

Consultation in Democracy: A Comparative Study of Western and Islamic Perspectives

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ABSTRACT

This article aims to study Consultation in Democracy: A Comparative Study of Western and Islamic Perspectives. It is a documentary study using the method of analytical description, namely by describing the existing data (both primary and secondary data), and then analyzing it proportionally so that the details of the answers to the problems related to the subject matter will be visible. The data collection used in this study uses the Library Research method, namely by examining books, journals, some articles, and newspapers, as well as the internet which the author considers relevant to the subject matter. The study resulted in finding that;

1. The consultation in Islam is based on creed, faith, and divine law, which can, therefore, prevent authoritarian decision-making from leaders or people who have an interest in a problem,
2. The process of determining and making decisions is also different between consultation in Islam and democracy. Consultation in Islam does not recognize the acquisition of a majority opinion as found in democracy. Therefore, decision-making in consultation in Islam feels fairer and more acceptable to all parties involved and can be accounted for by the leader,
3. The consultation in Islam is different from that in the Western parliamentary system in that there exists no party-based system and all findings are implemented at the discretion of the Khalifah (the highest leader). The reason for this matter is that "In a no-party system you can pick the talent from anywhere". The guiding principle in Islamic consultation is summed up by the Islamic phrase: "Do not take sides with people but take sides with the truth and the truth will emerge victorious",
4. Islamic democracy is qualitatively different from "Western" democracy in that Islamism, and not secularism, sets the boundaries for the individual Muslim in the Islamic society vis-à-vis the Islamic state. Whereas a secular democracy is inherently intolerant toward un-democratic views, an Islamic democracy is inherently intolerant toward un-Islamic views.

Keywords: *Consultation; Democracy; Islamic Perspective; Western Perspective*

INTRODUCTION

Consultation (Shura) is a process of finding a decision and agreement based on the majority vote and based on the Qur'an and As-Sunnah, and letting every matter be left to the experts to realize a maximum result to maintain stability between the leader (government) and the people.

The etymology of democracy comes from the word "Demos" which means the people or residents of a place, and "Cratein" which means power or sovereignty. So "Demos-Cratein" or democracy is a state condition where in the

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system of government, sovereignty is in the hands of the people, and the highest power is in a joint decision with the people. Democracy has always been a discourse because democracy can cross geographical, ethnic, religious, and social boundaries and culture.

There is always a debate between Islam and democracy as well as consultation and democracy. And here we can see that several groups have different views on the relationship between democracy and Islam. The first group, namely those who reject democracy in the name of Islam. The reason is that Islam comes from God, while democracy is the work of humans. The second reason, democracy is the sovereignty of the people, while Islam is the law of Allah. The third reason is that democracy is determined by the majority vote even though the majority vote is not necessarily the truth. The fourth reason is that democracy is something new, and it is included in the category of heresy in religion, whereas previous generations of Islam did not recognize democracy. The fifth reason, democracy is a product of the West.

The second group is those who accept democracy in total without filtering it first. This group considers that Western democracy is the only right solution to solve the problems of the state, people, and homeland.

The third group, they state that the positive element in democracy is essentially a thought that is by Islamic teachings. One of the Islamic thinkers belonging to this third group is Yusuf al-Qaradawi. al-Qaradawi saw that in a democracy there are the basics of consultation (Shura), as well as aspects of advice in religion, commanding good and forbidding evil, reminding each other in kindness and patience, upholding justice, eradicating injustice, and achieving benefit while avoiding damage and so on. He added that the desired democracy is a democracy that continues to prioritize and glorify beliefs, norms, religious foundations, insights, and morals, and prioritizes all these noble values above democracy itself.

Philosophically, the supremacy of God's commandments (shari'ah) is a basic standard, which is considered and believed to be the source of the highest sovereignty. In other words, democratic values are applied, if they do not conflict with Shari'ah while implementing the principles of deliberation or Shura is an integral part of the reality of pure monotheism.

Three distinguished thinkers, Sayyid Qutb, Hasan Al-Banna, and Fazlur Rahman said that in an Islamic government, the concept of consultation must be upheld. Because, if there is a problem, especially in a government, there must be consultation to reach a mutual agreement.

Consultation is at the heart of Quranic discourse and plays a significant role in the life of Prophet Muhammad (may Allah bless him and give him peace). When discussing consultation and the evidence supporting it in Islamic legal texts, scholars and writers have tended to focus on two Quranic verses, namely, 42 (Surah Az-Zukhruf): 38 and 3 (Surah 'Ali-Imran): 159. However, Muslims remain largely unaware of the importance and value of consultation with scholars, and common masses remain somewhat undecided as to whether it is obligatory or not and what matters call for consultation.

