



The Intensity of The Constitution According to Dustur Saudi Arabia

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Abstract

Types of constitution in the perspective of Dustur Saudi Arabia is the main problem of the study. Article 1 of the Saudi Arabian State states that the State of Saudi Arabia is the daulah of Islamic Arabia, its religion is Islam, its constitution the Book of Allah Ta'ala and the Sunnah of His Messenger. The existing provisions show that the constitution according to Dustur Saudi Arabia is diverse, has dynamics and intensity. The purpose of the study is to uncover the intensity of the constitution. Normative legal research is used as a method with an approach to the substance and intensity of law. The results of the study revealed that the constitution according to Dustur Saudi Arabia has a great variety with superior intensity. The variety is Nizham Al-Asasi lil-Hukm, The Qur'an, the Sunnah, and the Median Constitution. This varieties have a very close and inseparable relationship. the al-Kitab is at the highest and strongest level, followed by the Sunnah, Dustur Medina, and Nizham Al-Asasi lil-Hukm. Saudi Arabia's dustur has an intensity that is in line with maqashid al-shari'ah which includes the protection of all aspects of world life and the hereafter. The novelty is the Book of Allah was the first and foremost written constitution in the world. The conclusion is that the intensity of the constitution according to the Dustur Saudi Arabia is very strong and highest level. The al-Kitab and the Sunnah are absolutely references in formulating, establishing, and implementing the constitution and all the rules.

Keywords: the intensity, the constitution, the book of Allah, the Sunnah, the Saudi Arabian dustur.



Abstrak

Intensitas konstitusi perspektif Dustur Arab Saudi merupakan masalah utama penelitian. Pasal 1 Dustur Arab Saudi menyebutkan bahwa Negara Arab Saudi adalah Daulah Arab Islam, agamanya Islam, konstitusinya Kitab Allah Ta'ala dan Sunnah Rasul-Nya. Ketentuan yang ada menunjukkan bahwa konstitusi menurut dustur Arab Saudi beragam, memiliki dinamika dan intensitas. Tujuan penelitian untuk mengungkap intensitas konstitusi tersebut. Penelitian Hukum normatif digunakan sebagai metode dengan pendekatan substansi dan intensitas hukum. Hasil penelitian mengungkapkan bahwa konstitusi menurut Dustur Arab Saudi memiliki ragam yang hebat dengan intensitas unggul. Ragam tersebut adalah Nizham Al-Asasi lil-Hukm, Kitab Allah, Sunnah Rasul, dan Konstitusi Madinah. Keempat ragam konstitusi tersebut memiliki hubungan yang sangat erat dan tidak terpisahkan. Secara hirarki, Kitab Allah berada pada level tertinggi dan terkuat, disusul oleh Sunnah Rasul, Dustur Madinah, dan Nizham Al-Asasi lil-Hukm. Konstitusi Arab Saudi memiliki intensitas yang sejalan dengan maqashid al-syari'ah yang mencakup perlindungan terhadap segala aspek kehidupan dunia dan akhirat. Hasil penelitian ini memunculkan novelti bahwa secara historis Kitab Allah adalah konstitusi tertulis pertama dan utama di dunia. Kesimpulan studi adalah intensitas konstitusi menurut dustur Arab Saudi sangat kuat dan berada pada level tertinggi. Idealnya Kitab Allah dan Sunnah Rasul mutlak menjadi acuan dalam merumuskan, menetapkan, dan menerapkan konstitusi dan seluruh aturan.

Keywords: intensitas, konstitusi, kitab Allah, Sunnah, dustur Arab Saudi.

Introduction

The research problem is about the intensity of the constitution according to Dustur Saudi Arabia. The constitution is an absolute basic law in the state.¹ The position of the constitution in a country is very important, namely as a basic law, limiting power, protecting human

¹ Andrey M. Konovalov, "Review of Some Amendments to the Constitution of the Russian Federation," *State power and local self-government*, 2021, <https://doi.org/10.18572/1813-1247-2021-3-40-44>; M. Esther Seijas Villadangos, "State constitutions. Mainly, american state constitutions," *Teoria y Realidad Constitucional*, 2019.

rights, and regulating relations between state institutions.² In general, only one constitution applies within a country at the same time.³ It is different with the State of Saudi Arabia which enacts several constitutions.⁴ The provisions of Article 1 of the Saudi Arabian Constitution state that the constitution of its country is the Book of Allah Ta'ala and the Sunnah of His Prophet.⁵ Based on this provision it is known that the constitution of Saudi Arabia is not only one, but rather consists of several constitutions. Therefore, it is very interesting to know the intensity of the Saudi Arabian constitution. In addition, this study has a novelty that can be known from previous studies with searches through the application publish or perish with the keyword dustur Saudi Arabia. There have been 605 papers in the last 10 years (2012-2022). However, not all of these papers are relevant to this study. Some related research is Karomah's research with the title Constitution in Islam,⁶ Sodikin and Radiamoda discuss the Dynamics of the Islamic Constitution: From the Period of Caliphate to the Nation-State. Mubarak entitled Constitutional and Judicial Reform in the Frame of Constitutionalism in Saudi Arabia.⁷

² Ali Sodikin dan Anwar M. Radiamoda, "Dinamika Konstitusi Islam: Dari Periode Kekhilafahan hingga Nation-State" 2, no. 2 (2021): 162, <https://doi.org/10.24260/jil.v%vi%i.241>; Nashmaih Mohammad Al-Otaibi, "The Status of the Saudi Political System among Contemporary Political Systems: A Comparative Study," *Journal Sharia and Law* 32, no. 87 (2021): 520–84; Villadangos, "State constitutions. Mainly, american state constitutions"; Horst Dreier, "The Weimar constitution: Model or counter image of the basic law," *Historia Constitucional*, 2019, <https://doi.org/10.17811/hc.v0i20.601>; Bimal Prasad Lamichhane, "Models of Constitution Making with Reference to Nepal," *Journal of Political Science*, 2020, <https://doi.org/10.3126/jps.v20i0.31793>; Olena Lvova, "Limitation of human rights: concept and content," *Yearly journal of scientific articles "Pravova derzhava,"* 2021, <https://doi.org/10.33663/0869-2491-2021-32-81-89>.

³ Frank Chiang, "The State and Sovereignty," dalam *The One-China Policy: State, Sovereignty, and Taiwan's International Legal Status*, 2018, <https://doi.org/10.1016/b978-0-08-102314-3.00002-1>.

⁴ Bassam Abdullah Albassam, "Political Reform in Saudi Arabia," *Journal of South Asian & Middle Eastern Studies*, 2012.

⁵ Comparative Constitutions Project, "Saudi Arabia's Constitution of 1992 with Amendments through 2005," 2021.

⁶ Atu Karomah, "Konstitusi Dalam Islam," *Al-Qisthas: Jurnal Hukum dan Politik* 7, no. 1 (2016): 67–79.

⁷ Acep Zoni Saeful Mubarak, "Reformasi Konstitusi dan Yudisial dalam Bingkai Konstitusionalisme di Arab Saudi," *Journal of Islamic Studies and Humanities* 2, no. 1 (2017): 1–29, <https://doi.org/10.21580/jish.21.2514>.

Abdullah's research discusses the Dynamics of Islam in Saudi Arabia. It is also known that there is Mubarak's research, "Constitutional and Judicial Reform in the Frame of Constitutionalism in Saudi Arabia. According to Mubarak, Saudi Arabia – *tau'an au karhan* – has tried to creep out of the confines of traditionalism towards a country that adheres to constitutionalism. This can be seen from the existence of constitutional reforms even though they are in the stage of quasi-reform and the construction of the modern judicial system, and are still very limited by the power of the king.⁸

Researchers mentioned that three types of constitutions are based on different state practices in the formulation of the basic laws of each country. First, a country that does not hold renewals and enforces fiqh laws as it is. An example of this type of country is Saudi Arabia. Second, a country that has completely stripped Islam of its state base (secular) and adopted the legal system of Western countries in its constitution, as the Post-Caliphate usmani Republic of Turkey did. Third, a country that tries to incorporate Islam and other legal systems, such as from the West, in its constitution. Examples of these countries are Egypt, Tunisia, Indonesia and Algeria.⁹ It is very important to use Saudi Arabian dustur as the main reference. Therefore, this research is very much needed because the main review is against Dustur Saudi Arabia. In addition, this study focused on its intensity. Intensity becomes a very interesting study due to the diverse approach of meaning.

