

AL-MAWARDI'S POLITICAL THOUGHT

Assauti Wahid¹, Jovial Pally Taran^{*2}, Bachrum Syahputra³ Muhammad Mutawalli⁴

¹*Pascasarjana UIN Ar-Raniry, Banda Aceh*

^{2,3}*STAIN Teungku Dirundeng Meulaboh*

⁴*Al Azhar University, Egypt*

¹assauti.wahid@gmail.com

²jovialtaran@staindirundeng.ac.id

⁴muhhammadmutawallitaqi27@gmail.com

Abstract

This study examines al-Mawardi's political thought within the scope of Islamic political reality and practices as they developed during his era. Utilizing a qualitative method with a critical historical approach through descriptive-analytical writing, this literature study demonstrates that al-Mawardi provided significant insights into a theory of the state that has garnered scholarly recognition from numerous nations. He is acknowledged as a prominent thinker capable of advancing Islamic political studies. Al-Mawardi prioritized an institutional approach, emphasizing the optimization of institutional functions and the consolidation of state structure.

Keywords: Thought, Politics, Al-Mawardi

INTRODUCTION

After the death of Prophet Muhammad (PBUH), the political system experienced significant changes. It transitioned from the shura system practiced by the Rightly Guided Caliphs to a monarchical system initiated by the Umayyad, Abbasid, and Ottoman dynasties. This shift illustrates the dynamic nature of political systems within Islam, giving rise to various conceptions of political and governance systems from Muslim scholars and thinkers. Some Muslim thinkers adopt an a priori anti-West stance, others accept Western ideas uncritically, while some strive to extract positive values from Western civilization and thought while discarding those that contradict Islamic principles. Those who completely reject Western systems often idealize the concept of a caliphate as the optimal governance model for Muslims, viewing non-caliphate systems as un-Islamic and therefore illegitimate. Conversely, the second group believes that Western societal models are worth emulating, perceiving the West as a representation of an advanced society. Thus, they argue, any country aspiring for progress should adopt Western principles.

The third group views the concept of state governance as a matter of ijthad, or independent reasoning. For them, the primary goal of governance is the welfare of society. This group neither rejects Western models nor accepts them wholesale; instead, they selectively adopt positive elements from the West, discarding negative aspects, and apply these in an Islamic societal context. This group notably does not reject democracy outright, recognizing common ground between shura (consultative council) and democratic ideals. Among the Muslim scholars whose ideas on governance are

particularly compelling is al-Mawardi. He is a renowned figure not only within the Islamic world but also in the West. Al-Mawardi is recognized as a skilled diplomat capable of mediating between the Abbasid Dynasty and the Buwayhids (Sjadzali, 1990).

He is also credited with conceptualizing the social contract theory long before Western thinkers formalized it. Al-Mawardi was a prominent figure who contributed to stabilizing political turmoil in his homeland of Basra, Iraq. This article explores al-Mawardi's political thought to contribute to the ongoing discourse on Islamic political theory.

METHOD

This research employs a qualitative approach using the critical historical method, aimed at understanding and analyzing al-Mawardi's political thought within the context of Islamic political developments in his era. This kind of thinking study has been conducted by many researchers before (Budhy Munawar Rahman, 2006; Janah, 2017; Syamsuar, 2020; Syamsuar et al., 2024). The technique used is library research, wherein various literature sources, such as books and scholarly articles discussing al-Mawardi's political ideas, are examined descriptively and analytically. This approach allows researchers to interpret the institutional concepts proposed by al-Mawardi and trace the influence of his theories on the structure and practices of Islamic politics in various nations.

FINDINGS AND DISCUSSION

Al-Mawardi's Biography

Al-Mawardi's full name is Abu al-Hasan Ali bin Muhammad bin Habib al-Mawardi al-Bashri. He was born in Basra in 364 AH/975 CE and passed away at the age of 86 on 30 Rabi' al-Awwal 450 AH/27 June 1058 CE in Baghdad (al-Baghdadi, 1931). He earned the title "al-Mawardi" due to his intelligence and skill in oration, debate, and analysis of complex issues (Al-Mawardi, 1994). His educational journey began in his birthplace, Basra, known as one of the centers of study and knowledge in the Islamic world, and he later continued his studies in Baghdad at al-Za'farani University. He studied jurisprudence under Abu al-Qasim 'Abdul Wahid al-Saimari, a prominent scholar of the Shafi'i school of law. He also learned grammar and literature from 'Abdullah al-Bafi and Shaykh Abdul Hamid al-Isfarayini. Within a short period, he had mastered various religious sciences, including hadith, fiqh, politics, philosophy, ethics, grammar, and Arabic literature (Diana, 2017).

Al-Mawardi was a relentless seeker of knowledge, moving from one teacher to another. Most of his teachers were prominent scholars and grand imams in Baghdad. It was during this period that his interest in political jurisprudence (fiqh al-siyasah) deepened (Dahlan, 1996), leading him to write his monumental work *al-Ahkam al-Sultaniyyah*. His other works include *Qawanin al-Wizarah wa Siyasat al-Mulk*, *Adab al-Dunya wa al-Din*, *al-Hawi al-Kabir*, and *al-Iqna'*. Al-Mawardi lived during the Abbasid Dynasty's period of socio-political upheaval and disintegration. At that time, a culture of luxury and hedonism had become widespread among the leaders of the

Muslim community, as evidenced by the extravagance of wedding ceremonies, official state attire, and personal lifestyles. This disintegration was due to a lack of trustworthiness in agreements, diminished self-reliance, sectarian fanaticism and rivalry, struggles between the Abbasids and the Alawites, and a preference for fostering Islamic civilization and culture over political consolidation. Consequently, many provinces detached themselves from the Abbasid Dynasty, with some even rebelling and attempting to seize control of Baghdad (Supriadi, 2008).

In such turbulent conditions, al-Mawardi demonstrated his ability to adapt and played a vital role, eventually earning strategic positions within the government. As a Shafi'i jurist, he served as a judge in various cities (Efendy, 2008). During the reign of al-Qadir (381-423 AH/991–1031 CE), al-Mawardi's career flourished after he settled back in Baghdad, where he was appointed Chief Judge (Qadi al-Qudah), advisor to the caliph in matters of religion (Islamic law) and governance (Dahlan, 2006). His diplomatic skills led to his appointment as a mediator between the Abbasid government and the Buwayhids, who had gained political control at that time. Al-Mawardi succeeded in his mission, pleasing both parties: the Abbasids retained their position as the caliphate's highest authority, while the Buwayhids held political and administrative power (Hitti, 1970). It is unsurprising that al-Mawardi was well-regarded and appreciated by the Shi'a-aligned Buwayhid leaders.

Al-Mawardi's success in his diplomatic and arbitration missions, entrusted to him by Caliph al-Qadir and his successor, al-Qaim (Hamidi, 1996), was due to his moderate, assertive, and courageous stance, along with his extensive scholarly knowledge and commendable character. His moderation was evident in his conduct and writings on Umayyad and Abbasid governance policies. His assertiveness was visible when he rejected any titles granted to a sultan that he believed contradicted religious values. For instance, he refused Abu Kalijar's request for the title "Sultan al-A'zam Malik al-Umam" and declined Caliph al-Qaim's granting of the title "Shahanshah" or "Malik al-Muluk" to Sultan Jalal al-Daulah, despite his close relationship with him (Al-Mawardi, 1978).

