
Impeachment of the King: A Constitutional Thought of Raja Ali Haji

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Abstract

This article aims to reveal Raja Ali Haji's views on the impeachment of the head of state (the King) in a monarchical system. This idea indicates that he supported an accountable and non-absolute government. The analysis is conducted through socio-legal studies to offer a different perspective on Raja Ali Haji and his thoughts. Historical contexts and interpretations of Raja Ali Haji's literary works are used in this article to explore these ideas. The findings show that the concept of impeaching the King must be based on valid reasons and proper considerations. Even then, this impeachment should not be carried out immediately; it must go through a special institution, Ahl al-Hall wa al-Aqd. His caution in discussing the issue of impeachment demonstrates that it should not be the first solution but a last resort if other methods can no longer resolve the issues. Therefore, he emphasized the importance of moral responsibility in governing the state and administration.

Keywords: Impeachment of the King; Malay constitutionalism; Raja Ali Haji Thought; Socio-Legal approach;

Abstrak

Raja Ali Haji dalam pemikiran lama hanya dikenal sebagai sastrawan dan budayawan dari abad ke-19, padahal beliau adalah tokoh multidisiplin, termasuk dalam bidang hukum tata negara dan pemerintahan. Salah satu pemikirannya adalah konsepsi pemakzulan kepala negara (Raja) dalam sistem

pemerintahan monarki. Hal ini menunjukkan bahwa beliau menghendaki pemerintahan yang akuntabel dan tidak absolut. Analisis dilakukan melalui kajian sosio-legal untuk memberikan perspektif yang berbeda terhadap sosok Raja Ali Haji dan pemikirannya. Realitas sejarah dan interpretasi atas karya sastra Raja Ali Haji digunakan dalam penelitian ini untuk mengeksplorasi pemikiran-pemikiran tersebut. Hasil penelitian menunjukkan bahwa konsep pemakzulan terhadap Raja harus didasari oleh beberapa alasan dan pertimbangan yang tepat. Pemakzulan inipun tidak boleh serta-merta dilakukan, melainkan harus melalui lembaga khusus, yaitu *Ahl al-Hall wa al-Aqd*. Kehati-hatiannya dalam membahas masalah pemakzulan menunjukkan bahwa pemakzulan tidak boleh menjadi solusi utama, melainkan pilihan terakhir jika cara-cara lain tidak mampu lagi menyelesaikan. Oleh karena itu, beliau menekankan pentingnya tanggung jawab moral dalam penyelenggaraan negara dan pemerintahan.

Kata kunci: Pemakzulan Raja, Ketatanegaraan Melayu, Pemikiran Raja Ali Haji, Pendekatan Sosio-Legal

Introduction

This article analyzes the constitutional thought of Raja Ali Haji. Furthermore, it challenges the previous idea that introduces Raja Ali Haji only as a culturalist and writer of the 19th century, precisely during the Riau-Lingga Malay Kingdom. This ignorance is unfortunate because Raja Ali Haji is a figure who has cross-disciplinary knowledge.¹ The attempt to unveil these thoughts is based on Raja Ali Haji's two *magnum opus*, including *Muqaddimah fi Intizam Waza'if Al-Malik*² and *Thamarat Al-Muhimmah Diyafah Li Al-Umara' Wa Al-Kubara' Li Ahl Al-Mahkamah*.³

Among the thoughts in the above works is the concept of monarchy with the king as head of state. However, he wanted the government not to be authoritarian. He even firmly opposed the king's absolute rule or despotism. In *Thamarat*, he argues:

“[...] *belum aku dapat makna raja itu dengan berbuat sebarang kehendaknya seperti kudapat istilah setengah negeri mentasbihkan yakni mengumpamakan raja mereka itu dengan makna berbuat barang dengan sekehendaknya, terkadang tergelincir mereka itu dengan diumpamakan*

¹ Pery Rehendra Sucipta and Rilo Pambudi S, “The General Principles of Good Governance in the Mind of Raja Ali Haji,” *Jurnal Hukum PERATUN* 2, no. 2 (August 2019), p. 260, doi: <https://doi.org/10.25216/peratun.222019.259-274>.

² Raja Ali Haji, *Muqaddimah Fi Intizam Waza'if Al-Malik* (Lingga: Pejabat Kerajaan Lingga, 1886).

³ Raja Ali Haji, *Thamarat Al-Muhimmah Diyafah Li Al-Umara' Wa Al-Kubara' Li Ahl Al-Mahkamah* (Lingga: Pejabat Kerajaan Lingga, 1886).

*dengan Allah SWT dengan kata mereka itu raja itu “fa’alun lima yurid” atau “fa’alun lima yasha” yakni berbuat barang sekehendaknya, maka tasbih ini tiada syak kepada haramnya, baik tak baik membawa kepada kufur [...]*⁴

(I have not found the meaning of the king by doing whatever he wants, as I found the term half the country has praised, which means comparing their king with the meaning of doing whatever he wants, sometimes they slip by being compared to Allah SWT by saying that they are the king “fa’alun lima yurid” or “fa’alun lima yasha”, i.e., doing whatever he wants, so this praise is no doubt about the haram, neither good nor bad leads to kufr).