Multiple meanings of intensity, among these are *katsafah; hiddah*.¹⁰ *syiddah; wath-ah; and quwwah*,¹¹ circumstances, levels and measures of their intenseness, seriousness, earnestness, perseverance, zeal; awesomeness,

⁸ Mubarak, 27.

⁹ Karomah, "Konstitusi Dalam Islam," 78.

¹⁰ Research & Studies Centre, "The Dictionary English-Arabic" (Beirut: Dar Al-Kotob Al-Ilmiyah, 2004), 410.

¹¹ Munir Al-Ba'albaki dan Ramzi Munir Al-Ba'albaki, *Al-Mawrid Kamus Injilziy-Arabiy* (Beirut: Dar Al-Ilm Lil-Malayin, 2008), 599.

greatness; depth, strength, sharpness.¹² Intensity with the meaning of quwwah among them means strength, force, power; potency; violence intension; authority; ability; capability; energy; capability.¹³ While the constitution means urf, qanun, tanshib, ta'yin; insya', taqwim; qiyam, binyah; binyah al-jism; mizaj; dustur.¹⁴ dasatir: statute, regulation, by laws, constitutional law, constitution.¹⁵ Constitution also means all provisions and rules on constitutionality (basic laws and so on), the basic laws of a country.¹⁶ By term, dustur means a collection of rules governing the basis and cooperative relationship between fellow members of society in a state, both unwritten (convention) and written (constitution).¹⁷

The theory used for this study is maqashid al-Shari'ah. Among them opinions Ibnu 'Asyur in Maqashid al-Sharia al-Islamiyah, states that maqashid shari'ah is the meanings and wisdoms demonstrated by Allah Subhanahu wa Ta'ala in all or most of His shari'a, also falling within this region the qualities of shari'a or its general purpose. According to Ibn 'Asyur, the essence of maqashid shari'ah is to achieve the greatest benefit of the people, because the purpose of lawmaking in Islam is to create benefits in order to maintain the goals of the shari'a'.¹⁸

The purpose of the study is to uncover and describe the intensity of the constitution according to Dustur Saudi Arabia. Meanwhile, the summary of theoretical studies is described based on the theory of maqashid al-Shari'ah and the theory of the constitution. The main written

¹² Tim Redaksi, *Tesaurus Bahasa Indonesia* (Jakarta: Pusat Bahasa Departemen Pendidikan Nasional, 2008), 205.

¹³ Rohi Al-Ba'albaki, *Al-Mawrid Qamus Arabiy-Injiliziy* (Beirut: Dar Al-ilm Lil-Malayin, 1995), 876.

¹⁴ Munir Balbalki dan Ramzi Munir Baalbaki, "Al-Mawrid Al-Hadeeth: A Modern English-Arabic Dictionary," *Dar Ilm Lil Malayin* (Beirut: Dar Ilm Lil Malayin, 2008), 264.

¹⁵ Hans Wehr, *A Dictionary of Modern Written Arabic* (New York: Spoken Language Services, Inc, 1976), 281.

¹⁶ Pusat Bahasa, *Kamus Besar Bahasa Indonesia (KBBI)*, Kementerian Pendidikan dan Budaya (Jakarta: Kemeterian Pendidikan dan Kebudayaan, 2016).

¹⁷ Harun, "Konstitusi Dalam Perspektif Hukum Islam," *Subuf* 24, no. 1 (2012): 28–29.

¹⁸ Nispan Rahmi, "Maqasid Al Syari'ah: Melacak Gagasan Awal," *Jurnal Syari'ah: Jurnal Ilmu Hukum dan Pemikiran* 17, no. 2 (2017): 161–62.

sources of the formation of the constitution in Islam are the Qur'an and the sunnah. Divine dustur divine, Prophet dustur, *Dustur Medina Awwalu dustur maktub fil 'alam*. In an effort to find the law unearthed from its source, the multipliers of Islamic law should be dotted with the principle.¹⁹

Method

This type of research is normative legal research ²⁰ with an approach to the substance and intensity of the law.²¹ Normative legal research is intended as research carried out by examining library materials or mere secondary data. The reason normative legal research is due to several things, namely that research on secondary data is possible to draw broader generalizations of research results, not be bound by a time and place, save money and costs, and have the widest scope. Data types are secondary data consisting of primary legal materials, secondary legal materials and tertiary legal materials.

The source of the data is from the literature. The legal materials collected consist of primary legal materials, secondary legal materials, and tertiary legal materials. The primary legal materials in this study are Saudi Arabia's Dustur, the Qur'an, and the Sunnah. Secondary legal materials used as references are journal articles and related documents. Data collection is carried out by the method of documentation. In line with data processing, data analysis is carried out. Data analysis actually starts with determining which legal materials to collect. The way data is collected is to provide a working sheet in which the data found is written. After the collection is carried out, the legal materials are grouped according to the research problem. The legal materials that have been grouped are studied

¹⁹ Yusna Zaidah, "Model Hukum Islam: Suatu Konsep Metode Penemuan Hukum melalui Pendekatan Ushuliyah," *Jurnal Syari'ab: Jurnal Ilmu Hukum dan Pemikiran* 17, no. 2 (2017): 144.

²⁰ Faisar Ananda Arfa, *Metodologi Penelitian Hukum Islam*, ed. oleh Watni Marpaung (Bandung: Citapustaka Media Perintis, 2010).

²¹ Arlis Arlis, "Intensitas Syariah dalam Negara Berdasar Atas Ketuhanan Yang Maha Esa," *JURIS (Jurnal Ilmiah Syariah)* 15, no. 1 (18 Maret 2017): 33, <https://doi.org/10.31958/juris.v15i1.486>.

and analyzed with qualitative analysis techniques. Qualitative analysis techniques are intended as an analysis of legal materials rationally by using certain thinking patterns according to the laws of logic.

Al-Nizham Al-Asasi lil-Hukm as the Constitution

Dustur Saudi Arabia is also referred to by the term *Al-Nizham Al-Asas Lil-Hukm Fiy Al-Mamlakah Al-Arabiyyah Al-Su'udiyah*.²² *Dustur Al-Arabiyyah Al-Su'udiyah, al-watsiqah*, and Basic Law of Government. The statute of government is defined as the document containing most of the basic rules according to which the state is conducted, and exists. Fundamental principles dominate the kingdom's constitutional rules.²³

In 1924, the national Council (Al-Majlis al-Ahli), a consultative council brought via Abdulaziz, started to exercise sure powers except in foreign and military affairs which were the prerogative of the King. In August 1925, the Makkah Consultative Council, with more large powers, turned into formed. This new council turned into liable for overseeing communications, exchange, education, the courts device, inner safety and municipal affairs. It turned into also the precursor of the overall Consultative Council, which played a large role in the advent of the Council of Ministers. In August 1926, Abdulaziz approved a complete charter that became known as the "primary Directives (*Al-Ta'limat al-Asasih*) for the Hijaz area." The document became in keeping with the constitutions of many modern States and may additionally be seemed because the precursor for destiny ones. The "Hijaz charter" consisted of nine sections and 79 articles addressing middle constitutional problems including the system of presidency, administrative duty, the affairs of the dominion of the Hijaz, the Accounting department, the Inspectorate

²² Al-Jam'iyyah Al-Wathaniyyah li Huquq Al-Insan, "Al-Nizham al-Asas lil-Hukm Fiy Al-Mamlakah Al-Arabiyyah Al-Su'udiyah" (2010).

