



Establishing An Islamic State According To Islamic Law From The Perspective Of The Qur'an

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Abstract

This study examines the concept, legal basis, and normative framework for establishing an Islamic state from the perspective of Islamic law, drawing upon the Qur'an, Hadith, fiqh siyasah, and the views of classical and contemporary Muslim scholars. The research is motivated by the ongoing debate concerning the relationship between Islam and the state, particularly the renewed calls by certain Muslim groups for the establishment of an Islamic state or caliphate within the context of the modern nation-state. This research employs a normative-qualitative method through library research, utilizing a thematic interpretation of Qur'anic verses, analysis of prophetic traditions, and a comparative study of the political thought of scholars such as al-Mawardi, al-Ghazali, Ibn Taymiyyah, al-Maududi, and an-Nabhani. The findings indicate that neither the Qur'an nor the Hadith prescribes a fixed or rigid model of statehood. Instead, they emphasize fundamental principles of governance, including justice (al-'adl), consultation (al-shūrā), trust (amānah), equality, the rule of law, and the realization of public welfare (maṣlaḥah). From the perspective of Islamic law, the establishment of a state is regarded as a collective obligation (farḍ kifāyah) aimed at ensuring the implementation of amr ma'rūf nahy munkar and the preservation of religious and social order. An Islamic state is thus understood as a political institution whose primary function is to uphold the objectives of Islamic law (maqāṣid al-sharī'ah), rather than merely serving as a formal symbol of religious authority.

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INTRODUCTION

Islam has contributed to the development of a country's political and governmental system. Democratic values in Islamic law are similar to the basic elements of democracy in Indonesia. Robert N. Bellah concluded that the implementation of government practiced by the Prophet Muhammad in Medina was equal and participatory, and was formed as a form of modern state. The basic elements referred to in Islamic government doctrine are justice (al-'adl), egalitarianism (al-musāwah), deliberation (al-shūra), which are realized in the practice of Islamic state politics. In the context of the Indonesian state, historian Kuntowijoyo concluded that Islamic teachings have contributed significantly to the Indonesian state. Islam shaped civic culture, national solidarity, jihad ideology, and social control (Pulungan et al., 2018).

Conceptually, the relationship between Islam and the state has at least three paradigms: the integralist paradigm, the secularist paradigm, and the symbiotic paradigm. The controversy surrounding these three paradigms stems from the lack of explicit explanations in either the Quran or the Hadith, the primary sources of Islamic law, regarding the concepts of power, sovereignty, constitution, structure, and system of government. It is not surprising that throughout the history of Islam, from the time of the Prophet Muhammad (peace be upon him) to the modern era, Muslims have implemented various systems and forms of government, ranging from democratic caliphates to absolute monarchies. (Pulungan et al., 2018).

The Indonesian nation has agreed to establish the Unitary State of the Republic of Indonesia which has the form of a unitary state, based on Pancasila and the 1945 Constitution, not an Islamic state or a caliphate. This form is considered the most ideal form in uniting the nation's children consisting of various ethnicities, races, religions and groups. However, the longing and demand to create an Islamic state in the form of establishing a caliphate to ensure the implementation of sharia is often heard again among the Islamic community. The reform era, with its embrace of freedom of speech, democracy, and recognition of citizens' rights, has become an opportunity to reaffirm the importance of establishing an Islamic state. Therefore, Muslim academics play a crucial role in society. They must continue to focus on studying the contents of the Quran and sources of Islamic scholarly tradition to achieve a comprehensive understanding, including of statecraft in Islam. Another crucial aspect for Muslim academics is the ability to understand social realities so they can participate in, engage with, and address societal issues. (Ajaran & Negara, 2018)

METHODS

This research employs a normative-qualitative method with a library research approach. The data analyzed consist of primary and secondary documents, including verses from the Qur'an, hadith, and Islamic jurisprudence and legal literature related to the concept of establishing an Islamic state. The analysis is conducted through a thematic interpretation approach to relevant Qur'anic verses and a comparative study of the opinions of classical and contemporary scholars regarding the establishment of an Islamic state. Using this method, the research aims to explore the concepts, principles, and legal foundations of Islam underlying the establishment of an Islamic state in depth and systematically, thus producing a comprehensive and applicable understanding in the modern context.

