Popular Sovereignty in Islamic Law Perspective

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Abstract

Popular sovereignty is a fundamental principle in a modern state. The study addresses the noted contradiction between Islam and democracy resulting from the concept of legislative sovereignty. This stems from the Islamic belief in the sovereignty of God Almighty, while democracy places sovereignty in the hands of the people. The core objective of this research is to reconcile the dispute related to sovereignty and to elucidate the relationship between legitimate sovereignty in Islamic and democratic contexts. Both analytical and descriptive methodologies were applied to align with the research's requirements. The study's findings reveal that sovereignty has taken various forms since ancient times, and one of these forms aligns with Islamic principles. Consequently, the study recommends a re-evaluation of traditional perspectives on democratic sovereignty, urging recognition of the diverse manifestations of sovereignty.

Keywords: democracy; Islam; legislative sovereignty; popular sovereignty; succession

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Kedaulatan rakyat merupakan asas mendasar dalam negara modern. Penelitian ini membahas kontradiksi antara Islam dan demokrasi yang muncul dari konsep kedaulatan legislatif. Hal ini berawal dari keyakinan Islam terhadap kedaulatan Tuhan Yang Maha Esa, sementara demokrasi menempatkan kedaulatan di tangan rakyat. Tujuan utama dari penelitian ini adalah untuk mendamaikan perselisihan yang berkaitan dengan kedaulatan dan untuk menjelaskan hubungan antara kedaulatan yang sah dalam konteks Islam dan demokrasi. Metodologi analitis dan deskriptif diterapkan untuk menyelaraskan dengan kebutuhan penelitian. Temuan penelitian ini mengungkapkan bahwa kedaulatan telah mengambil berbagai bentuk sejak zaman kuno, dan salah satu bentuknya sejalan dengan prinsip-prinsip Islam. Oleh karena itu, penelitian ini merekomendasikan evaluasi ulang terhadap perspektif tradisional tentang kedaulatan demokratis, dan mendesak pengakuan atas beragam manifestasi kedaulatan.

Kata Kunci: demokrasi; Islam; kedaulatan legislatif; kedaulatan rakyat; suksesi

Introduction

The issue of popular sovereignty in a democratic system is perceived by some researchers as a significant barrier to embracing democracy. In Islam, sovereignty belongs to God Almighty, the absolute legislator, not bound by human will or natural law. In contrast, sovereignty in a democratic system is wielded by the people, leading to a situation where there is no higher authority than the people in matters of governance and legislation. It presents a clear challenge in reconciling Islam and democracy. The crux of the matter is not whether sovereignty in Islam belongs to God Almighty, as this is a matter settled by Muslim consensus. Rather, the question lies in whether there exists a conflict between the sovereignty of God in Islam and the sovereignty of the people in democracy. Is it conceivable for a human being to possess sovereignty in legislation and governance, not as an independent authority comparable to divine sovereignty but as a derived authority that extends from divine sovereignty?

Many have written about the concept of sovereignty and its problems in global themes either in the Islamic context. Slusarenco determines the role of popular sovereignty in the current constitutional framework from a philosophical point of view. He mentioned the specific aspects of popular sovereignty in the history of ideas. The doctrinal and practical interest in popular sovereignty is based on its political and legal dimension within the state-building framework.[1] Wolkenstein suggests a complementary account that stresses the central role of internally democratic and participatory political parties in actualizing popular sovereignty, drawing on the democratic theory of Hans Kelsen.[2] The two previous studies only suggested the big theme of popular sovereignty.

March discusses popular sovereignty in contemporary Islamic scholarships, such as the scholarship of Syed Abul A'la Maududi, Sayyid Qutb, and Rached Ghannouchi. However, it does not deal with the issue through the first Islamic sources, especially the Holy Qur'an and Sunnah.[3]

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[1] Svetlana Slusarenco and Veronica Pozneacova, "The Concept of the Popular Sovereignty from the Historical Perspective," *Revista Națională de Drept (National Law Journal)*, no. 1(249) (2023): 12–20, https://doi.org/10.52388/1811-0770.2023.1(249).01.

[2] Fabio Wolkenstein, "Agents of Popular Sovereignty," *Political Theory* 47, no. 3 (2019): 338–62, https://doi.org/10.1177/0090591718786232.

[3] Andrew F. March, "The Rise and Fall of Sovereignty in Modern Islamic Political Thought," *Comparative Political Theory* 1, no. 2 (2021): 342–54, https://doi.org/10.1163/26669773-bja10016;

Muqtedar Khan's research critically supports the integration of both traditional and political knowledge in examining Islamic stances on governance, offering a comprehensive view of its historical positioning within Islam. Khan addresses the spectrum of "moderate" and "extremist" trends within Islamic political thought, highlighting these stances' diversity and evolution over time, reflecting the nuanced approaches taken by various Islamic scholars and movements.[4] Al-Homsi introduced an alternative framework characterized as "Islamic enlightenment."[5] Within this framework, the study delves into the intersection of Islamic enlightenment, public policy, and good governance, exploring their theoretical underpinnings and the normative correlation between Sharia and the governance of a state, while Khan and others[6] focus on the concept of divine sovereignty as discussed in contemporary Islamic discourse. Additionally, it provided insight into the perspectives of certain Renaissance philosophers on the subject of sovereignty. The primary objective of this inquiry was to delineate the contemporary literary understanding of divine sovereignty. Finally, Adraoui[7] explores the notions of citizenship and sovereignty within Islamic and jihadist ideologies, investigating their perspectives on establishing distinct political boundaries among Islamic nations. It also delves into the evolution of sovereignty within jihadist ideologies over the last century. While these studies address key aspects of sovereignty, they diverge from this research by not addressing sovereignty in its democratic form as originally conceived in the Athenian era. Consequently, they do not

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Leila Chamankhah, "Andrew F. March, The Caliphate of Man: Popular Sovereignty in Modern Islamic Thought (Cambridge and London: The Belknap Press of Harvard University Press), 2019, ISBN 9780674987838, 300 Pp.," *The Muslim World* 111, no. 3 (2021): 549–52, https://doi.org/10.1111/muwo.12401; Usaama al-Azami, "Book Review: The Caliphate of Man: Popular Sovereignty in Modern Islamic Thought , by Andrew F. March," *Political Theory* 49, no. 6 (2021): 1062–66, https://doi.org/10.1177/00905917211011271.

[4] M. A. Muqtedar Khan, *Islam and Good Governance*, vol. 2 (New York: Palgrave Macmillan, 2019), https://doi.org/10.1057/978-1-137-54832-0.

[5] Jamal H. al-Homsi, "Islamic Enlightenment in Principle and Practice: Divine Sovereignty and Human Governance," *Malaysian Journal for Islamic Studies* 3, no. 2 (2019): 72–91, https://journal.unisza.edu.my/mjis/index.php/mjis/article/view/98.

[6] Abdus Samad Khan, Shaista Naznin, and Rizwana Gul, "Theoretical Explanation of Sovereignty and Statehood in Islam within the Purview of Modern Time," *Sustainable Business and Society in Emerging Economies* 4, no. 2 (2022): 317–326, https://doi.org/10.26710/sbsee.v4i2.2268.

[7] Mohamed-ali Adraoui, "Borders and Sovereignty in Islamist and Jihadist Thought: Past and Present," *International Affairs* 93, no. 4 (2017): 917–35, https://doi.org/10.1093/ia/iix123.

resolve the potential conflicts between sovereignty as depicted in Islamic texts and its democratic interpretation.

This paper seeks to address this inquiry through the subsequent sections; each one deals with a specific issue related to the main topic, such as exploring the concept of sovereignty, the historical context of the appearance of legislative sovereignty in the Western world, legislative sovereignty in Islam, clarifying disputed regarding the issue of legislative sovereignty in Islam, and finally specifies the conflict between democracy and Islam on the issue of sovereignty.

This research used analytical and descriptive methods to deal with the topic's related issues. In addition, both the inductive method and the deductive method were used. The inductive method is used to search the reliable data from their appropriate sources. While, the deductive method is used to link the statements and evidence, premises, and results.

The Concept of Sovereignty

The concept of sovereignty encompasses two main aspects: national sovereignty and legislative sovereignty. National sovereignty refers to a nation's independent authority and control over its affairs without external interference.[8] On the other hand, legislative sovereignty pertains to the supreme authority of a legislative body to make and enforce laws within a certain jurisdiction. This paper will delve deeper into both types of sovereignty before discussing the role of the sovereign.

National Sovereignty

In its legal sense, sovereignty refers to the supreme authority a state holds over its territory and external decisions.[9] The notion of national sovereignty is not a recent invention, nor is it, as Carl Schmidt suggested, solely a product of 16th-century legal philosopher Jean Bodin.[10] It is as ancient as political thought

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[8] Abdul Kahar Maranjaya, "A Mechanism for Filling Regional Heads Positions in a Democratic Manner According to Pancasila Democracy's Principle after the 1945 Constitution Amendments," *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 2 (2021): 227–49, https://jurnal.uin-antasari.ac.id/index.php/syariah/article/view/4870.

[9] Garrett Wallace Brown, Iain McLean, and Alistair McMillan, *the Concise Oxford Dictionary of Politics and International Relations*, Oxford Quick Reference (Oxford: Oxford University Press, 2018), 105.

[10] Carl Schmitt, *Political Theology Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge: The MIT Press, 2016), 45.

itself.[11] The earliest known discussion of sovereignty can be traced back to the Athenian philosopher Aristotle, who extensively examined sovereignty and its various forms in his famous work "politics," particularly in the fourth chapter.

Nevertheless, many legal scholars and politicians credit the theory of sovereignty to the Frenchman Jean Bodin, who served as an adviser to King Henry IV of France and authored "The Six Books on the Republic."[12] One researcher asserts that "the first comprehensive theoretical model of state sovereignty was formulated by Jean Bodin in his six books on the Republic," while another claims that "the French jurist Jean Bodin is recognized for introducing the theory of sovereignty into jurisprudence."[13]

The attribution of sovereignty to Jean Bodin is often misunderstood due to his discussion of defining sovereignty rather than its original mention. Bodin outlined the republic as having "the permanent and absolute authority," adhering solely to "the natural law and the law of the Creator." He emphasized that, apart from divine and natural law, the state is not subordinate to any legislative or executive authority.[14] Bodin's assertion that "no jurist or political philosopher has attempted to define sovereignty" is often misconstrued as the introduction of sovereignty, but this is inaccurate.[15]

While Bodin highlighted the absence of a formal definition of sovereignty, it is essential to recognize that Aristotle had previously addressed sovereignty in his work "Politics," contributing significantly to the discourse. Nevertheless, Bodin's comprehensive and succinct exposition on sovereignty in the twenty-fifth chapter of his book "Six Books on the Republic" warrants acknowledgment. Consequently, Harold Laski commended Bodin's research as "the first to address the theory of sovereignty in a modern manner."[16]

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[11] Jean-Michel Le Bot, "Julien Freund and the Essence of the Political, a 'Mediationnist' Reading," *Tétralogiques* 20 (2015): 203–22, https://www.tetralogiques.fr/spip.php?article129.

[12] Ali Hussein, *The Sovereignty of States between the Politicization of Law and the Codification of Politics* (Damascus: Syrian General Authority for Books, 2009), 70.

[13] Othman Ali al-Rawandouzi, *Sovereignty in the Light of Contemporary International Law* (Cairo: Dar al-Kutub al-Qanuni, 2010), 92.

[14] Jean Bodin, *On Sovereignty: Six Books of the Commonwealth* (Kentucky: Seven Treasures publications, 2009), 212.

[15] Bodin, 26.

[16] Harold J. Laski, *Rules in Political Science* (Beirut: Dar al-Biruni, 2015), 25.

The definition of sovereignty revolves around a state's authority to enforce its will internally and externally. The concept of national sovereignty, as outlined in the Treaty of Westphalia in 1648, gained significance following the religious conflicts that spanned three decades. This treaty, signed by major powers, laid the groundwork for the legal understanding of sovereignty,[17] which was further emphasized after World War II. Most countries globally have committed to upholding the principles of sovereignty outlined in the United Nations Charter.[18]

As a legal abstraction, national sovereignty surpasses laws and regulations and is intrinsically linked to the state's identity, regardless of its religious affiliations. Julian Friend expressed that sovereignty is not purely a legal concept but is deeply rooted in politics, often striving to establish a legal framework to bolster its authority, "Sovereignty is a concept that goes beyond the law, it is purely political, it can take on a meta-legislative meaning in the sense that all forms of sovereignty attempt to build a legal base to strengthen their power."[19]

While national sovereignty is not a primary focus in this research, it bears noting that it is not a requisite for democratic systems but rather a fundamental element for the existence of the modern nation-state. Notably, national sovereignty is independent of a state's political structure.[20] When examining the notion of sovereignty within the context of Islam's stance on sovereignty, there are instances where national sovereignty is mistaken for another form of sovereignty.

Legislative Sovereignty

When we refer to an entity or an individual as having legislative sovereignty, it means they have the supreme authority in making laws. No one has the right to create laws that are superior to or parallel to their laws. This concept of legislative sovereignty is crucial in a democratic system, as it emphasizes that sovereignty should belong to the people. Therefore, in most democratic constitutions or those claiming to belong to the democratic world, sovereignty lies with the people the Parliament represents. For example, the American Constitution, in Article 1, states that all legislative powers are vested in the hands of Congress, representing the

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[17] Jan Dobraczynski, *Christian Europe*, 4th ed. (Damascus: Dar al-Hasad, 2007), 65.

[18] Harold J. Laski, *A Grammar of Politics* (New York: Routledge, 2014), 34.

[19] Cees Eijk, *The Essence of Politics* (Amsterdam: Amsterdam University Press, 2018), 20, https://doi.org/10.5117/9789463727211.

[20] Laski, *A Grammar of Politics*, 35.

American people: "*All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.*"[21] The American Constitution begins with the phrase "*We the People of the United States,*" highlighting the comprehensive and central role of popular action without the presence of any authority above it.