The excerpt shows that Raja Ali Haji initiated a monarchical government based on Islamic law while still prioritizing the principles of accountability. Among the manifestations of the principle of accountability is the limitation of the king's power. Even when the king is not trustworthy in terms of the powers, duties, and responsibilities given, the position of the king can be impeached.

The laying of the rationale of a king must be limited and can certainly be impeached; it is interesting to explore scientifically. Moreover, legal scholars criticize the monarchical form of government because it places all power functions in one person's hands: the king by descent. Therefore, how power is managed will depend on the will of the king without any control, ultimately resulting in oppression or negating the rights and freedoms of the people.⁵

In order to obtain clarity of this conception, scientific analysis is needed on how the impeachment of the king in the thought of Raja Ali Haji? In addition, this research is in exploring the legal and constitutional thoughts of Raja Ali Haji. Furthermore, until now, studies that focus on legal and constitutional thoughts by Raja Ali Haji are still limited.

This article uses socio-legal⁶ inquiry to analyze the legal and constitutional thoughts of Raja Ali Haji. The analysis begins by tracing the various literary works he produced, which are then linked to the historical reality during the Riau-Lingga Malay Kingdom, especially related to Raja Ali

⁴ *Ibid.*, 10.

⁵ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara Jilid II* (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2006), 11-12.

⁶ This study is relevant because it provides a more critical review of the status quo of the issue being examined. Socio-Legal studies view legal issues from a combination of legal science (internal) and the study of law (external). In this regard, it is important to examine and dismantle the old view of Raja Ali Haji and provide justification for his legal thought, so it is not possible to rely solely on normative studies. Descriptions of socio-legal studies can be found, for instance, in Herlambang P Wiratraman and Widodo D. Putro, “Tantangan Metode Penelitian Interdisipliner dalam Pendidikan Hukum Indonesia,” *Mimbar Hukum* 31, no. 3 (2019), 402–418.

Haji's activities in government. Therefore, a historical approach is needed to analyze Raja Ali Haji's thoughts in a certain time sequence through various relevant historical records.

Subsequently, the author moves on to interpret various records and works of Raja Ali Haji through a legal hermeneutics approach, which is a science of interpretation of certain expressions, words, or texts. As Fakhruddin Faiz explains, the word "hermeneutics" has three meanings, including:⁷ (i) the science of interpretation; (ii) the science of understanding the meaning of words, phrases, or sentences; and (iii) specifically related to the interpretation of texts and scriptures. From a philosophical perspective, legal hermeneutics is part of a school of philosophy that studies and understands state official documents, historical records, lontar, certain events, norms, thoughts, revelations, or scriptures. Thus, legal hermeneutics means the study of the interpretation of legal doctrines, principles, or norms contained in a legal text.⁸ Thereby, the legal hermeneutics approach is used to interpret Raja Ali Haji's thoughts contained in each of his texts in the form of classical poetry and Jawi language.

A Brief Overview of Raja Ali Haji: A Legal Scholar from the Malay Land

Raja Ali Haji was born on Penyengat Inderasakti Island in 1808 AD. The island was the center of the Riau-Lingga Sultanate, now one of the administrative areas of Tanjungpinang City, Riau Islands. He was the youngest child of Raja Ahmad Engku Haji Tua and a Selangor princess named Encik Hamidah *binti* Panglima Malik Selangor. His grandfather, Raja Haji *fi Sabilillah* was *Yang Dipertuan Muda Riau IV*, a leader and hero who fiercely opposed Dutch colonialism. He was martyred in 1874 AD when he led the Johor-Pahang-Riau-Lingga forces against the Dutch at Teluk Ketapang.⁹

As a descendant of royal officials, Raja Ali Haji has received education since childhood. Hasan Junus' statement corroborated that children from the palace would get the ruling elite an opportunity to get a quality education from the ulama who lived on Penyengat Island.¹⁰ The center of the Riau-Lingga Sultanate is also famous for its spirit of developing religious knowledge, literature, and language.

⁷ Fakhruddin Faiz, *Hermeneutika Qur'ani* (Yogyakarta: Penerbit Qalam, 2002), 20-21.

⁸ Jazim Hamidi, *Hermeneutika Hukum (Sejarah, Filsafat, & Metode Tafsir)*, Revisi (Malang: UB Press, 2011), 12.

⁹ Hasan Junus, *Sejarah Perjuangan Raja Ali Haji Sebagai Bapak Bahasa Indonesia* (Pekanbaru: UNRI Press, 2004), 212.

¹⁰ *Ibid.*, h. 43-64; See also Muhammad Lazim, "Corak Pemikiran Politik Raja Ali Haji (1808-1873)," *Perada: Jurnal Studi Islam Kawasan Melayu* 2, no. 2 (December 2019), 156, doi: <https://doi.org/10.35961/perada.v2i2.43>.

