



Government in the Perspective of Fiqh Siyasaḥ: A Critical Study between Democracy and the Concept of Caliphate

¹Muhammad Ikhlas Bin Rosele Iubis, ²Mhd Soleh Hasibuan, ³Adinda Putri Hutabarat

¹Universiti Malaya, Kuala Lumpur, Malaysia

^{2,3}Universitas Islam Negeri Sumatera Utara

E-mail: ¹ikhlas@um.edu.my, ²msalehhasibuan29@gmail.com, ³dindahutabarat012@gmail.com

Article Info

Article History

Received : 2025-11-08

Revised: 2025-11-15

Published: 2025-12-30

Keywords:

Fiqh; government; democracy; Caliphate

Abstract

This study discusses the perspective of Islamic jurisprudence on the system of government, especially in comparing the concepts of democracy and the caliphate. In Islamic history, the caliphate was seen as an ideal system of government that applied Islamic sharia comprehensively, while democracy was a modern system rooted in the sovereignty of the people and individual freedom. This research uses the library research method by analyzing classical and contemporary sources, both from fiqh literature and Islamic political thought. The results of the study show that there is a diversity of opinions among scholars regarding the validity of democracy in Islam. Some scholars accept democracy as a means of *ijtihad* that can be adapted as long as it does not contradict the basic principles of sharia. Meanwhile, the caliphate system is seen as more ideal normatively, but it faces challenges in contextual implementation in the modern era. This study concludes that the fiqh approach to the system of government is dynamic and contextual, and opens up space for the integration of Islamic values in various forms of political systems.

I. INTRODUCTION

The debate on the ideal system of government in Islam is one of the most fundamental discourses in the study of fiqh siyasah, which continues to experience dynamics from the early period of Islam to the era of the modern nation-state. This issue is not only related to the form and structure of power, but also touches on theological, juridical and philosophical aspects of the relationship between religion, power, and the benefit of the people. In this context, the discussion of the caliphate and democracy occupies a central position, because the two are often positioned as two different paradigms of government, and even often ideologically opposed (A. S. Ali & Fil, 2025).

In classical Islamic political history, the caliphate is understood as an institution of government born from the need of the ummah to maintain religion and regulate world affairs (*ḥirāsāt al-dīn wa siyāsāt al-dunyā*) (A. S. Ali & Fil, 2025). Scholars such as al-Mawardi, Ibn Taymiyyah, and al-Ghazali viewed the existence of leaders as a necessity of shari'i in order to ensure the upholding of law, justice, and social order. The period of Khulafaur Rashid is often used as a normative reference because it is considered to represent the practice of government that is

closest to the ideal of fiqh, by emphasizing the principles of deliberation (*shūrā*), justice, trust, and the moral responsibility of leaders to Allah and the people (Abdullah, 2019). However, the historical experience also shows that the caliphate is not a completely monolithic system, but rather experiences variations in practice as the social and political context changes.

The formal collapse of the caliphate in 1924, following the dissolution of the Ottoman Caliphate, marked an important turning point in the political history of the Muslims. Since then, Muslims have been faced with a new reality in the form of modern nation-states with diverse systems of government, most of which adopt democratic models (Mulyati, 2014). This condition raises a normative and practical problem: how does fiqh siyasah view the legitimacy of a democratic system that historically developed from the Western tradition? Can democracy be positioned as a system that is contrary to the principle of God's sovereignty (*ḥākimiyyat Allāh*), or can it be understood as a mechanism of *ijtihad* that allows the realization of Islamic substantive values in the current context?

The difference of opinion among Muslim scholars and thinkers shows the complexity of this issue. Some scholars reject democracy conceptually because it is considered to place sovereignty in the hands of humans, thus potentially shifting the authority of the sharia. On the other hand, another view considers that democracy should not be understood as a complete ideology, but rather as a set of political mechanisms such as popular participation, restrictions on power, accountability, and the protection of basic rights, which do not substantially contradict the goals of the Shari'ah (maqāṣid al-sharī'ah). In this framework, democracy is seen as a means, not an end, that can be adopted and adjusted as long as it does not negate the basic principles of Islam.

