

Fiqh and Contested Authorities: Rethinking the Role of Sole Mediator in Building the Non-Violent Religious Practices According to the Medina Charter

Dito Alif Pratama

Universitas Islam Internasional Indonesia

Correspondence: dito.alif@uiii.ac.id

Abstract. The Medina Charter, also known as the Medina Constitution and was proposed by the Prophet Muhammad in 622 AD, is often regarded as one of the most important legal documents in Islamic history which provides an early example of peace building concepts in Islam, establishing the principles of governance, social relations, and religious tolerance in the early Muslim community. Based on a literature-review method, this paper, indeed, is an attempt to explore the performance of fiqh and its contested authorities which focuses on examining how far the role of a sole mediator (top-level approach) can prove to be effective in dealing with the issue of fiqh within disputing parties. The author contends that the Medina Charter provides a framework for establishing peace and harmony among various religious communities, and that the concept of a sole mediator is critical to accomplishing this goal. The article discusses the key provisions of the Medina Charter and their modern relevance, as well as how the role of a sole mediator can help to promote nonviolent religious practises and peaceful conflict resolution. The article reveals in its conclusion that the Medina Charter is indeed a relevant source of Islamic conception of reconciliation and peacemaking effort. This also evidences that use of non-violent approach by the sole mediator (top-level approach) in resolving the conflict, as is shown by Prophet Muhammad in Medina through the Medina Charter, was remarkably effective. It aides the construction of a peaceful social life age-old conflicts, developing bond of loves among the conflicting groups and restructuring the political power that were essential for developing sustainable peace in the Medina.

Keywords: Medina Charter, Sole-Mediator, Contested Authorities, Peace

Introduction

The Medina Charter is often regarded as an early example of Islamic peace building. The Charter was proposed by Prophet Muhammad as the constitution of the early Medina-state. It drafted the practical rights and duties among the Medina citizens in their coping with the tribal conflicts in the society. It provided also the collective protections against harassments from tribal military actions for the whole Medina society, for Muslims and non-Muslims alike. Historically speaking, a diverse group of with people approximately of 10,000 inhabitants from the Arab and Jewish tribes, including a small minority of Christians, were living in Yathrib.¹ The Arab people, at that time, were pagans who believed in the chief goddess of Mecca, also goddess Manat. The Arab tribes were communally divided into 12 parties with two dominant groups, 'Aws and Khazraj'. Meanwhile, the Jewish tribes were classified into around ten groups with Banu al-Nadir, Banu Qurayza, and Banu Qaynuqo being the most dominant parties.²

Prior to the signing of the Medina Charter in 622 AD, the social life of Yathrib was politically instable and plagued by inter-tribal and intra-community conflict. For more than a century an atmosphere of conflict and war had widely covered the lands of Arabia, including Yathrib, for over a century followed by a mix of anger, hostility and resentment among the tribes and even the small clans. For more than religious reason only the tribes sought domination over other tribes through military force. Furthermore, a lot of intra-community conflict among numerous tribes, further, emerged in the city. As an example, one bigger tribal conflicts that emerged in the pre-Islamic period was between Banu Khazraj and Banu Aws.³

After Prophet Muhammad's migration from Mecca to Medina, He became the third-party mediator to end the conflict among the disputing tribes. As a mediator, He called the disputing parties together, listened to their opinions and suggestions and from that he drafted the Medina Charter. With this Charter, Prophet Muhammad aimed at teaching the

¹ *The pre-Islamic name of city of Medina*

² M. Hamidullah, *The First Written Constitution in the World: an Important Document of the Time of the Holy Prophet (Lahore: Ashraf Printing Press,1975)*; Yetkin Yildirim, 'The Median Charter: a Historical Case of Conflict Resolution,' *The Routledge Journal : Islam and Christian-Muslim Relations* 20 (2009): 440.