The consultation that took place in the early period of Islam was not meant to limit the Khalifah (Muslim leader of state)'s authority as in the parliamentary system of Western democracy according to our current understanding. Thinkers or advisers who give opinions to the Khalifah also have no right to impose their opinions on him. With the consultation, full power remains in the hands of the Khalifah. He is accountable to Allah, to himself, and to the people who raised him (Adaruddin, 2018) (Abbas, 2018). At present, there is much confusion and unclear understanding of similarities and dissimilarities between consultation in democracy by Western and Islamic perspectives. This paper attempts to comparatively study the similarities and dissimilarities between the two and to serve to promote the practice of consultation and support efforts on a personal and collective level. The intention throughout is to bring the practice of consultation from a state of dormancy to one of effectiveness, from inertness to action, from passivity to responsiveness, and from dependency and subordination to a sense of mission and creativity.

MEANING OF DEMOCRATIC CONSULTATION IN ISLAMIC PERSPECTIVE

Fazlur Rahman, the renowned Muslim scholar said that the word Shura (Arabic word for consultation) comes from the verb 'syawara' - 'yusyawiru' which means to explain, state, or propose and take something. 'Syawara' or 'tasyawara' means to negotiate, to exchange opinions; 'syawir' means ask for opinion or deliberation; and 'shura' means consultation or deliberation.

According to Imam Shahid Hasan Al-Banna, consultation is a process of seeking a decision and an agreement based on the majority vote and on the Qur'an and as-Sunnah, and let every matter be left to the experts to achieve a result that is most satisfactory to maintain stability between the leader (government) and the people. (Karim, 2019) (Musawar & Zuhdi, 2018)

al-Qurtubi, the distinguished Quranic commentator said that consultation is one of the rules of shariah and legal provisions that must be enforced. So, whoever serves as head of state, but he does not consult with experts in science and religion (ulama) must be dismissed. (Hartono & Nurhalim, 2019)

And Ibn al-Arabi also said, that consultation is a meeting to discuss problems; each of them consulted each other and expressed opinions (Rambe & Mayasari, 2021).

Consultation in matters of administration within society means a continuous dialogue between the participants - the ruled and the ruler, manager with employer - until a consensus emerges. (Buraey, 1985: 320)

Consultation, or opinion-taking in Islam, is one of the political conceptions whose roots are firmly entrenched amid Islamic society, and become a feature of the Islamic government system different from non-Islamic government. Consultation has maintained its existence in Islamic political life, to strengthen the relationship between the rulers and their people, in the form of continuous reference to the rulers to the people to produce political decisions that are in the interest of the wider community, which depart from awareness, maturity and understanding, and to make great power on humans is close to the idea of general principles for Muslims. (Harisah, 2018)

Shura (consultation) is to explain the existing case, state or submit an opinion and finally, a decision will be taken. In other words, it can also be said that Shura is an exchange of opinions, which ultimately results in an idea that results in a joint decision through consultation.

Thus, from the above study, it can be stated that consultation means choosing the best ideas by gathering several people who have and can offer knowledge, arguments, experience, good opinions, and other conditions to form the right opinion and right decision.

In the author's view, the consultation or deliberation (Shura) based on the above explanation is a decision-making process or formulation in solving problems or forming a regulation or law based on the collection of information, ideas, opinions, etc. from various - interrelated parties based on the guidelines or rules contained in the Al-Qur'an and As-Sunnah, for the sake of reaching an agreement and for the common good.

MEANING DEMOCRATIC CONSULTATION IN WESTERN PERSPECTIVE

In a Western perspective, consultation linguistically means "the process of discussing something with someone to get their advice or opinion about it". Or "a meeting to discuss something or to get advice". For instance;

-He decided in consultation with his parents and teachers.

-The policy change was presented to us as a fait accompli, without consultation or discussion.
(<https://dictionary.cambridge.org/dictionary/english/consultation>).

Some other words that are partly synonymous to consultation based on this perspective are as follows; conference (meeting), congress (meeting), consultation, convention (meeting), convocation formal, forum (meeting), meeting, seminar, summit (meeting), symposium formal.

According to the American Dictionary, "consultation is the act of exchanging information and opinions about something to reach a better understanding of it or to make a decision, or a meeting for this purpose. For example,

-we hope to work in consultation with Congress on how the law should be interpreted.