Departing from this debate, this study seeks to place the issue of the caliphate and democracy proportionately in the perspective of fiqh siyasah, without being trapped in historical romanticism or a priori rejection of modern reality. The focus of the study is directed at tracing the conceptual roots of the two systems, the analysis of the normative argumentations of classical and contemporary scholars, and a critical assessment of the relevance and implications of both for the current practice of Muslim governance. With a qualitative approach through the study of literature on classical jurisprudence and contemporary Islamic political thought, this paper seeks to build a more comprehensive and reflective understanding of how Islamic values can be actualized in modern systems of government without losing their normative legitimacy.

Through this critical analysis, it is hoped that the study of governance in fiqh siyasah will not stop at the dichotomy between the caliphate and democracy, but will be able to offer a more inclusive and contextual conceptual framework in answering the political challenges of Muslims in the contemporary era.

II. RESEARCH METHODS

This study uses a qualitative approach with the library research method, because the study focuses on the analysis of Thoughts Islamic scholars and thinkers about the concept of government from the perspective of fiqh, especially related to the caliphate system and democracy. This qualitative approach aims to delve deeply into the normative, contextual, and argumentative understandings contained in

Islamic literary sources, both classical and contemporary (Rukhmana et al., 2022).

The main sources of data in this study come from primary literature such as the works of previous scholars, such as *Al-Ahkam al-Sultaniyyah* by Al-Mawardi and *As-Siyasah as-Syar'iyah* by Ibn Taymiyyah, as well as the thoughts of contemporary scholars such as Yusuf al-Qaradawi, Rashid al-Ghannoushi, and Taha Jabir al-'Alwani. In addition, this research also uses supporting secondary sources, such as modern academic books, scientific journal articles, and the results of previous research relevant to the theme of Islamic politics and the system of government.

III. RESULTS AND DISCUSSION

A. The Meaning of Government in the Perspective of Islam and the Basics of Fiqh

In Islam, the government (*Al-Ḥukm* or *Al-Sultāh*) is positioned as a fundamental institution that cannot be separated from the social life of the people. The existence of government is seen as a necessity of sharia because human beings as social beings need authorities who are able to regulate, order, and resolve conflicts. In contrast to the secular view that separates religion from political affairs, Islam views government as a means to realize divine values in worldly life (B. Ali, 2023). Therefore, the government not only regulates administrative and political affairs, but also carries out moral and religious missions in upholding justice and benefits.

In Islamic jurisprudence, the term government is more often referred to as the concept of *Imam* or *khilāfah*. Terms *Imam* emphasizing the leadership aspect, while *khilāfah* shows the function of representatives (istikhlāf), namely human beings as representatives of Allah in managing the earth according to His will. These two terms show that government in Islam is not just a power structure, but a great mandate that has theological consequences. A leader is not only responsible to the people, but also to Allah SWT (Candra, 2017).

The scholars of ushul fiqh have consistently affirmed that the existence of government is a collective obligation (*Fardhu Kifāyah*) which is determined based on *ijmā'*. Al-Mahmud in *Al-Ahkām al-Sultāniyyah* stated that the appointment of the imam was aimed at preserving religion and governing the world according to the principles of the Shari'a. This view is emphasized by al-Ghazālī who says that religion and power have a symbiotic

relationship; Religion needs power to be enforced, while power requires religion so as not to fall into tyranny. Without government, Islamic laws cannot be applied effectively, and the welfare of the ummah is threatened by chaos (*Slander*) (Saputra, 2023).

In fiqh siyasah, the principles of governance are developed based on the Qur'an, As-Sunnah, *ijmā'*, and *qiyās*. These principles include the obligation to appoint leaders, deliberation (*Sūrā*), justice (*Al-'ADL*), as well as orientation to the public interest (*Maṣlaḥah mursalah*). Concept *Maṣlaḥah mursalah* It is very important because it provides space for political *ijtihād* in dealing with new issues that are not explicitly regulated in NASH. All of these principles are directed towards the achievement of the goals of the Shari'a (*maqāṣid al-syarī'ah*), that is, to protect religion, soul, intellect, descendants, and property. (Assaiq, 2025). Thus, government in Islam is normative-teleological, that is, oriented to the goal, not solely to form.