²³ Abdulrahman Omar Al-Madkhali, "Madhamin Al-Sunnah Al-Nabawiyyah fiy Al-Nizham Al-Asasiy lil-Hukm fiy Al-Mamlakah Al-Arabiyyah Al-Su'udiyah," *Hawliyah: Majallah ilmiyah Mabkamah fiy Al-Buhust Al-Islamiyyah wa Al-Arabiyyah* 37, no. 1 (2021): 301.

popular, the kingdom's civil service, the general municipal councils and the municipal administrative committees. most importantly, the fourth article of that report set up several governmental bodies which covered the Consultative Council, administrative councils, district councils and village and tribal councils.²⁴

After the decision to unify Saudi Arabia in the hands of King Abdul Aziz, the king set the rules and foundations on which the state of Saudi Arabia would be based. These are the rules and foundations that are based on all the principles of Islamic Sharia and compliance with all its rules, since King Abdul Aziz made Islamic Sharia the basis of the system of government in the Kingdom of Saudi Arabia. Constitutional reforms - after having been promised since the era of King Feisal - were implemented through King Fahd in 1992. The resulting Constitutional government is significantly unique from Western style social order. Dustur Saudi Arabia payload material consists of 9 chapter and 83 articles.²⁵

Table 1. Content Material of Dustur Saudi Arabia

No	Sections/Chapters	Articles	Sum
1	Introduction	-	-
2	Chapter 1. General Principles	1, 2, 3 (a,b, c), 4	4
3	Chapter 2. Legal system	5 (a, b, c, d, e) to 8	4
4	Chapter 3. Elements of Saudi society	9 to 13	5
5	Chapter 4. Economic principles	14 to 22	9
6	Chapter 5. Rights and Duties	23 to 43	21
7	Chapter 6. State Authorities	44 to 71	28
8	Chapter 7. Financial Affairs	72 (a,b) to 78	7
9	Chapter 8. Oversight Devices	79, 80	2
10	Chapter 9. General Provisions	81, 82, 83	3
11	Regions system	-	-
12	Shura council system	-	-
Sum			83

Source: Dustur Saudi Arabia, 2022

²⁴ Abdullah F. Ansary, "UPDATE: An Overview of the Saudi Arabian Legal System," July/August, 2020, https://www.nyulawglobal.org/globalex/Saudi_Arabia1.html.

²⁵ Al-Insan, Al-Nizham al-Asas lil-Hukm Fiy Al-Mamlakah Al-Arabiyyah Al-Su'udiyah.

The basic law gives a detailed definition of each state authority, including the judicial authority, the executive authority and the legislative authority. It also addresses their interrelationships. However, there is no separation of powers, especially between the legislative and the executive branches.²⁶ The curriculum on which the Kingdom was founded is summarized in the following pillars: first, the doctrine of monotheism, which makes people save worship for God alone, has no partner, and live dearest and honorable. Secondly, the Law of Islam, which preserves rights and blood, regulates the relationship between the ruler and the governed and regulates the dealings between individuals who absorb and safeguard public security. Thirdly, carrying and spreading the Islamic call, the call to God is one of the greatest and most important functions of the Islamic State. Fourth: Finding a valid and sound "public environment" from the evils and deviations, helps people to be straight and righteous, and this task is entrusted with the order of virtue and prevention of vice. Fifth: Achieving (faith unity) which is the basis of political, social and geographical unity. Maqashid shari'ah should be the "soul" of every policies and rules or laws. The development of the formulation of welfare state based on Maqashid al-Shari'ah will build Islamic man/religious man (citizen), who is prosperous spiritually and materially.²⁷ The keynote of Islamic law, the shari'ah, lies in its objective and purpose. This core of Islamic law is referred to as the maqashid.²⁸ The existence of the Saudi Arabian constitution confirms the position of Islam in the state. This

²⁶ Ansary, "UPDATE: An Overview of the Saudi Arabian Legal System."

²⁷ Elviandri dkk., "The formulation of welfare state: the perspective of Maqāsid al-Sharī'ah," *IJIMS: Indonesian Journal of Islam and Muslim Societies* 8, no. 1 (2018): 117–46, <https://doi.org/10.18326/ijims.v8i1.117-14>.

²⁸ Masudul Alam Choudhury, "Shari'ah and the World-System," dalam *God-Conscious Organization and the Islamic Social Economy*, 2020, <https://doi.org/10.4324/9781315585321-15>.

condition is different from the condition in Indonesia where Islam and the state are always being debated.²⁹

The Book of Allah (Qur'an) as the Constitution

In a general sense, the book of Allah includes all the books that Allah handed down to His Prophets and Messengers, namely the books of the Torah, Zabur, the Gospels and the Qur'an. Meanwhile, in a special sense, what is meant by the book of Allah is the Qur'an. The Qur'an is the Allah speech handed down to the Prophet Muhammad SAW through the intercession of the Angel Gabriel with Arabic, as a justification for the earlier books, explaining everything, there is no doubt that the glad tidings for the faithful are used to break the law, being a guide for all human beings to be devout. Other qur'anic terms include Al-Kitab (Al-Baqarah [2]: 2), nuran mubina (An-Nisa' [4]: 174), al-haq (Al-An'am [6]: 5), *kalimati rabbik* (Al-An'am [6]: 115), bayyinah (Hud [11]: 17), al-Zikr (al-Hijr [15]: 6, 9), tanzil (Thaha [20]: 4), zikrun mubarak (al-Anbiya' [21]: 50), al-Furqan [25]: 1), ruh (al-Syura [42]: 52).

The Qur'an in Saudi Arabia is a way of life, a system of government, and a source of inspiration, which it has done, and has risen and excelled with its gift, since king Abdul Aziz's eyes opened to life, the first lesson he suffered in his youth was the Qur'an, recitation, training and preservation, and remained his lieutenant. Throughout his life in his difficulty and ease, his joy and sadness, his travel and residence, his war and his peace, he begins his day with the Qur'an, and concludes it with the Qur'an, his connection to him was not weakened by the father of a king, nor the greatness of a sultan, but whenever his king expanded, and

²⁹ Mahdi Syahbandir dkk., "State and Islamic Law: A Study of Legal Politics on Zakat as a Tax Deduction in Aceh," *Abkam Jurnal Ilmu Syari'ah* 22, no. 1 (2022): 161–84.

his power strengthened up His connection to the Qur'an is strengthened. As long as he pours lessons, and he recites the wet, well-thought-out fear of God, and hope in his reward.³⁰ Celebrating the seal of the Qur'an, recitation and preservation, has become a good habit for people in this good country, both at the official level through associations and institutions based on the teaching of the Holy Quran, and at the individual level, and these ceremonies are often attended by princes, ministers, senior dignitaries, senior officials and the general public.³¹

One of the manifestations of the care of the Qur'an was the attention of Saudi Arabia to the Qur'an in several manifestations: in the field of education for boys and girls: education in the Kingdom was based on the foundations of: faith in God, Islam is a religion, and Muhammad prophet and messenger, and on the full Islamic conception of the universe and life, and that the whole existence is subject to what God has enacted; In addressing its issues, judging its theories and ways of investing them so that they emanate from Islam, consistent with good Islamic thinking.³² In Shawal from 1331 Ah announced a major prize for the preservation of the Holy Quran, the Award of His Royal Highness Prince Salman bin Abdul Aziz held in Riyadh every year, supervised by the Ministry of Islamic Affairs, Endowments, Advocacy and Guidance, and its total prizes amounted to about 1.5 million Saudi riyals, paid by His Highness from his own account, care for the Qur'an, and to encourage its preservation and good recitation, distributed as follows:³³

Saudi Arabia knew the shura system before declaring its unification, King Abdul Aziz established a shura council in Mecca in 1345 Ah and shura since the era of King Abdul Aziz a mainstay of the style of government in Saudi Arabia, the guardians of the matter in the Kingdom

³⁰ Muhammad Bin Syadid Al-Aufiy, *Inayah Al-Mamlakah Al-Arabiyyah Al-Su'udiyah bi Tab'i Al-Qur'an Al-Karim wa tasjil Tilawah wa Tarjamah Ma'anib wa Nashrih* (Madinah: Majma' Al-Mulk Fahd li Thaba'ah Al-Mushaf Al-Syarif, t.t.), 2.

³¹ Al-Aufiy, 3.

³² Al-Aufiy, 4.

³³ Al-Aufiy, 6.

consult in many matters scholars, dignitaries and the people of solution and contract in the country, and developed the shura system in the Kingdom under the custodian of the Two Holy Mosques may God save him. He issued a royal order number A91 on 27/8/ 1412 Ah by forming the Shura Council and its system to replace the shura system issued in 1347 Ah.

