Islamic Law and the State: An Analysis of the Relationship between Religious Authority and Political Power

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INFO ARTICLE	ABSTRACT
	This article examines the relationship between Islamic law and the state through an analysis of authority contestation between religious institutions and political power. Employing a normative juridical method with conceptual and historical approaches, the study demonstrates that classical Islamic governance maintained a differentiated authority structure in which religious interpretation and political power operated within distinct normative spheres. The emergence of the modern state transformed this relationship by centralizing sovereignty and subordinating Islamic law to political control. Contemporary case studies reveal that excessive state intervention in religious matters undermines both legal legitimacy and religious authority. This article proposes a normative framework that emphasizes epistemic autonomy of religious authority, facilitative state governance, and clear institutional boundaries. The study contributes to contemporary debates by repositioning Islamic law as a normative system capable of coexistence with modern state structures without political instrumentalization.

INTRODUCTION

The relationship between Islamic law and the state has long been a central theme in both classical Islamic political thought and contemporary legal scholarship. At its core, this relationship raises a fundamental question concerning the distribution and legitimacy of authority: to what extent should religious norms shape political power, and how far may the state intervene in the domain of religious interpretation. In Islamic tradition, law is not merely a regulatory instrument but a normative system rooted in divine revelation and juristic reasoning.[1] The emergence of the modern state, however, has transformed the landscape in which Islamic law operates, introducing new forms of sovereignty, centralized authority, and constitutional governance.

Historically, Islamic governance did not recognize a rigid separation between religious and political authority, yet neither did it fully collapse one into the other.

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[1] Mohammad Hashim Kamali, Islam, Law, and the State, in The Oxford Handbook of Law and Anthropology (Oxford: Oxford University Press, 2020).

Classical Muslim polities operated through a pluralistic distribution of power in which rulers exercised political authority while jurists (ʿulamāʾ) maintained interpretive authority over religious law.[2] This functional distinction allowed Islamic law to develop as an autonomous normative system, relatively insulated from direct political manipulation. Over time, however, the consolidation of state power, particularly under colonial and postcolonial conditions, significantly altered this balance.

Contemporary debates on Islamic law and the state often oscillate between two opposing paradigms. The first advocates the integration of Islamic law into state governance as a source of moral legitimacy and social cohesion.[3] The second argues for a functional separation, warning that the politicization of religious law risks undermining both legal integrity and religious authority.[4] These debates are not merely theoretical; they manifest concretely in constitutional arrangements, legislative practices, and institutional contests over who holds the authority to define and enforce Islamic norms.

In many modern Muslim-majority states, Islamic law has been selectively incorporated into state legal systems, often through constitutional references, statutory enactments, or administrative regulation. This incorporation, however, has frequently produced normative tension and institutional conflict. Studies on Pakistan, Egypt, and the Gulf states demonstrate that state control over Islamic law often transforms religious norms into instruments of political legitimacy rather than independent sources of moral authority.[5] As Caeiro notes, the modern state's claim over legal jurisdiction fundamentally reshapes the function of religious law, subordinating it to political objectives.[6]

Indonesia presents a particularly illustrative case of this tension. While formally adopting a non-theocratic constitutional framework, the state actively intervenes in religious matters, including the determination of Islamic calendars, family law, and religious orthodoxy.[7] Such interventions raise critical questions regarding the limits of state authority and the autonomy of religious institutions. When the state assumes interpretive control over Islamic law, the traditional balance between political power and religious authority is disrupted, potentially eroding the credibility of both.

Contemporary scholarship increasingly highlights the risks associated with the politicization of religion. Williamson et al. demonstrate that excessive state involvement in religious discourse can undermine public trust in religious institutions, transforming clerics into political actors rather than moral authorities.[8] Similarly, studies of hybrid governance structures reveal that the fusion of religious legitimacy and political power often generates ambiguity in accountability and legal certainty.[9] These findings suggest

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[2] Ira M. Lapidus, *The Politics of Islamic Law*; also see I. Hussin, *The Politics of Islamic Law* (Chicago: University of Chicago Press, 2016)

[3] