

# **The Nature of the Position of Wilayatul Faqih in the Iran Islamic Constitutional System: The Essence of Ayatollah Khomeini's Thoughts**

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## **Abstract**

In this study, the author tries to discuss and uncover the thoughts of Ayatollah Khomeini about the concept of Wilayatul Faqih, the application of Wilayatul Faqih in modern Shia, and analyzes the position of Faqih in the constitutional system of the Islamic Republic of Iran according to the perspective of siyasa fiqh. In writing this article, the author uses a research approach in the form of library research, namely by researching books related to the discussion, both primary and secondary books, which are useful for formulating more accurate data in concluding the answer to this research. This study has the result that the government referred to by Imam Khomeini is a government that is not tyrannical, or a concept of government that is under the clergy, the highest authority of the state is under the hands of scholars or, more specifically, is a rahbar. Imam Khomeini's goal in the Wilayatul Faqih concept is to demand social justice, a fair distribution of wealth, a productive economy based on national strength and a simple lifestyle and based on a conception that will reduce the gap between rich and poor and between government and governed according to the principles of Islam.

**Keyword:** Wilayatul Faqih, Ayatollah Imam Khomeini, Islamic Republic of Iran.

## **Introduction**

Islam is a universal religion whose teachings contain basic life principles, including politics and state administration (Mavani, 2011). However, in reality, Islam must provide detailed provisions regarding the form and concept of the desired government system. This is where the opportunity arises for various interpretations and efforts to make it happen. While some want to establish an Islamic state, others are more inclined to emphasize its substance, namely the establishment of "the Islamic order" in society (Mayani, 2013; Mubarak, 2021; Nurfitriya, 2022). That is, religion is expected to be emphasized more in the aspects of morality and social ethics, rather than formal legality, including in the political system applied in various countries.

The political system of each country is different. However, Islam already has a political system, namely *fiqh siyasa*. The *siyasa fiqh* rules have a goal as an instrument capable of realizing a just state and fulfilling the rights of the people (Rahimi & Shirvani, 2021; Mirahmadi, 2019; Ridgeon, 2022). In the Islamic state system, there are *fiqh siyasa* instruments, which align with differences in several *firqah* and opinions (Kharizmi, 2022; Nosrat, 2022). The proposed system of government in Islam that is applied at this time which has experienced modernity was developed and practised for the first time by a Shiite Islamic theologian, Ayatullah al Uzma Ruhullah Sayyid al Musawi Imam Khomeini. Ayatollah is one of the most important figures in the birth of the Islamic Republic of Iran and the occurrence of the Iranian revolution (Afacan, 2022; Dauly, 2019; Jansen, 2019). Ayatollah was then appointed as the leader of the Islamic revolution, as stated in the Iranian constitution, which was ratified on December 3, 1979.

The relationship between Islam and the state has long been at the centre of thorny issues in the Islamic world. Since the collapse of Western colonialism in the mid-twentieth century, Islamic countries such as Turkey, Egypt, Sudan, Morocco, Pakistan and Algeria have had difficulties trying to build a viable relationship between Islam and the state. In these countries, the political relationship between Islam and the state is characterized by sharp tensions, if not hostility (May 2019; Madi & Bagis, 2022). Seeing the important position of Islam in these areas, namely as the religion of the majority of the population, it turns out that, in reality, it is really very surprising. In turn, this has prompted observers of Islamic politics to ask whether Islam is compatible or not following the modern political system, in which the idea of a nation-state is one of its main elements (Halilovic, 2020; Frisch, 2019).

The attempt to understand political issues in Islam is a complex matter. According to Saad (2019) and Khosravi (2021), this is for two reasons. First, Islam has been making history for more than 14 centuries, so it would be naive to think that everything remained stationary and stopped during that long period. Meanwhile, very few Muslims know, let alone awareness of history. Second, in addition to the variety of historical materials that must be studied and researched, in Islamic history, there is also a very wide theoretical treasury of politics which appears almost every time with the emergence of a historical event opinion on the concept of the relationship between the state and Islam in the format of an Islamic state. Historical facts show that there were various forms of government in the Islamic world in the past. Even though Sunni Muslims saw the stage of the *Khulafâ' al-Râsyidn* period as an ideal role model throughout Islamic history, in which religion and power were united in government based on Islamic law. However, the reality during the reign of the Umayyads (661-750 AD) and the Bani 'Abbas (750-1258 AD) was very different from that stage of the normative period. The reality throughout Islamic history has taken the form of *de facto* fragmentation in the Islamic empire since 850 AD, and the Islamic rulers' non-Islamic character and interests no longer show the existence of an ideal Islamic state (Al-Khafaji, 2019; Yazdani, 2019).

The population of Middle Eastern countries is majority Muslim country. In its constitution, the State of Iran is an Islamic state in the Middle East which expressly declares itself as an Islamic state. Iran declares itself as the Islamic Republic of Iran. Imam al-Khumaini had an important role in the development of the Islamic Republic as it is today (Sieg, 2021; Litcak, 2022). In 1979, the Iranian Revolution ultimately overthrew Shah Pahlavi's government, which was Imam al-Khomeini's intervention. In the formation of the Islamic Republic, the position of Al-Khumaini became very strong. The long history of the Shia journey cannot be separated from the power of Imam al-Khumaini, both for the Shia community as a whole and in Iran (Utama et al., 2019; Hakim, 2018; Akbar, 2022).

Imam Khomeini's success in leading the Iranian Islamic revolution in 1978-1979, which changed the political structure and form of the Iranian state from an absolute monarchy to an Islamic republican form of government, has captured the attention of political thinkers and observers. Since this incident, quite a several critical studies have been produced which discuss the revolution, political movements, and the political thoughts of Imam Khomeini (Heider, 2022; Namazi, 2019). Most of these writings cover the revolution and the Shi'a Islamic movement, such as the book *Post-Revolution Iran: A Travel Report* written by Syafiq Basri, a book by Riza Sihabudi entitled *Dynamics of the Islamic Revolution in Iran: From the Fall of the Shah to the Death of Ayatollah Khomeini*. 5 Some foreign writers include Hossein Bashiriyeh, who wrote the book *The State and Revolution in Iran 1962-1982*, and Nasir Tamara who wrote the *Iranian Revolution*. The four books above are some of the many books that discuss Iran and the political situation surrounding the revolution (Odabei, 2019; Yurtalan, 2019).

The absence of a single agreed concept of an Islamic state throughout history has led to various interpretations of what is called an Islamic state. Various factors caused the disagreement, including: first, the Islamic state founded by the Prophet in Medina, which was considered ideal, did not provide a detailed model of the constitutional system; secondly, the implementation of the caliphate under the Umayyads and Bani 'Abbas only provided a framework regarding political institutions and taxation; third, the discussion of ideal formulations (Islamic law and political theory) only produces idealistic and theoretical formulations of a utopian society; and fourthly, the relationship between religion and the state has from time to time been the subject of various interpretations (Kara & Bahmanpour, 2020).

Al-Faqih's territory in Imam Khomeini's idea of statehood relies entirely on Shia political theology on Imamate. For the Shia the most important principle is Imamate. Imamate is part of religious belief. After the destruction of the secular government of Shah Pahlavi, the concept of Wilayatul Faqih was born, which was formed due to the Islamic Revolution in the Iranian government, replacing it with Imamate Shiite Islamic values. Since the collapse of the Pahlavi government, the ideology of Imamate Shi'a Isna' has been applied in a modern way, namely the collaboration between political and religious leadership of the ulama and the state by Imam Khomeini (Aliyey & Asyifa, 2021; Al-Hajjaji, 2018).