B. The Concept of Caliphate in the Study of Classical and Contemporary Fiqh

Concept *khilāfah* In Islamic jurisprudence, it is one of the most central and complex themes in Islamic political discourse, because it touches on the core of the relationship between religion, power, and community governance. Conceptually, the caliphate is understood as a general leadership system of Muslims (*Al-Ri'āṣah Al-'Āmmah*) who are in charge of continuing the prophetic function in the aspects of managing world affairs and safeguarding religion, without having prophetic authority in the delivery of revelation (Suryani et al., 2025). Therefore, the caliphate cannot be understood simply as a political structure, but as a normative institution that contains theological, juridical, and ethical dimensions at the same time.

The legitimacy of the caliphate in Islamic jurisprudence comes from various normative foundations, both in the form of the Qur'an and As-Sunnah, *ijmā'* sahabat, and early Islamic historical practices. Although the Qur'an does not explicitly mention the term *khilāfah* as a system of government, the principles of leadership, justice, and obedience to legitimate authority are strongly affirmed. Hadith of the Prophet PBUH:

"إِذَا خَيْرُوا ثَلَاثَةً فِي سَفَرٍ، فَلْيُؤَمِّرُوا أَحَدَهُمْ"

provide normative cues that leadership is a fundamental necessity in social life, even in the context of small and temporary communities such

as travel. From this hadith, the scholars make an analogy (*qiyās awlā*) that on a much larger and more complex scale of the ummah, the existence of a leader becomes a more urgent need and cannot be abandoned. Thus, the appointment of a leader is not just a political choice, but a rational and shari'i demand to prevent chaos (*dar' al-mafāsid*) and safeguard the public good (*jalb al-maṣāliḥ*).

In the view of classical scholars, the caliphate is not only understood as an administrative political system, but also as a moral institution that functions to maintain a balance between power and divine values. Al-Mahmud in *Al-Aḥkām al-Sulṭāniyyah* formulating the caliphate as a collective obligation (*Fardhu Kifāyah*) which aims to preserve religion and govern the world based on the principles of sharia. He elaborated the criteria of the caliph in detail, including justice ('adālah), scientific capacity to do *ijtihād*, administrative skills, and physical and spiritual health. This formulation shows that leadership in Islam is measured not only by formal legitimacy, but also by the moral and intellectual capacity of its leaders (A. S. Ali & Fil, 2025).

Ibn Khaldūn in *Muqaddimah* expanding the perspective of the caliphate with a sociological-historical approach. He emphasized that the caliphate is a form of power that aims to subordinate worldly interests to religious goals. According to him, power that is not controlled by religious values has the potential to turn into mere domination (*mulk ṭabī'ī*), while the caliphate is ideally a power that functions as a moral instrument to uphold justice and benefit. Ibn Khaldūn's view shows that the legitimacy of the caliphate is determined not only by normative claims, but also by its ability to maintain social order and justice (bin Khaldun & Abdurrahman, 2001).

In the contemporary context, the caliphate discourse has experienced a sharp fragmentation of views, along with changes in the global political structure and the birth of modern nation-states. Figures such as Abul A'lā al-Maudūdī and Taqiyuddīn an-Nabhānī viewed the caliphate as a political system that must be formally and universally enforced. They argue that without the institution of the caliphate, the application of Islamic law will be partial and not comprehensive. In this view, the caliphate is positioned as a structural prerequisite for the establishment of the sharia as a whole, covering criminal,

economic, social, and international relations aspects (bin Khaldun & Abdurrahman, 2001).