As a scholar, al-Mawardi was an intellectual who was not content with following prevailing thought schools if they failed to satisfy his own logic. His intellectual independence led him, in some aspects, to diverge from other Sunni perspectives, which were rigid in adhering to their doctrinal principles. Consequently, many of al-Mawardi's religious thoughts are aligned with Mu'tazilite ideas. Ignaz Goldziher referred to al-Mawardi as a Mu'tazilite in his theological views (Anwar, 1987). According to Ibn al-Imad, and similarly Ibn al-Salah, the label of Mu'tazilism was due to al-Mawardi's boldness in interpreting allegorical verses and his agreement with certain Mu'tazilite ideas, such as the issue of "qadar" (predestination). Furthermore, his thoughts that align with Mu'tazilism involve the role and status of reason. Thus, while he was not a Mu'tazilite, the influence of Mu'tazilite thought on him was considerable. These two major currents of thought (Sunni and Mu'tazilite) significantly shaped al-Mawardi's religious ideas (Hamidi, 1996).

Al-Mawardi's Works

Al-Mawardi authored 12 notable works across various fields, including religious, social, political, linguistic, and ethical topics. His contributions to religious

studies include five significant titles: 1) *al-Nukat wa al-'Uyun*, an exegesis on Quranic verses; 2) *al-Hawi al-Kabir*, a comprehensive 30-volume work spanning approximately 4,000 pages on Shafi'i jurisprudence; 3) *al-Iqna'*, outlining key principles of Shafi'i jurisprudence that brought him closer to the Abbasid ruling class, though this work has since been lost; 4) *A'lam al-Nubuwwah*, focusing on the proofs of prophethood; and 5) *Kitab fi al-Buyu'*, covering the jurisprudence of trade, although this book is also now lost.

In the field of social and political thought, his works include: 1) *al-Ahkam al-Sultaniyyah wa al-Wilayat al-Diniyyah*, a book that received considerable attention in the West and was published in Bonn in 1853 under the title *Maverdii Constitutiones Politicae*; 2) *Nasihah al-Mulûk*, a manuscript preserved in the Paris library; 3) *Tashil al-Nazar wa Ta'jil al-Zafar*, discussing the foundational principles of governance, ethics, and the proper use of authority; and 4) *Qawanin al-Wizarah wa Siyasat al-Mulk*, first published in Egypt in 1929 under the title *Adab al-Wazir* and later translated into German, French, and English. His contributions to Arabic language and literature include: 1) *Kitab fi al-Nahw*, a grammar book, though its manuscript has not been located; 2) *al-Amtsal wa al-Hikam*, a collection of renowned proverbs and Arabic poetry; and 3) *Adab al-Dunya wa al-Din*, a work blending literature and religious ethics.

The Concept of Islamic Politics

In Islamic terminology, politics is often referred to as *al-siyasah al-syar'iyah* (Prawoto, 2018). This term, defined by 'Abd al-Wahhab Khalaf, refers to the management of public affairs by the Islamic government in a way that promotes the welfare and avoids harm for the Muslim community, without contradicting the principles and general guidelines of Islamic law, even if it does not align with the views of various mujtahid (Khalaf, 1988). Essentially, *al-siyasah al-syar'iyah* can be understood as the governance and administration of an Islamic state aimed at ensuring the well-being of the community and avoiding harm, in a manner that does not conflict with Islamic principles.

In his approach to politics, al-Mawardi follows the leadership model of the Prophet, which integrates religion and state (*ad-din wa ad-daulah*). As is known, there are two opposing views on the relationship between religion and state. Some thinkers argue that Islam and the state are inseparable, while others believe they should be distinct (Minardi, 2008). Al-Mawardi leans toward the first perspective, where religion and state are mutually dependent. Religion requires the state to enable its growth, while the state needs religion to develop within a framework of ethics and morality (Murtadho, 2012). Al-Mawardi stated, "Power combined with religion is enduring, and religion combined with power is strengthened." In the introduction to his renowned work, *al-Ahkam al-Sultaniyyah*, al-Mawardi emphasizes that state leadership serves as an instrument for continuing the prophetic mission to uphold religion and govern the world.

The preservation of religion and the regulation of worldly affairs are two distinct yet symbiotically related activities. They represent two dimensions of the prophetic mission. God appointed a leader, or khalifah (caliph), as a successor to the Prophet (PBUH) to secure the state with a political mandate. Thus, a caliph or imam serves as both a religious and political leader. Al-Mawardi does not separate political and

religious leadership; the state acts as a political institution with religious sanctions. Historically, the Prophet (PBUH), when leading the state of Madinah, was both a messenger of Allah and a state leader. According to al-Mawardi's political concept, the ultimate legal authority resides with religion, with God as the source of law, while the caliph, as head of state, enforces God's law to ensure the welfare of humanity and the world (Pulungan, 1999).

Al-Mawardi believes that a state needs six fundamental pillars to thrive: first, making religion the guiding principle. Religion is essential for controlling human desires and guiding human conscience, serving as a solid foundation for the welfare and stability of the state. Second, wise leadership with inherent authority and power. Such a leader can mediate diverse aspirations to build the state and achieve its objectives. Third, comprehensive justice, which fosters peace, harmony, respect, obedience to leadership, and encourages people's motivation to excel. Justice begins with fairness towards oneself and then extends to others. Justice towards others can be categorized into three types: 1) fairness to subordinates, such as the leader's fairness to deputies or lower-ranking officials; 2) fairness to superiors, where the people exhibit loyalty and readiness to support the state; and 3) fairness to peers, showing respect, refraining from humiliation, and avoiding aggression.

Fourth, universal security, which provides inner peace to the people and ultimately encourages them to be proactive and innovative in developing the state. Fifth, sustainable national prosperity, which strengthens the people's initiative to secure food and other economic needs, reducing and resolving conflicts. Sixth, the hope of survival and the advancement of life. Human life brings forth future generations. The current generation must prepare facilities, structures, and infrastructure for the next. A person without the hope of survival lacks the motivation and effort to strive for stability (Sjadzali, 1991).

State Leadership (Imamah)

In Islam, leadership is often denoted by various terms such as imamah or leader (al-ra'is), king (al-mulk), ruler (al-sultan), and head of state (qa'id al-dawlah), all of which are imbued with religious significance. However, al-Mawardi predominantly uses the term imam/imamah (Sjadzali, 1991). According to al-Mawardi, the purpose of establishing the imamah is to fulfill the prophetic role of preserving religion and governing worldly affairs. Thus, an imam serves as both a religious leader and a political leader (Syamsuar & Rizki, 2024).

Al-Mawardi places great emphasis on leadership (imamah or caliphate). For him, the leader is a reflection and key to the welfare of society. The imamah or caliphate is institutionalized to replace prophethood (nubuwwah) in protecting religion and managing worldly affairs. The institutionalization of the imamah or caliphate is considered a fardu kifayah, a communal obligation, based on the consensus of scholars (Al-Mawardi, 1978). This view is grounded in the historical realities of the Rightly Guided Caliphs (al-Khulafa al-Rasyidun) and subsequent caliphs from the Umayyad and Abbasid dynasties. It aligns with the principle of *usul fiqh*, which states, *ma la yatimmu al-wajib illa bihi fahuwa wajib* (if an obligation cannot be fulfilled except through a means, then that means also becomes obligatory), as well as *amr bi syay amr bi wasailihi* (the command to do something includes a command to undertake the means

necessary to achieve it). The means to establish the imamah is the state, making the establishment of a state also obligatory (Iqbal & Nasution, 2010).

Al-Mawardi is regarded as the first political thinker to explain clearly the mechanisms for appointing and dismissing the head of state. He argues that the selection of the head of state must involve two elements: Ahl al-Ikhtiyar, or those qualified to select, and Ahl al-Imamah, or those qualified to be selected as the head of state. Candidates eligible for the head of state (Ahl al-Imamah) must meet seven criteria: (1) justice; (2) knowledge to perform ijihad in addressing issues and laws; (3) sound hearing, sight, and speech to manage responsibilities directly; (4) physical fitness, ensuring no hindrance to action; (5) capability to manage public affairs and common welfare; (6) courage and firmness in defending the people and confronting adversaries; and (7) descent from Quraysh. Meanwhile, Ahl al-Ikhtiyar must meet three criteria: (1) personal credibility or integrity (al-'adalah) meeting all requirements; (2) knowledge to recognize who qualifies for the head of state position with all its prerequisites; (3) strong judgment and wisdom to identify the most suitable candidate for the head of state and the most capable in policy-making to serve the community's welfare (Al-Mawardi, 1978).