The Wilayat Faqih system in Iran is the first Islamic Republic system to be used in the modern century by giving political trust to the fuqaha, who already have much legitimacy in the state. Apart from the religious point of view in the Iranian state, the author intends to examine wilayatul Faqih more deeply in the Iranian constitutional system (Adinugraha et al., 2021; Ardovini, 2022). There are characteristics of ulama leadership carried out modernly in a democratic Iranian government. In this case, the author intends to analyze Ayatollah Khomeini's thoughts about the position of wilayatul Faqih in Islamic government conceptually by presenting several conceptions of critical analysis of the position of wilayatul Faqih. Thus, the author raises this study as an effort to expand scientific treasures and become additional material in academic studies, especially in the field of Islamic thought and state administration, especially Islamic state administration (Peterson, 2022; Dell & Feuer, 2021; Kalantari, 2019).

## Method

This study uses a type of qualitative research with a descriptive analysis approach. The type of data used in this study is secondary data with various literature sources. The discussion and analysis begin with examining the concept of Waliyatul Faqih. The Nature of the Position

of Wilayatul Faqih in the Constitutional System of the Islamic Republic of Iran, then finally, analyzing the Wilayatul Faqih Government System. Discussion and presentation of data using qualitative methods.

The Wilayatul Faqih concept of Imam Khomeini discussed in this article is to analyze the government system of the Islamic Republic of Iran, whose leadership is under the rule of a just and competent Faqih in religious affairs, which is a form of representation of absolute power and sovereignty from Allah over humankind and the universe. In its applicative form in Iran, the supreme leader of Wilayatul Faqih is also called rahbar and Wali Al-Amr. According to Imam Khomeini, the government of the Faqih is the holder of all the responsibilities and powers of the Imam of the Age (Imam Mahdi). For that, Imam Khomeini wrote, "The infallible Imams have entrusted everything to the Fuqaha over which they have authority (territory) and that the Faqih received all power from the Prophet PBUH and the 12th Imam in rule and government" (Zalayati, 2019).

## **Result and Discussion**

### ***The Concept of Wilayatul Faqih: The Concept of Iranian Islamic Government in the Ayatollah Khomeini Doctrine***

Imamah, as the ideology and core of Shi'ite teachings, is the basis of the birth of the concept of government echoed by Ayatollah Khomeini, who later became known as Wilayatul Faqih. This is because following the teachings of Imamate that the priest is a representative of the Prophet sent down by God to guide a people or people to truth and virtue. Nevertheless, at the level of discussion, leaders in the perspective of Islamic theology theoretically have the same understanding between Imamah, Khilafah and Emirate. The most significant difference can be seen in the mention and naming of the leaders of the three concepts. The Khilafah government is led by a Caliph (Khalifah), an Imam leads the Imamate, and an Amir leads the Emirate government. The difference between the three concepts of government can also be found in the government's technical and practical administration (Ghobadzadeh & Akbarzadeh, 2020).

Imamat in Shi'a theology is placed as the most important position in the pillars of faith, and is classified into the main realm of religion (Usuluddin) and is not used as a branch of religion (Furu'). Thus, it automatically creates a logical consequence that Imamate is an Aqeedah that is obligatory for Shiites to believe in. This has become a binding norm (Binding Norm) both in the realm of Shari'a, aqidah and even to the level of the form of state government. Wilayatul Faqih, a concept of government born from Imamate theology, later became an absolute thing to be applied in the Islamic Republic of Iran after the Iranian revolution over the Reza Pahlavi regime in 1979. Ayatollah Khomeini was the main figure driving Iran's revolution and the first initiator of the birth of a new constitutional political system for Iran at the time of the rapid development of the concept of a modern state time.

As enshrined in the 1979 Iranian constitution, the political construction of Iran's Islam states that monotheism is a general achievement and the entire system that applies both in law enforcement. The government is solely to enforce the provisions of Allah Subhanahu-Wataala on earth by realizing an essential justice, as Allah's commandments are contained in the Qur'an-Karim wherein the Qur'an is the source of all sources of Islamic law, then the prophecy which functions to clarify through the presence of a prophet, the messenger of Allah. However, it should be understood that whatever is found in constitutional texts and practices in a country is most likely a combination of neoliberal, progressive, and mercantilist measures and

provisions. Hardly any country has the ideological purity to agree on a text that ideally represents the political ideas of only one group of people. If the text existed, it would be short-lived in a democracy (Albujar & Reategui, 2021). To avoid this, the concept of government initiated by Ayatollah Khomeini was formulated into the Iranian constitution so that it can be carried out consistently and continuously by the Iranian state later, which is not temporary and can change at any time according to current interests.