On the contrary, reformist thinkers such as Muhammad 'Abduh and Rashid Ridha proposed a more substantive and contextual approach. They argue that the essence of the caliphate does not lie in a single institutional form, but in the values of Islamic governance such as justice, deliberation (*Sūrā*), accountability, and protection of people's rights. In this framework, the caliphate is understood as an ethical-normative concept that can be actualized in various forms of government, including the modern nation-state, as long as the goals of the sharia (*maqāṣid al-syarī'ah*) remains the main orientation (Khaerussalam et al., 2025).

These differences of view show that the caliphate in Islamic jurisprudence is not a static and closed concept, but dynamic and open to reinterpretation according to changes in social, political, and historical contexts. The shift in focus from the form of government to the substance of the values and goals of sharia reflects the methodological flexibility of *fiqh siyasah* in responding to the challenges of the times. Thus, the discourse of the caliphate does not dwell solely on the question "should the caliphate be established?", but also on a more fundamental question, namely "how can the values of Islamic governance be realized effectively and justly in contemporary political reality".

This approach emphasizes that the caliphate as a *fiqh* concept cannot be separated from its main goal, which is to realize the benefits of the ummah and prevent damage. Therefore, every attempt to revive the caliphate discourse must be placed in a critical and contextual framework, so as not to be trapped in historical romanticism, but to be able to answer the real needs of Muslims in the modern era.

C. Fiqh Scholars' Views on the Democratic System of Government

Democracy as a modern political system has sparked a long and serious debate among *fiqh* scholars, especially in the context of the relationship between the rule of law, human authority, and the position of sharia in state governance. This debate is not only political, but touches on the fundamental theological and methodological aspects of *fiqh siyasah*, especially related to the concept of *ḥākimiyyah* and the legitimacy of lawmaking (Iqbal, 2016). Therefore, the attitude of scholars towards democracy reflects different approaches in understanding

nash, *maqāṣid al-syarī'ah*, as well as contemporary socio-political realities.

The group of scholars who reject democracy absolutely depart from the principle of *ḥākimiyyah*, which is the belief that the sovereignty of law is completely in the hands of Allah SWT, and that humans do not have the authority to establish laws based on the will of the majority (Marling, 2024). In this view, democracy is understood as a secular system that places the source of law on the will of the people, thus potentially negating the authority of revelation. Shaykh 'Abdul Qadīm Zallūm emphatically stated:

"الديمقراطية نظام كفر"

This statement reflects the view that democracy is not just a political mechanism, but an ideology that is contrary to the principles of sharia. Democracy is considered to contain elements of legal relativism and opens up space for the legalization of things that are expressly forbidden in Islam, because truth and law are determined by the voice of the majority, not by the nash. Within this framework, acceptance of democracy is seen as a form of theological compromise that cannot be justified.

Nevertheless, this group also faces criticism, especially regarding the assumption that democracy has always been synonymous with rejection of God's laws. This critique highlights that the total rejection of democracy often ignores the complexity of modern political practice as well as the distinction between democracy as a secular ideology and democracy as a decision-making mechanism. This is where a more moderate and contextual alternative view emerges.

Groups of scholars who accept democracy conditionally view democracy not as an ideology that replaces religion, but as a political instrument or mechanism to manage power and prevent tyranny. Yusuf al-Qaradawi, for example, considers that democracy can be a legitimate means of realizing Islamic values as long as it does not conflict with the basic principles of sharia and is in harmony with the goals of Islamic law (*maqāṣid al-syarī'ah*). In this view, democratic principles such as justice (*Al-'ADL*), responsible freedom (*Al-ḥurriyyah al-muḍabṭah*), equality before the law, and the participation of the people in decision-making are seen as in line with the spirit of Islamic teachings (Amir & Rahman, 2025).

This approach emphasizes that Islam does not define a single, standard form of government, but rather establishes a set of normative values and

principles that must be embodied in the practice of power. Democracy, with its various modifications and restrictions of shari'i, can serve as a forum for actualizing *the principles of sūrā* in the context of the modern state. Thus, the legitimacy of democracy does not lie in its historical origins, but in the extent to which it is able to realize benefits and prevent tyranny.