RESULT AND DISCUSSION

A. The Law on Establishing an Islamic State According to Islamic Law

In general, a state is a sovereign organization with a system of government that enforces regulations over the people in a specific area. A state is also a region that has a system or regulations that apply to all residents within that region and exists independently. An Islamic state, on the other hand, is one whose political behavior is based on Islamic values or teachings, as derived from the Qur'an and Hadith. (Saw, n.d.)

The concept of a state is not only bound by an agreement between communities (a

social contract), but also encompasses the duties and authorities that must be carried out by the community to develop the country for the better. This is especially true in the governance and legal systems implemented to ensure the welfare and security of its citizens. A country will not be independent if any of its elements are incomplete or unfulfilled. Therefore, to help fulfill a country's goals, a state foundation is needed that will regulate the lives of its citizens. This is especially true if a country is declared independent when it receives recognition from another country, thus allowing it to claim a territory that has been established as a state. (Social, 2022)

A country is inseparable from a system of government. A government is a group or group of people or organizations granted complete sovereignty to govern and have the right to create and enforce laws or statutes in a particular region or country. Everyone living in a region must be bound by regulations to prevent problems in social life. There must be one person appointed, elected, or entrusted to occupy this government position. The leader in office is fully responsible for their duties in government, both in terms of regulations, social issues, and so on.

It was from this need that humans finally agreed to establish a state. A common feature of this constitutional concept is the relationship between two parties participating in a social contract or agreement on a voluntary basis, a contract or agreement that creates rights and obligations for both parties based on reciprocal law. Therefore, leaders, in addition to having the right to be obeyed by the people and demanding their full loyalty, also have obligations to their people. Examples include providing protection to the people and managing their interests well and responsibly. (Saw, n.d.)

According to Kuntowijoyo, Islam as a religion and the state as a power essentially have different histories. Religion has preachers and scholars as warning givers and its implementation is based on shared awareness, while the state has a bureaucracy and army as enforcers of power and its implementation is based on government decisions and policies. According to Arskal Salim, although the term state is not found explicitly in the Qur'an or Hadith, several terminologies are found that indicate the formation of a state such as caliph (leadership), shura (deliberation), ummah (community), ulil amri (commander), sultan (ruler), mulk (kingdom), and hukm (law). Therefore, it can be said that the Qur'an has provided concepts of social life and state guidelines such as deliberation, justice, equality, mutual cooperation, and religious tolerance. In addition, there is also a hadith that provides an understanding of the importance of leadership, which means the following: "If three people are on a journey, then they must choose one of them as a leader." (Abduh, 2022)

According to Munawir Syadjali in his work "Islam and State Administration," Muslim scholars agree on the importance of establishing a state. The existence of a state is necessary as a system of cooperation between humans to achieve their goals in life. In this regard, Ibn Taymiyyah said: Muslims cannot fulfill all their life's needs without cooperation and mutual assistance with others. That is why humans live in groups and each group needs a leader. Therefore, establishing a state to manage the affairs of the community is the most noble religious obligation, because religion cannot exist without government. Allah commands amar makruf and nahi munkar. This command cannot be implemented without the power of power and government. (Ajaran & Negara, 2018)

The establishment of a state under Islamic law is a perfect process based on clear principles and laws. According to Islamic law, establishing a state has a strong foundation and requires the implementation of sharia principles to ensure the continuity of social life in accordance with Islamic law. The law of establishing a state is considered fardhu kifayah according to al-Mawardi, who stated that this is a shared obligation necessary to create comfort for the community. The state in Islam serves as a tool for implementing Islamic sharia law. This view explains the state as a means to achieve comfort for the community and uphold the principles of Islamic law. Al-Ghazali and Ibn Taymiyyah have different opinions on the obligation to establish a state; Al-Ghazali emphasized the importance of the state for order in this world and the hereafter, while Ibn Taymiyyah viewed the establishment of a state more as a practical necessity than a religious obligation. (Asma & Selatan, 2024)

The existence of religion in social life is indeed urgent and occupies a primary position. Having a religion makes a person more civilized and morally upright according to their beliefs. Likewise, in the context of a nation, religion is one of the important things that the state upholds for its citizens. However, such conditions do not automatically make religion the foundation of the nation's ideology and system of government, as is the frequently debated issue of an Islamic State. This fundamentally arises from groups that misunderstand the history and interpretation of verses of the Quran. This thinking arises because individuals or certain groups aspire to establish an Islamic state or an Islamic caliphate to replace the existing state foundations and stand firmly among them, prioritizing the interests of certain groups for the sake of mere lust or other reasons, and instilling an ideology based on rejecting or ignoring diversity of religion, ethnicity, race, or whatever. (Ahmad et al., 2024)