In addition, the intellectual tradition was also passed down by his father, Raja Ahmad because he was also a Muslim scholar who studied astrology and customs.¹¹ Surely, Raja Ali Haji's interest in science also had a significant contribution. In the sum, the combination of all these factors shaped the intellectual character of Raja Ali Haji.

The legitimacy of Raja Ali Haji's knowledge as a legal and constitutional scholar can be seen from several indicators, which are: First, a review of some of the works produced. *Muqaddimah*, for instance, contains advice and guidance in running the government and managing the state, including: (i) upholding justice and equality; (ii) enforcing order; and (iii) realizing welfare.¹² In particular, this book was specifically addressed to Raja Ali bin Raja Ja'far (*Yang Dipertuan Muda Riau VIII*).¹³ In addition, a more complete and comprehensive version of the constitutional thought was written in *Thamarat*. This book was written in 1857 and consists of three chapters with 17 articles, as well as several elaborations of articles in the form of branches (*furu'*) and articles of agreement (*setia*). In addition, at the end of the book, Raja Ali Haji made classical poems totaling five articles.¹⁴

Thamarat is concerned with governance in the most comprehensive sense, as it covers the concept of monarchy, kings, and their governmental structures. Interestingly, the book also discusses the judicial system, not limited to criminal, civil, or administrative contexts. Khalif Muammar argues that *Thamarat* not only contains knowledge about the procedures and norms that good leaders need to understand when running the government.¹⁵ It also contains ethics, character, and traits that should be owned and embodied in the leadership.¹⁶

Likewise, his thoughts can also be traced from the meaning contained in Article 12 of *Gurindam Dua Belas* as illustrated below:

¹¹ Hasan Junus, *Raja Ali Haji Budayawan di Gerbang Abad XX* (Pekanbaru: UNRI Press, 2002), 51.

¹² Mahdini, *Tsamarat Al-Muhimmah: Pemikiran Raja Ali Haji Tentang Peradilan*, ed. Hasan Junus, Pertama (Pekanbaru: Yayasan Pusaka Riau, 1999), 21.

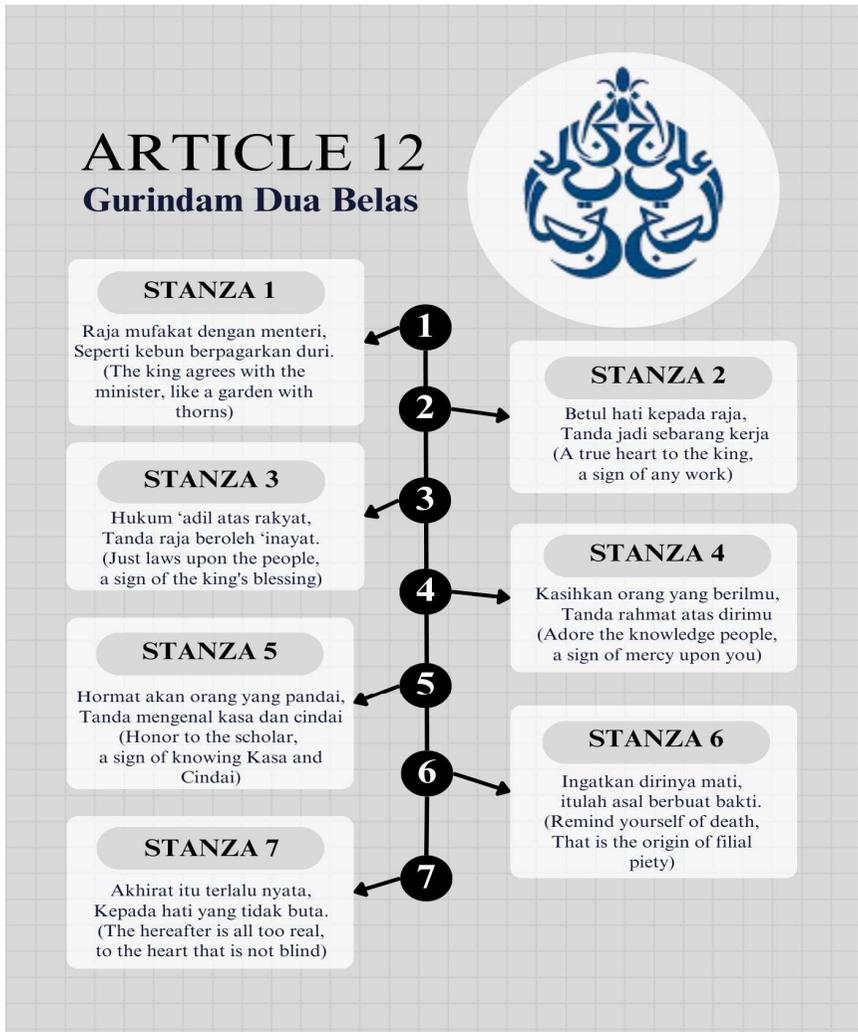
¹³ Khalif Muammar A. Harris, "Ilmu Ketatanegaraan Melayu Abad Ke-19: Kajian Terhadap Karya Raja Ali Haji," *Sari: International Journal of the Malay World and Civilisation* 29, no. 1 (2011), 82.