Furthermore, suppose it is related to the concept of Wilayatul Faqih's power. In that case, it is clear how concerned the Islamic government under Faqih's rule is with legal and humanitarian issues, where these two things are often neglected, precisely in modern governments, which often claim to be a government built on laws and the will of the people. Returning to the 1979 Constitution, in the preamble, among other things, it is written (Fadil & Halim, 2011, p. 134): "The plan of Islamic government based on Wilayatul Faqih which was initiated by Khomeini, That the principles of Wilayatul Al-Amir and continuous leadership, the Iranian Constitution is obliged to prepare space for the realization of leadership through Faqih."

Iran's 1979 Constitution States the Islamic Republic as an order based on the belief in: "(Article I): Tawhid, its omnipotence and the Shari'a belong solely to Him and the obligation to obey His government", "(Article 5): Imamate and the continuation leadership, and its fundamental role for the sustainability of the Islamic Revolution." The reform was carried out by fundamentally changing the constitution's nature by including article 5 regarding the position and continuation of Wilayatul Faqih. The article reads as follows: "Throughout the occultation of the Imam of all ages (may God hasten his renewed incarnation), the government and leadership of the nation have been in the hands of Faqih who is just and pious, understands the conditions of his time, is brave, wise and has administrative capabilities." In siyasah fiqh discourse, the head of state is known as the Imam or the caliph. Both have the highest meaning of leadership in an Islamic state. Shia circles use the term imamah more, while the Sunni community uses the term caliph more widely.

Yamani said the government structure of the Islamic Republic of Iran (RII) was analyzed as stated in the constitution (Basic Law), or it could be said to be an embodiment of Imam Khomeini's political concepts. This assumption can be proven in several facts. First, all the experts, without exception Ayatullah Khomeini himself, who was involved in drafting the constitution, whether he was a member of the Revolutionary Council and the Constituent Assembly or a member of the Consultative Council (Islamic Shura-i Assembly), which the Islamic Republic party mostly dominated, were students and loyal followers of Ayatollah Khomeini. Second, as the highest political and spiritual leader, Khomeini's beliefs have always aligned with most of the RII Constitution.

One of the most important demands in an Islamic government is the preparation of a Constitution which will be the basis for the work of Islamic government officials. Experts, Islamic scholars and jurists elected by the people must do this work. On August 3, 1979, the revolutionary people of Iran voted for the Majlis-i Khubragan (Council of Experts), and the best experts were elected to draft the constitution. On November 15, 1979, after the formation of the Council of Experts, the work on drafting the constitution was started, ratified and submitted to Imam Khomeini, the Great Leader of the Revolution, for approval.

The preamble to the Constitution of the Islamic Republic of Iran says that the constitution must provide the rules for establishing a Faqih government. On January 21 to February 8, 1970, Imam Khomeini conveyed this idea in the city of Najaf, Iraq, that a person

with the two conditions of knowledge of law and justice has authority over government administration. As in Article 5 of the constitution, it is stated that during the absence of the twelfth Imam in the Islamic Republic of Iran, the territory and leadership of the Ummah is the responsibility of a just and pious faqih, who knows the times as well as being brave and active and capable of governing who will take on the responsibility position following article 107.