Al-Mawardi holds that the succession of the head of state can be achieved through two systems: 1) election by Ahl al-Hall wa al-'Aqd, and 2) designation or direct appointment by the previous imam. According to Hashbi ash-Shiddieqy, al-Mawardi's concept is due to the absence of a standardized system for head-of-state succession, either in the foundational sources of Islam or historical precedent. In early Islamic history, specifically during the era of the Rightly Guided Caliphs, head-of-state succession took three forms: first, general election by a legislative body, as in the case of Abu Bakr; second, the commission system, where a committee was selected to determine the head-of-state successor, then endorsed by the public, as with Umar bin Khattab's promotion; and third, a system of designation by the previous head of state, while considering public opinion, as in the ascension of Uthman ibn Affan (ash-Shiddieqy, 1969).

Ahl al-Halli wa al-'Aqdi

Ahl al-Hall wa al-'Aqd (Council of Consultation), also known as Majelis Syura, refers to the group responsible for electing a leader through deliberation and then presenting this choice to the public for their oath of allegiance (bai'ah) (Khaliq, 2005). Al-Mawardi describes this process as follows: "When Ahl al-Hall wa al-'Aqd gathers to select a leader, they examine the eligibility of candidates who meet the criteria, then they present the best and most qualified person for the oath. They encourage the public to obey him and not withhold their allegiance (Al-Mawardi, 1976)." This aligns with the concept of Shura.

Al-Mawardi does not specify the exact number of members required in Ahl al-Hall wa al-'Aqd. He only presents several scholarly views on the membership size of this legislative council. Some scholars argue that an election is valid if attended by the majority of Ahl al-Hall wa al-'Aqd members (parliament) from across the nation. This majority gives the decision a nationwide mandate, ensuring the public's acceptance and loyalty to the chosen imam. This view draws on the selection of Abu Bakr as caliph, who was elected by all present companions without waiting for absent members.

However, no precise percentage is given regarding the meaning of “majority,” and there is no clear specification (Al-Mawardi, 1976).

Another opinion holds that the election is valid with a minimum of five people, one of whom is appointed as imam with the agreement of the others (similar to the committee formed for Uthman ibn ‘Affan’s selection as caliph). The scholars of Kufa propose that the election is valid if conducted by three people, where one is appointed as imam with the consent of the other two as witnesses, using the analogy of a marriage contract, which requires one guardian and two witnesses. Meanwhile, the Shia scholars maintain that the election is valid with only one person, based on the precedent that Caliph ‘Ali ibn Abi Talib was appointed by a single individual, ‘Abbas ibn ‘Abdul Muttalib (Al-Mawardi, 1976).

The duties of Ahl al-Hall wa al-‘Aqd extend beyond deliberating on general state matters and issuing laws for public welfare that do not contradict the fundamental principles of Islamic law. Their responsibilities also include fulfilling a constitutional role in selecting the state’s highest leader and overseeing legislative authority. This oversight allows the council to act as a public check on the government and rulers, preventing them from violating any of the rights that belong to Allah (Khaliq, 2005).

Social Contract Theory

Al-Mawardi proposed the theory of social contract in the 11th century CE, while European scholars only encountered this concept five centuries later, in the 16th century CE. Four prominent Western political thinkers later introduced various versions of the social contract theory: 1) Hubert Languet, a French scholar who lived between 1519 and 1581; 2) Thomas Hobbes, an English scholar active between 1588 and 1679; 3) John Locke, an English scholar who lived from 1632 to 1704; and 4) Jean Jacques Rousseau, a French scholar from 1712 to 1778 (Sjadzali, 1990).