Meanwhile, the establishment of a caliphate, or government, according to Sunni scholars, is obligatory according to Islamic law as a successor to the Prophet Muhammad's (peace be upon him). It aims to regulate the lives and affairs of the people, both worldly and religious, and to uphold their religion. Muslims are obligated to demonstrate obedience to the government. Political power must be used as a tool to implement Islamic law, uphold justice and realize social welfare, maintain equality through cooperation and mutual assistance, and create peace and security. The system of government in Islamic law is aligned with the government of the Prophet Muhammad (peace be upon him), who managed the city of Medina into a developed region in various aspects, even becoming an economic center. Furthermore, the government of the khulafaurasidin (caliphate) established institutions for good state management and a system of government that prioritizes deliberation for consensus. (Paikah, 2019)

In Islamic legal studies, the question of the obligation or basis for establishing an Islamic state is a frequent topic of debate among Islamic scholars, Islamic scholars, and contemporary thinkers. Views on this matter are not singular and depend on the interpretive approach to the Qur'an and Islamic scholarly tradition (Tatsqif Media Dakwah & Kajian Islam, 2024, Uncovering the Concept of Governmental Systems in the Qur'an, Uncovering the Concept of Governmental Systems in the Qur'an, <https://tatsqif.com/menguak-konsep-sistem-pemerintahan-dalam-al-quran-simak/?utm>, December 25, 2025). Therefore, it can be concluded that establishing a state is fardhu kifayah according to al-Mawardi. Specifically, the establishment of an Islamic state or a state governed by Islamic law is obligatory according to Sunni scholars, but it must have a strong foundation and requires the implementation of complex sharia principles to ensure the continuity of social life in accordance with Islamic law. An Islamic state is intended as a means to achieve comfort for the people and uphold the principles of Islamic law.

Furthermore, the establishment of an Islamic state also aims to regulate all aspects of life and human affairs, both worldly and religious, and to uphold religion. It is a tool to uphold justice and achieve social welfare, maintain equality through cooperation and mutual assistance, and create peace and security. The establishment of a state, or even an Islamic state, must not be based on any other reason inconsistent with Islamic law and sharia. This may include ethnic, tribal, racial, intergroup, or other personal interests. Furthermore, it cannot be based solely on economic needs or lustful desires.

B. Evidence for Establishing an Islamic State According to Islamic Law from the Perspective of the Qur'an

According to the scholar Al-Mawdudi, he actually agreed with the concept of Islamic government. Maududi's view is that Islamic government, al-hakimiyah, or the highest legal jurisdiction and sovereignty in the universe, comes only from Allah, and cannot be the right of anyone other than Allah. (Education & Vol, 2017) This is based on the word of Allah SWT.

1. Q.S Al-Baqoroh verse 107

أَلَمْ تَعْلَمْ أَنَّ اللَّهَ لَهُ ۙ مُلْكُ السَّمٰوٰتِ وَالْاَرْضِ وَمَا لَكُمْ مِّنْ دُوْنِ اللَّهِ مِنْ وَّلِيٍّ وَّلَا نَصِيْرٍ

Meaning: "Don't you know that the kingdom of the heavens and the earth belongs to Allah? And you have no one but Allah as a protector or helper"

2. Q.S Al-Furqan verse 2

ۙ الَّذِيْ لَهُ ۙ مُلْكُ السَّمٰوٰتِ وَالْاَرْضِ وَّمْ يَتَّخِذْ وِلْدًا وَّمْ يَكُنْ لَهُ ۙ شَرِيْكٌ فِى الْمُلْكِ وَاَخْلَقَ كُلَّ شَيْءٍ فَعَدَّرَهٗ ۙ

Meaning: "(He is the One) to Whom belongs the kingdom of the heavens and the earth, He has no son, nor any partner in His power. He has created all things and determined their exact measurements."

3. Q.S Al-An'am verse 57

اِنَّ الْحُكْمَ اِلَّا لِلّٰهِ يَفْصُلُ الْحَقَّ وَهُوَ خَيْرُ الْفٰصِلِيْنَ.....

Meaning: "The right to establish law is solely for Allah. He explains the truth and He is the best of judges."

4. Q.S Al-Kahfi verse 26

مَا هُمْ مِّنْ دُوْنِهٖ ۙ مِنْ وَّلِيٍّ وَّلَا يُشْرِكُ فِى حُكْمِهٖ ۙ.....

Meaning: "There is no protector for them except Him, and He does not take anyone as an associate in making decisions."

Furthermore, according to Al-Maududi, the Quran stipulates that obedience must be to no one but Allah alone and that it is obligatory to follow His laws. It is also forbidden for a person to abandon Allah's rules and follow the rules made by other humans, the laws he himself made, or the tendencies of his own desires. (Education & Vol, 2017).

However, there are certainly pros and cons regarding the establishment of an Islamic state. Some Muslims, namely, a group, enthusiastically support the establishment of an Islamic state. However, they often differ on the steps and procedures for establishing it. Some advocate secession and the formation of a new force, eventually overthrowing the existing state, through a coup, or through other means. Others pursue more compromising measures, but the direction of their struggle remains toward the establishment of an Islamic state. (Page 1 of 67 Pages | Table of Contents, n.d.)

C. Elements in Establishing an Islamic State/Country According to Muslim Scholars and State Law Science

According to Prodjodikoro in his book, the concept of establishing a state must fulfill the requirements for a sovereign state, namely: territory, a people, a government, and a sovereign constitution. All of these elements were present in the city led by the Prophet Muhammad when it was still called Yathrib (Medina). This sovereign constitution was in the form of the Medina Charter, clearly written in a script and adhered to by the entire Medina community at that time. (Vachruddin, 2021)

Concepts regarding the establishment of a nation-state, political system, and government also come from Muslim scholars. Some Muslim scholars are a priori toward Western thought, while others accept the concepts of Western thinkers. Still others strive to study Western concepts, then adopt positive values and filter out concepts that conflict with Islamic law. Those who are a priori and anti-Western thought usually propose the concept of the Caliphate as the embryo of a state government, especially an Islamic state. Meanwhile, a second group, opposing the first, believes that Western thought on this issue is worthy of reference, as it represents developed nations. The third group, those who believe the concept of the state is a matter of *ijtihad* aimed at achieving the public good, requires consideration of adjustments to the situation, developments in thought, and the public good within the concept of the nation-state. (Research, 2024)

Regarding the goals of an Islamic state, from the Western perspective, a state aims for the welfare and freedom of its citizens. Alternatively, it could be said that the state aims to create conditions where the desires of its citizens can be optimally fulfilled. It has become apparent that, from the Western perspective, the state only aims to bring its people worldly prosperity, without accompanying happiness in the afterlife. This is the impact of the separation of religion and state in the Western perspective. Contrary to the Western perspective, the state's existence in Islam is crucial, namely in implementing Islamic law, or in other words, to uphold God's laws. Thus, the general goal of an Islamic state is to realize the teachings of Allah SWT, leading to happiness in this world and the hereafter. (Fakultas et al., n.d.)

According to Prof. Dr. Lintje Anna Marpaung, S.H., M.H in her work entitled "State Science", the elements of the state itself are divided into 3:

1. Traditional Country Elements

This means that if a state is established naturally, it only needs to fulfill three basic requirements, meaning that its establishment is free from difficulties. For example, in a region that is not currently colonized or controlled by another country, the following elements are necessary for the establishment of the state:

- a. The existence of people.
- b. The existence of territory.
- c. The existence of government.

2. Elements of a Modern State

This element of a modern state is one of the elements of a state, specifically a region or area that will establish its own state by liberating itself from colonialism or the rule of another country. Therefore, this independence is a prerequisite for establishing a state, free from interference from any other country. For example, Indonesia liberated itself from Japanese and Dutch occupation, and Malaysia liberated itself from British colonialism.

3. Elements of the State under the Montevideo Convention

The elements of a state according to the Montevideo Convention are an international legal convention (occurred in a city in Uruguay (Montevideo/South America in 1933) which must have four detailed elements as follows:

- a. There must be inhabitants (people, residents, citizens, or nation).
- b. There must be a (specific) territory or sphere of power.
- c. There must be a supreme authority (sovereign ruler or sovereign government).
- d. The ability to engage in relations with other nations.