The leaders of the Islamic revolution in Iran consciously want the form of the Iranian state to be a republic. This is proof that they are not closed to new political ideas and, at the same time, refute the accusations that the Iranian revolutionaries intend to draw Iran back to the Middle Ages. The Republic that has been chosen is, of course, because this form of government is considered capable of being a means for their understanding of modern state governance procedures that align with the concept of Islam. "The government of Iran is an Islamic Republic that has been agreed upon by the Iranian people, based on their undying belief in a true and just government of the Qur'an, following the victorious Islamic revolution led by Ayatollah al-Uzhma Imam Khomeini, which was confirmed by the National Referendum which was held on the 10th and 11th of the Farvardin month in 1356 Hijri Syamsiah (29-30 March 1979) coinciding with the 1st and 2nd Jumadil Awwal in 1399 Hijri Kamariah with a majority of 98.2% of the total votes of those who voted have the right to vote in their approval." Iran applies the concept of a republic that has been modified using the concept of al-faqih regional leadership, as stated in the preamble that the constitution must prepare the ground for the realization of the leadership of a faqih who meets the requirements to be recognized as a leader by the people. The management of affairs is in the hands of people who understand religion, who are trusted in what is lawful and forbidden by Allah (Hadith, as part of true Islamic obligations, to prevent any diversion by various state organs of the essential Islamic duties.

### ***The Nature Of The Position Of Wilayatul Faqih In The Constitutional System Of The Islamic Republic Of Iran: Ayatollah Khomeini's Thoughts***

Iran's constitution and constitutional structure present several things that are anticipatory when there was a debate about when Imam Khomeini died and what form of government would be in Iran. This is reflected in article 107 of the Iranian constitution, namely (Kausar & Ahmed, 2019): Article (1): "After the death of Imam Khomeini, the task of appointing a leader rests on the shoulders of experts whom the people elect. Those experts will review and consult among themselves regarding all Faqih who have the qualifications (to become a Rahbar), as indicated in articles 5 and 109". article (2): "The leader has the same position as all the people of this country in the view of the law". Following the construction of the article, the Iranian constitution is intended as an anticipatory principle that aims to ensure that if Imam Khomeini dies, the system that has been implemented will be able to make a transition immediately to be maintained and can avoid differences and divisions of community groups. Furthermore, the criteria for the Leadership Council required by Article 107 were added based on the amendment to Article 24 of the Iranian Constitution, April 1989, which reads: "(1) Fulfilling the requirements in terms of science and policy which are essential for religious leadership and issuing fatwas; (2) Socially minded, brave, capable and have sufficient expertise in government. Wilayatul Faqih, according to article 110 of the Iranian constitution, is given the task and power to: "Appoint the Fuqaha to the guardianship council, the authority of the highest court, to appoint and dismiss the commander-in-chief of the armed forces and the commander-in-chief of the Islamic Revolutionary Guards, to declare the eligibility of presidential candidates, and to dismiss the President of the Republic based on respect for the interests of the country".

As for the general principles, the system of government of the Islamic Republic of Iran is as follows (Hage, 2018): Article 1: The government of Iran is the Islamic Republic, which has been agreed upon by the Iranian people, based on their undying belief in a just and just government of the Qur'an, following the victorious Islamic revolution led by Ayatollah al-Uzma Imam Khomeini, which was inaugurated by The national referendum which was held on 29 and 30 March 1979 coincided with 1 and 2 Djumadil Awal in 1399 H, which was determined by a majority of 98.2% of the total votes of those who were entitled to vote in their approval.

Furthermore, Article 2 of the Islamic Republic of Iran implements a system based on the following matters: a) Tawhid or Belief in One Supreme God (as reflected in the sentence "Laailaaha illallah"). His omnipotence and His Shari'ah belong solely to Him and the obligation to obey His commands; b) Divine revelation and its fundamental role in expressing and enacting statutory laws; c) Qiyama (resurrection in the Afterlife) and its constructive role in the evolution towards God which means returning to God in the Afterlife; d) Allah is the source of justice and the creation and application of Sharia (Divine Justice); e) Imamah and its positive leadership and its continued role in the continuation of the Islamic Revolution; and f) The majesty of the dignity and noble values of humanity that exist in humans and free will together with the responsibilities associated with it before God, which prepares the establishment of justice, political, economic, social and cultural independence, as well as national unity, through the following matters: 1) Continued practice of ijtiḥad from qualified jurists based on the Qur'an, Hadith of the Prophet and the Imams; 2) Utilizing knowledge and technology as well as advanced human experiences and the efforts made towards its development to continue to advance it; 3) Eliminate all forms of oppression and injustice; and 4) The form and general principles of government of the Islamic Republic of Iran all refer to the concepts of Wilayatul Faqih (Al-Qur'an, Hadith of the Prophet and the Imams).