³Julian Weiss, 'Muhammad's Diplomacy in Medina' *Muhammad Paper: Islamic History* 208 (2011): 1; Yetkin Yildirim, 'Peace and Conflict Resolution in the Medina Charter,' *Peace Review: Journal of Social Justice* 18 (2006);

main purpose and value of Islam that is spreading peace and love to the world, maintaining mercy and forgiveness to the enemies and even more important how to address conflicts with non-violence. Finally, he succeeded to develop bonds of love among the people of Medina's cosmopolitan structure, thus reconciling among more than 100 parties and creating a peaceful atmosphere of social life in the Medina.⁴

This article attempts to explore how the Islamic conception of nonviolent peace building functions as it is based on the Medina Charter. This article will also examine the effectiveness of a sole mediator (top-level approach) in coping with the disputing parties. Prior to the above-mentioned discussion, the first section of the article provides a general framework of non-violent Peacemaking in Islam.

Methodology

This research utilises a qualitative approach that employs a conceptual idea study method to collect data that will be analysed based on the availability of data sources in the library (Library Research). Content analysis techniques (content analysis) are used to analyse the content of the various available literature, and Data analysis is then employed to present related data relationships.

Islamic Non-Violence Peacemaking Approach: A Framework

Since the attack of September 11, 2001, the image of Islam was largely portrayed by western people as a religion of terror. A group of fundamentalist Muslims, in the name of jihad, destroyed the twin towers of World Trade Center (WTC) in the New York centre which resulting in 2749 died 7000 people surrounding the WTC injured and hospitalized⁵. The word of 'jihad' came to imply horror western public. The 9/11 tragedy turned social perception of 'jihad' into an extremely negative term of Islamic tradition.⁶ According to Oxford Learners Dictionary, the term 'jihad' means 'a holy war fought by Muslims against those who

⁴ Muhammad Nazeer Kaka Khel, 'Foundation of Islamic State at Medina and its Constitution,' *Islamic Studies* 21 (1982): 66-68.

⁵ Nancy Foner, 'The social effects of 9/11 on New York City: an introduction,' in: *Wounded City: The Social Effects of 9/11 on New York City*, ed. Nancy Foner (New York: Russel Sage Foundation, 2005), 3-5.

⁶ Foner, 'The social effects,' 4-5.

reject Islam.⁷ A similar meaning of jihad is also drawn in the Merriam Webster's dictionary, stating that jihad is 'a holy war waged on behalf of Islam as a religious duty; also: a personal struggle in devotion to Islam especially involving spiritual discipline'⁸

If we compare the three definitions of jihad of the above mentioned dictionaries, the term 'jihad' suggests holy war that seems to be legally accepted in the Islamic tradition. Nevertheless, the word jihad can actually not be interpreted as an Islamic holy war, because the Arabic the term 'war' is closer to the word harb (war). Instead the word jihad should basically be understood as striving to combat incorrect things, or to strive towards praiseworthy aim, aim that can be understood in religious terms, as activities towards a divine cause.⁹

The prominent Egyptian Muslim scholar Yusuf Qaradawi explains that the jihad is about reaching the goals Muslims life, i.e 'the mercy of God'.¹⁰ More importantly, he affirms that the spirit of jihad in Islam should rely on what he calls 'civil jihad' that encircles many aspects of human's needs, such as educational, social, economic and medical needs. That implies that the act of jihad should increase the awareness of Muslims to become more sociable, educating the ignorant people, providing a job for the unemployed, feeding the hungry, giving clothes to the naked, building schools for students, mosques for worshipping Allah, and hospital for medical care.

Hence, we can understand that the conception of jihad in Islam does not relate to a command of using random kinds of violence that might intentionally harm or even kill other people. Parallel to this we hear Mohammed Abu Nimer explaining through his book 'Nonviolence and Peace Building in Islam: Theory and Practice' that the genuine teaching values of Islam on conflict is about the use of non violence approach.¹¹ Such conception is basically reflected in the meaning of the

⁷ AS Hornby, 'Oxford Advanced Learner's Dictionary of Current English,' (New York: Oxford University Press, 2010), p. 639

⁸Merriam Webster Online Dictionary, accessed January 20 2021, <https://www.merriam-webster.com/dictionary/jihad>

⁹ Ali, C.W., 'Jihad and Just War Theory: Dissonance and Truth', *Dialog* 48 (2009): 243; S.M.Farid Mirbagheri, 'War and Peace in Islam: a critique of Islamic/its Political Discourses,' in *Rethinking Peace and Conflict Studies*, ed. Oliver P. Richmond, (Hampshire: Macmillan, 2012), 116.