The document of the United Nations on Model UN states the reasons why one, as a delegate, will want to consult informally with other delegations include the following;

1. to find out what they know,
2. to tell them what you want them to know (e.g. to forewarn them of an initiative planned by you or by others),
3. to ask their opinion (e.g. by 'floating' a proposal),
4. to learn their intentions,
5. to get their agreement to what you want,
6. to plan together, to develop a proposal or to advance an argument, and
7. to take decisions about how you will both act.

The specific tasks undertaken through informal consultation include the following;

1. Developing relationships with other delegates,
2. Making your positions known to other delegations,
3. Gathering general information about attitudes, intentions, and positions of other delegations,
4. Assessing who agrees with your positions, who opposes them and who agrees with certain components of your position but not all,
5. Persuading others to go along with your position,
6. Negotiating with others to reach a compromise when positions differ.

As to Where to consult, traditionally, informal consultations are said to take place in the corridors. These words are used to differentiate informal consultation from the formal exchanges that take place in the conference room(s) when the conference is in a formal session. Such consultations can be conducted anywhere and, in many cases, you will want them to be where you are unlikely to be overheard. The most readily available and widely used venues are the corridors, lobbies, stairways, coffee shops, and cafeterias of the conference building. It is also easy to consult in the conference room, before, after, and during a session. When appropriate, the presiding officer of a meeting or a delegate can request that the meeting be suspended for a certain amount of time to allow delegations to talk informally if they feel this might help achieve consensus on an issue.

If a delegate wants a more private conversation, many conference venues have terraces or gardens and sometimes it is possible to find an unoccupied conference room or office that he can use for a short while. He can invite other delegates to join him at a range of venues (e.g. restaurants) away from the conference.

Informal consultations, be they in small groups of two or three, or larger groups, are essentially private. Also, there is no official record of what is said and the conversation can be tentative or exploratory in nature. This means that delegates may speak much more freely in such conversations than they might in formal sessions of the conference where their words are often recorded.

In some instances, delegates choose to move to the Informal Consultations Room or another location for informal meetings. When this occurs the Rules of Procedure are suspended as well during the entire time the informal meeting is in session.

The essentially private nature of informal consultations means that you can adjust your manner and what you say to your audience. You may wish to say privately some things you would not wish to say publicly. It will quickly backfire on you if you convey different information to different interlocutors and often if you try to hide from them something they are likely to learn from other sources.

The other consequence of the informal nature of corridor conversations is that agreements reached during these talks only engage the participants and then only informally. Agreements formally engaging the Council can only be reached in a formal session that meets in the Council chamber. (<https://www.un.org/en/model-United-nations/purpose-consultations>)

THE BASIS OF CONSULTATION IN AL-QUR'AN AND AS-SUNNAH

Since the early days of Islamic da'wah, when the Muslims in Makkah were oppressed and always pursued by the enemy, the Qur'an had set up for them a society that had a perfect sense of faith and solidarity. Its members were united by bonds of brotherhood and Islam, namely faith in Allah and worshiping Him by establishing prayer and cooperation by exchanging opinions and observing consultation.

Thus, consultation is one of the elements of social solidarity. In addition, Allah, Almighty has honored consultation (Shura) by making it the name of one of the surahs (chapters) in the Qur'an (Asy-Syawi, 1997).

The Qur'an is a foundation that contains ethical and moral instructions and guidance in human life. Although the Qur'an never clearly states the solution to every problem and only takes the form of a sign, it is the signs regarding state and government guidelines that have a fundamental basis in the Qur'an. This sign can be seen from the existence of rules that require consultation in the Qur'an. Because deliberation is one of the values of constitutional political ethics in the life of an Islamic state and is included in the discussion of the State, the discussion of the consultation principle is also contained in the Qur'an (Hidayat & Suwanto, 2020: 124–141).

Three verses in the Qur'an contain suggestions for consultation in reaching a decision. Although the three verses consist of different backgrounds. The first verse is in Surah Ash-Shura, verses 36-39 which means "And (for) those who accept (obey) the call of their Lord and establish prayer, while their affairs are (decided) by consultation between them; and they spend part of the sustenance we give them". This first verse explains the characteristics of the believers, namely that they accept (obey) the orders of their Lord, establish prayers, and pay zakat (compulsory charity), and in completing their affairs they are resolved by way of consultation.