A more moderate and contextual stance is taken by many contemporary scholars, particularly in Indonesia, who see democracy as an inevitable political reality in the nation-state system. Kiki Muhammad Hakiki emphasized that democracy can be accepted as long as it maintains the values of *sūrā*, justice, and the protection of basic rights of society. This approach does not position democracy as an end, but rather as a means that can be used to achieve the goals of the sharia.

Shaykh Muhammad al-'Utsaimīn even allowed political participation in a democratic system if it was aimed at preventing tyranny and greater corruption (*Dar' al-Mafasid*) (Yamin, 2018), as affirmed in the words of Allah SWT:

وَلَا تَرْكَبُوا إِلَى الَّذِينَ ظَلَمُوا فَتَمَسَّكُمُ النَّارُ
(QS. Judd: 113)

This approach shows the application of the fiqh *rule of irtikāb akhaff al-dararayn* (choosing lighter harm) in a political context. Participation in the democratic system is seen as a form of practical ijihad to prevent the domination of tyrannical groups and protect the interests of the people.

Methodologically, the difference in scholars' views on democracy reflects the difference in emphasis between the textual (nash-oriented) approach and the teleological (maqāsid-oriented) approach. The first group emphasizes literal adherence to the concept *hākimiyyah*, while the second and third groups emphasize the goals of sharia and social reality. This difference shows that fiqh siyasah has epistemological flexibility that allows various forms of political ijihad according to the context of the times (Marling, 2024).

Thus, the debate about democracy in Islamic jurisprudence cannot be simplified as a conflict between Islam and the West, or between faith and secularism. Rather, this debate is a reflection of the scholars' serious efforts to place Islamic values within the framework of complex modern governance. Democracy, in the perspective of contemporary fiqh siyasah, can be understood as an open ijihad space, where its legitimacy and limits are determined by the extent to which the

system is able to realize justice, benefits, and protection of the fundamental values of Islam.

This approach emphasizes that fiqh siyasah is not a rigid and ahistorical discipline, but a scientific tradition that is dynamic and responsive to the changing times, while adhering to the basic principles of sharia and its goals.

D. Differences and Similarities between the Democratic Government System and the Caliphate According to Fiqh Studies

Conceptually, democracy and the caliphate do show fundamental differences, especially related to the source of sovereignty and legal legitimacy. Democracy, in its modern sense, puts sovereignty in the hands of the people (*Popular sovereignty*), so that the highest authority in the determination of law and public policy lies in the collective will of citizens expressed through the mechanisms of representation and elections (Noor et al., 2023). In this framework, law is seen as a product of human consensus that is dynamic and can change with social, political, and cultural developments. Its legitimacy does not come from revelation, but from the approval of the majority and the principle of the social contract.

On the contrary, the concept of caliphate in Islamic jurisprudence emphasizes that true sovereignty is in the hands of Allah SWT (*hākimiyyat Allāh*). The law is not born from the will of man, but comes from the Qur'an and Sunnah as the main source of sharia. The Caliph, as the holder of political authority, did not have absolute authority to create new laws that were contrary to the nash, but was in charge of applying, preserving, and interpreting the laws of Allah in the life of society. Thus, the legitimacy of power in the caliphate is theological and normative, not just political or procedural (Noor et al., 2023).

These differences are often understood as irreconcilable contradictions. However, this view tends to ignore the complexity of government practices and the dynamics of Islamic political thought itself. In the tradition of fiqh siyasah, the sovereignty of Allah does not negate the role of human beings totally, but rather limits and directs this role. Humans are still given space to perform ijihad, especially in the realm of zhannī law and in social affairs that are not explicitly regulated by the nash (Andiko, 2013). This is where it can be seen that the difference between democracy and caliphate is not always black and white, but rather is within a broad spectrum of understanding.

At the level of values and principles, there is a significant meeting point between democracy and the caliphate. The concept of *sūrā* in Islam, which emphasizes deliberation in decision-making, bears substantial similarities to the principle of public deliberation in a democracy. Both reject authoritarianism and emphasize the importance of public participation in the political process. In the Qur'an, the practice of *sūrā* is praised as the character of the believing community, as affirmed in the Qur'an. al-Sūrā: 38. This principle shows that power in Islam is not arbitrary, but must be exercised through consultative and accountable mechanisms.