¹⁰'Qaradawi on Jihad', Nelly Lahoud, accessed April 30, 2019 from <http://www.jihadica.com/qaradawi-on-jihad-1-of-3/>

¹¹ Mohammed Abu-Nimer, *Nonviolence and Peace Building in Islam: Theory and Practice* (Gainesville, FL: University Press of Florida, 2003).

Arabic word Islam ‘making of peace’. The Muslim word is than to be understood as ‘a person who has made peace with God and others’.¹²

Abu Nimer, furthermore affirms that ‘Nonviolence is about active rejection of violence and full engagement in resisting oppression through all possible means that challenge domination and any other form of injustice, without inflicting injuries on the opponent’.¹³ As it is mentioned in the Quran chapter 49: verse 9:

‘If two parties among the believers fall to fighting, make peace between them, if one of them aggresses against the other, fight those who aggress until they return to God’s command. And if they return, make peace between them with justice and act equitably. Truly God loves the just’¹⁴

A similar conception of non-violent peacemaking has also been suggested by Smitt and Burr, stating that the effort of nonviolent peacemaking and peace building is often done by rejecting to support evil as well as to courageously reject the use of such violence that might harm the group of opposition or enemy.¹⁵

It is important to acknowledge that non-violence approach does not imply a passive action of peacemaking. This connects directly to the idea of promoting justice without the use of violence –indeed genuine peace must only be achieved by peaceful ways and cannot be attained through violence acts such as armed insurrection or sword. Below, I will provide some evidence to support that the use of nonviolence is at the heart of Islamic tradition in its response to the conflict. First, Islamic tradition suggests that peacemaking and negotiation should be the first strategy in dealing with conflicts as clearly mentioned in the Quran:

*“And fight them until there is no strife, and religion is wholly for God. But if they desist, then truly God sees whatsoever they do”.*¹⁶

This verse means that if the enemies of Muslims incline to peacemaking, the Muslims should also incline to it.¹⁷ This verse can be

¹² Mohammed Abu Nimer, ‘A Framework for Nonviolence and Peace building in Islam,’ *Journal of Law and Religion* 15 (2001): 245.

¹³ For more information, see: Mohammed Abu-Nimer, *Nonviolence and Peace Building in Islam: Theory and Practice* (Gainesville, FL: University Press of Florida, 2003)

¹⁴ Seyyed Hossein Nasr et al., ‘The Study Qur’an: a New Translation and Commentary,’ (New York: Harper Collins, 2015), 2591.

¹⁵David Whitten Smith and Elizabeth Geraldine Burr, *Understanding World Religions: a Road Map for Justice and Peace*, (London: Rowman & Littlefield, 2007), 398-399.

¹⁶ Nasr et al., *The Study Qur’an*, 988.

taken to mean that the effort to build a peaceful life with nonviolent means would be very viable since it is relevant to the main goal of Islamic tradition, i.e. to spread the value of peace and justice for all creatures in the world (rahmatan lil aalamin).¹⁸

The Quran gives a second example of conflict resolution in the story of Abel (Habil) and Cain (Qabil). In brief, Abel represents a just and righteous side, while Cain, having committed fratricide, would represent aggression.

*“(Hi Muhammad), recite unto them, with truth, the account of Adam’s two sons, when they each offered a sacrifice, and it was accepted from one of them, though not accepted from the other. One said, ‘I will surely slay you!’ (the other) said. ‘God accepts only from the reverent. Even if you stretch forth your hand against me to slay me, I shall not stretch forth my hand against you to slay you. Truly I fear God, Lord of the worlds”*¹⁹

Moreover, the prophet Muhammad taught how to develop nonviolent peacemaking by showing his patience and steadfastness when he faced various kinds of cruelties and maltreatments.

*“Of his 23-year period of prophet-hood, the initial 13 years were spent in Mecca. During this time the Prophet fully adopted the non violence ways in dealing with the aggression. There were many issues in Mecca at that time which could have led to clash and violent confrontation. But, by avoiding all these issues, the Prophet of Islam strictly focused to peaceful propagation of the word of God.”*²⁰

Yet other remarkable teachings of Prophet Muhammad -through his sayings and actions- shows that the use of non violent peacemaking links strongly to the Islamic concept forgiveness. As a role model of Muslims, the prophet taught his followers on how forgiveness should be one of building blocks of peace and justice, all of it contributing to this authority as a messenger of God -spreading love and mercy to the universe.²¹ Here are some more examples on how Prophet Muhammad paid attention to the spirit of forgiveness:

- When the prophet Muhammad performed completely the prayer, he would then ask for Allah’s forgiveness three

¹⁷ Nasr et al., *The Study Qur’an*, 988.

¹⁸ Nasr et al., *The Study Qur’an*, 988-989.

¹⁹ Nasr et al., *The Study Qur’an*, 580.

²⁰ Abu-Nimer, ‘*A Framework for Nonviolence*,’ 230.

²¹ *The Quran chapter 21 verse 7.*

times: 'O Allah, you are the peace and from you is peace, Blessed you are, O owner of greatness and Honor.'²²

- Prophet Muhammad requested forgiveness to Allah for the people of Ta'if , for having mistreated the prophet by hitting him and throwing stones and rubbishes.²³
- Prophet Muhammad also forgave Washi, a slave man who killed his uncle, Hamzah in the battle of Uhud.
- During the period of fath al-makkah (the conquest of Mecca). Shortly after entering the Mecca, prophet Muhammad and his followers preferred to forgive all the enemies who fought and even persecuted them in the previous battle as is mentioned in the Quran chapter 12 : 92, 'There is no reproach against you this day. God will forgive you. And he is the most merciful'.²⁴

To this extent, due to the shift of paradigm in the recent era, I would argue that non-violence peace building does deserve a quite big attention as valid alternative to using violence ways which as a tool of conflict resolution is no longer religiously acceptable.

The Islamic Approach of Non Violence in the Medina Charter

The medina charter is an important example of Islamic teaching on how to deal with conflict through the use of nonviolence. In its history, the compilation of the Medina charter was much linked to the migration of Prophet Muhammad from Mecca to the Medina in 622 AD.

Prior to the prophet's migration, Medina was not a unified place to live and even unsafe. 'There were two large Arab tribes namely the Aws and the Khazraj and other twenty Jewish tribes fought each other constantly'.²⁵ Muhammad as an outsider then became the third-party arbitrator and proposed a draft of agreement that united the conflicting

²² *The Hadith, Sahih Muslim 2004, 4:1226)*

²³ *Ta'if is a city around 70 miles from South of the Mecca. Prophet Muhammad went to Ta'if in the year 619, aiming at preaching and spreading the Islamic teaching after the death of Khadija (his wife) and Abu Talib (his Uncle). But, the major clan leader of Ta'if rejected the coming of prophet to that city with the following of direct attack and disturbances against him and his companion. For further information see: Martin Lings, Muhammad (London: George Allen &Unwin, 1984), 304-309.*

²⁴ *Nasr et al.,The Study Qur'an, 1192.*

²⁵*Karen Armstrong, Fields of Blood: Religion and the History of Violence (New York: Alfred A. Knopf, 2014), 182.*

tribes in Medina. This draft of agreement later on became known as ‘the Medina Charter’.

In general, the Charter involves 47 clauses of agreements. The first 23 articles of the charter involved the general regulations for the group of Muhajirin (A Muslim group in Mecca who motivated the prophet’s migration) and the group of Anshar (the one’s of Medina who converted to Islam). The second part of the draft was designed to address the Jewish community.²⁶

According to Yildirim (2009) the Medina Charter played a pivotal role in establishing a peaceful society in medina, because it had successfully stimulated successfully bonds of love for the people of Medina’s cosmopolitan structure, and it had reconciled more than 100 parties and created a peaceful atmosphere of social life in Medina,²⁷

Let us take one example of how the Medina charter guided the mediation process between specifically the two clans of ‘Aws and Khzraj. Both clans had experienced a lifelong costly conflict. Julian Weiss (2011) notes:

‘The two tribes did not have a strong internal sense of unit ,and even neighboring clans from the same tribe would fight each other for economic gains with battles ranging from skirmishes on land-issues that eventually led to wholesale conquest of farms and villages’²⁸

This conflict had led to the societal misery and finally to the great Bu’ath battle in 617 ACE. The prophet’s migration to Medina was considered crucial to the future social life of both disputing parties. Yildirim (2009) affirms that one of the most influential efforts of Prophet Muhammad shortly after his migration to the Medina was to work on mediation between the many conflicting parties in that city, especially between the afore mentioned clans ‘Aus and Khazraj. In fact, the process of mediation between these clans is also specifically documented in the Quran:

²⁶See: Yetkin Yildirim, ‘Peace and Conflict Resolution in the Medina Charter’, *Peace Review: Journal of Social Justice*, 18 (2006).

