



A comparative study of the constitutional law of Saudi Arabia and the United Arab Emirates

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ABSTRACT

After the collapse of the Islamic caliphate, various forms of modern Islamic states emerged based on the nation-state. This fact becomes the background of the importance of conducting research that focuses on a comparative study of the differences in the constitutionality between Saudi Arabia and the United Arab Emirates. Both countries embrace Islam as an ideology with absolute monarchy and elected monarchy systems of government. This qualitative research is sourced from literature studies, aiming to explain in a structured manner the differences in the state administration of Saudi Arabia and the United Arab Emirates. This study found that Saudi Arabia adheres to an absolute monarchy system of government with a unitary state form; the government system of this country is an absolute monarchy led by a king. In the government system, there are no elections, even if there are only for the election of legislative and judicial bodies; the executive body is also known as the "Council of Ministers of the Government of Saudi Arabia" which consists of the king of ministers and advisers to the king. Most Islamic citizens dominate the system because they are the king's descendants. At the same time, the Arab Emirates adheres to Islamic ideology in accordance with the Qur'an and sunnah, adhering to an elected monarchical government system with a federal state form of seven emirates. Most Muslims also live in the United Arab Emirates, where a Sheikh rules each emirate, and then together, they form the Supreme Federal Council. One of the Sheikhs serves as the head of state and the president, and Muslims also control the government system of this country, as Muslims also control the defense system of the UAE.

Keywords: Comparison of constitutional law; governance of Saudi Arabia; United Arab Emirates

1. INTRODUCTION

Governance in Islam is one of the most exciting topics to discuss. Today, many countries, with all their strengths and weaknesses, are looking for an ideal model of governance that can be easily implemented. Islamic governance relies on principles from the Qur'an and Sunnah regardless of whether these principles align with or differ from other systems of governance, and without regard to history, which has impacted and given rise to different circumstances as well as the current era, which is relatively mixed with these principles. (Rizal & Nurrahman, 2021)

Islam was initially born and developed in Mecca and Medina, which then spread almost throughout the Arabian Peninsula during the time of the Prophet. The scope of the Islamic world at the time of the Prophet only included what we now know to be inhabited by monarchical countries such as Saudi Arabia, Qatar, Oman, Bahrain, the United Arab Emirates, Yemen, and Kuwait. Meanwhile, under the leadership of the Khulafaur Rashidin, Abu Bakr, Umar, Uthman, and Ali, the Companions succeeded in developing Islam to the north. During his leadership, Abu Bakr expanded Islam to parts of Syria through Amru bin Ash and Iraq through Khalid bin Walid. During the time of Umar, the development of Islam experienced tremendous progress throughout Iraq, Palestine, and Egypt. Uthman's period of expansion of Islamic territory has reached Cyprus and Tripoli. In the leadership of Ali, the expansion of Islamic territory almost did not experience significant development because of the internal conflict among Muslims, which automatically stopped the aggressiveness of the expansion of Islamic territory. The scope of Islamic territory at the time of the Companions had covered a fairly wide area stretching from Iran to parts of Western Arabia. (Nadir, 2021)

Regarding the two countries that are in the same region or on the same land, the United Arab Emirates and Saudi Arabia have different governments. The United Arab Emirates adheres to an elected monarchical government system with a federal state form of seven emirates: Abu Dhabi, Ajman, Dubai, Fujairah, Ras al-Khaimah, Sharjah, and Umm al-Qaiwain. Then, each emirate is commanded by a sheik and forms the highest federal council together, and one of the sheiks serves as president. A King leads Saudi Arabia's government system with an absolute monarchy system.

2. METHODS

The research method used in this research is qualitative; qualitative research is descriptive research, and the data used is secondary data derived from several sources, then collected with inductive-deductive analysis. Qualitative research is characterized by taking place in natural situations and aims to explore the truth about an object.

3. RESULTS AND DISCUSSION

In this section, you present and interpret the findings of your study. Firstly, you report the results obtained from your research, typically using tables, figures, or other forms of data representation. You may include statistical analyses, measurements, or any other relevant information. Following the presentation of results, you then discuss and interpret their implications. You can compare your findings with previous studies, highlight significant trends or patterns, and explain any unexpected or interesting observations. This section often includes critical analysis, the formulation of hypotheses, and the exploration of potential explanations for the results obtained. This section would be approximately 3500-4000 words.

