



Security governance mechanisms within the major colleges of Islamic law and the purposes of the Holy Qur'an - the priority of security in the Qur'anic discourse.

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Abstract

In light of this development, we find security governance, with its structures, programs and organizations, working to confront all negative phenomena that threaten regional and global stability, thus confirming its presence in achieving international peace and coexistence through its monitoring of current events and putting forward plans and strategies to confront them, in a way that achieves good governance that controls the lives of individuals and communities.

Rational security governance works to control individual and collective behavior through the legal mechanisms authorized to it, in efforts to preserve the dignity of human life within international human rights conventions, and in accordance with what is dictated by regulatory laws, considering the authority of the law as an absolute authority.

The problem raised in this paper is how can good security governance be framed within the objectives of Islamic Sharia?

Keywords: Security Governance, Islamic Sharia Objectives, Human Rights, International Peace

Mécanismes de gouvernance sécuritaire au sein des grandes écoles de droit islamique et objectifs du Saint Coran - la priorité accordée à la sécurité dans le discours coranique.

Résumé

À la lumière de cette évolution, nous constatons que la gouvernance sécuritaire, avec ses structures, ses programmes et ses organisations, s'efforce de lutter contre tous les phénomènes négatifs qui menacent la stabilité régionale et mondiale, confirmant ainsi son rôle dans la réalisation de la paix et de la coexistence internationales grâce à son suivi de l'actualité et à la mise en avant de plans et de stratégies pour y faire face, de manière à instaurer une bonne gouvernance qui contrôle la vie des individus et des communautés.

Une gouvernance sécuritaire rationnelle s'efforce de contrôler les comportements individuels et collectifs par le biais des mécanismes juridiques qui lui sont autorisés, dans le but de préserver la dignité de la vie humaine dans le cadre des conventions internationales relatives aux droits de l'homme et conformément à ce que dictent les lois réglementaires, en considérant l'autorité de la loi comme une autorité absolue.

La question soulevée dans cet article est la suivante : comment une bonne gouvernance sécuritaire peut-elle s'inscrire dans les objectifs de la charia islamique ?

Mots-clés : *gouvernance sécuritaire, objectifs de la charia islamique, droits de l'homme, paix internationale*



Introduction

The world today suffers from a multitude of emerging social and cultural phenomena that threaten the security and safety of peoples, particularly with the growing spread of hate speech and the failure to consider its consequences. This calls for establishing structures and institutions to monitor and analyze everything that could compromise the security and safety of peoples, based on the tolerance, breadth, and mercy of Islamic Sharia, which is contrasted by the Hobbesian perspective on human existence, built on the foundation of conflict and dominance.

In light of this development, we find that security governance, with its structures, programs, and organizations, works to confront all negative phenomena that threaten regional and global stability, thereby affirming its presence in achieving international peace and coexistence through monitoring current events and proposing plans and strategies to address them, achieving good governance that regulates the lives of individuals and societies.

Good security governance works to regulate individual and collective behavior through the legal mechanisms authorized to it, in efforts to preserve human dignity within international human rights covenants, and according to what regulatory laws dictate, considering the authority of law as absolute authority.

The problem posed in this paper is: How can good security governance be framed within the objectives of Islamic Sharia? The answer to this problem will be addressed within the outlined axes of this intervention.

1. Security in the Perspective of the Holy Quran and the Universals of Sharia

The objectives of Islamic Sharia are considered the spirit of human life and the path of its progression. The five major universals are what the divine laws came to establish and to frame human life through them. The preservation of religion, life, intellect, lineage, and wealth are necessities essential for achieving the optimal course of human life. Without them, life deviates from order to chaos, and from righteousness to corruption.

Islamic Sharia scholars have been careful to establish rules and guidelines for understanding Sharia texts in accordance with its major universals. This has activated the movement of foundation-building and construction of mechanisms for deriving comprehensive and specific objectives and utilizing them in emerging jurisprudential codifications and addressing contemporary issues.

All the universals of divine laws are built on the principle of security, whether security of life, intellect, or wealth. This principle or starting point was the driving force for enacting laws and rulings at the highest level or at the level of particulars, or in other words, the objectives of rulings and their means.

1.1. The Concept of Security

The root of the word "security" (amn) indicates two closely related origins: one is trustworthiness (amana), which is the opposite of betrayal, meaning peace of heart; and the other is belief/faith. Al-Khalil said: "Al-amna is from security. Al-aman is giving security. Al-amana is the opposite of betrayal" (Ibn Faris, 1979, vol. 1, 133).



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It is said: "I secured the man (amintahu) with security (amnan), safety (amnatan), and peace (amanan), and he secured me (amanani) with faith (imanan). The Arabs say: a man of peace (rajul aman): if he was trustworthy" (Al-Razi, 1999, 22).