²⁷Yetkin Yildirim, ‘The Medina Charter: A Historical Case of Conflict Resolution,’ *The Routledge Journal: Islam and Christian-Muslim Relations* 20 (2009): 111-112.

²⁸Julian Weiss, ‘Muhammad’s Diplomacy in Medina,’ *Muhammad Paper: Islamic History* 208 (2011), 3-4.

'And (moreover) He hath put affection between their hearts: not if thou hadst spent all that is in the earth, couldst thou have produced that affection, but God hath done it: for He is Exalted in might, Wise' (The Qur'an, Chapter: 8 verse 63)²⁹

In bringing together these conflicting parties, the mediation expertise and skill of Prophet Muhammad were then examined. Kleiber (1996) argues that, in the western model, mediation is often defined as 'a form of conflict management in which a third party assist two or more contending parties to find solution without restoring to force'.³⁰ From this approach, we might argue that such mediation in the western context does emphasize the mediator's ability in bringing about the reconciliation among conflicting groups.

Merry (1989) emphasizes that the mediator should be able 'to exert influence and social pressure, in order to persuade an intransigent party to accept some settlement-such influence eventually derived from their authority intervene from their position in kinship networks, their wealth, political power, religious merit, and past success at mediaton'³¹

In arbitrating the 'Aws and Khazraj clans, prophet Muhammad opted to employ the principle of deliberation, a nonviolent communication that brings the disputing parties together, treating them proportionally by listening carefully to their opinions and suggestions. Such approach would be crucial step in mediation -Munevar affirms that pre-identification of the conflict's background, prior to mediation, to be a most influential factor in determining the success of mediation process.³²

After having listened carefully to the feelings and willingness of both conflicting parties, Prophet Muhammad then drafted the content of Medina Charter. 'Once the tribal chiefs accepted the governance of the charter, it was assumed that younger members of the tribes would follow their leaders, regardless religion'.³³ One of the clauses in the Medina charter states:

²⁹See: Nasr et al., *The Study Qur'an, the Quran chapter 8, verse 63.*

³⁰Marieke Kleiber, 'Understanding Success and Failure of International Mediation,' *The Journal of Conflict Resolution* 40 (1996): 360-389.

³¹See: S.E. Merry, 'Mediation in non Industrial Societies,' in: *Mediation Research: The Process of Effective of Third intervention*, ed. K.Kressel and D. Pruitt (San Fransisco : Jossey Bass, 1989). Yetkin Yildirim, 'Peace and Conflict Resolution in the Medina Charter,' *Peace Review: Journal of Social Justice*, 18 (2006): 110.

³²Juan Camilo Munevar, 'A New Framework for the evaluation of Mediation success', *Brussels Journal of International studies* 2 (2005), 79.

³³Yildirim, 'Peace and Conflict Resolution,' 111.

*'If any dispute or controversy likely to cause trouble should arise it must be referred to God and to Muhammad the apostle of God. God accepts what is nearest to piety and goodness in this document' (the Medina Charter: article 42)*³⁴

A study by Yetkin Yildirim shows that the reasons why the Yathrib tribes, including 'Aws and Khazraj ultimately chose Prophet Muhammad as the third-party arbitrator was due to his reputation and personality.³⁵ Prior to his migration to the Medina, Prophet Muhammad was well-known as a successful mediator in Mecca who was also honored by the 'trustworthy' from the polytheist society of Mecca because of his honesty and integrity.³⁶ He was then trusted to keep the money and valuable property of the people of Mecca and was also chosen as mediator to place the holy stone (hajar aswad) in the corner of the Ka'ba, clearing up that bitter conflict.³⁷ More important is that the common practices of Arab people to allow foreigners to involve in their conflicts as the mediator also leads to the choosing of Prophet Muhammad as mediator.

Having considered that, they way Prophet Muhammad approached the conflicting parties and then solved the conflict might differ from the common tradition of Arab people coped with their conflict at that time. Mohammed Abu-Nimer (2003) reveals that there was a widespread of myth in the people of Arab that the use of violence was the only possible solution to eliminate the conflict.³⁸ On the contrary, prophet Muhammad chose to be a proponent of nonviolent peace building efforts within the conflict of 'Aws and Khazraj that is more likely to contradict the common ways of Arab people in resolving their conflicts.

To this extent, I would argue, as Prophet Muhammad use the nonviolence approaches in addressing the 'Aws and Khazraj conflict in the Medina, Muslims then, who theologically believe prophet Muhammad as the messenger of God, should also prioritize the use of nonviolence in dealing with the conflict they face.

³⁴ The text's translation of the Charter is derived from 'A short note on the Medina Charter' Kassim Ahmad, accessed in May 23, 2019 from <http://www.constitution.org/cons/medina/kassim2.htm>

³⁵Yildirim, 'Peace and Conflict Resolution,' 111-112.

³⁶Martin Lings, *Muhammad: His Life based on the Earliest Sources* (London: George Allen & Unwin, 1983), 41-42.

³⁷ Lings, *Muhammad*, 41-43.

³⁸See: Abu Nimer, *Nonviolence and Peace Building*'.

Prophet Muhammad as the Sole Mediator in the Medina

In Medina, Prophet Muhammad was not only chosen as the third-party mediator but later on elected to become the leader of the new birth state of Medina.³⁹ Becoming both mediator and leader of the Medina seemed to allow multiple benefits for Prophet Muhammad. The role as mediator enabled him to see more deeply the actual situation and urgent need of the living-people in Medina at that time, figuring out the problems and then addressing them wisely, this mandate's position, as a leader, had provided him an explicit authority to influence people into the notion of re-building relationship among society, especially the conflicting groups. Furthermore, this leadership allowed him to widespread the teaching of peaceful Islam in Medina that encompassing the spirit of love, respect, freedom, and compassion for all mankind.⁴⁰

Prophet Muhammad (peace be upon him) played a significant role in the development of Fiqh in Medina, especially as the Sole Mediator. Fiqh, which refers to Islamic Jurisprudence, is the study of Islamic law that encompasses Muslim practices, beliefs, and customs. The gradual development of Fiqh in Medina occurred during the time of the Prophet Muhammad, and it was influenced by his teachings, actions, and decisions. One of the Prophet Muhammad's most important contributions to the development of Fiqh was his role as the Sole Mediator in Medina. He was the leader of the Muslim community and the recipient of divine revelation from Allah as the Prophet. This made him the most authoritative figure on matters of faith and practise. The Prophet mediated disputes between Muslims, and his decisions were based on the Quran and the Sunnah (the Prophet's words and actions).

The Prophet's role as the Sole Mediator was crucial in resolving disputes and establishing precedents that would later form the basis of Islamic law. For instance, the Prophet arbitrated disputes regarding inheritance, marriage, and other issues that would later become part of Islamic law. This principle is now a fundamental aspect of Islamic governance. In addition to his role as the Sole Mediator, the Prophet contributed significantly to the development of Fiqh through his teachings and deeds. His companions recorded his words and deeds,

³⁹ Lings, *Muhammad*, 123-131.

⁴⁰ Muhammad Nazeer Kaka Khel, 'Foundation of Islamic State at Medina and its Constitution,' *Islamic Studies* 21 (1982): 66-72

which became the primary source of Islamic law. Frequently, the Prophet's actions served as examples for future conduct, and his words were used to interpret the Quran and establish legal precedents.

In addition, the Prophet's teachings were grounded in the Quran and Sunnah, and these teachings provided guidance on matters of faith and practise. The Prophet's teachings encompassed a vast array of topics, including prayer, fasting, charity, pilgrimage, and moral conduct. His teachings were transmitted from one generation to the next and became an integral part of Islamic law. Briefly speaking, the Prophet Muhammad's role as the Sole Mediator in Medina was essential to the development of Fiqh. His decisions as a mediator, his teachings, and his actions all contributed significantly to the development of Islamic law. The gradual development of Fiqh in Medina, which was influenced by the teachings, actions, and decisions of the Prophet Muhammad, occurred over time. Islamic Jurisprudence continues to be grounded in the Quran, the Sunnah, and the precedents established by the Prophet Muhammad.

The principle "Hukmu Al-Hakimi Ilzamun wa Yarfa'u Al-Khilaf," which translates to "The Ruling of the Judge is Binding and Eliminates Disagreement," may be significant when placing this within the context of the Fiqh and its application in Indonesia. This is because it is a cornerstone of Islamic jurisprudence, or fiqh. This idea emphasizes that legal rulings rendered by Islamic judges or authorities are binding, meaning that those involved must abide by the ruling once it is made. This notion has its roots in the Hadith literature, where Prophet Muhammad emphasized the significance of deferring to lawful judges and rulers, as well as the Quranic commandment to obey those in authority among Muslims (Quran 4:59).

In the Indonesian context, the principle "Hukmu Al-Hakimi Ilzamun wa Yarfa'u Al-Khilaf" finds implementation in the country's legal system, particularly in matters related to Islamic law and societal harmony. Indonesia, being the largest Muslim-majority country in the world, has integrated Islamic principles within its legal framework while maintaining a secular state structure. One notable example of the implementation of this principle is in the area of family law. Indonesia recognizes Islamic law, among other legal systems, in handling family matters for its Muslim citizens. When disputes regarding issues such as marriage, divorce, or inheritance arise within the Muslim community, qualified judges, often religious scholars well-versed in Islamic jurisprudence, are appointed to interpret and apply Islamic law in

accordance with the principle "Hukmu Al-Hakimi Ilzamun wa Yarfa'u Al-Khilaf."

These judges, in line with the aforementioned principle, issue binding judgments that are considered authoritative within the Islamic legal context. By doing so, they ensure consistency and order within the legal system, harmonizing both secular and religious laws. These judgments not only provide legal resolutions but also contribute to social harmony by upholding the rule of law within the Islamic framework. Moreover, the implementation of this principle is instrumental in promoting societal understanding and acceptance of legal decisions, fostering a sense of unity and coherence within the diverse Indonesian society. Through the application of "Hukmu Al-Hakimi Ilzamun wa Yarfa'u Al-Khilaf," Indonesia manages to reconcile religious and civil laws, creating a balanced legal environment that respects both individual rights and religious beliefs, thereby exemplifying the principle's relevance and applicability in contemporary Islamic societies like Indonesia.

Furthermore, if we link to the Lederach's notion on the societal level of leaderships in the society, Prophet Muhammad as a single mediator and top-leader society employed the top level approaches. The Top-level actors of reconciliation and peace building, according to Lederach, is commonly labeled as 'top-down' or 'trickle-down', focusing mainly on high-level negotiations, emphasizing cease-fire (especially in the military conflict), also becoming a single mediator between two conflicting parties.⁴¹

As a political leader of Medina, Prophet Muhammad was fully responsible for sustaining the political life as well as controlling the stability of social and economy in the city of Medina.⁴² On the other hand, Prophet Muhammad was also a religious leader (Islamic leader). With the Medina constitution, as the state's constitution, He guaranteed the legal rights and freedoms of all individuals to live peacefully and support each other regardless if they were Muslim, Jew, Christian or Pagan' since the Charter also allowed them to practice their religious teachings according to their own law.⁴³

⁴¹John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington: United States Institutes of Peace Press, 1999), 37.

⁴²Lings, *Muhammad*, 123-127.

⁴³Muhammad Nazeer Kaka Khel, 'Foundation of Islamic State at Medina and its Constitution,' *Islamic Studies* 21 (1982): 66-75

‘The peace of believers is indivisible. Conditions must be fair and equitable to all’(The Medina Charter : article 17)⁴⁴

The top-level approach that was utilized by Prophet Muhammad in leading society was seen effective. Prophet Muhammad, within years, had successfully built a new peaceful construction of social life after its lifelong conflict, developing bond of loves of Muhajirin and Anshar, restructuring the political power that were very crucial in developing sustainable peace in the Medina.

Conclusion

Having considered the above-discussion, we may conclude that the Medina Charter was designed to help the living society in the Medina establish long-lasting peace within the society. Prophet Muhammad who was both mediator and leader of society (top-level approaches) of the Medina had shown that the use of nonviolent approaches in coping with the conflict was remarkably effective. It aides the construction of a peaceful social life age-old conflicts, developing bond of loves among the conflicting groups and restructuring the political power that were essential for developing sustainable peace in the Medina.