Comparison of Constitutional Law of Saudi Arabia and the United Arab Emirates

A. Constitutional Law of Saudi Arabia

In 1750, Muhammad bin Sa'ud, a regional ruler in central Arabia, joined forces with Muhammad Abd al-Wahab, a religious reformer, to form a state. In the history of Saudi Arabia, this year is the origin of classical Saudi Arabia. The modern Kingdom of Saudi Arabia emerged in 1924 when 'Abd al-'Aziz ibn Sa'ud took control of the Hijaz region (the Western region of present-day Saudi Arabia). As the kingdom's founder and first king, he implemented Islamic teachings in public policy, the judicial system, and other areas of life. (Ar-risalah, 2017)

Saudi Arabia is a country in the form of a kingdom. In addition, Saudi Arabia is known as a rich Islamic country because it has natural resources in the form of petroleum. Saudi Arabia clearly emphasizes that the Qur'an and the Sunnah of the Rasullah are the constitution and guidelines for the state. (Harianto, 2019) The government system in Saudi Arabia is the Monarchy or royal government system. Saudi Arabia runs a monarchical government system with several adjustments based on the country's conditions.

The king of Saudi Arabia bears the title of being the guardian and servant of Muslims. In practice, the title only emphasizes the moral position of authority the king of Saudi Arabia claims for himself about the Islamic world. So, it is unsurprising that the applicable law in Saudi Arabia is Islamic sharia law based on Islamic religious teachings sourced from the Qur'an and Prophetic Hadith. Apart from being a servant of Muslims, the king of Saudi Arabia also has a role as head of state, prime minister, commander of the army, and guardian of the two holy cities or Khadim Al-Haramain; the king has the authority to appoint and dismiss the council of ministers and also the king has the authority to interpret the law after going through several consultations and consensus. (Nadir, 2021)

The ultimate authority in almost every aspect of government rests with the king. All laws are passed by royal or ministerial decree, which the king must approve. State policy depended on the king, and what the king did had to be by sharia and royal tradition provisions. The kingdom does not recognize political parties, and the king's power is not unlimited. Every policy had to be approved by the royal family, the scholars, and other elements of society. The election of the king was done by the family members from among themselves and still had to have the support of the ulema. Therefore, the King, Islamic law, scholars, and Saudi traditions are integral to the Kingdom's system. (Ar-risalah, 2017)

As prime minister, the king appoints all cabinet ministers, senior government officials, and provincial governors. As Commander in Chief of the armed forces, the king appoints all military officers above lieutenant colonel. He also appoints all Saudi ambassadors and other foreign envoys. All foreign diplomats in the country are accredited to the king. In addition, the king acts as the final court of appeal and has the pardon power. In summary, although Article 44 of the Basic Law of Saudi Arabia has affirmed that the powers of the state include legal power, executive power, and organizational power, where all these powers work together to fulfill their obligations according to laws and regulations, the king remains the main source of all these powers. Thus, the monarch's powers are not limited (Rohim, n.d.)

B. *Constitutional Law of the United Arab Emirates*

The United Arab Emirates is a constitutional federation established in December 1971. (Ari & Pekawinan, 2015) The United Arab Emirates is a country in the Middle East region that adheres to an elected monarchy system with a federal, presidential, and constitutional form of State consisting of seven absolute monarchies, namely, Abu Dhabi, Dubai, Sharjah, Ajman, Fujairah, Umm Al Quwain, and Ras Al Khaimah.

The United Arab Emirates recognizes five power groups. First, a supreme power group called the "Federal Supreme Council." This council consists of seven princes who are members of the United Arab Emirates. The Financial Services Board is the highest constitutional body in the United Arab Emirates. It sets general policy and approves federal laws. The FSC also elects the President (and Vice President) from the emirates of the seven emirates. (No Title, 2022)

The Federal Supreme Council (FSC) is the supreme power-holding institution of the federal state of PEA. The FSC is a federal instrument exclusively vested with executive, ratification, and legislative powers. The executive powers of the FSC include admitting new members to the federal state, electing the President and Vice President, formulating the national guidelines, and performing control functions. The ratification

power concerns the approval of any decision taken by two or more emirates, determining and deciding the country's defense and security policy measures, approving or rejecting agreements taken by the government with foreign countries, the power to approve cabinet decisions on the assignment and dismissal of Supreme Court Judges, approval of international treaties and declaring the country in a state of danger.