The first source of the law is the Qur'an, which is a revelation or kalamullah that has been guaranteed authenticity and also avoids the intervention of human hands. So that purification confirms the position of the Qur'an as the main source of law. Therefore, as the main source it should have a dynamic, true, and absolute nature. It is appropriate if the Qur'an is dynamic, true, and absolute. Dynamic in the sense that the Qur'an can be applied anywhere, and anytime, as well as to anyone. The truth of the Qur'an can be proven by the reality or fact that actually happened. Finally, the Qur'an is undoubtedly true and will not be refuted.

In its existence, the source of law in Islam is not only the Qur'an, but also the Hadith, Ijma' and Qiyas. These three are merely the source of the secondary of Islamic law, these sources do not serve as a perfection of the Qur'an but rather as a perfection of human understanding of maqasid al-shari'ah. Because the Qur'an has been perfect while the understanding of man is imperfect, so it takes an explanation (bayan) as an act of elaboration of something that has not been carefully understood.³⁴ Saudi Arabia is one of the maximum quite influential Muslim and middle eastern countries with a non-constitutional monarchy based totally on a conventional Islamic law device in which reform and alternate is very slow.³⁵

In 1992, the primary law of Governance and a Consultative Council were established. Article 1 states that the constitution of the Saudi state is

³⁴ Septi Aji Fitra Jaya, "Al-Qur'an dan Hadis Sebagai Sumber Hukum Islam," *Jurnal Indo-Islamika* 9, no. 2 (2019): 204, <https://doi.org/10.15408/idi.v9i2.17542>.

³⁵ Hossein Esmaeili, "On A Slow Boat Towards the Rule of Law: The Nature of Law in The Saudi Arabia Legal System," *Arizona Journal of International & Comparative Law* 26 (1), no. 1 (2009): 4.

“the book of God and the Sunna of his Messenger. Modernization of politics in islamic world causes hard dynamics in the relation between religion with state or politics. Integration between religion and state as in Saudi Arabia. In this model shari’ah formally becomes the positive law.³⁶ Some provisions in the book of Allah the Qur'an and Sunnah provide information that an Apostle from Allah (Muhammad) who recites the consecrated sheets (Quran) (Al-Bayyinah: 2). Similarly (also) We pass down to you the Al-Kitab (Quran). So the people whom we have given them the Bible (Torah) they have faith in him (the Quran); and among them (the pagans of Mecca) there were those who had faith in him. There is nothing to deny our verses but the infidels. (Al-Ankabut: 47). The information and other rules that are the subject of the book of Allah are about indeed We have given to Moses the Bible (Torah), so do not you (Muhammad) hesitate to accept (the Quran) and We make the Bible (Torah) a guide for the Children of Israel. (As-Sajdah: 32). There is also a command of Allah, which is: say (O believers): "We have faith in Allah and what is passed down to us, and what is passed down to Abraham, Isma'il, Ishaq, Ya'qub and posterity, and what is given to Moses and Isa and what is given to the prophets from his Lord. We do not discriminate against anyone among them and we only submit obediently to Him (Al-Baqarah: 136).

The material of the book of Allah relating to the government and the king includes the king in the time of the Prophet Yusuf (Yusuf: 54), King Thalut (Al-Baqarah: 247), The king of man (An-Nas), the kings who made the noble inhabitants despised (An-Naml: 34), the Prophet Moses as a king (Al-Baqarah 246), Allah the True King (Allah Al-Malikul Haq) (Thaha: 114). The king who seized every ark (Al-Kahfi: 79). As a result of disobeying the book of Allah, Allah has declared that: the people of Aikah

³⁶ Pepen Irpan Fauzan dan Ahmad Khoiril Fata, “Model Penerapan Syariah dalam Negara Modern (Studi Kasus Arab Saudi, Iran, Turki, dan Indonesia),” *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 1 (22 Juni 2018): 51–70, <https://doi.org/10.24090/mnh.v12i1.1328>.

and the Tubbas' have all lied to the apostles, so it is proper that they have received the punishment that has been threatened. It is not disputing the people whom the Bible brings (to them) but after it comes to them tangible evidence.

With regard to the writing of the Qur'an, the Messenger of Allah appointed several companions, who were in charge of recording in writing all the revelations handed down to the Messenger of Allah Saw. Among them were Abu Bakr al-Shiddiq, Umar bin Khattab, Uthman ibn Affan, Ali bin Abi Talib, Zaid bin Tsabit, Ubay bin Ka'ab, and several other companions. It is God who has sent down His book and God who has also guarded it. Therefore, the authenticity and originality of the Qur'an has been preserved throughout the ages. Islam as a legal system based on the Qur'an and sunnah ideally expected to be able to control the social life in society, by ensuring the implementation of their rights as individuals and society.³⁷

Maqashid Sharia originated from the decline of Al-Quran kepada Nabi Muhammad SAW which contains its basic principles. The sunnah which is the source of Maqashid Sharia discussion. The companions and tab'iin implement these principles in issuing laws and fatwas. In the next generation, the imams of the schools of fiqh made Maqashid Sharia the main guide in ijtiḥad, especially Imam Syafie (204H) who had established Maqashid Sharia as the main reference for ijtiḥad after the Al-Quran and Sunnah and he was the first to popularize the term Maqasid Shariah. The study of Maqashid Sharia continued until the arrival of Imam Syatibi (790H) who made many reforms in the discussion, so that he became the main reference for scientists and scholars.³⁸ In this context, the Qur'an is

³⁷ A. Bahruddin, "Implementasi maqasid al-shari'ah sebagai solusi problematika sosial dan kemasyarakatan kontemporer," *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan* 17, no. 1 (30 Juni 2017): 1–18, <https://doi.org/10.18326/ijtihad.v17i1.1-18>.

³⁸ Ahmad Wifaq Mokhtar, "Asas Ilmu Maqasid Syariah Dan Perkembangannya," *Maqasid syariah dalam pelaksanaan hukum syariah*, 2012; Iffatin Nur, Syahrul Adam, dan M. Ngizzul Muttaqien, "Maqāṣid Al-Sharī'at: The Main Reference and Ethical-Spiritual Foundation for the

very relevant to the theory of maqasid sharia. This is understandable because the existence of the maqashid sharia theory is inseparable from the existence of the Qur'an itself. It can be said that from a maqashid perspective, it is not said that the constitution is good when it contradicts the Al-Qur'an.

Sunnah of the Prophet as the Constitution

The place of the Prophet's Sunnah in the statute of government: six times, in conjunction with the word sunnah in this system and repeated in a number of articles, is: the first, with regard to the constitution of the State, and the fifth, with regard to the ruling, and the sixth, with regard to the sale, and the seventh, with regard to the sources of government, forty-fifth, with regard to the source of the fatwa, the forty-eighth, with regard to the confiscation of the rulings of the judiciary. This has already been distinguished in the Saudi regimes, and the elevation of the status of the two revelations, and a clear indication of their place in this country, and the clarification of this will come in the context of this research.³⁹ Article 1 Saudi Arabia is a fully sovereign Arab-Islamic state; its religion, its constitution is the Book of Allah, the Sunnah of his Messenger, and its language is Arabic with Riyadh as its capital.

This study zooms light on the leading and central role of the Kingdom of Saudi Arabia in serving Islam and Muslims through manifesting its endeavors in serving Hanbali Madhhab as one of the four main Madhhabs in Islam. It relies on the evidence and the deeds of the honorable companions of Prophet Mohammad and refines from subjectivity and non-authentic Hadiths, which caused many groups and

Dynamization Process of Islamic Law,” *AHKAM : Jurnal Ilmu Syariah* 20, no. 2 (30 Desember 2020), <https://doi.org/10.15408/ajis.v20i2.18333>.

³⁹ Al-Madkhali, “Madhamin Al-Sunnah Al-Nabawiyah fiy Al-Nizham Al-Asasiy lil-Hukm fiy Al-Mamlakah Al-Arabiyyah Al-Su’udiyah,” 307.

societies, as the Rafida, to divert from the right path. The study compromises topics on Hanbali Madhhab as its features, characteristics, distinguishing features, and a short biography of Imam Ahmad bin Hanbal, May Allah have mercy on him. It will also unveil the endeavors of the Kingdom of Saudi Arabia in serving Hanbali Madhhab in all walks of jurisprudence, teaching in the two holy mosques, lectures in university and institutes and the role of Saudi scholars in serving this Madhhab.