¹⁴ *Ibid.*, pp. 81-82.

¹⁵ Khalif Muammar A. Harris, *Ilmu Ketatanegaraan Melayu* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 2016), .39.

¹⁶ *Ibid.*

Figure 1. Contents of Article 12 of *Gurindam Dua Belas*



Source: Translated by author.

The stanzas above contain advice and guidelines for a king to fulfill his responsibilities and duties when he leads a country. Akmaliza Abdullah et al. elaborated that some words, such as *adil* (justice), *mufakat* (agreement/consensus), *ilmu* (knowledge), *betul hati* (true heart), *mati* (death), are terms that apply to Islamic Malay and support the principles of constitutionalism, especially the principles of government.¹⁷ Furthermore, the results of his study divide the principles (adab) of constitutionalism in the article into 4 (four) classifications, including (i) the relationship between the

¹⁷ Akhmaliza Abdullah et al., "The Analysis of Constitutional Jurisdiction in Gurindam Dua Belas," *Al-Qanatir: International Journal of Islamic Studies* 8, no. 3 (July 2017), 16.

king and the ministers; (ii) the relationship between the king and the people; (iii) the relationship between the king and the scholars; and (iv) the relationship between the king and himself.

Second, Raja Ali Haji's position as a royal advisor. Raja Ali Haji's election to this position during the two leadership periods of *Yang Dipertuan Muda Riau* was certainly also motivated by his expertise and intellect in the fields of politics, constitutionism, and government. Mahdini added that Raja Ali Haji was appointed as the highest position holder who took care of legal issues in the kingdom.¹⁸ Third, based on the works authored by Raja Ali Haji. Apart from *Muqaddimah* and *Thamarat*, other works can also be a justification that Raja Ali Haji is a legal scholar. The works are *Syair Hukum Nikah*,¹⁹ *Syair Siti Shianah*,²⁰ and *Syair Hukum Faraid*.²¹

Thus, it is not an exaggeration to recognize Raja Ali Haji as a multi-disciplinary scholar as well as one of the most prominent and respected Malay scholars of the 19th century. His knowledge was influential in creating the golden age of Malay civilization then. Even today, his influence on the development of Malay civilization, especially in the Riau Islands, can still be felt.

The Impeachment of the King in the Thought of Raja Ali Haji

Raja Ali Haji initiated the concept of statehood in the form of a monarchy (kingdom) in the Malay realm, where the head state is the highest position in the government structure. A king fills this position with the title sultan or *Yang Dipertuan Muda*. The term given by Faishal Shadik to this concept in his thesis is "Theo-monarchy", which is a kingdom that adheres to Sharia.²² Theo-monarchy is much different from Marsilius' idea of the king as the representative of God, so the king's power is absolute because his actions are considered God's will.²³

Although, the author is more agree to identify the concept of state offered by Raja Ali Haji as Islamic Nomocracy, which is the equivalent of Ibn Khaldun's term *siyasa diniyah*. Even though his idea formulates a state based

¹⁸ Mahdini, *loc.cit.*

¹⁹ This poem is often referred to as *Syair Suluh Pegawai*, which contains guidelines and lightning rods in practicing Islamic law, not only limited to marriage law, but also includes the distribution of inheritance.

²⁰ The content discusses fiqh, or matters of shari'a law relating to actions and words in relationships with individuals, with *Allah SWT*, and with fellow humans.

²¹ This poem consists of 82 stanzas on 12 pages. Its subject matter is related to the law of inheritance, which includes the causes of inheritance, people who are entitled to receive inheritance, and the system of distribution or the amount of inheritance of each party.

²² Rajaalihaji.com, "Politik Islam Melayu (Studi Pemikiran Raja Ali Haji 1808-1873)", <http://www.rajaalihaji.com/id/scientific.php?a=Z2kvby8g=,> accessed on 2 November 2024.

²³ Abu Daud Busroh, *Ilmu Negara* (Jakarta: Bumi Aksara, 2015), 71.

on Islamic law,²⁴ he still functions and recognizes man-made laws as long as they do not conflict with the Quran and hadith. It means that the state is run based on the principles contained in Islamic law. In Tahir Azhary's perspective, it is called the rule of Islamic Law.²⁵

In the Islamic Nomocracy, Raja Ali Haji further said that the position of the king is as a leader chosen to uphold the *Sharia* and realize the truth on earth.²⁶ The position of the king is none other than the mandate of his people (*ummah*). Therefore, it cannot be separated from the principle of accountability.

Philosophically, the idea of accountability is always attached to someone who is given power or entrusted with responsibility. Likewise in the government idealized by Raja Ali Haji. A king should not be immune to the law because no policy will be free from mistakes. Realizing this, King Ali Haji wrote a special article on the impeachment of the king as a form of the king's responsibility.

The accusation of the king can be found in Article 4 of the first chapter of *Thamarat*. If traced in the article, Raja Ali Haji does not expressively verbis mention the term impeachment. However, the term is "*pekerjaan menurunkan yakni memecat atau menanggalkan jabatan*" (the work of lowering, i.e., dismissing or removing from office).²⁷ As quoted in Article 4 of the *Thamarat*, four categories of impeachment can be carried out by considering the prescribed procedures. First, impeaching the king from his position; second, impeaching the Qadi²⁸; third, impeaching the Wazir²⁹; and fourth, impeaching the king's servants and his soldiers.

In some literature, the term impeachment (synonym: *accuse*) itself is often referred to in the constitutions of modern countries. Black's Law Dictionary, for instance, defines impeachment (*accuse*) as a criminal trial of a public official in a quasi-political court preceded by an indictment.³⁰ In line with this, Hamdan Zoelva argues that impeachment means indictment or accusation, so the emphasis lies on the indictment process. This action does

²⁴ Referred from Malcolm H. Kerr, *Islamic Reform: The Political and Legal Theories of Muhammad Abduh and Rashid Ridha* (Berkeley: University of California Press, 1966), 29.

²⁵ Muhammad Tahir Azhary, *Negara Hukum (Suatu Studi tentang Prinsip-Prinsipnya Dilihat dari Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini* (Jakarta: Bulan Bintang, 1992), 64.

²⁶ Haji, *op.cit.*, 9.

²⁷ Haji, *op.cit.*, 16.

²⁸ One who examines, adjudicates, and decides cases by God's law. They are called a judge in a judicial institution in today's practice.

²⁹ One who examines, tries, and decides cases by the law of Allah. In today's practice, this is called a judge in the judiciary.

³⁰ Henry Campbell Black, *Black's Law Dictionary*, Fourth Ed. (St. Paul, Minn: West Publishing Co., 1968), 886.

not always involve removing the president or government official from office.³¹

According to the Indonesian Dictionary, impeachment (dismissal) means the process, method, or act of dismissing.³² The word ‘dismiss’ (*makzul*) itself contains two meanings, *viz*: (i) to remove from the throne or dismiss from office; and (ii) to put down his (own) position as king or cease to be king.³³ On the other hand, when viewed from an etymological perspective, the term impeachment used by Raja Ali Haji aligns with the meaning of *ma'zul*. This Arabic word implies being removed from office.³⁴ Thus, the *Thamarat* version of impeachment emphasizes the demotion or dismissal of public officials or kings from office.

As a scholar and mufti, Raja Ali Haji's thoughts on the concept of impeachment of the head of state are closely related to Islamic views. Undeniably, his thoughts are inseparable from the socio-cultural and socio-political conditions at that time in the development of Islam in Malay land. Likewise, when examined further, the works of Islamic scholars who were his predecessors also influenced Raja Ali Haji's thought.³⁵

According to Raja Ali Haji, disobedience and impeachment are permissible as long as they meet specified criteria with the appropriate reasons. For instance, in an excerpt from Raja Ali Haji, it is mentioned that the king who neglects his duties and disobeys Allah SWT does not deserve to be a leader and must be replaced by someone more qualified and appropriate.³⁶ In

³¹ Hamdan Zoelva, *Impeachment Presiden: Alasan Tindak Pidana Pemberhentian Presiden Menurut UUD 1945* (Jakarta: Konstitusi Press, 2005), 13.

³² Kemendikbud, “KBBI Daring”, <https://kbbi.kemdikbud.go.id/entri/pemakzulan>, accessed on 3 November 2024.

³³ Kemendikbud, “KBBI Daring”, <https://kbbi.kemdikbud.go.id/entri/memakzulkan>, accessed on 3 November 2024.

³⁴ Abdul Rahman and A. Zamakhsyari Baharuddin, “Impeachment Perspektif Ketatanegaraan Indonesia dan Ketatanegaraan Islam,” *Al-Risalah* 19, no. 1 (May 2019), pp. 36-37, doi: <https://doi.org/10.24252/al-risalah.v19i1.9689>.

³⁵ Despite utilizing the writings of previous Muslim scholars, this does not mean that each of his works is an adaptation of the works of others. The books created by Raja Ali Haji still have their advantages, namely that they are the first and last original works written directly by Malay scientists. The originality of his works can be seen based on the arrangement of topics of discussion that are not found in the works of others. In other words, the influence caused is limited to the perspective that is indeed nothing but because the main principle is based on the Al-Quran and Hadith, not on the substance written. It is because most of the works, especially those related to state administration, were created to reorganize the government system and restore the authority of the Malay kingdoms that had declined, especially since the fall of Malacca to the colonials in 1511 AD. It means that every thought made was an idea to restore the glory of the civilization of the Malay kingdoms, especially the Riau-Lingga Kingdom at that time. See a more complete explanation in Muammar A, *op.cit.*, 7-8.