Under the PEA's federal system of government, each emirate has a local government that enjoys the protection of independence, sovereignty, stability, and security from the Federal Government. The emirs can establish and organize their legal system according to the needs of their people. The emirs' authority to manage natural resources is the most important of these. Natural resources and the welfare of the people of each region are under the authority of the local emirate government. Meanwhile, the local government (emirate) is obliged to make a "financial" contribution in order to finance the Federal Government (center). By the "unitary" spirit of the federal state, the emirs of the seven emirates voluntarily give their prerogative powers to the federal government.

Although the PEA is a federated (modern) state, the system of the governance system of government that takes place in constitutional life is pretty "unique," a combination of "traditional government" and "modern" government administration. The emirs have traditional "privilege" rights that have lasted for generations. The traditional government is known as the "Assembly." (Sebagian et al., 2017)

4. CONCLUSIONS

Based on the previous discussion, it is concluded that Saudi Arabia maintains an absolute monarchy system of government with a unitary state structure; the king is the head of state in this nation. The executive body, also known as the "Council of Ministers of the Government of Saudi Arabia," which is made up of the king of ministers and advisers to the monarch, is not subject to elections under the government system, even if elections are held only for the legislative and judicial bodies. Due to their status as the king's ancestors, most of the population is Islamic.

Saudi Arabia has an absolute monarchy system with a unitary state structure; the king controls this nation's administration. The executive body is also known as the "Council of Ministers of the Government of Saudi Arabia," composed of the king of ministers and advisers to the monarch. In the government system, there are no elections, even if they are merely for the election of legislative and judicial bodies. Because they are the king's heirs, most of the populace is Islamic. The Arab Emirates, a federal state with an elected monarchy governance structure, maintains its commitment to Islamic doctrine in accordance with the Qur'an and Sunnah. At the same time, the

Arab Emirates adheres to Islamic ideology in accordance with the Qur'an and sunnah, adhering to an elected monarchical government system with a federal state form of seven emirates. Most Muslims also live in the United Arab Emirates, where a Sheikh rules each emirate, and then together, they form the Supreme Federal Council. One of the Sheikhs serves as the head of state and the president, and Muslims also control the government system of this country, as Muslims also control the defense system of the UAE.

REFERENCES

- Ar-risalah, U. S. (2017). *DALAM BINGKAI KONSTITUSIONALISME*. 2(1), 1–2. <https://doi.org/10.21580/jish.21.2514>
- Ari, S. A.-Z., & Pekawinan, A. (2015). *Bab li ءا*. 22–52.
- Harianto, B. (2019). *Sistem Ketatanegaraan Saudi Arabia Dalam Konteks Pergantian Kekuasaan Perspektif Siyasa Dusturiyah*. 146. <https://digilib.uin-suka.ac.id/id/eprint/37146/>
- Nadir, N. (2021). Sistem Pemeritahan Dan Kebijakan Luar Negeri Arab Saudi. *Qaumiyah: Jurnal Hukum Tata Negara*, 1(2), 162–175. <https://doi.org/10.24239/qaumiyah.v1i2.11>
- No Title. (2022).
- Rizal, S., & Nurrahman, A. (2021). PEMERINTAHAN DALAM ISLAM (Telaah Buku Fikrotul Idari Fiil Islam Karya Muhammad Naszir). *Jurnal Ilmiah Wahana Bhakti Praja*, 11(2), 231–239.
- Rohim, N. (n.d.). Tahkim. 95–111.
- Sebagian, M., Saptawan, A., Si, M., Ilmu, J., & Negara, A. (2017). *MENGENAL SISTEM POLITIK NEGARA UNI EMIRAT ARAB (UEA) oleh: Muhammad Lutfi Baidhowi UNIVERSITAS SRIWIJAYA*.
- Sebagian, M., Saptawan, A., Si, M., Ilmu, J., & Negara, A. (2017). *MENGENAL SISTEM POLITIK NEGARA UNI EMIRAT ARAB (UEA) oleh: Muhammad Lutfi Baidhowi UNIVERSITAS SRIWIJAYA*.