The merging of government concepts with non-Islamic concepts is always based on screening and prior assessment so that whatever is adopted does not go out of the way of Islamic rules as understood by the Iranian Shia Faqih (Kausar & Ahmed, 2019):

### ***Leadership Aspect***

Wilayat Faqih, in his capacity as the controller of the government, is guided by the Shari'a, the holy law in Islam which covers the entire scope of human activity and thus naturally relates to the government's behaviour in all its aspects.

### ***Social Aspect***

The concept of Wilayatul Faqih places the ulema as a driver of change and a moral barometer (Uswatun Hashanah) for the Shia Muslim community in Iran and as a guide for socio-political changes in Iranian society. The following are the social points of view that have been summarized, giving rise to the concept of Wilayat Faqih, namely:

### ***Political Aspect***

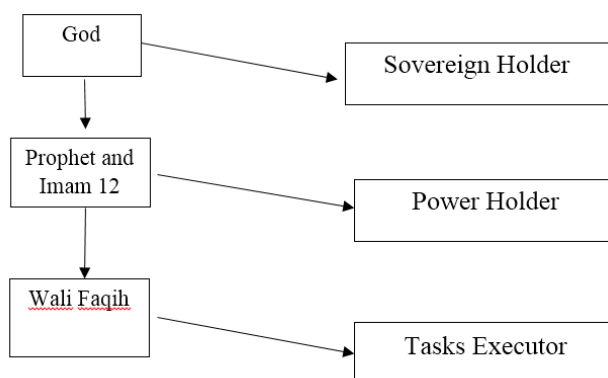
Wilayat Faqih's concept has given a big role to the ulama in government affairs. The level of people's political participation is very low. In political authority, although still limited to political ideals, Faqih is considered not to be a political bill. In the Islamic Republic of Iran, the idea of state administration in the concept of Ayatullah Ruhollah Khomeini is not much different from the concept of statesman Baron De Montesquieu.

In the comparative discourse of the constitutional system, Khomeini has Wilāyah al-faqih, and Baron De Montesquieu has the concept of a political triad. They have something in common: they both have three state institutions with three pillars, namely the Legislature, the

Executive and the Judiciary. In the wilâyat al-faqîh Khomeini, Khomeini was inspired and influenced by Baron De Montesquieu's ideas with his trias political concept.

## Wilayatul Faqih Government System

Wilayat faqih is used as a controller of powers so that the implementation does not deviate from the teachings of the Islamic religion of Iran. The first largest holder of power in the Iranian system of government is a faqih, and the second largest holder of power is the President. In the leadership structure in the Wilayatul Faqih system, Allah SWT is believed to be the owner of the highest sovereignty. Imam Mahdi, the twelfth Imam in Imami Shia theology, is the holder of full authority. The current Imam Mahdi in the Imami Shia faith is believed to be from the Kubra occult period. During this period of "emptiness" of leadership in the magical kubra, wali Fakih became the executor of the task as an extension of Imam Mahdi. The hierarchy of sovereignty in the Wilayatul Faqih system can be described based on the following chart:



**Figure 1.** *The Hierarchy of Sovereignty in The Wilayatul Faqih System*

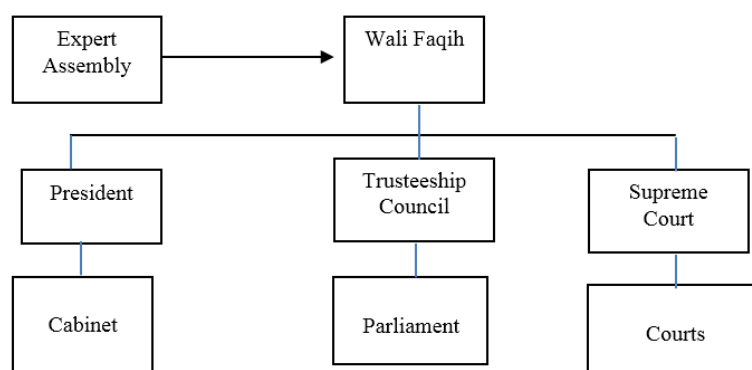
Adaptation to a modern government system that recognizes the trias political power distribution is evident in the Wilayatul Faqih government structure. This shows the openness of Wilayatul Faqih as a political system to the concept of modern Western government. However, the influence of the theological doctrine of Imamate Shia is evident in the centralism of authority in the hands of Wali Faqih or Rahbar as the spiritual leader who holds the highest authority in all government powers. The highest power is in the hands of a Fakih who is seen as having advantages over other Fakih, as the supreme leader of the Fakih has the title of Rahbar and has a central position as a spiritual leader. The position of Rahbar is carried out for life unless the Rahbar is deemed to have deviated from sharia law and the constitution by the Assembly of Experts. The position of Rahbar is the final determinant of all decisions taken, and he has the authority to settle disputes that occur in government institutions under him (Rahimi & Shiryani, 2021)

The Wilayat Faqih system recognizes the division of power in the trias politica government structure. Three institutions carry out legislative functions with different powers and tasks. First, Majeles Shura-e Islami or parliament. This institution consists of 270 members directly elected by the people through elections for four years. In this assembly, religious minority groups such as Christians, Jews and Zoroastrians, as well as ethnic Armenians, are given affirmative action in the form of a share of one member. Second, the Guardianship Council (Shiraya Nighaban) ensures that every decision the parliament makes follows Islamic teachings and constitutional principles. The members of the Trusteeship Council are 12 people



consisting of six scholars appointed by Rahbar and six legal experts proposed by the Judiciary Council. Third, the Assembly of Experts (Majelse-e Khubreqan). The highest assembly of 73 senior clerics is in charge of electing and authorizing the impeachment of Rahbar. It can control Rahbar's duties and functions (Odabaei, 2019).

Executive power is exercised by the President but is still under the line of authority of the Rahbar. The President is elected by direct election for a term of office of four years, and can only be re-elected for another period. The highest judicial power is exercised by the Supreme Court which acts as the Supreme National Judicial Council. The Supreme Court at the provincial level is run by the High Court and at the municipal level by the Lower Court. Prosecutors, judges and judicial leaders must be Shia jurists. Except for judicial institutions devoted to non-Shia or non-Muslim communities, the implementers are legal experts from their respective schools or religions (Utama et al., 2019). The following chart can illustrate the government structure in the Wilayatul Faqih system:



**Figure 2.** *The Government Structure In The Wilayatul Faqih System*

## **Al-Faqih Territory Power Concept**

Wilayat Faqih has power rooted in the power of the Prophets in the history of the Islamic political constellation. Wilayat Faqih does not bring new Shari'a, but a faqih can only explain and interpret a rule that the Prophet's Shari'a comes from Allah Subhana Wataala. Therefore, a Faqih cannot be interpreted as a temporal ruler but as a guardian and guardian of the spiritual aspects of a country. The interpretation of the existence of Wilayatul Faqih is merely a political series in filling the mysterious space of power that will be occupied by the 12<sup>th</sup> Imam in Shia Imamiyah Islamic theology. So in Shia theology, they consider that the power of wilayatul Faqih is very sacred because its theoretical roots are based on divine principles (from the almighty) (Sieg, 2021)