In addition, both democracy and the caliphate place social justice as the main goal of government. Modern democracy emphasizes the principle of equality before the law, the protection of citizens' rights, and checks and balances mechanisms to prevent abuse of power. Meanwhile, the caliphate places justice (*al-'adl*) as the fundamental goal of the sharia, where the ruler is accountable not only to the people, but also to Allah. In this framework, justice is not only legal-formal, but also moral and spiritual.

Supervision of leaders is also an important meeting point. In a democracy, oversight is carried out through parliament, judicial institutions, the press, and civil society. In the caliphate, supervision is realized through a mechanism *hisbah*, the obligation of *amar ma'ruf nahi munkar*, as well as the moral responsibility of scholars and the community to correct deviant rulers. Although the institutional form is different, the essence of supervision is the same, which is to prevent tyranny and ensure that power is exercised for the public good (Suryani et al., 2025).

The fundamental difference between democracy and the caliphate is ultimately more philosophical and normative than practical. Democracy rests on the philosophy of humanism and modern rationalism, while the caliphate is rooted in Islamic theology and ethics. However, in government practice, both systems face similar challenges, such as corruption, abuse of power, social inequality, and legitimacy crises. These challenges demand solutions that are not only procedural, but also moral and structural.

Therefore, some contemporary thinkers propose a synthesis approach, in which the basic values of the caliphate such as justice, trust, and accountability are integrated within the framework of the modern democratic state. This

approach does not aim to symbolically Islamize democracy, but to internalize sharia values in contextual and realistic government practices. In the context of a nation-state like Indonesia, this approach allows Muslims to actively participate in a democratic system without having to sacrifice its theological principles.

Thus, the relationship between democracy and the caliphate in *fiqh siyasah* should not be understood as a binary choice that negates each other. On the contrary, both can be read as two paradigms that have ontological and epistemological differences, but also open up space for dialogue and integration at the level of values and goals. This approach emphasizes that the ultimate goal of any system of government in the Islamic perspective is not its institutional form, but the extent to which it is able to realize justice, benefit, and human dignity in accordance with the principles of sharia.

E. Relevance and Implementation of the Concept of Islamic Governance in the Modern Context

In a modern context characterized by social complexity, political plurality, and the demands of transparent and accountable governance, the concept of Islamic governance remains of significant relevance. The relevance does not lie solely in its institutional form, but in the ethical and normative framework offered by *fiqh siyasah*. Basic principles such as justice (*Al-'ADL*), deliberation (*Sūrā*), trust, moral responsibility, and accountability of power are universal values that are inherently needed by every political system, regardless of its ideological background. These values serve not only as normative guidelines, but also as corrective instruments against the practices of power that tend to deviate from the goals of humanity (Assaiq, 2025).

In *fiqh siyasah*, power is not understood as a privilege, but as a mandate that must be accounted for, both horizontally to society and vertically to Allah SWT. This perspective provides an ethical dimension that is often absent in modern political practices that tend to be pragmatic and transactional. By making justice the main goal of government, *fiqh siyasah* rejects all forms of power that oppress, discriminate, or ignore the welfare of the people. In this context, justice is not only interpreted as formal equality before the law, but also as an active effort by the state to eliminate social inequality and protect vulnerable groups.

It is important to emphasize that the implementation of the concept of Islamic government does not have to be realized in the form of a formal caliphate as practiced in classical Islamic history. The institutional form of government is *ijtihadi* and is greatly influenced by the social, political, and cultural context of a society. Therefore, the measurement of the Islamic nature of a system of government should not be based on formal symbols or nomenclature, but on the extent to which sharia values are internalized in public policy and governance. This approach is in line with the views of many contemporary scholars who emphasize the substance of formalism in understanding Islamic politics (Candra, 2017).