³⁶ Haji, *op.cit.*, 15-16.

this regard, it appears that Raja Ali Haji showed a cautious attitude in discussing the issue of dismissing or removing the king's position. It is quoted in the *Thamarat*, which gives a note to be careful when removing the king from his throne because he has lost his just nature.³⁷

This assertion means that although justice is a very important principle in government, it does not mean that the people can immediately impeach the king if he loses his fair attitude towards the people. Khalif Muammar explained that his view was in line with the opinion of the figures of *ahl al-sunnah wa al-jama'ah*, who had long been the guides of the people in Malay.³⁸ The goal is that the people (*ummah*) are not trapped in a circle of extremism and radicalism towards their country.³⁹ Therefore, Raja Ali Haji outlined that the impeachment must be based on proper considerations and reasons. If the impeachment is only based on brief considerations and is not careful, it is feared that it will cause slander and riots for the country.

In addition, another passage says that another must replace a king if he acts unjustly and wickedly.⁴⁰ Yusuf Musa mentions that it is feared that an unjust leader will always follow his lusts, so that he will not be able to enforce the law properly.⁴¹ In other words, justice will be easily compromised. He continued, saying that an ungodly person can also damage the management of the treasures of the Baitul Mal and neglect the rights of the people, so that the welfare of the people is unlikely to be realized.

In historical of the Riau-Lingga Kingdom, the practice of impeachment was carried out to Sultan Mahmud Muzafar Syah about 17 months after Raja Ali Haji completed the *Thamarat*. According to Watson and Matheson, there is a close relationship between the writing of the *Thamarat* and the reasons for Sultan Mahmud's impeachment.⁴² Aswandi Syahri added that Raja Ali Haji was involved in the impeachment process.⁴³ Through the *Thamarat*, Raja Ali Haji underlined that someone was not fit to be king if he ignored the needs of the people and failed to realize prosperity. The position of king should be given to someone more worthy to replace him.⁴⁴

In *Tuhfat Al-Nafis*, another book by Raja Ali Haji, the process of Sultan Mahmud's impeachment is described. The cause was various irregularities,

³⁷ *Ibid.*

³⁸ Muammar A, *op.cit.*, 45.

³⁹ *Ibid.*

⁴⁰ Haji, *loc.cit.*

⁴¹ Muhammad Yusuf Musa, *Nidhamul Hukmi Fil Islami* (Kairo: Darul Katib al-'Arabiyy, 1963), 64.

⁴² See in Aswandi Syahri, "Pemikiran Raja Ali Haji Tentang Politik dan Pemerintahan", <http://www.tanjungpinangpos.co.id/pemikiran-raja-ali-haji-tentang-politik-dan-pemerintahan/>, accessed on 17 February 2024.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

including hedonism in Singapore and neglect of the government in Lingga.⁴⁵ Therefore, Sultan Sulaiman Badrul Alamsyah was appointed to replace him. However, according to another version, it is also said that the cause of Sultan Mahmud's impeachment was the conflict between him and the Riau Resident (Dutch side) and *Yang Dipertuan Muda*.⁴⁶ The dispute occurred because Sultan Mahmud refused to appoint Raja Abdullah as the successor to the previous *Yang Dipertuan Muda* (Bugis side), who had died,⁴⁷ and preferred to fulfill his wishes to go to Singapore.

Interestingly, the Riau-Lingga Kingdom has implemented a representative system through the institution of *ahl al-hall wa al-aqd*. This institution contains a group of people elected to represent the community in determining major decisions related to the state.⁴⁸ The awareness of the magnitude of the king's power in the monarchy also positioned the institution as a watchdog of the government.

In Raja Ali Haji's concept, the institution was a representative of the people (*ummah*) to control the king's excessive power which had the potential to become despotic. Therefore, this institution also has the authority and duty to warn or dismiss a king. He has written about this practice in *Tuhfat Al-Nafis* in the case of the impeachment of Sultan Mahmud. Although it is not explicitly explained, the state officials and scholars deliberated before the Riau resident stripped Sultan Mahmud of his position. The resulting consensus was in the form of a letter containing, first, not to negate the customs and rules that had been applied, and second, the assistance of the Dutch Governor to King Abdullah was a form of rebellion and defection against the country's government.⁴⁹

After the impeachment, the institution of *al-hall wa al-aqd* also chooses and appoints his successor. As written in *Tuhfat Al-Nafis*:

“Kemudian maka Raja Ali Haji pun berdiri bersama-sama dengan seorang setengah daripada ulama juga orang Kabul Kandahar namanya Syed Ghalum Al-Rasul, maka bersama-samalah berdiri di hadapan singgahsana itu. Maka Raja Ali Haji pun melafaskan tauliah demikian

⁴⁵ Alimuddin Hassan, “Historiografi Melayu Kajian atas Tuhfat Al-Nafis Karya Raja Ali Haji,” *Al-Fikra: Jurnal Ilmiah Keislaman* 8, no. 2 (July-December 2009), p. 412, doi: <http://dx.doi.org/10.24014/af.v8i2.3818>.

⁴⁶ Dedi Zuraidi, “Malay-Bugis in the Political History of Johor - Riau and Riau-Lingga Kingdoms,” in *Prosiding Seminar Internasional Multikultural & Globalisasi* (Jakarta: Pusat Penelitian Kemasyarakatan dan Budaya FIB UI, 2012), 118.