Therefore, the material 'a-m-n includes both safety (al-aman) and security (al-amna) with the same meaning. One is secure (amin) from the verb "to be safe" (amina), and is made secure (amanahu) by others from security (al-amn) and safety (al-aman). Security is the opposite of fear, meaning tranquility and reassurance.

Absolute security in Islamic mentality is not achievable in worldly life; it is not realistic, as it is tainted by fear of security's interruption and fear of the cessation of life itself. Absolute security can only be achieved by entering Paradise, as Allah Almighty said: "Enter it in peace and security" (Al-Hijr: 46). Therefore, the wise legislative system always sought to achieve security in all its fields, whether intellectual security, economic security, or social security. The rulings were built on achieving and preserving security as a major objective upon which general and specific rulings in Islamic Sharia were built.

The legislation of major punishments served as a deterrent against transgressing the sanctity of life and wealth, such as retribution (qisas) against the killer to secure lives from aggressors, and legislating theft punishments to achieve security of wealth. Also, legislating witnessing and writing debts to secure their entitlement at their due time. Regarding means, Sharia prohibited learning magic and similar practices.

The Prophet (peace be upon him) called for every action that achieves security and reassurance in the souls of Muslims and forbade every act that spreads fear and terror among the Muslim community, even if it were the least and most minor fear, considering security as one of the greatest blessings upon humanity. Islam's concern for security appears even during combat, where it is not permissible to terrorize or fight those who do not fight, such as women, children, and elderly people who have no involvement in combat. Security was not limited to Muslims; rather, non-Muslims had their share of security for themselves, their honor, and their wealth. This was achieved through the document that was the first charter organizing the affairs of Muslim society and the relationships of its members from Muslims with others from the People of the Book (Al-Turki, n.d., 23-31).

1.2. Security in the Discourses of the Holy Quran

Security appears in the Holy Quran in several places and different contexts, all indicating that the Quran made achieving security one of its primary priorities, whether intellectual security, economic security, or social security. It began by organizing individual behavior and educating them to the point of building a sound, cohesive society that respects the humanity of individuals and their characteristics.

These aspects can be detailed in the following points:

- **Intellectual Security:** Through legislation and guidance that call humans to correct their thinking in accordance with reason. It establishes evidence and proofs supporting every conception or belief about God, the universe, and the human soul. We



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also find the Holy Quran calling for contemplation and reflection on cosmic laws to achieve certainty and correct faith. Allah Almighty said: "A Book whose verses are perfected and then presented in detail from [one who is] Wise and Acquainted. [Saying], 'Worship not except Allah. Indeed, I am to you from Him a warner and a bringer of good tidings.'" The Quran's methodology is clear and wise in its addresses to mind, conscience, and nature together. The Almighty said: "Indeed, in the creation of the heavens and the earth and the alternation of the night and the day are signs for a people who give thought." All these tools and rational methodologies have the mission of achieving intellectual certainty based on argument and proof.

- **Social Security:** This is the focus of practical rulings and legislation that organize the lives of individuals within society. The believer commits to all commands and prohibitions and monitors their violation, such as rules of buying and selling, ownership rules, rules of transgression against honor by action and word, rules of retribution, deterrents, and disciplinary measures. A second section that achieves social security is encouraging virtues and good morals that stem from individuals' humanity and religiosity, such as encouraging respect for neighbors, promoting tolerance, and resolving problems through peaceful means and mutual consent between parties (Al-Turki, n.d., 31).

2. Definition of Sharia Objectives

These are the wisdoms and purposes that Sharia was established to achieve, by legislating what brings general and specific benefit and criminalizing what brings corruption and mischief. Thus, the mechanisms of objectives became shared with the mechanisms of revelation and jurisprudence in terms of derivation and extraction for contemporary developments in accordance with the spirit of Sharia. These include general objectives and specific ones.

Accordingly, the objectives of Sharia are the meanings and wisdoms observed by the Legislator in all or most cases of legislation, such that their observation is not specific to being in a particular type of Sharia rulings. This includes the descriptions of Sharia, its general purposes, and the meanings that legislation never lacks in observing. This also includes meanings of wisdoms that are not observed in all types of rulings but are observed in many types of them (Ibn Ashur, 2004, vol. 3, 165).

As for the real meanings, they are those that have realization in themselves such that sound minds perceive their suitability for benefit or their opposition to it, meaning they bring general benefit or general harm, with understanding independent of depending on knowledge of custom or law, such as perceiving that justice is beneficial, that aggression against souls is harmful, and that restraining the oppressor is beneficial for society's welfare (Ibn Ashur, 2004, vol. 1, 166).