Ulama, who is later appointed as Wali Faqih or Rahbar, are required to have three qualifications: a. Faqahah, namely the ability as a mujtahid who is an expert in Islamic law istinbath. b. 'Is, namely, showing the quality and integrity of a clean personality by being shown through an attitude of istiqamah, piousness and wara. c. Kifa'ah, namely the ability to understand the problems experienced by the people, mastering scientific treasures related to social arrangements, being intelligent and having spiritual maturity (Sedelgi, 2022). Based on political theory, a faqih who is capable, pious, and has good qualities, has the legitimacy to lead the community during the occultation of the 12th Imam. Only people with certain skills (Faqih) are entitled to reach the level of political leadership. The reason for justifying the government of the fuqaha as wali (regardless of fiqh reasons) is their knowledge of the Shari'a,

along with individual virtues and moral competence. The requirements that must be possessed by a faqih guardian (Rahbar) in wilayatul Faqih are (Peterson & MacQueen, 2020):

### ***Ijtihad***

Implementing Islamic laws and values in various aspects of social life is one of the main goals of an Islamic state, hence the expertise and knowledge in Islamic thought to make decisions from an Islamic point of view.

### ***Justice***

Justice is a necessary quality for all forms of authority and leadership in the Imamate political doctrine; judges and religious leaders must consist of honest and capable people.

### ***Wise, Trustworthy, Complete Administration and Courage***

These qualities are universal requirements in both Islamic and other governments.

### ***Knowledge***

There is plenty of evidence to show that a representative of an Islamic political authority must be a knowledgeable Islamic scholar (pious) who is competent and meets the requirements (Nosrat, 2022).

Ayatollah Khomeini's thoughts were strongly influenced by the classical Islamic political philosophy of Al-Farabi, which prioritized the status and position of guardians or leaders who had fair characteristics in order to guide the people and society in general to the fulfilment of a sense of happiness and prosperity (Namazi, 2019). Wilayatul Faqih, according to Ayatullah Imam Khomeini, can be interpreted as a form of sovereignty that has the authority to regulate the state in aspects of state policy and supervise, implement and enforce Islamic law and sharia. The meaning in the Faqih Territory has two fundamental measurements, namely knowledge and charity, that someone who is chosen and agreed upon and appointed as a faqih by the marjas then he has the right to run the government in a country, where in its continuity a faqih is required to be an 'A'lam (Most pious) and A'dal (Most fair) (Mubarok, 2021).

## **Conclusion**

In practice, the concept of wilayatul Faqih directly represents the power of the Prophet and the Infallible Imams. Therefore, in the constitutional structure of the Islamic Republic of Iran, the judicial, executive and legislative powers are powers that are under the state faqih. Furthermore, it is necessary to understand that a faqih does not carry aspects of religious and spiritual law within his authority. However, a faqih can only provide explanations regarding all forms of enforcement of sharia in the country while upholding Islamic law, which is an order from Allah SWT through the Prophet so that it can be interpreted in general terms. The concept of Ayatollah Imam Khomeini's thought regarding the existence and position of the Faqih is merely a form of authority and position given to someone who is elected to fill the supernatural power of the 12th Imam in Shia Imamate theology in governing a country until waiting for the arrival of the 12th Imam. 12 who also become priests at the end of time. So if we compare it to ancient times, the concept and position of a faqih is a continuation of the system of government and power that was inspired at the time of the Prophet and is the only system of government in a country that applies the concept of government according to Islamic teachings. However, it should be understood that a faqih cannot be equated with the position and degree possessed by the prophets in leading a country. This is because, in Ayatollah Imam Khomeini's thought, if a faqih is interpreted as a head of government on an equal footing with the prophets, then that includes violating Islamic law in the constitutional aspect. The existence

of wilayatul Faqih is also a form of blending between the concept of government from an Islamic point of view and also the concept of the current government, which continues to develop. So that the nature of wilayatul Faqih is a form of consistency in upholding monotheism to Allah Subhana Wataala in a country, as well as continuing the eternal existence of Allah that Allah always sends selected humans in every age until the end of time.

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