⁴⁷ *Ibid.*

⁴⁸ Muammar A, *op.cit.*, 83.

⁴⁹ Raja Ali Haji, *Tuhfat Al-Nafis: Sejarah Riau - Lingga dan Daerah Takluknya*, terjemahan Yayasan Khazanah Melayu, R.O Winste (Tanjungpinang: Yayasan Khazanah Melayu, 2002), 334.

*bunyinya: Adalah patik semua setegah daripada ahl al-hal wa al-akh mentauliahkan serta melahirkan yang Duli Tuanku Yang Mulia Raja menjadi raja di dalam negeri Riau dan Lingga dengan segala takluk daerahnya, yang bergelar Seri Paduka Sultan Sulaiman Badr al-Alam Syah. Serta patik semua harapkan Duli Yang Mulia mengikuti titah Allah Ta'ala serta rasul-Nya seperti di dalam Quran al-azim dan seperti hadis Sayyid al-Mursalin".*⁵⁰

(Then Raja Ali Haji stood up together with half of the scholars from Kabul Kandahar; Syed Ghalum Al-Rasul, and they stood up together in front of the throne. Then Raja Ali Haji also recited the following tauliah: Is *patik* all half of *ahl al-hal wa al-akh* appointment and give birth to the *Duli Tuanku Yang Mulia Raja* to be king in the country of Riau and Lingga with all the conquered areas, whose title is *Seri Paduka Sultan Sulaiman Badr al-Alam Syah*. And *patik* all expect *Duli Yang Mulia* to follow the command of Allah Ta'ala and His messenger as in the *Quran al-azim* and as in the hadith of *Sayyid al-Mursalin*).

The existence of the *ahl al-hall wa al-aqd*, has similarities with the House of Representatives (HoR) in the Indonesian system of government. In normative terms, the DPR holds three main functions in government, which are legislation, supervision, and budget.⁵¹ The first function relates to the authority to form laws, which are discussed with the president for joint approval. Meanwhile, the oversight function is to control the running of the government. In other words, overseeing the implementation of the Constitution and laws. Finally, the budget function is related to the preparation of the State Budget (APBN). The HoR is the representation of the people to discuss, approve, or even reject the draft APBN.⁵² Likewise, the *ahl al-hall wa al-aqd*, which in the Riau-Lingga Malay Kingdom government played a strategic role. The institution is implicitly narrated in Raja Ali Haji's work to carry out the function of supervising the king, as well as being a forum for the aspirations of the people, a place of consultation for the king before making decisions or policies, and forming state rules (laws) regarding matters that are not expressly regulated in the Quran and hadith. It means that the *ahl al-hall wa al-aqd* also practices two of the functions carried out by the HoR.

However, at a specific point, especially regarding the impeachment of the king, there is a significant difference. The institution not only proposes impeachment, but also decides on impeachment and chooses a successor through a consensus deliberation mechanism. It is different from the impeachment of the president in the Indonesian constitutional system, which

⁵⁰ *Ibid.*, 337.

⁵¹ Article 20A Sec. (1) of the 1945 Constitution.

⁵² See Article 23 of the 1945 Constitution.

is explicitly regulated in Articles 7A and 7B of the 1945 Constitution. The proposal does come from the HoR,⁵³ but the decision to impeach lies with the People's Consultative Assembly (MPR)⁵⁴ after being decided by the Constitutional Court.⁵⁵ Likewise, the election to replace the president and vice president if he/she passes away, resigns, is discharged, or is not able to his/her conduct obligations, then the MPR conducts a session to elect a replacement based on the proposal of the political party or coalition of political parties that the first and second majority votes in the previous general election.⁵⁶ This difference is understandable, because the government initiated by Raja Ali Haji was in the form of a kingdom with a simplified structure. However, he has adapted the separation of power with the existence of a king, *al-hall wa al-aqd* institutions, and judicial institutions.

Reasons for Impeaching the King

There are several reasons a king can be impeached in *Thamarat*, including: *First*, infidel, which means the king has turned away from Islam both in terms of words and actions.⁵⁷ Raja Ali Haji further exemplifies the form of disbelief such as legalizing the haram or vice versa, forbidding the halal. Against this condition, not only must the people be impeached, but also there is no need for the people to devote themselves to the king.

According to experts in Islamic law, the requirement of being Muslim is one of the requirements of the perfect office holder, in addition to the requirements of men, mukallaf, and freedom.⁵⁸ As Al-Mawardi said, the king has two vital roles: maintaining religion and leading in the world. It is in line with the king's main role according to Raja Ali Haji, which is to uphold Islam and punish all servants of Allah with the laws of the Quran, hadith, and *ijma'*.⁵⁹ Therefore, the law of Allah cannot be enforced when the king has turned away from Islam or become a disbeliever. The loss of the main requirement to be king in the view of Islamic politics resulted in the loss of the obligation of the people to obey him.⁶⁰

Second, it is weak in terms of *masalih al-muslimin*, which means that it is unable to realize the welfare and prosperity of the people under its rule. Through the approach of Sufism, Raja Ali Haji explains that this can happen

⁵³ See Article 7B Sec. (1) of the 1945 Constitution.