The second verse is in Surah Ali Imran, verse 159 which means "So it is because of the mercy of Allah that you are gentle with them. If you were hard-hearted and harsh-hearted, they would certainly distance themselves from all around you. Therefore, forgive them, ask forgiveness for them, and consult with them in this matter. Then when you have made up your mind, put your trust in Allah. Verily, Allah loves those who put their trust in Him". This second verse explains that matters between Muslims are resolved by way of deliberation.

And the third verse is in Surah Al-Baqarah, verse 233 which means "‘Divorced’ mothers will breastfeed their offspring for two whole years, for those who wish to complete the nursing ‘of their child’. The child’s father will provide reasonable maintenance and clothing for the mother during that period. No one will be charged with more than they can bear. No mother or father should be made to suffer for their child. The father’s heirs are under the same obligation. But if both sides decide—after mutual consultation and consent—to wean a child, then there is no blame on them. If you decide to have your children nursed by a wet nurse, it is permissible as long as you pay fairly. Be mindful of Allah, and know that Allah is All-Seeing of what you do". This third verse explains that the breastfeeding period is two years. If husband and wife want to wean their child on the willingness and consultation, with the intention for the child's benefit, they agree to stop breastfeeding before or wean it in two years period, this is permissible.

For Muslims, as-Sunnah is the second basis after the Qur'an. The meaning of as-Sunnah here is something that comes from the Messenger of Allah, whether it is in the form of words, deeds, or approval. Indeed, people who studied the sirah (autobiography) of the Prophet of Allah, would find that he carried out a consultation in most affairs of the Muslims. In many cases, he asked the Muslims to give their opinion. Abu Hurairah (RA), who said: "I do not see anyone more consulting than the Prophet of Allah towards his companions". The Prophet (SAW) once said again: "When one of you asks his brother for advice, so let him guide him." The above al-hadith explains and calls for the importance of consultation or helping someone in solving various kinds of problems related to either worldly or hereafter problems. Because by way of consultation, one can easily solve the problems besetting him.

THE BASIS OF CONSULTATION IN WESTERN DEMOCRACY

Democracy is based on consultation and discussion. A democratic decision always involves many people, discussions, and meetings and they can point out possible mistakes in any decision. This may take time. However, the advantage of taking time over important decisions is that it reduces the chances of rash and irresponsible decisions. (<https://byjus.com/question-answer/democracy-is-based-on-consultation-and-discussion-explain-this-statement/>) In another word, in Western perspectives, consultation and discussion can help democracy prosper.

THE PURPOSE OF CONSULTATION AND DISCUSSION IN ISLAMIC DEMOCRACY

In the sense of the word consultation aims to highly uphold the rule of law so that everything that is decided or stipulated in the consultation can be fair. Because the consultative purpose is to determine decisions that can be accepted by all parties and for the common good. In Islam, Allah alone is the Master and Lord of all, and shari'ah constitutes the law of the land in an Islamic state. Majlis al-Shura (Consultative Council) as compared to parliament is neither sovereign nor omnipotent having a free hand in matters of legislation, taxation, and expenditure without any limitations to its powers. It is not a product of various historical developments. It is, rather, the commandment of Allah, Almighty, revealed in the Holy Qur'an to Prophet Muhammad some fourteen hundred years ago, that matters of importance not clearly stated in the Holy Qur'an and as-Sunnah (Prophetic Traditions) should be decided through mutual consultation. The Holy Qur'an says: "those who hearken to their Lord and establish regular prayers; who conduct their affairs by mutual consultation". (42: 38)

THE PURPOSE OF CONSULTATION AND DISCUSSION IN WESTERN DEMOCRACY

The purpose of consultation and discussion in a democracy is that it leaves the least scope for a mistake. In a democracy, people rule by electing their representatives. These elected representatives come together to make decisions for the whole population. However, before making any decision, these representatives undertake a comprehensive process of consultation and discussion to serve the best interest of the people they represent. The process involves consulting specialists when required and breaking down every proposal clause by clause. Thus, it leaves the least scope for a mistake.

CHARACTERISTICS OF DEMOCRATIC CONSULTATION IN ISLAMIC PERSPECTIVE

Consultation is a political concept that does not require that decision-making be bound by it. The opinion of the Consultative Council is only consultative in nature; therefore, it is relative and not binding according to the wishes of the authorities. The obligation of a ruler is only in carrying out consultation, not taking their opinion. The responsibility for the decisions taken is borne by the authorities to carry out the results of the decisions. In addition, Consultation in Islam does not recognize the acquisition of a majority opinion, as is known in the concept of democracy, and does not set a limit on quantity. It also does not recognize a standard formula. Sometimes the leader (ruler) takes part in the opinion of the Consultative Council, the whole or one opinion from the many opinions put forward by the Consultative Council.