The study revealed some results among which are: Hanbali Madhhab was not served through history as being served by the Kingdom of Saudi Arabia, which is considered the golden age of this madhhab and homage should be made the role of the rulers of this country, may Allah bless, protect and support them.⁴⁰ It is worth mentioning that Saudi Arabia has great efforts in serving Islam and Muslims in various parts of the world, since the unification of the country at the hands of Imam Abdulaziz bin Abdulrahman bin Jah Faisal Al Saud - May God rest his soul - and marched on his sons after him.

Among these efforts are the kingdom's efforts to support the doctrine, where the forms of support have varied, from care and service to the books of the doctrine to explanation, investigation and printing, support, and service to the doctrine in the fatwa and the judiciary, in teaching in the Two Holy Mosques and in universities, and addressing these aspects in some detail as the basis of study and research.⁴¹ The research address the strength of statute and its relationship with the Sunnah. It includes a study of 43 articles out of 83 (51,8 %) in which the contents were linked with the Sunnah.⁴²

The sahih hadiths in the book of sahih bukhari he prepared for 16 years. The book contains all the hadiths of shahih, based on his own

⁴⁰ Amin Shalih Ziyab Ghammaz, "Juhud Al-Mamlakah Al-Arabiyyah Al-Su'udiyah fiy Khidmah Al-Mazhab Al-Hanbaliy wa Al-Musahamah fiy Intisyarihi," *Hawliyyah: Majallah ilmiyah Mahkamah fiy Al-Bubust Al-Islamiyyah wa Al-Arabiyyah* 34, no. 3 (2018): 333.

⁴¹ Ghammaz, 349.

⁴² Al-Madkhali, "Madhamin Al-Sunnah Al-Nabawiyyah fiy Al-Nizham Al-Asasiy lil-Hukm fiy Al-Mamlakah Al-Arabiyyah Al-Su'udiyah," 296.

confession, he said: "I do not include in this book of mine, except the shahih of all." The number of all hadiths of shahih including those published repeatedly is 7397 pieces. The Muslim imam compiled his Muslim Sahih book above the 300,000 hadiths he heard firsthand. To select it, he spent about fifteen years. The Book of Sunan at-Tirmizi consists of 5 juz, 2,376 chapters and 3,956 hadiths. Abu Dawud was a sala of a scholar who collected about 50,000 hadiths and wrote 4,800 of them in the book of Sunan Abi Dawud. The criteria used by Abu Dawud as established by him that his book consists of hadith sahih, hadith similar to him (yusybihuhu) and hadith adjacent to him (yuqarribuhu).

The total number of Ibn Majah Books contains 4,341 hadiths, and as many as 3,002 have been recorded by other authors of al-Ushul as-Sittah, either in whole, or in part. Meaning that there are still 1,339 hadiths that are only narrated by himself without the other five authors, Imam Hanbali has memorized 700,000 hadiths outside the head. The 112 Hadiths were then strictly selected and rewritten in his book al-Musnad numbering 40,000 based on the names of the companions who narrated.⁴³

Meanwhile, medina's position as a Constitution in Saudi Arabia is historically known. The Constitution of Medina drafted by the Prophet Muhammad Sallallahu 'alaihi wa sallam once prevailed in the area of Saudi Arabia. Based on the content of the Saudi Arabian Constitution, there is no such thing as the term Dustur Medina. God has blessed with immeasurable greatness, and the greatest blessing ever is Islam. There will be no deviations as long as they stick to Islam. True happiness will be achieved based on the information of Allah and the Messenger. Historical facts and realities prove this. Muslims have been pleased with Islamic law since they became regulators of their daily affairs and lives. In modern history, the first Saudi state was founded on the basis of Islam more than two and a half centuries ago, when two pious reformers, Imam

⁴³ Alamsyah, *Ilmu-Ilmu Hadis (Ulum al-Hadis)* (Lampung: CV. Anugrah Utama Raharja (AURA), 2015), 124–52.

Mohammed bin Saud and Sheikh Mohammed bin Abdul Wahab committed to it⁴⁴

The state of Saudi Arabia was founded on a clear political and governmental path. The state is committed to spreading Islam. The principles of faith and sharia are the basic assets on which the country was founded, and the application of these principles has been manifested in full adherence to the true course of Islam in its faith, its doctrines, and the spread of Islam (proselytizing), to do good and to prevent evil, in its judiciary and in the relationship of the ruler with the governed. Thus, the Saudi state has become a different model of politics and government in modern political history. This path continued to be adopted at all later stages as successive rulers continued to uphold Islamic law.⁴⁵ Fiqh and hadiths through the prism of Maqasid al-Shari'ah is the most logical methodology to expose fallacious beliefs from antiquity and clarify contemporary deviations propagated with the advent of mass literacy.⁴⁶ In the context of sunnah as a constitution, it is very clear that the application of a good constitution in all its aspects is when it is carried out according to the sunnah of the Prophet Muhammad.

Constitution Based on Dustur Saudi Arabia in the Perspective of Maqashid al-Shari'ah

Based on previous studies on the constitution based on Dustur Saudi Arabia, the Maqashid al-Shari'ah perspective can be summarized in the following table.

Table 2. Perspective of Maqashid al-Shari'ah on the Constitution
Based on Dustur Saudi Arabia

⁴⁴ The Embassy of The Kingdom of Saudi Arabia, "Al-Kalimah Al-Muluk bi Isdar Al-Nizham Al-Asasiy lil-Hukm," diakses 13 Maret 2022, <https://www.saudiembassy.net/king-fahds-speech-issuance-basic-law-governance>.

⁴⁵ Arabia.

⁴⁶ Bruce C Gipson, "Maqasid al-Shari'ah as a methodology for tajdid A return to the spirit of the Qur'an and the Sunnah of His Messenger (saas)," *ProQuest Dissertations and Theses* (2012).

No	Constitution	Intensity >< Maqashid									
		Religion	Soul	Mind	posterity	property	Necessities	Needs	Improvements	Level	
1	Al-Nizham Al-Asasi lil-Hukm	√	√	√	√	√	√	√	√	√	3
2	Book of Allah	√	√	√	√	√	√	√	√	√	1
3	Sunnah	√	√	√	√	√	√	√	√	√	2
4	Medina Constitution	√	√	√	√	√	√	√	√	√	2a

Source: Processed from Content Material of Dustur Saudi Arabia

The maqashid perspective on the constitution based on the Dustur Saudi Arabia in the table above is in line with the opinion which states that without understanding the maqashid shari'ah, the teachings of Islam will only appear as a tool without spirit.⁴⁷ Begitu juga dengan pendapat lain yang membahas tentang maqashid,⁴⁸ khususnya pendapat Al-Syâtibî divides maqâshid into three levels, namely: maqâshid dharûriyât, maqâshid hâjiyat, and maqâshid tahsîniyât⁴⁹ dharûriyât means that it must exist for the benefit of the servant, if there is none, it will cause damage, for example, the pillars of Islam. Hâjiyât means something needed to eliminate narrowness, such as rukhsah (leniency) not fasting for the sick. Tahsiniyat means something that is taken for the good of life and avoids bad things, such as noble morals, eliminating uncleanness, and closing the aurat. Dharûriyat includes five objectives, namely: (1) safeguarding religion (hifzh al-dîn); (2) guarding the soul (hifzh al-nafs);

⁴⁷ Dri Santoso dkk., "The Understanding of the Jamaah Tabligh on Wife Gender Justice: A Maqâshid Shari'a Review," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 2 (2022): 183–94, <http://dx.doi.org/10.31958/juris.v21i2.6935>.

⁴⁸ Nor Hadi dan Jadzil Baihaqi, "Motive of CSR Practices in Indonesia: Maqasid al-Sharia Review," *QIJIS (Qudus International Journal of Islamic Studies)* 8, no. 2 (31 Desember 2020): 327–52, <https://doi.org/10.21043/qijis.v8i2.8856>; Marybeth T Acac, "Pancasila: A Contemporary Application of Maqasid al-Shari'ah?," *Journal of Indonesia Islam* 9, no. 1 (5 Juni 2015): 59, <https://doi.org/10.15642/JIIS.2015.9.1.59-78>; Aam Rusydiana dkk., "Waqf, Maqasid al-Sharia, and SDG-5: A Model for Women's Empowerment," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (31 Desember 2022): 325–35, <https://doi.org/10.19105/al-lhkam.v17i2.6572>; Kamarusdiana Kamarusdiana dan Naili Farohah, "Reform on The Marriage Age Limit by Jakarta Women's Health Organizations in Maqâshid al-Syari'ah Perspective," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 1 (27 Juni 2022): 198, <https://doi.org/10.22373/sjkh.v6i1.12892>.