Within the framework of a modern nation-state, the integration of Islamic governance values can be realized through various instruments, such as the formulation of public policies oriented towards social justice, the strengthening of mechanisms of supervision and accountability of power, and respect for the basic rights of citizens. The principle of *syūrā*, for example, can be actualized through a participatory and inclusive system of political representation, while the principles of trust and accountability can be translated into the practice of good governance, budget transparency, and fair and non-discriminatory law enforcement. Thus, *fiqh siyasah* contributes substantively to the strengthening of ethical and just democracy.

Approach *maqāṣid al-syarī'ah* play a key role in bridging Islamic normative values with the demands of political modernity. By placing the protection of religion, soul, intellect, property, and posterity as the primary goals of the sharia, the *maqāṣid* approach allows for flexibility in the formulation of policies and systems of government. The state is not required to adopt a single model of Islamic governance, but is required to ensure that every policy and practice of power contributes to the realization of the common good and the prevention of harm (*Jalb al-maṣāliḥ wa dar' al-mafāsīd*). This approach provides normative legitimacy for the adaptation of the modern political system as long as it does not conflict with the basic principles of Islam (B. Ali, 2023).

Furthermore, *fiqh siyasah* in the perspective of *maqāṣid* also opens up a space for dialogue with universal values such as human rights, democracy, and the rule of law. Rather than positioning these values as a threat to Islam, *fiqh*

siyasah offers a critical framework for studying, filtering, and integrating them in accordance with Islamic ethics. This approach reinforces the position of Islamic governance as a value system that is responsive to the changing times without losing its normative identity.

Thus, *fiqh siyasah* not only functions as a legal discipline that regulates power relations, but also as an ethical paradigm that guides the practice of modern government towards justice, balance, and the benefit of the people. In the context of the contemporary Islamic world facing a crisis of political legitimacy and social inequality, the revitalization of *fiqh siyasah* based on *maqāṣid al-syarī'ah* is an urgent need. This approach allows the birth of a model of government that is not trapped in the romanticism of the past, but is able to answer the real challenges of the ummah while still being grounded in the basic values of Islam.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusion

Based on the study of *fiqh siyasah* that has been described, it can be concluded that government from an Islamic perspective is an institution that has two dimensions, namely the normative-religious dimension and the socio-political dimension. Power in Islam is not understood as an instrument of domination alone, but as a divine mandate that must be carried out based on the principles of sharia. Therefore, government in Islam not only aims to create administrative order, but also carries out a moral and spiritual mission to realize justice, benefits, and protection of the basic rights of the ummah.

The concept of *khilāfah* as formulated in classical jurisprudence is understood as a general leadership system of Muslims after the death of the Prophet Muhammad PBUH which functions to maintain religion and regulate world affairs. Classical scholars such as al-Māwardī and Ibn Khaldūn affirm that the caliphate is not just a political structure, but an ethical institution that limits power with divine values. However, contemporary studies show that the caliphate cannot be understood ahistorically and literally. In the context of the modern nation-state, the concept of the caliphate is more relevant to be understood as a representation of Islamic governance values such as justice, *syūrā*, trust, and accountability than as a single institutional form that must be formally implemented.

The debate on democracy from the perspective of *fiqh* also shows the rich and pluralistic

dynamics of Islamic thought. The rejection of democracy by some scholars is based on concerns about the concept of people's sovereignty which is considered to be contrary to the principle of Allah's ḥākimīyah. However, on the other hand, many contemporary scholars view democracy as an instrumental, not ideological, political mechanism. Within this framework, democracy is acceptable as long as it does not conflict with the basic principles of sharia and is able to realize the goals of maqāṣid al-shari'ah, such as justice, protection of human rights, and public participation.

This study shows that the difference between democracy and the caliphate is more philosophical-normative than practical-operational. At the value level, the two have significant common ground, especially in the principles of deliberation, supervision of power, and the enforcement of social justice. Thus, the conflict between the two systems is not absolute, but rather opens up space for dialogue and value integration within the framework of contemporary fiqh siyasah.