Similarly, the French Constitution also attributes sovereignty to the people. Article Three of the French Constitution states that "national sovereignty belongs to the people, who exercise it through their representatives and by referendum."[22]

The concept of national sovereignty is distinct from legislative sovereignty. National sovereignty is attributed to the state as a legal entity, regardless of the source of legislative sovereignty. On the other hand, legislative sovereignty, which is the basis of the possibilities of source variation, may be attributed to an individual, a people, or a specific elite. The constitution determines the possibilities, while national sovereignty is always attributed to the state.

Legislative Sovereignty in the Western World

As for legislative sovereignty, after distinguishing between national and legislative sovereignty, we assert that the dispute does not revolve around the possession of national sovereignty, as there is a consensus that it belongs to the state as an independent entity, separate from popular consciousness. Instead, the ongoing dispute concerns legislative sovereignty – who holds absolute legislative authority? Is it religion? Or the individual, based on inherent human nature or the theory of divine right? Or is it held by an elite, regardless of their identity? Or is it the people in their political sense?

It has been a contentious issue in the past and continues to be so in the present. There is not enough space here to narrate the history of legislative sovereignty in both the Islamic and Western worlds.[23] Ultimately, legislative sovereignty in the Islamic world has never been a matter of dispute in its origins,

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[21] Jesse H. Choper et al., *Constitutional Law: Cases, Comments, and Questions* (Boston: West Academic Publishing, 2021), 28.

[22] Amani Fahmy, *The French Constitution* (Cairo: Cairo National Center, 2012), 51.

[23] Syariful Alam, Sholahuddin al-Fatih, and Merve Ozkan Borsa, "Islamism and the Challenge of Democratization in Indonesia," *De Jure: Jurnal Hukum dan Syar'iah* 15, no. 2 (2023): 198–213, https://doi.org/10.18860/j-fsh.v15i2.23398.

from the Rashidun era, through the Umayyad and Abbasid eras, to the various subsequent empires such as the Fatimid, Seljuk, and Ayyubid, and up to the era of the Ottomans. Until the early twentieth century, the source and ownership of legislative sovereignty among Muslims was not a topic of contention. Throughout this history, no Muslim ruler claimed absolute authority in legislative sovereignty. All Muslim rulers consistently acknowledged that legislative sovereignty belongs to God Almighty, even though many of these rulers did not practice this in reality – another issue altogether. Scholars outside the Islamic sphere even recognize this fact. For instance, Christian researcher Wael Hallaq states: "There was no ruler who could dispute the fact that Sharia has the supreme say in the courts to a degree no less than it is so in society as a whole."[24]

In the Western world, the debate about sovereignty in European history, from the pagan era through the medieval era, the Renaissance, and up to the French Revolution, was centered around the relationship between the holy man and the commissioned man. It was never a debate between God and man, as no European society questioned the authority of religion. Instead, objections were raised against the clergy's authority or the authority of kings who claimed their power was delegated by religion (the theory of divine right).

This perspective is consistent with European thought from the Athenian era through the early stages of the French Revolution. In the Athenian era, Jean Tuchard observed that the prevailing intellectual mindset in Athens acknowledged divine legislative sovereignty. He noted, "Indeed, from Heraclitus to Isocrates, there was only one cry, which was: All human laws are derived from a divine law."[25] The French philosopher Jacques Rousseau remarked that the people of the pagan era "did not distinguish between the gods and the laws that belong to them."[26]

During the Middle Ages and the Renaissance, the prevalent theory was the concept of divine right or divine authorization. This theory implies that the ruler is chosen by God to be His representative on earth and is authorized to carry out

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[24] Alam, al-Fatih, and Borsa.

[25] G. S. Kirk, J. E. Raven, and M. Schofield, *The Presocratic Philosophers: A Critical History with a Selection of Texts* (Cambridge: Cambridge University Press, 1983), 31.

[26] Jean-Jacques Rousseau, *The Social Contract*, 1st ed. (Beirut: Dar al-Tanweer, 2012), 28.

the divine will, similar to how feudal lords in Europe once operated. For example, a ruler may address the people: "I am the Tsar here, I am your God on earth, and I am responsible for you before God in heaven."[27] Jill Carroll, a professor of religious philosophy at Rice University in the United States, explains that during religious wars in Europe, individuals were executed for practicing a different religion than the kings who ruled by divine right.

This theory, prevalent during the Middle Ages and the Renaissance, did not imply a competition with God over legislation; rather, it was about vying to represent and embody divine sovereignty on earth.[28]

In philosophy, we find that the writings of many European philosophers do not focus on the conflict between God and man but rather on the struggle among humans themselves. They don't debate whether divine sovereignty is superior to human sovereignty, but rather, they deliberate on the validity of human sovereignty surpassing divine sovereignty and the potential existence of a sacred and immaculate human being.

Let's look back at the writings of the Frenchman Jean Bodin. We find him discussing the extent of the ruler's independence through legislative sovereignty in relation to the general public rather than in relation to God or natural law, which is considered subordinate to divine legislation.[29]

The French philosopher Rene Descartes stated: "First of all, we must adhere to the rule that protects us from error, which is that what God has revealed is certain and not modified by anything else. If reason indicates something contrary, we must submit our judgment to what comes from God."[30]

Following Descartes, the Dutch philosopher Baruch Spinoza theorized about knowledge, its sources, patterns, and forms, covering about eighteen chapters in his book *A Treatise on the Reformation of the Mind*. He concluded by stating that the ultimate benefit from these discussions is that "we are in reality the servants of God and His servants, and we necessarily derive great perfection

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[27] Eric Hobsbawm, *The Age of Revolution in Europe,* 2nd ed. (Beirut: Tarjuman Foundation, 2008), 32.

[28] Jill Carroll, *Civilizational Dialogues*, 1st ed. (Cairo: Dar al-Nil, 2011), 16.

[29] Jean Bodin, *On Sovereignty: Cambridge Text in the History of Political Thought*, ed. Julian H. Franklin (Cambridge: Cambridge University Press, 1992), 25.

[30] Rene Descartes, *Descartes: Meditations on First Philosophy*, ed. John Cottingham (Cambridge: Cambridge University Press, 2017), 5, https://doi.org/10.1017/9781107416277.

from this. If our being were independent of God's being and did not follow Him, the things we could accomplish would be few, or even non-existent, and this inability would be the cause of our misery."[31]

Turning to the philosophers of the English school, starting with Thomas Hobbes, he theorized that the individual ruler possesses absolute legislative sovereignty. However, by absolute freedom, he meant unrestricted "popular" freedom, not unrestricted "religious" freedom. He indicated that "individuals must obey absolute rulers in an abstract and simple manner in all aspects, where their obedience does not conflict with God's laws."[32]

Suppose there is a conflict between religious text and what seems logical. In that case, Hobbes immediately sees that the problem is not in the religious text, but "either in our clumsy interpretation or in the misuse of our logic."[33]

Afterward, John Locke followed a similar path, emphasizing the importance of religion. He often referred to the Bible as the ultimate authority in debates. During one of his discussions with opponents, he argued that there was no biblical support for their arguments and stated that he would accept their opinion if they could show where Christ established such a law for the church.[34]

The French philosopher Catherine Kintzler commented on one of John Locke's arguments, stating, "We must pay attention to the argument presented in John Locke's text, as he believes that the relationship between religious faith and civil law is essential."[35]

Following John Locke, Western philosophers successively relied less on individual legislative sources and favored popular legislative sources. This trend culminated with the French philosopher Jean-Jacques Rousseau, who tied legislative decisions to the general will and rejected anything less, effectively removing the individual ruler from the legislative process.[36]

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[31] Baruch Spinoza, *On the Improvement of the Understanding* (Mineola: Dover Publication, 1995), 10.

[32] Thomas Hobbes, *Leviathan*, ed. Richrad Truck (Cambridge: Cambridge University Press, 1996), 30.

[33] Hobbes, 31.

[34] John Locke, *A Letter Concerning Toleration* (Massachusetts: Hackett Publishing, 1983), 16.

[35] Catherine Kintzler, *What is the Secularism?* (Cairo: The National Center of Translation, 2017), 19.

[36] Locke, *A Letter Concerning Toleration*, 74.

In his writings, Jean-Jacques Rousseau did not address the separation of religion from power. Instead, he explicitly accepted legislation as the ultimate authority, stating, "What is right and good for the state is determined by the very nature of things, independent of human agreements, and all justice comes from God. God alone is the source of justice, but if we could receive it from this highest source, we would not need government or laws."[37]

This text highlights the root of the problem that troubled the Western mind. It denies having an issue with religious texts but believes that "all justice comes from God." The problem lies in the claim of ecclesiastical authority to embody divine will and the lack of confidence in attributing such legislation to religion. This exact problem also concerned John Stuart Mill, who, while rebelling against the restriction of freedoms, argued that such constraints were inconsistent with the teachings of Christ, not because they were incorrect in principle.[38]

Even the French Revolution did not have a problem with religion as a religion. Rather, its claims were directed directly towards political and ecclesiastical authority, and its attack on the church was in the context of its attack on all remaining medieval institutions. In this regard, the historian of the French Revolution, de Tocqueville, says: "The truth is that the revolution was not carried out at all, as believed, to destroy the empire of religious beliefs. It was, in essence, and despite appearances, a social and political revolution."[39]

After the French Revolution, the matter became open hostility towards religion, to the point that they were even afraid to mention the name of God in their books. Gustave Le Bon says: "And among them were those who were driven by fear not to mention the name of God in their brief writings." He mentioned an example of this: a famous novel about a small fish about which the author said, "It becomes big if God lengthens its life." Gustav says: "Then new authors came and transformed this word into the phrase that says: The small fish becomes big if its life is long."[40] That is, they deleted the word of God from the narrative.

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[37] Jean-Jacques Rousseau, *The Social Contract*, ed. Maurice Cranston (London: Penguin Books, 1968), 41.

[38] John Stuart Mill, *On Liberty* (Massachusetts: Hackett Publishing, 1978), 34.

[39] Alexis de Tocqueville, *The Ancient Regime and the French Revolution*, 1st ed. (Cairo: National Centre for Translation, 2010), 30.

[40] Gustave Le Bon, *The Crowd: A Study of the Popular Mind* (New York: Viking Press, 1960), 17.

The matter reached its peak with the German Friedrich Nietzsche, who said about the idea of the existence of God that it was just a thought: "I did not pay any attention to it and did not waste any time on it, even when I was a child."[41] This statement was never accepted throughout the general philosophical path of the Renaissance until the time of the French Revolution.

All of these texts prove that there was no real problem with the idea of the supremacy of religion, but rather, the problem was exclusively with the supremacy of religious authority.

Legislative Sovereignty in Islam

The ongoing debate within Western intellectual circles about legislative sovereignty and the balance of power between the ruler and the people, as opposed to religion, has never been a topic of discussion in Islamic contexts. This debate does not appear in the texts of revelation, the jurisprudence of Islamic scholars, or in the historical practices of Islamic political authorities.

The texts of revelation clearly state that divine legislation is absolute and not subject to the will of any individual or ruler, whether they are a prophet or otherwise. This includes the words of God Almighty:

> It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and His Messenger, he has indeed strayed into a plain error. (QS. al-Aḥzāb: 36)

> O you who believe! Obey Allah and obey the Messenger (Muhammad peace be upon him), and those of you (Muslims) who are in authority. (And) if you differ in anything among yourselves, refer it to Allah and His Messenger (peace be upon him), if you believe in Allah and in the Last Day. That is better and more suitable for final determination. (QS. al-Nisā': 59)

> Mankind were one community and Allah sent prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed. (QS. al-Baqarah: 213)

> God Almighty's words criticizing the illusion of legislative participation:

> Or have they partners with Allah (false gods), who have instituted for them a religion that Allah has not ordained? (QS. al-Shūrā: 21)

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[41] Friedrich Nietzsche, *This Man*, 1st ed. (Damascus: Nineveh Publishing House, 2014), 28.

The unequivocal verses establish that God Almighty holds the ultimate authority in legislation, and there is no scope for establishing a legislative authority on par with divine legislation. The writings of Muslim scholars further support this assertion. For instance, Abu Hamid al-Ghazali, a respected scholar, expounds on the nature of governance in Islam, stating, "It is evident upon exploring governance that there is no legislator except God; neither the Messenger, nor a master over a servant, nor a creature over a created being possess such authority. All authority and status belong to God Almighty, and there is no authority other than His."[42]

In another context, he elaborates on the issue: "The right to authority and command belongs solely to the one who possesses creation and control. The one in authority is the ruler over what is owned, and there is no owner except the Creator. Therefore, authority and command belong exclusively to Him." He dismisses all entities other than God from having legislative authority, including the prophets themselves: "Regarding the Prophet, peace and blessings be upon him, the ruler, the leader, the father, and the husband – if they issue commands and obligations, their obligation is not binding. Only God Almighty's obligation to obey them is binding."[43]

The writings of Imam al-Ghazali explicitly reject the notion of any authority apart from the Creator, Almighty, in matters of legislation, including the highest position among creations, which the Prophet holds, may God bless him and grant him peace. If the Prophet, may God bless him and grant him peace, does not possess independent authority in legislative matters, then the ruler holds a greater claim to this authority. By rejecting the independent legislative authority of the Prophet, may God bless him and grant him peace, it means that he does not possess it autonomously. Therefore, our obedience is not to him as Muhammad bin Abdullah, but rather as a prophet and messenger from God Almighty. Without this divine dimension, our obedience to him would not be incumbent.

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[42] Anthin Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāṣid Ḥifẓ al-Dīn," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 1 (2022): 369–90, https://doi.org/10.22373/sjhk.v6i1.10957.

[43] Salafuddin Noor, Ahmadi Hasan, and Nuril Khasyi'in, "Review of Political Theory of Islamic Law Abul 'Ala al Maududy Positive Perspective of the Political System of Indonesian Islamic Law," *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 1 (2023): 36–49, https://doi.org/10.18592/sjhp.v23i1.9626.

The statement attributed to Imam al-Ghazali holds significant historical relevance. It was made in the 12th century AD, when Western societies were ascribing all legislative authority to the ruler, viewing them as the embodiment of divine will on earth. This assertion is widely acknowledged among Muslim scholars, irrespective of their ideological or political perspectives. There is no record of any Muslim scholar dissenting on this matter, nor have individual Muslims, regardless of their academic or political standing, contested this assertion.

The initial divergence among Muslims at the political event in Saqifat Bani Sa`idah centred not on the question of legislative sovereignty but the methods for its implementation. Certain Companions perceived the imamate as vested in the Quraysh, while others attributed it to the Ansar. This divergence revolved around identifying the leader responsible for translating legislative sovereignty into tangible state-level practices. Notably, the disagreement did not concern the possession of legislative sovereignty, as all parties relied on legal texts as incontrovertible evidence, accepting them as the ultimate authority and reference for the dispute.

The conflict between Ali bin Abi Talib, may God be pleased with him, and Muawiyah bin Abi Sufyan, may God have mercy on him, following the era of Othman, may God be pleased with him, was primarily centered around the issue of guardianship of Othman's descendants. Neither party asserted legislative authority.

Likewise, the dispute between Ali bin Abi Talib and the Kharijites was not "over" legislative sovereignty but rather "in" legislative sovereignty. The Kharijites thought that by accepting the two rulings, Ali was satisfied with something other than Sharia as a ruling and a reference, and they fought him with the slogan "Rule belongs only to God," believing that there is no legislative sovereignty for anyone other than God Almighty. Ali responded by saying that his acceptance of the two rulings does not mean that their rulings will be legislatively equivalent to divine legislation. Rather, what was required was to examine how to apply God's ruling and His law in the dispute between Ali and Muawiyah.

The conflict between the Kharijites and Ali bin Abi Talib clearly demonstrates the concept of divine authority over legislative sovereignty. This issue is definitive and not open to debate. Ali's objection to the Kharijites was not based on their challenge to legislative sovereignty but on their misunderstanding of his acknowledgement that all legislative sovereignty belongs to God. This is evident in his renowned statement, "A word of truth with

which I intend falsehood,"[44] made in response to the Kharijites' assertion that "Rule belongs only to God." Ali did not refute the essence of the statement, as he deemed it "truth," but rather rejected the Kharijites' misapplication of it.

The concept of legislative sovereignty in both the Islamic and Western worlds has been a topic of discussion throughout history. Even during the rule of the most oppressive caliphs, it was claimed that their actions were in accordance with divine legislation, albeit interpreted to suit their political and security agendas.

The belief in the supremacy of divine legislation was consistently upheld by both Muslim scholars and rulers, with little change until the early 20th century.[45] This period marked the beginning of debates surrounding the separation of religious and political authority following the dissolution of the Ottoman Caliphate in 1924.

Upon examining the history of legislative sovereignty in the Islamic and Western worlds, it becomes apparent that neither world upheld the idea of opposing God's sovereignty, and legislative sovereignty for the people was minimal in both cases. The key disparity lies in the fact that in the Western world, rulers claimed to be representatives of God through the theory of divine right, asserting their authority above the law. Conversely, Muslim rulers refrained from explicitly claiming immunity from legal accountability, as seen in European practice.

Resolving the Dispute Regarding the Issue of Legislative Sovereignty in Islam

We have previously concluded that the legal texts are correct and clear in stating that legislative sovereignty is the prerogative of the Divine Being. Any attempt to dispute legislative matters in the realm of religious texts is rejected by Sharia, as stated in:

> Or have they partners with Allah (false gods), who have instituted for them a religion which Allah has not ordained? (QS. al-Shūrā: 21).

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[44] Abū Ḥusayn Muslim ibn al-Ḥajjāj al-Naysābūrī, *Ṣaḥīḥ Muslim* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2008), 80.

[45] Louay Safi, *Political Righteousness and Its Normative Foundations* (Beirut: Arab Network for Research and Publishing, 2015), 51.

The important and decisive question is: What area is covered by divine legislative sovereignty in Islam? To answer this, we can divide it into two areas:

The first area is the text area, which includes everything mentioned in legal texts or implied by them, either through revelation or activation, such as analogy and extrapolation based on the principles of jurisprudence.[46] Ultimately, only the legal text expresses the intention of God Almighty. As al-Juwayni said: "The origin of the ruling is the word of God Almighty, and everything else is derived from it."[47]

The second area is the non-text area, which lacks specific legal texts or rulings arising from their activation and use. This region can be referred to as the "non-text region." I believe that the term "zone of non-existence" is more fitting than "legislative vacuum" because it more clearly conveys the intended meaning. The term "legislative vacuum" may lead to misconceptions, as it might be mistakenly associated with an obligatory vacuum.

After explaining these two regions, the question arises: Who has sovereignty in these two regions? We say that sovereignty in both regions belongs to God Almighty. However, His sovereignty in the first region is direct, while His sovereignty in the second region is indirect and successive.

Direct Divine Sovereignty

God Almighty has absolute and direct sovereignty in the divine texts. The direct sovereignty is represented in the legal text. Neither male nor female believer has an opinion equivalent to the legal text. Rather, the legal text has the highest say and absolute sovereignty. God Almighty says:

> It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and His Messenger, he has indeed strayed into a plain error. (QS. al-Aḥzāb: 36).

The texts of the Sharia consistently reaffirm the authority of the word of Muslims, both in historical and contemporary contexts, as previously elucidated. In the verse,

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[46] Muwaffaq al-Dīn Abū Muḥammad 'Abdullah ibn Aḥmad iibn Qudāmah, *Rawḍat al-Nāẓir wa Jannat al-Munāẓir: Fi Uṣūl al-Fiqh 'alā Madhhab al-Imām Aḥmad ibn Ḥanbal* (Saudi Arabia: al-Rayyan Fundation, 2002), 108.

[47] A. H. Asari Taufiqurrohman et al., "The Role of Islamic Law, Constitution, and Culture in Democracy in the UAE and Indonesia," *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 83–100, https://doi.org/10.15408/ajis.v24i1.33155.

The command is for none but Allah. He has commanded that you worship none but Him. (QS. Yūsuf: 40)

the Almighty emphasizes the exclusive sovereignty of God, establishing a connection between servitude and rulership. This serves exposed that those who seek authority other than God they effectively worship that authority. This notion is further emphasized in the verse of repentance:

> They (Jews and Christians) took their priests and their anchorites to be their lords besides Allah. And (they took as their Lord) Christ, son of Mary; yet they were commanded to worship but one God (Allah), and there is no god but He. Praise and glory be to Him. (far is He) from having the partners they associate (with Him). (QS. al-Tawbah: 31)

In this verse, it is explicitly expressed that Islam believes Christians worship their scholars by elevating the status of scholars to that of gods. The phrase "lords besides God" is evidence that they consider everyone mentioned in the verse - scholars, monks, and Christ - to be gods to be worshipped besides God. Therefore, the verse emphasizes abstaining from deifying anyone other than God and worshipping only one God. As for the issue of deifying Christ, Christians explicitly fell into it by making Jesus himself a god. However, regarding the priests and anchorites, Christians did not explicitly claim that they were gods. So, why did the Qur'an accuse them of deifying the scholars? This question was raised in the early days of Muslim legislation.

The great companion Adi bin Hatim –may God be pleased with him, asked the Messenger of God about why Christians were accused of deifying scholars even though they did not acknowledge this accusation. After reciting the previous verse: "We do not worship them," the Prophet, may God's prayers and peace be upon him, answered with a denouncing question that included the answer: Don't they prohibit what God has permitted and permit what God has prohibited?) Adi bin Hatim acknowledged this, to which the Prophet responded, "This is their worship."[48]

Therefore, Islam is clear about not attributing legislative sovereignty to anyone other than God Almighty. It is not only forbidden but is considered polytheism and enslavement to others.

In light of the foregoing, it is impermissible for the Muslim community to prioritise its will over that of the legislator. The enactment of legislation in

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[48] Noor, Hasan, and Khasyi'in, "Review of Political Theory of Islamic Law Abul 'Ala al Maududy Positive Perspective of the Political System of Indonesian Islamic Law."

conflict with divine law, such as lending support to oppressors, endorsing tyranny, permitting alcohol or usury, or nullifying the prescribed penal codes outlined in the divine discourse, such as capital punishment for murder, flogging for adultery, and amputation for theft, is likewise impermissible.

Subtractive Human Sovereignty

In the absence of explicit legal provisions within the realm of non-text, the determination of divine will becomes indeterminate, thereby precluding "direct" divine sovereignty within this domain. In other words, there exists no specific divine will be pertaining to this region for a Muslim to acknowledge its authority. This raises the question for those who dispute the Muslim community's absolute legislative sovereignty: Who holds sovereignty over a non-existent realm?

In the event that legal texts expressing legislative will are absent, only jurisprudential legislation, i.e., human legislation, would endure. However, in line with the doctrine of successor sovereignty, human beings possess the supreme authority to enact legislation that aligns with divine law, thereby asserting their right to legislate in a manner compatible with their needs. This particular region comprises a pivotal aspect of the ongoing discourse surrounding sovereignty in Islam. The lack of recognition of this domain among those who impede the establishment of democracy, citing sovereignty as a pretext, serves as the primary catalyst for manifesting an imaginary conflict that resides solely in the minds of its proponents.

The concept of successor sovereignty rests on two fundamental principles:

Firstly, it grants Muslims the right to legislate in areas not covered by religious law. It demonstrates the legitimacy, and at times obligation, of ijtihad, as affirmed by consensus among Muslim scholars. It is important to note that ijtihad operates beyond the scope of textual guidance, as there is no foundational basis for *ijtihād* within the religious texts. Human legislation should never contradict the divine text, as stated in the Qur'an:

> It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and His Messenger, he has indeed strayed into a plain error. (QS. al-Aḥzāb: 36).

Al-Razi emphasized that, in matters revealed by God, consultation is not permitted as the validity of opinion and analogy is annulled by divine text, "They agreed that in everything that was revealed as a revelation from God, it was not

permissible for the Messenger to consult the Muslim ummah concerning it, because if the divine text came, opinion and analogy would be invalid."[49]

The second pillar is supported by the same evidence that demonstrates the obligation of ijtihad in Islamic law, which underscores the prohibition of human legislation to contradict established textual guidance:

O you who believe! Obey Allah and obey the Messenger (Muhammad peace be upon him), and those of you (Muslims) who are in authority. (QS. al-Nisā': 59).

The verse emphasizes the importance of obedience to God and His Messenger; may the best prayers and peace be upon him. This obedience is achieved through adherence to the Qur'an and Sunnah. However, obedience to those in authority requires additional context. Their obedience is dependent on actions that may surpass the textual guidance. Given the potential for error when surpassing the text, the verse only explicitly mentions the verb "obey" in relation to God and His Messenger. It underscores the absolute nature of obedience to God and His Messenger, precluding the assessment of the Messenger's words against external standards of revelation.

In contrast, obedience to those in authority is not regarded as independent and fundamental, but rather subsequent and incidental. The Sunnah specifically emphasises the importance of diligence, and it even outlines the reward for such diligence, irrespective of its outcome. This is demonstrated in the saying of the Prophet, may God bless him and grant him peace: "When a judge gives a ruling, having tried his best to decide correctly, and is right (in his decision), he will have a double reward; and when he gives a ruling having tried his best to decide correctly, and is wrong (in his decision), he will have a single reward."[50]

The evidence in Islam that supports the legitimacy of diligence is profound, as it highlights that a diligent individual will receive a reward regardless of the outcome of their efforts, whether right or wrong.

Conflict Between Democracy and Islam on the Issue of Sovereignty

Upon considering the concept of sovereignty and delineating the scope of the conflict, it becomes apparent that anyone positing an inherent opposition

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[49] Muḥammad bin 'Umar al-Rāzi, *Mafātīḥ al-Ghayb* (Beirut: Dār Ihyā' al-Turāth, n.d.), 108.

[50] Ahmed Bayhaqi, *Evidence of Prophethood and Knowledge of the Conditions of the People of Sharia* (Beirut: Dar al-Kutub al-'llmiyah, n.d.), 60.

between Islam and democracy regarding sovereignty must subscribe to one of two assertions: The first assertion being that Islam does not confer upon Muslims any form of legislative sovereignty. And the second assertion being that democracy exclusively bestows absolute sovereignty upon the people.

Adherence to either of these assertions is necessary to assert the correctness of the claim that there exists a conflict between democracy and Islam on the matter of sovereignty. Proving the validity of either of these assertions is adequate to rectify this stance and establish the legal permissibility of democracy. Conversely, if both assertions are invalidated, it follows that the issue of sovereignty does not legally justify the rejection of democracy within Islamic law.

As for the first assertion, upon review, its inaccuracy becomes evident as Islam actually grants Muslims legislative sovereignty in non-textual matters in a manner consistent with the textual guidance. It is articulated by Ibn Aqeel, who states, "Governance is something through which people achieve righteousness and distance themselves from corruption, even if it was not established or explicitly legislated by the Prophet or direct revelation."[51]

In support of the second assertion, it can be posited within its demonstration that democracy found its inception in Athens. This political framework is a product of Athenian origin that subsequently diffused across diverse historical epochs and geographies. When examining the locus of power within the Athenian democratic model, the philosopher Aristotle of Athens expounds that sovereignty under democracy may be vested in the people. He elucidates that the governance operates under the premise that divine laws precede the populace's volition within their polity. However, in the absence of divine laws, the people's volition reigns supreme. Aristotle articulates: "An alternative manifestation of governance by the people is that all law-abiding citizens partake in the authority, under the condition that the jurisdiction adheres to the sacred law. Another variant of governance by the people entails universal participation in authority, the sole stipulation being their status as citizens, with the ultimate jurisdiction resting in the sacred law. Another form of governance by the people mirrors the tenets of the antecedent constitution,

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[51] Ibnu Qayyim al-Jauziyah, *Turuq al-Ḥukmiyyah fī Siyāsah al-Shar'iyyah* (Cairo: Dar al-Hadith, 2002), 134.

wherein the paramount authority emanates from the public, not from the sacred law."[52]

In his significant work, the Athenian philosopher Aristotle delineates the structure of popular government, equating it to democracy. He divides democracy into various segments, highlighting instances where political authority lies with the public but legislative sovereignty rests with the Sharia, and others where both authorities are vested in the public rather than the Sharia.[53]

This elucidates that absolute popular sovereignty is a facet of democracy, not its sole manifestation. Thus, it is erroneous to exclusively associate democracy with this particular form. A British scholar, John Dunne reinforced this notion by stating, "Perhaps the laws in Athens, more than the people themselves, have the final authority over the Athenians."[54]

In the transition from Athenian democracy to modern democratic systems, it becomes evident that the concept of absolute sovereignty of the people is restricted by the application of liberal and socialist principles in liberal democracies and social democracies, respectively. Present-day European democratic states cannot enact legislation contradicting liberal principles, as we saw in France and other Western States. Similarly, in social democracies, legislative sovereignty is bound by socialist principles. If it were the case that the American populace opted for the adoption of communist principles, it would raise the question of whether such a choice would be deemed acceptable. Furthermore, in a democratic society, the majority does not hold absolute power over citizens' individual freedoms. Therefore, even if the majority were to seek to curtail the freedom of a religious minority, such an action would not be permissible.

Sovereignty in democratic governance is not absolute, but rather constrained by liberal or secular principles. This constraint is evident through the incorporation of democracy with liberalism or socialism. Absolute sovereignty would preclude such combinations. Thus, by logical reasoning, if

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[52] Khamami Zada, "Sharia and Islamic State in Indonesia Constitutional Democracy: An Aceh Experience," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 1 (2023): 1–18, https://doi.org/10.18326/ijtihad.v23i1.1-18.

[53] Alain Touraine, *What is Democracy* (Beirut: Dar al-Saqi, 2016), 45.

[54] Javier Amadeo, "Setting the People Free: The Story of Democracy," *Revista de História* 0, no. 161 (2009): 377–83, https://doi.org/10.11606/issn.2316-9141.v0i161p377-383.

sovereignty in democracy were strictly absolute, it would not exhibit constraints in reality, but since constraints are observed, it is evidently not absolute.

Hence, we realize Touraine's inaccuracy when he said: "Liberal thought identifies itself with democracy when it rejects the state's identification with any religious belief or any value system that would be immune from the calculation of popular sovereignty."[55]

Alain Touraine's assertion regarding the incompatibility of democracy with any transcendent principle, be it religious or non-religious, is subject to scrutiny. He posits that adherence to a higher principle, whether divine will, national heritage, reason, or historical trajectory, inherently undermines democratic values, even in a tolerant and freedom-defending context. According to Touraine, political discourse will inevitably clash with an unchallengeable central principle upheld by authorities, reaching an impasse, "This is because there must come a day when political debate reaches its limits and comes into conflict with a central principle that the authorities claim is not subject to any discussion."[56]

From the above, two things become clear to us. First, the Muslim is not deprived of the right to legislate at all, as Islam grants Muslims legislative sovereignty in non-textual matters in a manner consistent with the textual guidance.

Second, the democrat is not granted the right to legislate, as we saw it constrained by liberal or secular principles.

The potential validation of "relativity" in both verdicts would nullify the necessity for the contradiction between them, thereby establishing that the concept of sovereignty is an unjustifiable reason for rejecting a democratic outcome. Suppose the protesters assert that sovereignty in a democratic system exclusively belongs to the people. In that case, it becomes evident that democracy does not inherently preclude the restriction of popular sovereignty by religious or philosophical constraints, both in theory and practice. Alternatively, suppose their argument is that Islam claims absolute sovereignty exclusively, without conferring legislative authority to Muslims. In that case, it is then demonstrated that Islam allows for a realm where a Muslim is permitted,

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[55] Touraine, *What is Democracy*, 46.

[56] Touraine, 46.

and even obliged, to enact legislation in concordance with the times and without contravening its principles.[57]

Conclusion

The article concludes that the exclusion of religion from legislative sovereignty was not a prevalent notion in Islamic or Western contexts before the French Revolution. The objection to this idea emerged as a consequence of the events during the French Revolution. But in Islamic context, legislative sovereignty remains to the Almighty Allah, which means that in Islam, there is no human equivalent to divine legislation. However, it does not mean that humans cannot make their efforts to improve the political system within the framework of Islamic Sharia.

At the end of the study, the researcher recommends a re-evaluation of traditional perspectives on democratic sovereignty, urging recognition of the diverse manifestations of sovereignty.(a)

BIBLIOGRAPHY

Adraoui, Mohamed-ali. "Borders and Sovereignty in Islamist and Jihadist Thought: Past and Present." *International Affairs* 93, no. 4 (2017): 917–35. https://doi.org/10.1093/ia/iix123.

Ahmed, Samer Khair. *Faithful Secularism*. Amman: Jordanian Ward House, 2013.

Alam, Syariful, Sholahuddin al-Fatih, and Merve Ozkan Borsa. "Islamism and the Challenge of Democratization in Indonesia." *De Jure: Jurnal Hukum dan Syar'iah* 15, no. 2 (2023): 198–213. https://doi.org/10.18860/j-fsh.v15i2.23398.

Amadeo, Javier. "Setting the People Free: The Story of Democracy." *Revista de História* 0, no. 161 (2009): 377–83. https://doi.org/10.11606/issn.2316-9141.v0i161p377-383.

al-Azami, Usaama. "Book Review: The Caliphate of Man: Popular Sovereignty in Modern Islamic Thought, by Andrew F. March." *Political Theory* 49, no. 6 (2021): 1062–66. https://doi.org/10.1177/00905917211011271.

Bayhaqi, Ahmed. *Evidence of Prophethood and Knowledge of the Conditions of the People of Sharia*. Beirut: Dar al-Kutub al-'llmiyah, n.d.

_____

[57] Samer Khair Ahmed, *Faithful Secularism* (Amman: Jordanian Ward House, 2013), 44.

Bodin, Jean. *On Sovereignty: Cambridge Text in the History of Political Thought*. Ed. Julian H. Franklin. Cambridge: Cambridge University Press, 1992.

———. *On Sovereignty: Six Books of the Commonwealth*. Kentucky: Seven Treasures publications, 2009.

Bon, Gustave Le. *The Crowd: A Study of the Popular Mind*. New York: Viking Press, 1960.

Bot, Jean-Michel Le. "Julien Freund and the Essence of the Political, a 'Mediationnist' Reading." *Tétralogiques* 20 (2015): 203–22. https://www.tetralogiques.fr/spip.php?article129.

Brown, Garrett Wallace, Iain McLean, and Alistair McMillan. *The Concise Oxford Dictionary of Politics and International Relations*. Oxford Quick Reference. Oxford: Oxford University Press, 2018.

Carroll, Jill. *Civilizational Dialogues*. 1st ed. Cairo: Dar al-Nil, 2011.

Chamankhah, Leila. "Andrew F. March, The Caliphate of Man: Popular Sovereignty in Modern Islamic Thought (Cambridge and London: The Belknap Press of Harvard University Press), 2019, ISBN 9780674987838, 300 Pp." *The Muslim World* 111, no. 3 (2021): 549–52. https://doi.org/10.1111/muwo.12401.

Choper, Jesse H., Michael C. Dorf, Richard H. Fallon. Jr., and Frederick Schauer. *Constitutional Law: Cases, Comments, and Questions*. Boston: West Academic Publishing, 2021.

Descartes, Rene. *Descartes: Meditations on First Philosophy*. Ed. John Cottingham. Cambridge: Cambridge University Press, 2017. https://doi.org/10.1017/9781107416277.

Dobraczynski, Jan. *Christian Europe*. Damascus: Dar al-Hasad, 2007.

Eijk, Cees. *The Essence of Politics*. Amsterdam: Amsterdam University Press, 2018. https://doi.org/10.5117/9789463727211.

Fahmy, Amani. *The French Constitution*. Cairo: Cairo National Center, 2012.

Hobbes, Thomas. *Leviathan*. Edited by Richrad Truck. Cambridge: Cambridge University Press, 1996.

Hobsbawm, Eric. *The Age of Revolution in Europe*. 2nd ed. Beirut: Tarjuman Foundation, 2008.

al-Homsi, Jamal H. "Islamic Enlightenment in Principle and Practice: Divine Sovereignty and Human Governance." *Malaysian Journal for Islamic Studies* 3, no. 2 (2019): 72–91. https://journal.unisza.edu.my/mjis/index.php/mjis/article/view/98.

Hussein, Ali. *The Sovereignty of States between the Politicization of Law and the Codification of Politics*. Damascus: Syrian General Authority for Books, 2009.

al-Jauziyah, Ibnu Qayyim. *Turuq al-Ḥukmiyyah fi Siyāsah al-Shar'iyyah*. Cairo: Dar al-Hadith, 2002.

Khan, Abdus Samad, Shaista Naznin, and Rizwana Gul. "Theoretical Explanation of Sovereignty and Statehood in Islam within the Purview of Modern Time." *Sustainable Business and Society in Emerging Economies* 4, no. 2 (2022): 317–26. https://doi.org/10.26710/sbsee.v4i2.2268.

Khan, M. A. Muqtedar. *Islam and Good Governance*. Vol. 2. New York: Palgrave Macmillan, 2019. https://doi.org/10.1057/978-1-137-54832-0.

Kintzler, Catherine. *What is the Secularism?* Cairo: The National Center of Translation, 2017.

Kirk, G. S., J. E. Raven, and M. Schofield. *The Presocratic Philosophers: A Critical History with a Selection of Texts*. Cambridge: Cambridge University Press, 1983.

Laski, Harold J. *A Grammar of Politics*. New York: Routledge, 2014.

———. *Rules in Political Science*. Beirut: Dar al-Biruni, 2015.

Lathifah, Anthin, Abu Hapsin, Ahmad Rofiq, and M. Arief Hidayatullah. "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāṣid Ḥifẓ al-Dīn." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 1 (2022): 369–90. https://doi.org/10.22373/sjhk.v6i1.10957.

Locke, John. *A Letter Concerning Toleration*. Massachusetts: Hackett Publishing, 1983.

Maranjaya, Abdul Kahar. "A Mechanism for Filling Regional Heads Positions in a Democratic Manner according to Pancasila Democracy's Principle after the 1945 Constitution Amendments." *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 2 (2021): 227–49. https://jurnal.uin-antasari.ac.id/index.php/syariah/article/view/4870.

March, Andrew F. "The Rise and Fall of Sovereignty in Modern Islamic Political Thought." *Comparative Political Theory* 1, no. 2 (2021): 342–54. https://doi.org/10.1163/26669773-bja10016.

Mill, John Stuart. *On Liberty*. Massachusetts: Hackett Publishing, 1978.

al-Naysābūrī, Abū Ḥusayn Muslim ibn al-Ḥajjāj. *Ṣaḥīḥ Muslim*. Beirut: Dār al-Kutub al-'Ilmiyyah, 2008.

Nietzsche, Friedrich. *This Man*. 1st ed. Damascus: Nineveh Publishing House, 2014.

Noor, Salafuddin, Ahmadi Hasan, and Nuril Khasyi'in. "Review of Political Theory of Islamic Law Abul 'Ala Al Maududy Positive Perspective of the Political System of Indonesian Islamic Law." *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 1 (2023): 36–49. https://doi.org/10.18592/sjhp.v23i1.9626.

Qudāmah, Muwaffaq al-Dīn Abū Muḥammad ʾAbdullah ibn Aḥmad iibn. *Rawḍat al-Nāẓir wa Jannat al-Munāẓir: Fi Uṣūl al-Fiqh ʿalā Madhhab al-Imām Aḥmad ibn Ḥanbal*. Saudi Arabia: al-Rayyan Fundation, 2002.

al-Rawandouzi, Othman Ali. *Sovereignty in the Light of Contemporary International Law*. Cairo: Dar al-Kutub al-Qanuni, 2010.

al-Rāzi, Muḥammad bin ʾUmar. *Mafātīḥ al-Ghayb*. Beirut: Dār Ihyāʾ al-Turāth, n.d.

Rousseau, Jean-Jacques. *The Social Contract*. Ed. Maurice Cranston. London: Penguin Books, 1968.

———. *The Social Contract*. 1st ed. Beirut: Dar al-Tanweer, 2012.

Safi, Louay. *Political Righteousness and Its Normative Foundations*. Beirut: Arab Network for Research and Publishing, 2015.

Schmitt, Carl. *Political Theology Four Chapters on the Concept of Sovereignty*. Trans. George Schwab. Cambridge: The MIT Press, 2016.

Slusarenco, Svetlana, and Veronica Pozneacova. "The Concept of the Popular Sovereignty from the Historical Perspective." *Revista Națională de Drept (National Law Journal)*, no. 1(249) (2023): 12–20. https://doi.org/10.52388/1811-0770.2023.1(249).01.

Spinoza, Baruch. *On the Improvement of the Understanding*. Mineola: Dover Publication, 1995.

Taufiqurrohman, A. H. Asari, Mohamad Hidayat Muhtar, Ahmad Ahmad, Nur Mohamad Kasim, and Suwitno Yutye Imran. "The Role of Islamic Law, Constitution, and Culture in Democracy in the UAE and Indonesia." *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 83–100. https://doi.org/10.15408/ajis.v24i1.33155.

Tocqueville, Alexis de. *The Ancient Regime and the French Revolution*. 1st ed. Cairo: National Centre for Translation, 2010.

Touraine, Alain. *What is Democracy*. Beirut: Dar al-Saqi, 2016.

Wolkenstein, Fabio. "Agents of Popular Sovereignty." *Political Theory* 47, no. 3 (2019): 338–62. https://doi.org/10.1177/0090591718786232.

Zada, Khamami. "Sharia and Islamic State in Indonesia Constitutional Democracy: An Aceh Experience." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 1 (2023): 1–18. https://doi.org/10.18326/ijtihad.v23i1.1-18.