⁵⁴ Article 7B Sec. (6) and (7) of the 1945 Constitution.

⁵⁵ Article 7B Sec. (4) and (5) of the 1945 Constitution.

⁵⁶ Article 8 Sec. (3) of the 1945 Constitution.

⁵⁷ Haji, *Thamarat ...*, *loc.cit.*

⁵⁸ Musa, *op.cit.*, p. 77.

⁵⁹ Haji, *Thamarat ...*, *op.cit.*, 9.

⁶⁰ Mujar Ibnu Syarif and Khamimi Zada, *Fiqh Siyasah: Doktrin dan Pemikiran Politik Islam* (Jakarta: Erlangga, 2008), 173-174.

when a king does not know and is unable to avoid diseases of the heart. For him, external welfare is very dependent on internal welfare (heart).

The diseases of the heart include arrogance or seeing others as inferior to oneself (*takabbur*), anger (*ghadab*), envy (*hasad*), greed (*bakhl*), negligence (*mughaffal*), excess (*israf*), likes to demonize or make fun of others (*al-maz*), liar (*al-kidzb*), likes to complain (*al-jaz*), hurry (*'ajalah*), procrastination (*taswif*), do not appreciate the favor or merit of others (*lam yujzi' al-khayr*), and ignore religious orders (*la yuballi bi al-din*).

It is recommended that every leader avoid the above heart diseases because the consequences lead to destruction and bring great harm to the king and his country. The danger of *ghadab* disease will destroy the people, especially the weak people.⁶¹ It is not uncommon for *ghadab* to bring about the destruction of a country because it can lead to fighting and killing.⁶²

The third reason was that the king was held captive by a powerful enemy from whom there was no certainty about when he would be freed. The king's captivity will result in the administration (government) not running properly. Sharif and Zada said that the king, the enemy captured, could not give full orders or prohibitions for Muslim affairs, so his status as king seemed non-existent.⁶³

Fourth, the king becomes insane, and there is no hope of recovery. It aligns with the most perfect requirements for an office holder, such as a king, one of which is *mukallaf* (puberty and reason). Without reason, it is impossible for a king to run the wheels of government, including distinguishing between right and wrong.

Fifth, the king must have a disability such as deafness, blindness, or dumbness. This reason is referred to in *Thamarat* as the requirement of physical prowess. Not only Raja Ali Haji, legal experts also pay special attention to this requirement. For example, Salam Madkur mentions that speech-impaired people cannot possibly convey their will, orders, and decisions through speech.⁶⁴ Everyone certainly will not understand the use of sign language.

Likewise, deaf people cannot listen to someone's speech. One of the conditions for achieving prosperity and justice, according to Raja Ali Haji, is the leader's ability to listen, distinguish and resolve every complaint that comes to him.⁶⁵ If the king is blind, it would be difficult to recognize those who complain. As a result, he cannot distinguish between complaints that can be

⁶¹ Haji, *Thamarat ...*, *op.cit.*, 51.

⁶² *Ibid.*

⁶³ Syarif and Zada, *loc.cit.*

⁶⁴ See in Mahdini, *op.cit.*, 128.

⁶⁵ Haji, *Muqaddimah ...*, *op.cit.*, 12.

followed up on and complaints that harm the country.⁶⁶ In addition, it is difficult for him to uncover the veil of cases that come to him, so the policies taken will likely not guarantee justice and the benefit of the people.

When these five conditions are met, the people can disobey and impeach the king. Therefore, a more competent and qualified successor must be chosen. As asserted by Raja Ali Haji, if all of these qualities are found in a king then he should be replaced by someone more suitable.

Thamarat's qualifications are being a Muslim who upholds the religion, a male who is a *mukallaf*, freedom, just, having good *ijtihad*, having good speech (not dumb), good hearing (not deaf), good vision (not blind), constant courage, diligent and not lazy in running the government, and dexterous when carrying out his duties, which always bring virtue.⁶⁷

Kesimpulan

Raja Ali Haji was a visionary constitutional law scholar. Although the state form initiated was a monarchy, he did not require the absolutism of power by the king. It is indicated by the existence of a power limitation mechanism through the principle of accountability. As a scholar, the conception of implementation offered by Raja Ali Haji is certainly inseparable from Islamic political views.

For Raja Ali Haji, the impeachment of the king is only one way to limit the power. His caution in discussing this matter shows that impeachment should not be the main solution, but the final choice if other methods can no longer solve it. That is why he emphasized the importance of character or moral responsibility in the administration of the state and government.

He recognized that politics and governance are actually the art of managing people. An effective leader can properly and wisely overcome all challenges and obstacles from various views and human nature. Meanwhile, leaders who are unable to overcome this are leaders who fail.

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⁶⁶ *Ibid.*, 13-14.

⁶⁷ Haji, *Thamarat ...*, *op.cit.*, 8.

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