These four elements are constitutive elements and are further complemented by declarative elements, namely "recognition", both *de jure* recognition and *de facto* recognition. (Prof. Dr. Lintje Anna Marpaung, S.H., 2018)

Based on the explanations that have been presented above, we can draw the conclusion from all types of state elements, that in establishing a state, the following elements must be fulfilled:

1. Constitutive Elements
 - a. There must be inhabitants (people, residents, citizens, or nation).
 - b. There must be a (specific) territory or sphere of authority.
 - c. There must be a supreme authority (sovereign ruler or sovereign government) and a constitution governing it.
 - d. The ability to engage in relations with other countries.
 - e. Independence from colonialism or the rule of another country.
2. Declarative Elements
 - a. De jure recognition
 - b. De facto recognition

Even if we talk about establishing an Islamic state, it must also fulfill all the established elements of a state. However, the Muslim scholar an-Nabhani formulated that the Islamic system of government is based on four principles:

1. Sovereignty belongs to the sharia, not to the people.
2. Power rests with the people.
3. The appointment of a caliph is obligatory for all Muslims.
4. The caliph has the right to adopt sharia laws and formulate constitutions and legislation.

If even one of these is missing, the government system immediately becomes non-Islamic. Therefore, studying and understanding the caliphate must be done through a normative and objective approach. Meanwhile, according to Muslim scholar Maududi, the Islamic political system is based on three main principles: monotheism, the message, and the caliphate. The concept of monotheism affirms that Allah is one, sovereign over all His creation, the true ruler of this universe, and He alone is worthy of worship and obedience. The highest jurisdiction and legal sovereignty in the universe belongs only to Allah. Humans, both as individuals and as a society, have absolutely no authority over this universe, because the rights they possess are given by God. (Gunawan, 2019)

The characteristics of an Islamic state are that all citizens are Muslim, the supreme leader must be Muslim, and the law used is Islamic law (the law of God). Apart from that, there are still other important elements inherent in an Islamic state according to the opinions of Muslim scholars explained above, namely: monotheism and the message, sovereignty belongs to the sharia, not to the people, power rests in the hands of the people, the appointment of a caliph is obligatory for all Muslims, and the caliph has the right to adopt sharia laws and draft constitutions and legislation.

Based on all the explanations above, it can be concluded that the establishment of an Islamic state must first fulfill the elements of a state according to state law. Therefore, with the concept of an Islamic state, it must fulfill the elements of an Islamic state, as defined by Muslim scholars. If any of these elements are not met, then it cannot be called a state. If even one of these elements of a state based on Islam is not met, then it cannot be called an Islamic state.

CONCLUSION

According to al-Mawardi, establishing a state is fardhu kifayah (obligatory duty). Specifically, establishing an Islamic state, or a state governed by Islamic law, is obligatory according to Sunni scholars. However, it must have a strong foundation and require the implementation of complex sharia principles to ensure the continuity of social life in accordance with Islamic law. An Islamic state is intended as a means to achieve the well-being of the people and uphold the principles of Islamic law.

According to the scholar Al-Maududi, he actually agrees with the concept of Islamic government. Maududi's view is that Islamic government al-hakimiyah or the highest jurisdiction and legal sovereignty in the universe comes only from Allah, it can never be the right of anyone other than Allah. This is based on the words of Allah SWT: Q.S Al-Baqoroh

verse 107, Q.S Al-Furqan verse 2, Q.S Al-An'am verse 57, and Q.S Al-Kahf verse 26. Furthermore, according to Al-Maududi, the Quran stipulates that obedience must and cannot be to other than Allah alone and must follow His laws.

Establishing a state requires attention to and fulfillment of the essential elements of a state, namely the constitutive and declarative elements. The characteristics of an Islamic state are that all citizens are Muslim, the supreme leader must be Muslim, and the law applied is Islamic law (the law of God). Beyond that, there are other important elements inherent in an Islamic state, according to the opinions of Muslim scholars an-Nabhani and Maududi. In conclusion, establishing an Islamic state requires first fulfilling the essential elements of a state according to state law. Therefore, with the concept of an Islamic state, it must fulfill the essential elements of an Islamic state, according to the opinions of Muslim scholars.

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