Sharia's care for preserving these necessities for Muslims reached the point of prohibiting the person himself from transgressing against them. It prohibited apostasy, exposing oneself to destruction, committing indecencies, consuming intoxicants and drugs, wasting money, and similar things. It



also prohibited others from transgressing against them in any form of aggression and legislated deterrent punishments and various preventive procedures.

To achieve the greatest possible protection for these necessities, hudud (prescribed punishments) and qisas (retribution) were legislated to deter and prevent crimes that affect individuals in their lives, bodies, honor, and wealth. Since the individual is the foundation of society and the establisher of the nature of relationships within it, society's security from the Quranic perspective is built on the individual's righteousness. Therefore, individual security was the first priority of the objectives of Quranic legislation. For this reason, modern international covenants came to reinforce the individual's status and achieve individual security as a starting point for the security of peoples and states. Aggression against an individual from another state constitutes implicit aggression against that state by the aggressing state (Al-Turki, n.d., 50-59).

3. The Concept of Security Governance

Security governance can be conceptualized as state strategies in developing security programs and plans to challenge crises at the domestic and foreign levels. Security governance has been based on the theory of balance of power between security systems and societies. All of this theory has been achieved with varying success and has been used to explain the transformations that occurred in the Atlantic security structure after the end of the Cold War. Balance of power has become questionable not only by empirical observations but also through scientific disagreements about the proposals of the model and the

current international structure. Researchers expect that the end of bipolarity and the absence of the unified threat represented by the Soviet Union would lead to new isolationism.

Security has become what determines much of contemporary security practices and policymaking, which is why it is used in this study, at the same time as governments and international organizations have expanded their security tasks. However, limited resources, lack of expertise in non-traditional security areas, and divergent interests between parties have facilitated this increase by European and North American governments (Krahmann, 2003, 5-26).

4. Achieving Individual Security as a Priority of Good Security Governance

The objective of preserving life is among what Sharia came to achieve. For this purpose, laws were established, means were blocked, and the soul was given great value as expressed in: "Whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely" (Al-Ma'ida: 32). To protect and preserve it, the balance of Sharia was established, criminalizing the waste of life and establishing heavy penalties for every act or crime. The Algerian legislator followed this in codifying the penal code, where Article 255 of the Algerian Penal Code stipulates that murder is associated with premeditation, and its name here is assassination. In this case, there is a step before murder that distinguishes it from ordinary murder, and the punishment here is death (Algerian Penal Code, 2008).



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Accordingly, security governance works to repel any aggression that affects human life by taking correct measures such as confronting groups of criminals, highway robbers, organized theft, dismantling gangs, and confiscating unlicensed weapons, among other security justifications that guarantee this great objective.

Security governance explains security policymaking without limiting it to the nation-state and its self-interest as a unit of analysis at a chaotic international level. When realists and neo-realists explained the wisdom of power politics between nations (nation-states in one time) as preserving the state's self and existence as a supreme interest (national security), they relied on historical sources that prove the reality where justice is absent between nations in bygone times (the Peloponnesian Wars in the fifth century BC). In doing so, they create difference in terms of possessing material power and do not acknowledge difference in the law and methodology of previous and subsequent nations. More than this, they legitimize continuity and similarity in the pattern of interest between them with a natural law they deduce from the nature of the evil human self that does not believe in ethics. Hence, it was capable of harming itself and others while bringing benefit only to itself. All of this, according to the correct approach, is refuted by His saying: "To each of you We prescribed a law and a method. Had Allah willed, He would have made you one nation [united in religion], but [He intended] to test you in what He has given you; so race to [all that is] good. To Allah is your return all together, and He will [then] inform you concerning that over which you used to differ" (Al-Ma'ida: 48) (Boulbanan, n.d., vol. 22, no. 43).

Conclusion

After this integrative exploration in attempting to build a background for security governance and framing it within the major universals of Sharia, it becomes clear to us that:

1. The value of security is considered an important objective in the legislative system, whether in the aspect of worship or in the aspect of transactions.
2. Governance seeks to establish security policy that serves and achieves the objective of security in the reality of individuals and peoples.
3. The objective of individual security is one of the scales for establishing laws and systems that criminalize transgression against human life in any form.
4. The integrative picture between the legislative system and the philosophy of security governance has become clear, both of which are based on preserving human life, as called for by United Nations charters regarding preserving human rights and achieving security and peace in the world.
5. The compatibility and harmony of security policy with the legislative system, achieving the greater goal of establishing security policies that preserve human dignity and honorable human living.
6. Individual security is a building block for achieving national security; therefore, the former was the foundation for the latter, which should be considered in establishing laws and deriving rulings, whether in the social, cultural, health, or economic aspect.



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