This theory centers on the relationship between Ahl al-Ikhtiyar and the head of state, a bond between two parties engaged in a voluntary social contract that creates mutual rights and obligations. Consequently, while the head of state is entitled to obedience and complete loyalty from the people, he also has obligations toward them. The people are required to obey the caliph as long as he is just and trustworthy in his duties to the people and adheres to the established principles. However, if he deviates, the people have the right to depose him. For this reason, al-Mawardi argues that the authority of the head of state is not sacred. To support this view, al-Mawardi cites a hadith narrated by Abu Hurairah:

“There will be leaders among you after me. Some will be good and lead you in goodness, while others will be evil and lead you with evil. Listen to them and obey them as long as it is righteous. If they do good, then the good is for you and for them. But if they do evil, then the good is for you, and their evil will return to them (Al-Mawardi, 1976).”

This contract establishes reciprocal rights and obligations between the head of state, as the entrusted leader, and the people, as the entrusters. According to al-Mawardi, there are ten key duties and obligations for the elected head of state: (1) to safeguard religion; (2) to implement justice among the people and resolve disputes to prevent oppression; (3) to maintain internal security, enabling citizens to conduct their activities

and travel safely; (4) to uphold hudud (prescribed punishments); (5) to establish a strong army to defend the state from enemy attacks; (6) to engage in jihad against those who reject Islam after being invited to it; (7) to collect zakat and taxes from those required to pay; (8) to distribute tax revenue to those entitled to it; (9) to appoint trustworthy officials and competent individuals to assist in fulfilling the trust and authority he holds; (10) to inspect the work of his assistants and supervise projects to ensure effective Islamic political governance, preserving both religion and the state (Al-Mawardi, 1976).

In this regard, al-Mawardi stands out as the only Islamic political thinker of the Middle Ages to propose that the head of state can be replaced if unable to fulfill their duties. However, al-Mawardi does not provide a specific method or mechanism for the replacement process. He also does not explain how Ahl al-Ikhtiyar or Ahl al-Hall wa al-'Aqd are selected, whether based on personal qualifications or as representatives of certain groups. Al-Mawardi's view of the social contract is also considered a modern idea, now widely adopted by advanced nations. This social contract establishes a system of checks and balances between the government and the people, ensuring that the government cannot act arbitrarily due to the established guidelines it must follow. Al-Mawardi's discourse on this topic is particularly insightful when positioned as a counterpoint to the perceived failings of democratic theory.

Al-Mawardi viewed democracy as a flawed, harmful, and undesirable system that fails to benefit society. Therefore, he did not advocate for democracy within Islam. While the political situation in the Islamic world during al-Mawardi's time was as dire as it was during al-Farabi's era, al-Mawardi's approach differed significantly from that of al-Farabi. Al-Farabi developed an idealistic political theory that was difficult to implement in any practical state. In contrast, al-Mawardi's political theory was grounded in existing realities (realistic), offering recommendations for reform or improvement.

CONCLUSION

Al-Mawardi's political thought effectively explained the realities and political practices of his time, often providing justification for the authority of the caliph. For him, the caliphate was both a religious commitment and a political activity. His ideas embody the normative or idealistic aspects of governance and Islamic political guidance. Al-Mawardi contributed insights into a theory of state that has since been recognized globally as a foundational perspective in Islamic political studies. He sought to offer solutions to limit the authority of the head of state and foster a more democratic political environment by establishing a blueprint for the procedure of appointing a head of state.

In state governance, al-Mawardi prioritized an institutional approach, emphasizing the maximization of institutional functions and the consolidation of state structures. His systematic organization of state institutions reflects his view that the caliphate, while the highest institution in the state, cannot act autocratically, as sovereignty ultimately remains with the people within the framework of religious values. However, under certain circumstances, the highest institution can be assumed by Ahl al-Hall wa al-'Aqd. Al-Mawardi's concept of the social contract also represents a modern idea that is now widely embraced by advanced nations. This social contract

establishes a system of checks and balances between the government and the people, ensuring that the government cannot act arbitrarily and must operate within established boundaries.

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