



A Comparative Study of Islamic Politics by Al Mawardi and Ibn Taymiyyah and Its Relevance to Modern Democratic Politics

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ABSTRACT

Keywords:

Ahlu al-Halli wa al-Aqdi, Al Mawardi, legislative

The concept of Ahlu al-Halli wa al-‘Aqdi formulated by Al Mawardi in Al-Ahkam al-Sultaniyyah represents an important foundation of classical Islamic political thought concerning leadership selection and governance. This study aims to analyze and critically examine Al Mawardi’s concept of Ahlu al-Halli wa al-‘Aqdi and its relevance to modern democratic politics from the perspective of Ibn Taymiyyah. The research employs a normative juridical and descriptive-analytical approach through the study of classical Islamic political literature and contemporary democratic systems. The findings indicate that Ahlu al-Halli wa al-‘Aqdi functioned as a representative body authorized to appoint and dismiss leaders based on criteria of justice, knowledge, and social influence. However, the mechanism differs significantly from modern democratic institutions such as the People’s Consultative Assembly (MPR), the House of Representatives (DPR), and Regional Representative Councils (DPRD), whose members are directly elected by the people through periodic elections. In Al Mawardi’s framework, leadership succession tended to be elitist and limited to certain authoritative groups. From Ibn Taymiyyah’s perspective, the legitimacy of political authority should prioritize public welfare (maslahah) and justice, allowing flexibility in governance systems according to social and political contexts. The study concludes that although the concept of Ahlu al-Halli wa al-‘Aqdi remains relevant as an ethical foundation for leadership and representation, its implementation requires contextual reinterpretation to align with democratic principles, public participation, accountability, and modern constitutional governance.

1. Introduction

The state is not a new term known today, the state has the meaning of a supreme organization that is legally regulated by the government system to maintain order and safety of the people. During the time of the Prophet PBUH, it was also known as a state order, namely with the establishment of Madinatul Munawwarah, where the Prophet was the leader at that time. Then after the Prophet PBUH died, the term caliph or caliphate began to be known, which although in practice still followed in the footsteps of the Prophet PBUH with the State of Medina. Furthermore, after the period of al-Khulafa al-Rashid ended, namely after the death of Caliph Ali bin Abi Talib, the government of the Umayyah Dynasty led by Mu'awiyah emerged until finally the Abbasid Dynasty government emerged.³⁶ With the existence of a system of state order or *caliphs*, of course, it maintains the integrity of the holy law.³⁷

One of the scholars in the field of *fiqh siyasah* or government, Al Mawardi, has declared a concept of thought on the system of government called Ahlu al-Halli wa al-Aqdi. Linguistically, ahlul halli wal aqdi means "one who has authority to release and bind." It is called "binding" because its decision binds those who raise ahlul halli; and it is called "letting go" because those who sit there can let go and not vote for certain people who do not agree. The tradition of ahlul halli wa al-aqdi was exemplified by the companion of Umar bin Khattab when he was about to die.³⁸ He chose trusted people as representatives of the Muslims to find a way out after the death of the caliph (Umar bin Khattab). Those who were elected then deliberated, debated, and decided on something that the members of the ahlul halli and the Muslims should obey. His decision at that time was to choose Uthman bin Affan as the successor of Caliph Umar bin Khattab.³⁹

Ahlu al-Halli wa al-Aqdi developed by Al Mawardi in his classic work "Al-Ahkam al-Sultaniyyah" became one of the important pillars of classical Islamic political thought. This concept refers to a group of people who have the authority to choose, appoint, and even dismiss a caliph based on criteria of science, justice, and social influence. This term also came to be known as "parliament", which is a collection of people who have the right to elect, appoint, and dismiss the head of the command. In addition to these terms, there is also another term related to Islamic government, namely "Baiat", which means covenant, pledge of allegiance or mutual promise, and faithfulness.⁴⁰

In the concept of Ahlu al-Halli wa al-Aqdi belonging to Al Mawardi, of course, in it there is a similarity in the concept of regulating government, namely with elections, because basically the modern political system of government, especially democracy, there is an institution that is tasked with making regulations and electing leaders or presidents, in the book Al-Ahkam al-Sultaniyyah Al Mawardi calls it a voting council that has fair criteria, knowledgeable, and wise.⁴¹

However, both have different implementations, the difference can be seen from the election system or the appointment of leaders, if the election is carried out with the concept initiated by Al Mawardi, the leader must be chosen by those (*Ahlu al-Halli wa al-Aqdi*) who have a fair and wise nature, while the election of leaders in the modern democratic system is carried out by the way of general elections or elections are held for the people and elected by the people. people.⁴²

³⁶ J. Suyuti Pulungan, *Fiqh Siyasah, Teachings, History, and Thought* (Jakarta, 1994).

³⁷ Bernard L. Tanya, *Legal Theory* (Yogyakarta: Genta Publishing, 2017).

³⁸ Formation of Regulations and Legislation in Indonesia, "Qanun : Journal of Islamic Law and Constitutional Affairs" 1, no. 1 (2024): 9–33.

³⁹ Mukafi Niam, "What Exactly Is the Meaning of 'Ahlul Halli Wal Aqdi'?", nuonline, n.d., source: <https://www.nu.or.id/nasional/apa-sebenarnya-makna-ahlul-halli-wal-aqdi> wki1p%0A%0A%0A__%0ADownload NU Online Super App, the most complete Islamic application! <https://nu.or.id/superapp> (Android/iOS).

⁴⁰ H Kadenun, "The Position of Ahlu Al-Halli wa al-'Aqdi in Islamic Government," *Qalamuna* 11 (2019): 89–110, <https://ejournal.insuriponorogo.ac.id/index.php/qalamuna/article/view/93>.

⁴¹ Al Mawardi, *Al-Ahkam Al-Sultaniyyah*, n.d.

⁴² Muhammad Yasir, "The Concept of Al Mawardi's Political Thought in the Election of the Head of State in Indonesia," *Siyasah wa Qanuniyah : Scientific Journal of Ma'had Aly Raudhatul Ma'arif* 2, no. 1 (2024): 29–42, <https://doi.org/10.61842/swq/v2i1.18>.

When viewed from the Ahlu al-Halli wa al-Aqdi system in the appointment of leaders, it is very different from the current democratic system which is held in general or the people who elect a leader. The implementation of Ahlu al-Halli wa al-Aqdi is very irrelevant to today's times because many democratic countries hold the election of leaders by way of general elections or directly elected by the people, so with this study the author takes an analysis knife based on the opinion of Ibn Taymiyyah who also discusses the selection of prospective leaders so that in this study the author gives the title: "*Analysis of al-Mawardi's political concept of Ahlu al-Halli wa al-aqdi and its relevance to modern democratic politics from the perspective of Ibn Taymiyyah*".

2. Method

This research is included in the category of normative legal research. Normative legal research explains research that is carried out by collecting library materials or secondary data. In line with the explanation above, normative legal research is included in *library research*.⁴³ In line with this type of research that uses normative legal research methods, the approach that is suitable for this research is a qualitative approach. Qualitative which is descriptive, that is, all the data used are not numbers but words. In this study, the method used is a qualitative research method in the form of *library research*, which is a study that uses library materials or uses library materials as a source of data by collecting sources of opinion from Al Mawardi.

To obtain these research materials, this research will be carried out with a literature study in which legal materials are examined, and the legal materials in the research are taken from literature materials in the form of primary legal materials, secondary legal materials, tertiary legal materials and non-legal materials.⁴⁴

- a. Primary legal material containing Al-Ahkam al-Sultaniyyah
- b. Secondary legal materials as legal materials that are closely related to primary legal materials for data analysis include: other books of Fiqh Siyasah such as the Qur'an, hadith, fiqh books asy-siyasah. Website, journal.
- c. Related scientific books, articles, journals, websites.

3. Results and Discussion

3.1 Biography of Imam Al Mawardi

The name of Al Mawardi is Abu Hasan Ali bin Muhammad bin Habib al-Mawardi al Bashri. Al-Mawardi was born in Bashrah in 364H (975 AD). Al Mawardi's childhood was spent in the city of Baghdad until he grew up. Al Mawardi was a popular Islamic thinker at his time and was also known as a figure of the Shafi'i madhhab and a high-ranking official during the Abbasid dynasty.⁴⁵

Al-Mawardi's education was spent in Baghdad at a time when Baghdad was the center of civilization, education and science. He began to study religious science from childhood, especially the science of hadith with his contemporaries, such as Hasan bin Ali al-Jayili, Muhammad bin Ma'ali al-Azdi and Muhammad bin Udai al-Munqari. He studied and deepened various Islamic sciences from the great scholars in Baghdad. Al-Mawardi is one of those who is never satisfied with knowledge. He always moves from one teacher to another to gain knowledge.⁴⁶

Masa kehidupan al-Mawardi ditandai dengan suasana dan kondisi disintegrasi politik dalam pemerintahan Daulah Bani Abbasiyyah. Pada masa itu Baghdad yang merupakan pusat pemerintahan

⁴³ M Luthfillah Maulana, "Sanctions for Plagiarists of Scientific Papers from a Positive Legal Perspective and Islamic Law," 2025.

⁴⁴ Achmad Arif, Fazari Zul Hasmi Kanggas, *RESEARCH METHODS OF ISLAMIC LAW AND LAW*, 1ST ED. (Ponorogo: UNIDA Gontor Press, 2025).

⁴⁵ Asral Wadi and Mulyanto Abdullah Khayr, "The Study of Islamic Educational Thought of Imam Al-Mawardi," *Nian Tana Sikka: Student Scientific Journal* 2, no. 4 (2024): 153–76, <https://doi.org/10.59603/niantanasikka.v2i4.465>.

⁴⁶ Ayuni Anggun Pratiwi, "Islamic Political Thought: A Study of Al-Mawardi's Thought and Its Relevance in Indonesia," *Journal of Islamic Economics and Finance Studies* 3, no. 2 (2025): 198–211.

The Banu Abbas were unable to stem the tide of the desire of the regions it controlled to break away from the Banu Abbas and form autonomous regions.

Al Mawardi died on the 30th of the month of Rabi'ul Awal in the year 450 hijrah equivalent to May 27, 1058 AD. At that time he was 86 years old. Many dignitaries and scholars attended Al Mawardi's funeral. Al-Mawardi's body was buried in the Bab Harb cemetery of Mansur City in Baghdad.

3.2 Al Mawardi's Political Thought

Al-Mawardi's political thought emphasized the need for an imamah (leadership) to maintain religion and govern the world, which was held by an imam whose job it was to uphold Islamic justice and law. He proposed that the election of imams should be through two main ways: through election by the Ahlul Ikhtiyar (qualified voters) or through appointment by the previous imam.⁴⁷ Al-Mawardi also emphasized the importance of stability, unity, and resistance to the uprising, as well as the need for state financial institutions (Baitul Maal) to meet the basic needs of citizens. The following is the structure of the implementation of the concept of government initiated by Al Mawardi:

- a. **Baitul Maal:** Permanent state financial institutions are needed to manage state revenues from various sources and distribute them according to their respective allocations to meet the basic needs of citizens.
- b. **Hierarchy of officials:** Al-Mawardi also explains the structure of government, including the role of the caliph and the role of the vizier (minister) who acts as the right hand of the head of state and comes from the Quraysh tribe, as well as other ministries tasked with implementing policies without the authority to formulate them independently.
- c. **The concept of the social contract:** Al-Mawardi argued that the relationship between the caliph and the people was a social contract, which later inspired European thinkers such as Thomas Hobbes, Montesque, John Locke, and Jean Jacques Rousseau.

Al-Mawardi emphasized that state leadership is an instrument to continue the prophetic mission to preserve religion and govern the world. Religious observance and regulation are two different types of activities, but they are symbolically related. Both are two-dimensional of prophetic missions.⁴⁸

3.3 What is the Concept of Ahlu al-Halli Wa al-Aqdi?

Linguistically, Ahlu al-Halli Wa al-Aqdi consists of three words. Ahlu means the one who owns or the person who has rights, al-Halli means to relinquish, adjust, dissolve, and "Aqdi means to bind, to make transactions, to form. So Ahlu al-Halli Wa al-'Aqdi are people who have the right or authority to determine, solve, or decide a problem, and the decision is binding.

There are several other meanings. According to Abd Al Hamid Anshori that Ahl-al-Hall Wa al Aqdi is to formulate people who have authority and who decide matters about the state and the people based on the principle of togetherness (deliberation). Meanwhile, according to Abu A'la al-Maududi, Ahlu al-Halli Wa al-Aqdi is a representative institution that accommodates and channels the aspirations of a community, and has the authority to issue legal provisions or laws on a case so that this institution is said to be a legislative institution.⁴⁹

Al-Mawardi in his book *Al-Ahkam As-Sulthoniyah* explains two mechanisms that can be used to elect the head of state

"The appointment of Imamah (Leadership) can be done in two ways; the first by election by Ahlul Aqdi wal Halli, the second by the previous Imam (Caliph)".⁵⁰

⁴⁷ M Amin, "Political Thought," *Journal of Prophetic Politics* 4, no. 2 (2016): 118–36.

⁴⁸ Syamsuddin Ramadhan, *Re-Establishing the Islamic Caliphate* (Jakarta: Panjimas, 2003).

⁴⁹ Rashda Diana, "Al-Mawardi and the Concept of Statehood in Islam," *Tsaqafah* 13, no. 1 (2017): 157, <https://doi.org/10.21111/tsaqafah.v13i1.981>.

⁵⁰ Imam Al Mawardi, *Al-Ahkam As-Sulthaniyyah: The Laws of State Administration in Islamic Sharia* (Jakarta: Darul Falah, 2020).

Al-Mawardi does not provide a direct definition of what is meant by Ahlul Halli Wa Al-Aqdi. He only gave a new concept in the appointment of a king apart from the giving of mandates that had been carried out for generations by the Abbasid dynasty and previous dynasties.⁵¹

There are three most important categories that are requirements to become a member in the concept of Ahlul Halli Wa al-Aqdi, among which are the following:

- a. Has the nature of 'Fair which includes all its conditions
- b. Having knowledge that with his knowledge he knows who has the right to be the leader on the condition that the Imam is ultimately
- c. Having an opinion (ra'yu) and wisdom that with both can choose who is the best to become an Imam and the strongest and the best at taking care of benefits.

3.4 Comparison of the concept of Ahlu Al-Halli Wa Al-Aqdi between Al-Mawardi and Ibn Taymiyyah

Al Mawardi has originated the concept of Ahlu Al-Halli Wa Al-Aqdi by categorizing three things to its members, namely fairness, broad knowledge, and being able to choose what is good and bad. Al Mawardi also referred to Ahlu Al-Halli Wa Al-Aqdi as Ahlu al-Khiyar (the group that has the right to vote). The role of this group is very important to choose one of the Ahl al-Imamah (those who have the right to be elected) to become the caliph.⁵²

However, one of the famous scholars from the land of Harran, namely Ibn Taymiyyah, Ibn Taymiyyah has the real name Taqiyyuddīn Abū al-Abbas Ahmad bin Abdul Halim bin Abdussalam bin Taymiyyah.⁵³

Ibn Taymiyyah also has his own concept in the process of appointing prospective leaders, namely by holding elections conducted by the people on prospective leaders. The community in choosing leaders must choose the best among the best people. This view of Ibn Taymiyyah, because indeed choosing a leader is part of the religious mandate. Although of course in reality, according to him, a person only exerts his *ijtihad* ability according to his ability in choosing a leader. However, at least one will be relieved of the responsibility (trust) in choosing this leader in the scales of Islamic teachings.⁵⁴

With the election carried out by the people, the assessment is more focused on the object of the prospective leader must have the ability to carry out his duties well, such as administrative skills, military capabilities, knowledge of the law, and high integrity.⁵⁵

3.5 Is the concept of Ahlu al-Halli wa al-aqdi relevant to the modern democratic system

Democracy as the basis of state life conveys the understanding that the people have the right to vote in politics which will later determine the people's lives in the future.⁵⁶ Modern democracies hold the election of candidate leaders with general elections, meaning that the election of leaders depends on the number of votes voted by the people against one of the candidate leaders. When viewed from the concept of *Ahlu Al-Halli Wa Al-Aqdi* which was initiated by Al Mawardi. Al Mawardi stated that the selection of candidate leaders must be carried out by *the Ahlu Al-Halli Wa Al-Aqdi* party where the selection of leaders is carried out through deliberation and giving testimony.⁵⁷

⁵¹ Ahmad Abdul Mujib, "The Implementation Of The Concept Of Ahlul Halli Wa Al-'Aqdi Al-Mawardi In The Process Of Electing Kpk Leaders By The Dpr," 2015.

⁵² Kadenun, "The Position of Ahlu Al-Halli wa Al-'Aqdi in Islamic Government."

⁵³ Kasman Bakry et al., "The Concept of Islamic State Leadership (A Comparative Study of the Thought of Al-Mawardi and Ibn Taymiyah)," *NUKHBATUL 'ULUM: Journal of Islamic Studies* 7, no. 1 (2021): 1–19, <https://doi.org/10.36701/nukhbah.v7i1.201>.

⁵⁴ Husna Hisaba Kholid, "AL-AFKAR : Journal for Islamic Studies Ibn Taymiyah's Political Thought on Leadership and Its Relevance to the Criteria for Candidates for People's Leaders in Indonesia" 7, no. 4 (2024): 1505–21, <https://doi.org/10.31943/afkarjournal.v7i4.1145>.

⁵⁵ Moch. Azis Qoharuddin, "Ibn Taymiyah's Concept of Political Leadership in Islam," *El-Faqih : Journal of Islamic Thought and Law* 5, no. 1 (2019): 28–42, <https://doi.org/10.29062/faqih.v5i1.19>.

⁵⁶ Syaiful Asmi Hasibuan and National General Elections, "General Election System in Relation to" 17, no. April (2023): 602–9.

⁵⁷ Abu Sahrin and Farid Adnir, "Democracy in the Islamic World Al-Mawardi's Perspective," *Journal of Human And Education* 4, no. 5 (2024): 81–87, <https://jahe.or.id/index.php/jahe/index>.

Al Mawardi did not explain the concept of general elections, the election of leaders was carried out in two ways. First, Appointment by voluntary means, which is carried out through Election by the caliph. Second, Appointment by Force, where a regional head controls the territory using weapons and then he is appointed by the imam (caliph) to become the ruler of the territory and is given the authority to manage and organize it.⁵⁸

Of course, the election of leaders initiated by Al Mawardi is not the same as the current concept of modern democratic elections, as the previous author's analysis is that the modern democratic system carries out the election of leaders by the way of elections carried out by the people. In contrast to Ibn Taymiyyah who stated that general elections conducted by the people are legitimate, in this case the author considers that Ibn Taymiyyah is also not rigid in the systematics of selecting candidate leaders, the most important thing is that the leader is chosen because he is capable, trustworthy, the people like him and able to uphold justice and shari'a. Then if in the government of a leader there is a mistake or tyranny, then

In a democracy, a leader is required to have broad insight and foresight, especially in understanding and directing the achievement of national goals. Leaders need to be able to translate national goals into operational and realistic visions, in line with the dynamics of the nation's development. In addition, it must be consistent in realizing this vision through the formulation of the right mission and strategy, and be able to optimize all existing national resources. Not only that, visionary leaders must also have the ability to convince the people of their mission and strategy, and be able to direct and mobilize the community to jointly achieve national goals.⁵⁹

If you look at the concept of elections that are more relevant and the same as today's situation, Ibn Taymiyyah is the election that is carried out directly by the people against the candidate leader because basically the people in choosing leaders must choose the best among the best people.

Table 1. Comparison of the Implementation of Leader Election According to Al Mawardi and Ibn Taymiyyah

No	Aspects	Al Mawardi	Ibnu Taimiyyah
1	Leadership Selection	Choosing leaders based on two categories, namely ahlu Halli wa al Aqdi and leaders are determined by the previous leaders and do not justify the concept of election by the people	The election of leaders can be done directly by the people with the aim that the people can give an assessment of whether the candidate for leader is qualified to lead and do justice
2	The Source of Legitimacy of Power	Tends to be more compromised; As long as the leader maintains stability, there must be no rebellion	Criticizing tyrannical rulers, even supporting resistance if the leader deviates from the sharia
3	Model of Government	The people are submissive; Control is more in the hands of religious elites	Important: the people have the right to reject unjust leaders; There is a spirit of social control
4	Attitudes towards Political Reality	Rigidity in the structure of the caliphate; does not open up space for other systems	Adaptive and contextual: can choose a non-caliphate system if maslahat

⁵⁸ Al Mawardi, *Al-Ahkam Sulthaniyah: The System of Government of the Islamic Caliphate* (Jakarta: Al-Azhar Press, 2015).

⁵⁹ Siti Zuhro, "Democracy and Transformative Leadership," *Himmah: Journal of Contemporary Islamic Studies* 5, no. 2 (2021): 359, <https://doi.org/10.47313/jkik.v5i2.1463>.

4. Conclusion

The research conducted by the author can be concluded that the concept of choosing a leader candidate that is relevant and the same as the current democratic system is a concept initiated by Ibn Taymiyyah, where Ibn Taymiyyah allows the selection of leaders to be done directly by the people with the aim that the people can give an assessment of whether the candidate for leader is worthy to lead and do justice, and this is the same as what is taught in the concept of democracy that he is in teaching the concept of justice and rights for the people, Ibn Taymiyyah also stated:

"Imamah was established for the benefit of the people. The purpose of leadership is to uphold religion and regulate world affairs according to the sharia."

Meanwhile, Al Mawardi only emphasized that the election of leaders is divided based on two categories, namely *ahlu Halli wa al Aqdi* and leaders are determined by the previous leader and do not justify the concept of election by the people. Al-Mawardi rejects the concept of direct election of leaders by the people (in the sense of modern democracy) because he lives in a very elitist and hierarchical context of classical Islamic politics and thought. He views that the people in general do not have the authority or capacity to elect leaders.

Therefore, the concept of electing leaders in democratic systems such as legislative institutions (lawmakers, electing presidents and dismissing presidents) such as the People's Consultative Assembly, the House of Representatives, and the Regional Representative Council is currently closer to what was stated by Ibn Taymiyyah than Al Mawardi. This is due to Ibn Taymiyyah's view that provides wider and flexible opportunities for the involvement of the general public in the process of selecting leaders. He emphasized that the legitimacy or legitimacy of a ruler is not solely determined by formal procedures or a certain social background, but by the extent to which the leader is able to uphold the values of justice and consistently enforce the laws of Allah (Islamic law). In addition, Ibn Taymiyyah also opened up the possibility that the consent of the ummah that can be realized through bai'at or other forms of collective participation is an important element in building the legitimacy of power. In contrast, Al-Mawardi emphasizes a structural and elitist approach, where the process of selecting leaders is limited to a limited circle consisting of religious figures, lawyers, and political leaders known as Ahl al-Halli wa al-'Aqdi. This approach indirectly removes the direct involvement of the general public from the mechanism of appointing leaders, so that the participation of the people is only passive and not decisive in the process.

Acknowledgements

The author gratefully acknowledges all parties who contributed to the completion of this research, including academic supervisors, colleagues, and institutions that provided support, guidance, and valuable resources throughout the study. Appreciation is also extended to all scholars and researchers whose works have enriched the development of this article.

Conflict of Interest

The authors declare no conflicts of interest.

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