References

a. Book and Journal

Abu Nimer, Mohammed. ‘A Framework for Nonviolence and Peace building in Islam,’ *Journal of Law and Religion* 15 (2001): 245.

Abu-Nimer, Mohammed. *Nonviolence and Peace Building in Islam: Theory and Practice*. Gainesville, FL: University Press of Florida, 2003.

Amstrong, Karen. *Fields of Blood: Religion and the History of Violence*. New York: Alfred A. Knopf, 2014.

C.W, Ali. ‘Jihad and Just War Theory: Dissonance and Truth’, *Dialog* 48 (2009): 243.

Foner, Nancy. ‘The social effects of 9/11 on New York City: an introduction.’ In: *Wounded City: ‘The Social Effects of 9/11 on New York City*, edited by Nancy Foner, 3-5. New York: Russel Sage Foundation, 2005.

⁴⁴ The text’s translation the charter is derived from ‘A short note on the Medina Charter’ Kassim Ahmad, accessed in May 23, 2019, <http://www.constitution.org/cons/medina/kassim2.htm>

- Hamidullah, M. *The First Written Constitution in the World: an Important Document of the Time of the Holy Prophet*. Lahore: Ashraf Printing Press, 1975.
- Hornby, AS. *Oxford Advanced Learner's Dictionary of Current English*. New York: Oxford University Press, 2010.
- Khel, Muhammad Nazeer Kaka, 'Foundation of Islamic State at Medina and its Constitution,' *Islamic Studies* 21 (1982): 61-88
- Kleiber, Marieke. 'Understanding Success and Failure of International Mediation,' *The Journal of Conflict Resolution* 40 (1996): 360-389.
- Lings, Martin. *Muhammad*. London: George Allen & Unwin, 1984.
- Merry, S.E. 'Mediation in non-Industrial Societies.' In: *Mediation Research: The Process of Effective of Third intervention*, edited by. K.Kressel and D. Pruitt (San Fransisco: Jossey Bass, 1989).
- Mirbagheri, S.M.Farid. 'War and peace in Islam: a critique of Islamic/its political discourses.' In: *Rethinking Peace and Conflict Studies*, edited by: Oliver P. Richmond, 116. Hampshire: Macmillan, 2012.
- Munevar, Juan Camilo. 'A New Framework for the evaluation of Mediation success,' *Brussels Journal of International studies* 2 (2005): 79.
- Nasr, Seyyed Hossein, Caner Karacay Dagli, Maria Massi Dakake, Joseph E.B Lumbard and Mohammed Rustom. *The Study Qur'an: a New Translation and Commentary*. New York: Harper Collins, 2015.
- Smith, David Whitten and Burr, Elizabeth Geraldine. *Understanding World Religions: a Road Map for Justice and Peace*, London: Rowman & Littlefield, 2007.
- Weiss, Julian. 'Muhammad's Diplomacy in Medina' *Muhammad Paper: Islamic History* 208 (2011): 1-10.
- Yildirim, Yetkin. 'Peace and Conflict Resolution in the Medina Charter,' *Peace Review: Journal of Social Justice* 18 (2006).
- Yildirim, Yetkin. 'The Median Charter: a Historical Case of Conflict Resolution,' *The Routledge Journal : Islam and Christian-Muslim Relations* 20 (2009): 440.

b. Digital Sources

- Abu Nimer, Mohammed. 'Non violence in the Islamic context.' Accessed June 04, 2021. <http://commongroundnews.org/article.php?id=2095&lan=ar&sp=0>
- Ahmad, Kassim. 'A short note on the Medina Charter.' Accessed May 23, 2021.

<http://www.constitution.org/cons/medina/kassim2.htm>

Funk, Nathan C. 'Peace Paradigm: Five Approaches to Peace.' Accessed June 06, 2021. <http://www.mkgandhi.org/nonviolence/peace%20paradigms.htm>

Lahoud, Nelly. 'Qaradawi on Jihad.' Accessed April 30, 2021. <http://www.jihadica.com/qaradawi-on-jihad-1-of-3/>

Merriam Webster Online Dictionary. accessed January 20 2021. <https://www.merriam-webster.com/dictionary/jihad>