointment procedure of ISIS leader (al-Imamate) - need to be explored. This is to identify and clarify the truth of the news that is widespread in various media. The policy inside ISIS certainly has a certain tendency to isms and schools of laws of Islam. By knowing the pattern of terrorism and its characteristics, it will be easier to take consideration and the right policy.

The concept of imamate in Shia and Sunni

Imamate (leadership) is closely related to the selection of leaders, so here the notion of *imam* (leader) needs to be explained first. According to Ali Syari'ati, the *imam* is a human being who has reached the appropriate level attainable by human being, that other human beings cannot reach that level. However, imam is still a human being, an "ideal human being" who is always waited by mankind to be expected (*makrifati*) and modelled.⁴⁸

Based on the theological aspect, the issue of Imamate treatise two theories: the theory of Shiites who believed with the appointment of

⁴⁸ Ali Syari'ati, *Ummah dan Imamah: Suatu Tinjauan Sosiologis*, translated by. Afif Muhammad, from *AlUmmah wa al-Imamah*, Ed. II, 1995, Bandung: Pustaka Hidayah, 148.

Imamate; and the theory of Sunnis who believed the election of Imamate, through a process of deliberation, allegiance, and consensus. Imamate is the spiritual leadership and the sacred heritage of the Prophet's message, while the caliph was the Prophet's successor in political affairs (social leadership) and the heirs of the Prophet in a worldly government.⁴⁹

According to Ali Syari'ati, the dividing line that distinguishes between caliphate (meaning government) and Imamate (superhuman, high exemplary, and the real embodiment of the treatises), is the government is a responsibility that is not limited in its history, while the Imamate is limited (either in terms of time and people). That is, Imamate is restricted by his personal aspect, and he is a privileged and special example, therefore when the personal aspect is determined by its era, government is an institution that exists forever in the community.⁵⁰

Firqa Shia closest to *jumhur* Zaydiyyah Muslims are Shi'ites or followers of Zaid bin Ali bin Husayn bin Ali bin Abi Talib. Most of *firqa* Shiite said that after Husain died, *Imamat* should be within the scope of the descendants of Fatimah, either of Husain's descendant or Hasan's descendants. According to them, all Fatimah's descendants were pious, brave, and generous, could become a priest and they must be obeyed.⁵¹

According to the belief of Shia Imamiyah, *Imamat* is a post divinity chosen by Allah by His knowledge, as He chose the Prophet Muhammad PbUH. According to the group *inam* after Ali was his son, Hasan, and Husayn, and then successively Ali Zainal Abidin, Muhammad al-Baqir and Ja'far al-Sadiq. After the *Imamate* of Ja'far al-Sadiq, a great disagreement appeared between the Ismailis and the Shiites Ja'fariyah, the two

⁴⁹ Ali Syari'ati, *Ummah dan Imamah*...,148-149.

⁵⁰ Ali Syari'ati, *Ummah dan Imamah*...,158.

⁵¹ Ali al-Salus, *Imamah* *Chilafah dalam Tinjauan Syar'i*, transla Asmuni Solihan Zamakhsyari dari *Aqīdah al-Imāmah 'Inda al-Shī'ah al-Ithna 'Asy'ariyah*, Cet. I, Jakarta: Gema Insani Press, 1997, 33.

biggest Shiites firqah. Ismaili raised Ja'far's eldest son, Ismail, as an Imam (priest). The group is splitted into two. First, the group who waited for the arrival of Ismail, although historians agreed to make sure that he died when his father (Jafar) was still alive. Second, the group who believed the priest after Ja'far was his grandson, Muhammad bin Ismail bin Ja'far.⁵²

Shiites Ja'fariyah (Imami Ithna 'Ash'ari), the largest Shia group today, believes that in every way, except a revelation, imam is a prophetic priest. In addition, they also have some points of view about the Imamate, among others: *Imamate* is one of the pillars of religion; priest is like a prophet in infallibility, nature, and knowledge; in every era (period) there should be a priest; the priests are *ulil amri* which Allah has commanded human beings to be obey; *Imamat* had to the provisions of God through His apostle's explanation;⁵³ there are 12 priests who have been designated after the Prophet Muhammad (PbUH).⁵⁴

In the case of ISIS, the leadership concept used by Abu Bakr al-Baghdadi was more directed to the Sunni doctrine that used caliphate. In his message to all Muslims in the world, al-Baghdadi claimed that he had been inducted to become the leader of an Islamic state in Iraq and Syria -today-, and in all Islamic countries -in the future. It can be inferred, in political matters, specifically on the aspect of the appointment of a leader, he

⁵² Ali al-Salus, *Imamah & Khilafah...*, 35.