⁴⁹ Yubsir, "Maqashid Al-Syari'ah Sebagai Metode Interpretasi Teks Hukum: Telaah Filsafat Hukum Islam," *Al-'Adalah* 11, no. 2 (2013): 242.

(3) keeping sense (hifzh al-'aql); (4) keeping off spring (hifzh al-nasl); dan (5) guarding treasures (hifzh al-mâl).⁵⁰ Substantially maqâshid al-shari'ah contains benefits, both in terms of maqâshid al-syâri' (the purpose of God) and maqâshid al-mukallaf (the purpose of Mukallaf). Viewed from the point of view of God's purpose, maqâshid al-syari'ah contains four aspects, namely: 1. The original purpose of Syâri' (Allah and His Messenger) established shari'ah which is for the benefit of man in the world and the Hereafter; 2. The designation of sharia as something that must be understood; 3. The establishment of sharia as a taklifi law that must be implemented; 4. The establishment of Sharia in order to bring people under the protection of the law is to avoid following lust.⁵¹

The constitution according to Dustur Saudi Arabia is coherent with the concept which states that the constitution is all provisions and rules regarding state administration (basic law and so on). With regard to its functions, according to Dustur Saudi Arabia, the constitution can be discussed based on an opinion which states that there are eight functions of the constitution. The eight constitutional functions referred to are: first, constitutions can declare and define the boundaries of the political community. Second, constitutions can declare and define the nature and authority of the political community. Third, constitutions can express the identity and values of a national community. Fourth, constitutions can declare and define the rights and duties of citizens. Fifth, constitutions can establish and regulate the political institutions of the community. Sixth, constitutions can divide or share power between different layers of government or sub-state communities. Seventh, constitutions can declare the official religious identity of the state and demarcate

⁵⁰ Yubsir, "Maqashid Al-Syari'ah Sebagai Metode Interpretasi Teks Hukum: Telaah Filsafat Hukum Islam."

⁵¹ Yubsir.

relationships between sacred and secular authorities. Eighth, constitutions can commit states to particular social, economic or developmental goals.⁵²

Based on Dustur Saudi Arabia, all state agencies operate in accordance with sharia. The rulers of the state remained loyal to Islam in every circumstance and situation. Loyalty to Islam, faith and sharia. Saudi Arabia was founded on the basis of: a unity of faith that makes people worship God alone without partners and live with dignity. Islamic law that preserves life, safeguards rights, regulates the relationship of the ruler and the governed, regulates affairs between members of society, and maintains public security. Achieving the unity of faith on which political, social and geographical integration is based. Adopt ways and ways to advance progress that facilitates people's lives and protects their lives in the light of Islamic guidance and standards. The practice of shura as commanded by Islam and commends those who carry it out. Saudi Arabia has always adhered to the path of Islamic rule, in the judiciary, in the spread of Islam, in education, in the command of virtue and the prevention of evil, and in the execution of God's rituals. Governors and state officials have complied with this path. People have also committed to it in their daily lives. Islam is a way of life. It is not allowed to ignore what is stated in the Book of Allah (The Quran), the proven hadith of the Prophet, or what is unanimously agreed upon by Muslims. The constitution of the country is the Book of Allah and the sunnah of His Messenger.⁵³

Shari'ah presumes that a defendant is harmless till validated responsible, and best in severe crimes or in instances of repeat offenders is one probable to witness extreme punishments. Presidential legal guidelines:: (1) the main regulations of government [1992]; (2) a regulation of the Council of Ministers [1993]; (3) regulations of the Consultative

⁵² Elliot Bulmer, *What is a Constitution? Principles and Concepts* International IDEA Constitution-Building Primer 1 (Stockholm: International IDEA, 2017), 6–7.

⁵³ Arabia, "Al-Kalimah Al-Muluk bi Isdar Al-Nizham Al-Asasiy lil-Hukm."

Council (Majlis Al-Shura) [1992]; and (4) Provincial regulations [1992]. legal guidelines in the Judicial apparatus: (1) judicial regulations [1975]; (2) the regulation of methods earlier than the Shari'a Court [2000]; (3) the regulation of criminal proceedings [2001]; (4) Code of regulatory ethics [2001]. Investigative law guidelines and policies: (1) Arbitration rules [1983]; (2) Complaints Board Regulations [1982]; (3) The Procedural regulations of the Complaints Board [1989]; (4) Bureau of research and prosecution [1989]; (5) combating cash laundering [2003]. guidelines and rules of business law: (1) Foreign funding act and government regulation [2000] [plus: appendix re. real estate ownership and exclusion]; (2) Corporate profit tax [2004]; (3) hard work and Workers' regulations [1969]; (4) Cooperative insurance institutions manage regulations [2003]; (5) Printing and e-book regulations [2003]; (6) Industry fact legislation [2002]; (7) Business register regulations [1995]; (8) Commercial Book law [1989]; (nine) Non-public laboratories - regulation [2002]; (10) Private laboratories - policy [2003]; (11) Agricultural Fertilizer Regulation [2002]; (12) Camel Jockey Policy [2002]; (13) Copyright regulations [1989]; (14) Emblems, regulations, and policies [2002]; and (15) Name exchange, regulation and policy [1999].⁵⁴

There is no system or constitution in any country other than the Saudi state in which a guardian authorizes himself to commit himself to the policy of the nation a legitimate policy in accordance with the provisions of Islam, and to supervise the application of Islamic law, as stated in Article 55 of the Statute of Government, which stipulates that the king shall carry out the policy of the nation in accordance with the provisions of.⁵⁵ The scholars have concluded these five necessities by extrapolation, and they have established a preservation and a poem» :

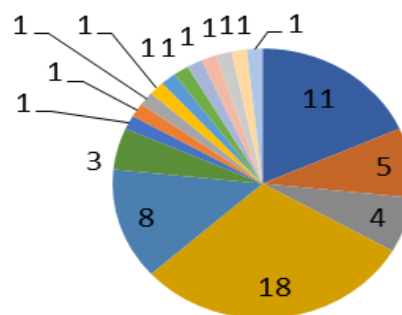
⁵⁴ The Embassy of The Kingdom of Saudi Arabia, "About Saudi Arabia: Law," diakses 13 Maret 2022, <https://www.saudiembassy.net/laws>.

⁵⁵ Abdul Aziz bin Salam bin Abdul Aziz Ali Sa'ud, "Masdar Al-Sulthah fiy Al-Nizham Al-Asasiy lil-Hukm min Manzhur al-Siyasah Al-Syar'iyyah," *Saudi Political Science Association* (Riyadh: Al-Jam'iyyah Al-Su'udiyah lil-Ulum Al-Siyasah, 2011).

Sharia has it through clear and structured legislation, abu Hamed al-Ghazali al-Shara of creation says five: that preserves their religion, themselves, their mind, their descendants and their money, all that includes the preservation of these five assets is an interest, and all that misses these assets is corrupted and paid by interest.⁵⁶ Shari'a holds a unique position in Saudi Arabia. It is the constitution of the state, the sole formal source of political legitimacy, and the law of the land, or common law.⁵⁷

Based on the study of Dustur Saudi Arabia content material, several provisions were obtained that showed the intensity of the constitution and its relevance to the Qur'an and Sunnah. Some of the keywords and sentences that can be inventoried are depicted in the following diagram:

Diagram 1. Dustur Saudi Arabia Content Material Coherent with Al-Qur'an and the Sunnah



Source: Processed from Dustur Saudi Arabia, 2022

The diagram above shows that the sequential mention of the word in Saudi Arabia's constitution from the most namely: the word Al-Islam amounts to 18 times using the pronunciation *Al-Islam*, *Al-Islamiyyah*, *Al-Islamiy* (27,7%), Allah is called 11 times (16,9%), word Al-Syari'ah Al-Islamiyah is called 8 times (12,3%). Word Kitabullah Ta'ala found 5 times (7,7%), word *Al-Sunnah*: 5 times (7,7%), word *Sunnah Rasul* 4 times (6,2%), word *Al-Aqidah Al-Islamiyah*: 3 times (4,6%), and word *Al-Kitab*: 2 times

⁵⁶ Shalih Bin Salamah Abu Su'ailik, "Mura'ah Mabda' (Al-Jama'ah) fiy Al-Sunnah Al-Nabawiyyah wa Atsaruhah fiy Tarsiykh Mafhum Al-Wathan wa Himayatuh," *Majallah 'Ulum Al-Syari'ah wa Al-Dirasat Al-Islamiyyah* 87 (2021): 540.