B. Suggestions

An integrative and contextual approach is needed in studying and applying the concept of Islamic governance in the modern era. The study of fiqh siyasah should place more emphasis on the substance of sharia values, such as justice (*al-'adl*), deliberation (*syūrā*), trust, and the public welfare, rather than formal debates on the form of the system of government. In addition, academics and policymakers in Muslim-majority countries are expected to be able to make maqāṣid al-shari'ah a normative foundation in responding to the dynamics of democracy and modern governance in order to remain in harmony with Islamic principles.

REFERENCE LIST

- Abdullah, A. M. N. (2019). *Sistem Pemerintahan Khulafaur Rasyidin*. Pustaka Al-Kautsar.
- Ali, A. S., & Fil, S. (2025). *Kekuasaan politik islam: kritik atas pemikiran Taqiyudin An-Nabhani*. PT KIMHSAFI ALUNG CIPTA.
- Ali, B. (2023). *Otoritas Pemerintah Aceh dalam Merumuskan Jarīmah dan 'Uqūbah Perspektif Al-Siyāsah Al-Syar'īyah*. Universitas Islam Negeri Ar-Raniry.
- Amir, A. N., & Rahman, T. A. (2025). *Garis Besar Ideal Demokrasi dalam Islam*.
- Andiko, T. (2013). *Fiqh Kontemporer*. Penerbit IPB Press.
- Assaiq, M. R. (2025). *Maṣlahah Mursalah Sebagai Metode Pendekatan Dalam Studi Hukum Islam*. *Educatia: Jurnal Pendidikan Dan Agama Islam*, 15(1), 91–109.
- bin Khaldun, M., & Abdurrahman, A.-A. (2001). *Mukaddimah Ibnu Khaldun*. Pustaka Al Kautsar.
- Candra, A. A. (2017). *Pemikiran Siyasah Syar'iyah Ibnu Taimiyah: Kajian terhadap Konsep Imamah dan Khilafah dalam Sistem Pemerintahan Islam*. *UIR Law Review*, 1(2), 161–172.
- Iqbal, M. (2016). *Fiqh Siyasah Konstektualisasi Doktrin Politik Islam*. Kencana.
- Khaerussalam, A., Khaqiqi, A. F., & Siregar, A. (2025). *Revitalisasi Peradaban Islam: Menjembatani Teori Reformis dan Realitas Kontemporer*. *GHAITSA: Islamic Education Journal*, 6(2), 282–293.
- Marling, N. H. (2024). *Demokrasi Menurut Syariah: Perbedaan Pendapat Ulama Kontemporer*. *Journal of Islamic Law El Madani*, 4(1), 47–60.
- Mulyati, S. (2014). *Transformasi Budaya Dari Khilafah Turki Utsmani Menuju Republik Turki Modern (1830-1950)*. *Center of Middle Eastern Studies (CMES)*, 7(1), 4–13.
- Noor, E. S. P., Hasan, A., & Umar, M. (2023). *Demokrasi di Indonesia Mewujudkan Kedaulatan Rakyat*. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 1(4), 679–693.
- Rukhmana, T., Darwis, D., IP, S., Alatas, A. R., SE, M. M., Tarigan, W. J., Mufidah, Z. R., Muhamad Arifin, M. H. I., Cahyadi, N., & S ST, M. M. (2022). *Metode Penelitian Kualitatif*. CV Rey Media Grafika.
- Saputra, M. (2023). *PROSES PENGANGKATAN KEPALA NEGARA MENURUT PEMIKIRAN IMAM AL-MAWARDI DI TINJAU DARI PERSPEKTIF FIIQH SIYASAH*. *Prosiding Seminar Nasional Unars*, 2(1), 513–521.
- Suryani, I., Afrizal, A., & Syawaluddin, S. (2025). *Analisis Konsep Khilafah dalam Al Qur'an dan Sejarah*. *Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research*, 2(1), 843–854.
- Yamin, H. M. (2018). *perspektif demokrasi untuk Islam Indonesia*. Deepublish.