⁵³ Ali al-Salus, *Imamah & Khilafah...*, 36-40.

⁵⁴ Twelve imames who had been designated after the Prophet Muhammad, among others: (1) Ali bin Abi Talib, (2) Hasan bin Ali, (3) Husayn bin Ali, (4) Ali bin Husain title Zainal Abidin, (5) Muhammad bin Ali Al-Baqir, (6) Ja'far ibn Muhammad al-Sadiq, (7) Musa ibn Ja'far al-Kadzim, (8) Ali ibn Musa al-Rida, (9) Muhammad bin Ali al-Jawad, (10) Ali ibn Muhammad al-Hadi, (11) Hasan bin Ali al-Askari, (12) Muhammad ibn Hasan al-Mahdi (Hidden imam and his arrival was awaited). It was said that the al-Mahdi was born in the year 256 H, experienced a minor unseen period in the year 260 H, and the major occultation in 329 H. He lived until the end of the world so that the earth was not silent from the Imamate.

followed Sunnism. However, the problem was, the allegiance of Abu Bakr al-Baghdadi was not considered legitimate by the majority of Muslim scholars in the world. The Muslim scholars rejected the allegiance that was considered unilateral and conducted without any consultation process.

The legality of ISIS in fiqh perspective

The establishment of ISIS and the declaration of Abu Bakr al-Baghdadi as caliph, gave rise to various views. In general, because the ISIS movement was formed on the basis of violence, the Muslim scholars argued that the allegiance to al-Baghdadi was not qualified and it was considered as illegal. Is that right?

Taqiyuddin al-Nabhani defines the caliphate as a person who represents Muslims in a matter of governance and power as well as applies the laws of *syara'*. A caliphate should at least meet the seven requirements of legality (*din'iqād*), namely Muslims, males, adult, intelligent, fair, independent, and able to carry out the mandate of the *caliphate*.⁵⁵

The Caliph must be based on the contract which is based on the willingness and freedom of choice, because the contract is a pledge of allegiance to obey someone who has the right to be obeyed in authority. Therefore, there must be a willingness from the party who swore an oath of allegiance or the party who inducted the allegiance.⁵⁶

Al-Nabhani added his explanation, if someone seizes power and takes over the government, he does not automatically become the Caliph, even though he has proclaimed himself the caliph. Although the person is

⁵⁵ In addition to the terms *din'iqād*, al-Nabhani mentioned the requirement of *afdhaliah* (virtue). However, this requirement is optional. Only, it would be ideal if a Caliph had major criteria (*afdhal*), as bravery, has the ability to reach level *mujtahid*, and so forth. See, Taqiyuddin al-Nabhani, *Sistem Pemerintahan Islam: Doktrin, Sejarah, dan Realitas Empirik*, terj. Moh. Maghfur Wachid dari *Nizām al-Hukm fī al-Islām*, Cet. I, Bangil: Al-Izzah, 1996, 66-71.

⁵⁶ Taqiyuddin al-Nabhani, *Sistem Pemerintahan Islam ...*, 73.

able to take a pledge of allegiance from the Muslims by force and violence, that status does not necessarily make it as caliph.⁵⁷ However, if he is able to convince the Muslims that their welfare will be guaranteed and the rule of syara' law will be enforced by pledging the allegiance to him and they will accept it willingly and with full compliance and they get freedom of choice, then that person has legally become caliph.⁵⁸

The criteria for which countries/regions that can implement allegiance among others: the state power must be independent (autonomous); the country's security comes from the strength of the Muslims; the country implement Islam simultaneously and comprehensively; as well as the caliph who is inducted must qualify the in'iqad, although he is not eligible *afdaliyah*.⁵⁹

If the allegiance happens against other caliphs in the same country or in another country after the first caliph is inducted based on the syar'i and it has met the four requirements, then the Muslims are required to combat the second caliph until he pledges allegiance to the first caliph.⁶⁰

In contrast to al-Nabhani, according to al-Damiji, there are ten requirements that must be met by the head of state, among others: Islam, intelligent, male, free, fair (not prone to disobedience), knowledgeable, understands the problem and is able to find a way out on the problems faced (capable), *istiqomah*, brave, patient and capable of tolerance, not greedy about position, and the descendant of Quraish tribe.⁶¹

Islamic country, according to Fazlur Rahman, is a country founded or inhabited by Muslims in order to fulfill their desire to carry out the commands of Allah through his revelation. There is no specific format on

⁵⁷ Taqiyuddin al-Nabhani, *Sistem Pemerintahan Islam ...*, 74.

⁵⁸ Taqiyuddin al-Nabhani, *Sistem Pemerintahan Islam ...*, 75.

⁵⁹ Taqiyuddin al-Nabhani, *Sistem Pemerintahan Islam ...*, 77.

⁶⁰ Taqiyuddin al-Nabhani, *Sistem Pemerintahan Islam ...*, 78.

⁶¹ Abdullah bin Umar bin Sulaiman al-Damiji, *Al-Imamah al-'Uzma' 'Inda Ahl al-Sunnah wa al-Jama'ah*, Riyadh: Dār al-Ṭayyibah, n.a., 187.

how the country is organized. Even so, the essential element that must become the basis for the State is the shura (consultation).⁶²

In the context of ISIS, the allegiance of Abu Bakr al-Baghdadi could be said to be illegitimate because his allegiance was conducted through a process of repression. But, referring to the opinion of al-Nabhani, there is a possibility that his pledge of allegiance was legitimate; with the proviso that al-Baghdadi must be able to convince all Muslims to choose him as their caliph with the deliberation and without coercion or violence. In addition, the leadership succession should also be carried out peacefully, without insurgency. If the current leader is considered to be arbitrary and unfair, then al-Baghdadi may encourage and mobilize people to bring the leader down in accordance with the procedures and the legal process that has been regulated by the state.

However, based on al-Damiji's opinion, Abu Bakr al-Baghdadi's allegiance may be judged illegitimate as long as there is no clarity about his true identity. To be a caliph, there are ten requirements that must be met by aspiring leaders. At least there are two conditions can not be met by al-Baghdadi, namely; fair (moral) and be a descendant of Quraish tribe. Regarding with the aspect of justice, it was proven that al-Baghdadi had ordered ISIS members to slaughter by ruthless on non-Muslims and Muslims who rejected to follow him. Regarding with the origin of al-Baghdadi, there is no clear information about his ancestry, so it is not known whether he is the descendant of Quraysh tribe or not.

Conclusion

The concept adopted by ISIS in the matter of leadership is more likely to lead to the Sunni doctrine. However, Abu Bakr al-Baghdadi was not fully

⁶² M. Hasbi Amiruddin, *Konsep Negara Islam Menurut Fazlur Rahman*, Yogyakarta: UII Press, 2000, 86.

qualified for the caliphate. Moreover, al-Baghdadi applied inhuman repression in the leadership succession process. In addition, personally, the capacity of Abu Bakr al-Baghdadi as the leader has not fulfilled the requirements, because he has inclined immorally, namely conducting human slaughter. Thus, al-Baghdadi does not have 'adalah (fair/not incline to immoral acts) aspect that should exist in a leader. Therefore, to protect its citizens, the government needs to provide a comprehensive understanding of the public that: *First*, al-Baghdadi's allegiance as caliph was illegitimate from the standpoint of Islamic law (read: the concept of leadership in the Sunni). *Second*, Abu Bakr al-Baghdadi does not have any personal competence required as the leader of the country. Thus, the Indonesian people must not be fooled by al-Baghdadi's utopian promises to create a 'pure' Islamic state.

ISIS is created by the United States with its allies to create chaos throughout the Middle East and the Islamic world, to discredit Islam and Muslims, to overthrow the regime of Bashar al-Assad, as well as the implementation of "divide et impera" politic strategy between Sunnis and Shiites, with the main objective to fully control of the oil in the Middle East.

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