⁵⁷ Frank E. Vogel, "Shari'a in the Politics of Saudi Arabia," *The Review of Faith & International Affairs* 10, no. 4 (Desember 2012): 18–27, <https://doi.org/10.1080/15570274.2012.739892>.

(3,1%). While the following words, each of them is found 1 time mention (1,5% for each of them), i.e. the word *Aqidatul Islam, Tauhid, La ilaha Illa Allah Muhammad Rasul Allah; Taqwa, Al-Zakah, Al-Syar'iyah, Nash Syar'i, Ahkam al-Syari'ah Al-Islamiyyah*, and said *Habl Allah*.

The intensity of the constitution according to saudi arabian liesur is at a great level, with extraordinary potential, has amazing power, is able to answer all the challenges of the times, relevant for every time and circumstance, a capable capacity with tested consistency and the best energy that contains divine, nabawi, human, temporal, and ukhrawi dimensions. Taking into account that shari'ah is relevant for all times and circumstances, then maqashid should be very possible to grow and develop beyond just five aspects. Such as maintaining faith and piety, good deeds, character, education, politics, culture and so on. In a simple expression, the term maslahat is not just five maslahahs, but multi, plural or comprehensive maslahahs.

Conslusion

The conclusion of this study is that the constitutional intensity according to The Dustur Saudi Arabia has a superior intensity with a great variety. This intensity is contained in the Nizham Al-Asasi lil-Hukm, the Book of Allah, the Sunnah of the Apostle, and the Constitution of Medina. The various constitutions of Saudi Arabia have a very close and inseparable relationship. Hierarchically, the Book of Allah is at the highest and strongest level, followed by the Sunnah of the Apostle, Dustur Medina, and Nizham Al-Asasi lil-Hukm. Historically the Book of God was the first and foremost written constitution in the world. The existing conditions show that the universality of constitutional provisions is demonstrated by dustur Saudi Arabia. This is because, geographically, Saudi Arabia is only a small part of the world, but its constitutional validity philosophically and normatively covers all people in different

parts of the world with different countries. Meanwhile, empirically, parts of the Saudi Arabian constitution apply to all Muslims in whatever country they are.

As a reflection of the results of this study, ideally the Book of Allah and the Sunnah of the Apostles should absolutely be a reference in formulating, establishing, and applying the constitution and all the rules and policies of the state. This study recommends discussing the constitution in the corridors of the Qur'an and Sunnah. Studies can be carried out in various aspects where the Al-Qur'an and Sunnah have guaranteed their accuracy. With this it can be hoped that the integration and reintegration of the science of constitutional law will develop. The straight path to development and application of law in a minimal measure is with the Al-Qur'an and Sunnah as the basic principles of the constitution. *Allahu wa Rasuluhu a'lam, rabbana amanna faktubna maasy-syahidin.*

Bibliography

- Ahmad Wifaq Mokhtar. "Asas Ilmu Maqasid Syariah Dan Perkembangannya." *Maqasid syariah dalam pelaksanaan hukum syariah*, 2012.
- Alamsyah. *Ilmu-Ilmu Hadis (Ulum al-Hadis)*. Lampung: CV. Anugrah Utama Raharja (AURA), 2015.
- Al-Aufiy, Muhammad Bin Syadid. *Inayah Al-Mamlakah Al-Arabiyyah Al-Su'udiyah bi Tab'i Al-Qur'an Al-Karim wa tasjil Tilawah wa Tarjamah Ma'anih wa Nashrih*. Madinah: Majma' Al-Mulk Fahd li Thaba'ah Al-Mushaf Al-Syarif, t.t.
- Al-Ba'albaki, Munir, dan Ramzi Munir Al-Ba'albaki. *Al-Mawrid Kamus Injliziy-Arabiy*. Beirut: Dar Al-Ilm Lil-Malayin, 2008.
- Al-Ba'albaki, Rohi. *Al-Mawrid Qamus Arabiy-Injliziy*. Beirut: Dar Al-ilm Lil-Malayin, 1995.
- Albassam, Bassam Abdullah. "Political Reform in Saudi Arabia:" *Journal of South Asian & Middle Eastern Studies*, 2012.
- Al-Insan, Al-Jam'iyyah Al-Wathaniyyah li Huquq. Al-Nizham al-Asas lil-Hukm Fiy Al-Mamlakah Al-Arabiyyah Al-Su'udiyah (2010).
- Al-Madkhali, Abdulrahman Omar. "Madhamin Al-Sunnah Al-Nabawiyyah fiy Al-Nizham Al-Asasiy lil-Hukm fiy Al-Mamlakah

- Al-Arabiyyah Al-Su'udiyah." *Hawliyah: Majallah ilmiah Mahkamah fiy Al-Buhust Al-Islamiyyah wa Al-Arabiyyah* 37, no. 1 (2021): 293-368.
- Al-Otaibi, Nashmaih Mohammad. "The Status of the Saudi Political System among Contemporary Political Systems: A Comparative Study." *Journal Sharia and Law* 32, no. 87 (2021): 520-84.
- Ansary, Abdullah F. "UPDATE: An Overview of the Saudi Arabian Legal System." July/August, 2020. https://www.nyulawglobal.org/globalex/Saudi_Arabia1.html.
- Arabia, The Embassy of The Kingdom of Saudi. "About Saudi Arabia: Law." Diakses 13 Maret 2022. <https://www.saudiembassy.net/laws>.
- — —. "Al-Kalimah Al-Muluk bi Isdar Al-Nizham Al-Asasiy lil-Hukm." Diakses 13 Maret 2022. <https://www.saudiembassy.net/king-fahds-speech-issuance-basic-law-governance>.
- Arfa, Faisar Ananda. *Metodologi Penelitian Hukum Islam*. Disunting oleh Watni Marpaung. Bandung: Citapustaka Media Perintis, 2010.
- Arlis, Arlis. "Intensitas Syariah dalam Negara Berdasar Atas Ketuhanan Yang Maha Esa." *JURIS (Jurnal Ilmiah Syariah)* 15, no. 1 (18 Maret 2017): 33. <https://doi.org/10.31958/juris.v15i1.486>.
- Bahasa, Pusat. *Kamus Besar Bahasa Indonesia (KBBI)*. Kementerian Pendidikan dan Budaya. Jakarta: Kemeterian Pendidikan dan Kebudayaan, 2016.
- Bahrudin, A. "Implementasi maqasid al-shari'ah sebagai solusi problematika sosial dan kemasyarakatan kontemporer." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 17, no. 1 (30 Juni 2017): 1-18. <https://doi.org/10.18326/ijtihad.v17i1.1-18>.
- Balbalki, Munir, dan Ramzi Munir Baalbaki. "Al-Mawrid Al-Hadeeth: A Modern English-Arabic Dictionary." *Dar Ilm Lil Malayin*. Beirut: Dar Ilm Lil Malayin, 2008.
- Bulmer, Elliot. *What is a Constitution? Principles and Concepts International IDEA Constitution-Building Primer 1*. Stockholm: International IDEA, 2017.
- Centre, Research & Studies. "The Dictionary English-Arabic." Beirut: Dar Al-Kotob Al-Ilmiyah, 2004.
- Chiang, Frank. "The State and Sovereignty." Dalam *The One-China Policy: State, Sovereignty, and Taiwan's International Legal Status*, 2018. <https://doi.org/10.1016/b978-0-08-102314-3.00002-1>.
- Choudhury, Masudul Alam. "Shari'ah and the World-System." Dalam *God-Conscious Organization and the Islamic Social Economy*, 2020. <https://doi.org/10.4324/9781315585321-15>.
- Dreier, Horst. "The Weimar constitution: Model or counter image of the basic law." *Historia Constitucional*, 2019. <https://doi.org/10.17811/hc.v0i20.601>.
- Elviandri, Farkhani, Khudzaifah Dimiyati, dan Absori. "The formulation of welfare state: the perspective of Maqāsid al-Shari'ah." *IJIMS*:

- Indonesian Journal of Islam and Muslim Societies* 8, no. 1 (2018): 117-46. <https://doi.org/10.18326/ijims.v8i1.117-14>.
- Esmaeili, Hossein. "On A Slow Boat Towards the Rule of Law: The Nature of Law in The Saudi Arabia Legal System." *Arizona Journal of International & Comparative Law* 26 (1), no. 1 (2009): 1-47.
- Fauzan, Pepen Irpan, dan Ahmad Khoirul Fata. "Model Penerapan Syariah dalam Negara Modern (Studi Kasus Arab Saudi, Iran, Turki, dan Indonesia)." *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 1 (22 Juni 2018): 51-70. <https://doi.org/10.24090/mnh.v12i1.1328>.
- Ghammaz, Amin Shalih Ziyab. "Juhud Al-Mamlakah Al-Arabiyyah Al-Su'udiyah fiy Khidmah Al-Mazhab Al-Hanbaliy wa Al-Musahamah fiy Intisyarih." *Hawliyah: Majallah ilmiah Mahkamah fiy Al-Buhust Al-Islamiyyah wa Al-Arabiyyah* 34, no. 3 (2018): 331-77.
- Gipson, Bruce C. "Maqasid al-Shari'ah as a methodology for tajdid A return to the spirit of the Qur'an and the Sunnah of His Messenger (saas)." *ProQuest Dissertations and Theses*, 2012.
- Hadi, Nor, dan Jadzil Baihaqi. "Motive of CSR Practices in Indonesia: Maqasid al-Sharia Review." *QIJS (Qudus International Journal of Islamic Studies)* 8, no. 2 (31 Desember 2020): 327-52. <https://doi.org/10.21043/qijis.v8i2.8856>.
- Harun. "Konstitusi Dalam Perspektif Hukum Islam." *Suhuf* 24, no. 1 (2012): 26-38.
- Jaya, Septi Aji Fitra. "Al-Qur'an dan Hadis Sebagai Sumber Hukum Islam." *Jurnal Indo-Islamika* 9, no. 2 (2019): 204-16. <https://doi.org/10.15408/idi.v9i2.17542>.
- Kamarusdiana, Kamarusdiana, dan Naili Farohah. "Reform on The Marriage Age Limit by Jakarta Women's Health Organizations in Maqasid al-Syari'ah Perspective." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 1 (27 Juni 2022): 198. <https://doi.org/10.22373/sjhc.v6i1.12892>.
- Karomah, Atu. "Konstitusi Dalam Islam." *Al-Qisthas: Jurnal Hukum dan Politik* 7, no. 1 (2016): 67-79.
- Andrey M. Konovalov. "Review of Some Amendments to the Constitution of the Russian Federation." *State power and local self-government*, 2021. <https://doi.org/10.18572/1813-1247-2021-3-40-44>.
- Lamichhane, Bimal Prasad. "Models of Constitution Making with Reference to Nepal." *Journal of Political Science*, 2020. <https://doi.org/10.3126/jps.v20i0.31793>.
- Lvova, Olena. "Limitation of human rights: concept and content." *Yearly journal of scientific articles "Pravova derzhava,"* 2021. <https://doi.org/10.33663/0869-2491-2021-32-81-89>.
- Mubarok, Acep Zoni Saeful. "Reformasi Konstitusi dan Yudisial dalam Bingkai Konstitusionalisme di Arab Saudi." *Journal of Islamic Studies and Humanities* 2, no. 1 (2017): 1-29. <https://doi.org/10.21580/jish.21.2514>.

- Nur, Iffatin, Syahrul Adam, dan M. Ngizzul Muttaqien. "Maqāsid Al-Sharī'at: The Main Reference and Ethical-Spiritual Foundation for the Dynamization Process of Islamic Law." *AHKAM: Jurnal Ilmu Syariah* 20, no. 2 (30 Desember 2020). <https://doi.org/10.15408/ajis.v20i2.18333>.
- Project, Comparative Constitutions. "Saudi Arabia 's Constitution of 1992 with Amendments through 2005," 2021.
- Rahmi, Nispan. "Maqasid Al Syari'ah: Melacak Gagasan Awal." *Jurnal Syari'ah: Jurnal Ilmu Hukum dan Pemikiran* 17, no. 2 (2017): 160–78.
- Redaksi, Tim. *Tesaurus Bahasa Indonesia*. Jakarta: Pusat Bahasa Departemen Pendidikan Nasional, 2008.
- Rusydiana, Aam, Raditya Sukmana, Nisful Laila, dan Sherrindra Avedta. "Waqf, Maqasid al-Sharia, and SDG-5: A Model for Women's Empowerment." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (31 Desember 2022): 325–35. <https://doi.org/10.19105/al-lhkam.v17i2.6572>.
- Santoso, Dri, Yusefri, Laras Shesa, Musda Asmara, Sheikh Adnan Ahmed Usmani, dan Ahmad Syarifudin. "The Understanding of the Jamaah Tabligh on Wife Gender Justice: A Maqāsid Sharī'a Review." *JURIS (Jurnal Ilmiah Syariah)* 21, no. 2 (2022): 183–94. <http://dx.doi.org/10.31958/juris.v21i2.6935>.
- Sa'ud, Abdul Aziz bin Salam bin Abdul Aziz Ali. "Masdar Al-Sulthah fiy Al-Nizham Al-Asasiy lil-Hukm min Manzhar al-Siyasah Al-Syar'iyyah." *Saudi Political Science Association*. Riyadh: Al-Jam'iyyah Al-Su'udiyah lil-Ulum Al-Siyasah, 2011.
- Sodiqin, Ali, dan Anwar M. Radiamoda. "Dinamika Konstitusi Islam: Dari Periode Kekhilafahan hingga Nation-State" 2, no. 2 (2021): 138–67. <https://doi.org/10.24260/jil.v%vi%i.241>.
- Su'ailik, Shalih Bin Salamah Abu. "Mura'ah Mabda' (Al-Jama'ah) fiy Al-Sunnah Al-Nabawiyyah wa Atsaruha fiy Tarsiykh Mafhum Al-Wathan wa Himayatuh." *Majallah 'Ulum Al-Syari'ah wa Al-Dirasat Al-Islamiyyah* 87 (2021): 504–71.
- Syahbandir, Mahdi, Wais Alqarni, Syahrizal Abbas, Bukhari Ali, dan Fauzan Samad. "State and Islamic Law: A Study of Legal Politics on Zakat as a Tax Deduction in Aceh." *Ahkam Jurnal Ilmu Syari'ah* 22, no. 1 (2022): 161–84.
- T Acac, Marybeth. "Pancasila: A Contemporary Application of Maqasid al-Shari'ah?" *Journal of Indonesia Islam* 9, no. 1 (5 Juni 2015): 59. <https://doi.org/10.15642/JIIS.2015.9.1.59-78>.
- Villadangos, M. Esther Seijas. "State constitutions. Mainly, american state constitutions." *Teoria y Realidad Constitucional*, 2019.
- Vogel, Frank E. "Shari'a in the Politics of Saudi Arabia." *The Review of Faith & International Affairs* 10, no. 4 (Desember 2012): 18–27. <https://doi.org/10.1080/15570274.2012.739892>.
- Wehr, Hans. *A Dictionary of Modern Written Arabic*. New York: Spoken Language Services, Inc, 1976.

Arlis & Yeni Yuherlis: *The Intensity of The Constitution According to Dustur Saudi Arabia*

Yubsir. "Maqashid Al-Syari'ah Sebagai Metode Interpretasi Teks Hukum: Telaah Filsafat Hukum Islam." *Al-'Adalah* 11, no. 2 (2013): 241-48.

Zaidah, Yusna. "Model Hukum Islam: Suatu Konsep Metode Penemuan Hukum melalui Pendekatan Ushuliyah." *Jurnal Syari'ah: Jurnal Ilmu Hukum dan Pemikiran* 17, no. 2 (2017): 143-59.