However, the characteristics of the ruling that took effect after it became clear to the majority that it was, he who was closest to truth and justice after free dialogue and exchange of opinion was held, was that the decision was only a relative decision, not a general one. This means that the opinions that have been expressed and discussed are not eliminated, there is even the possibility of being re-elected on another occasion, in another place, in another society, or because of different conditions. This is permissible in Islam. (see Shafiq, 1984: 419-441)

It can be said that consultation in Islam as mentioned above is a form of decision-making that is not binding, is not based on a decision taken based on a majority vote, and is not limited to quantity alone. Consultation does not recognize a standard formula so that the decisions taken can be accepted by all parties involved in consultation. However, the decision taken in the consultation is a stipulation that is closest to the truth, although it does not rule out the possibility that information or ideas that are not stipulated in the consultation at another time can be used, depending on the situations and conditions, because in Islamic law it is permissible. As a whole consultation in Islam is the best characteristic of Muslims in collective affairs.

CHARACTERISTICS OF DEMOCRATIC CONSULTATION IN WESTERN PERSPECTIVE

Consultation is the best approach to learning what each social or ethnic group wants. In short, in a democratic Western society, public consultation enables policymakers to learn about the complexities of measures under consideration and use the knowledge from the public to design better regulations. Tackling complex policy challenges requires the concerted efforts of all actors in society. Governments can benefit from wider public input by creating a political space for stakeholders to participate in democratic consultation and deliberation. If properly managed and created under conditions that motivate actors, public engagement and an open, transparent rule-making

process can promote public confidence in government and increase the legal security for businesses and citizens. It therefore strengthens the rule of law, the basis for democracy and welfare.

(OECD. (2011). Regulatory Consultation A MENA-OECD PRACTITIONERS' GUIDE FOR ENGAGING STAKEHOLDERS IN THE RULE-MAKING PROCESS in <https://www.oecd.org/mena/governance/MENA-Practitioners-Guide-%20EN.pdf>)

CONSULTATION IN DEMOCRACY IN ISLAM AND THE WEST: A COMPARATIVE LOOK

From the above studies there are differences between consultation in Islam and democracy as follows:

1. The consultation in Islam is based on creed, faith, and divine law, and can, therefore, prevent authoritarian decision-making from leaders or people who have an interest in a problem.
2. The process of determining and making decisions is also different between consultation in Islam and democracy. Consultation in Islam does not recognize the acquisition of a majority opinion as found in democracy. Therefore, decision-making in consultation in Islam feels fairer and more acceptable to all parties involved and can be accounted for by the leader.
3. The consultation in Islam is different from that in the Western parliamentary system in that there exists no party-based system and all findings are implemented at the discretion of the Khalifah (the highest leader). The reason for this matter is that "In a no-party system you can pick the talent from anywhere". The guiding principle in Islamic consultation is summed up by the Islamic phrase: "Do not take sides with people but take sides with the truth and the truth will emerge victorious". (Iain, 1991: 114,168)
4. Islamic democracy is qualitatively different from "Western" democracy in that Islamism, and not secularism, sets the boundaries for the individual Muslim in the Islamic society vis-à-vis the Islamic state. Whereas a secular democracy is inherently intolerant toward un-democratic views, an Islamic democracy is inherently intolerant toward un-Islamic views.

CONCLUSION

Consultation is important because it can make better decisions based on participative decisions by members, avoid misunderstanding and confusion, and allow grouping members to give and share opinions and decisions.

The substantial difference between consultation in Islam and European democracy, namely that the consultation was established based on creed and divine law with the following explanation: "Indeed, the opinions of a Muslim regarding the truth of the system, justice, and independence are subject to the belief of his God and do not precede him. The coming of a world form of government (God's government), as required by its rules, is the highest example of a government that does not recognize injustice in it and a deviation from the Shari'ah or the highest example of a democratic government as it should be.

Let us suggest to those who say that consultation is the same as democracy, must add to its Islamic character. Without giving these characteristics, some people will take the notion that democracy is sufficient without shari'ah. In the end, they only accept that democracy or a majority vote is a matter that is quite valuable and can be considered valid without having to discuss the extent of its commitment to the Qur'an and As-Sunnah.

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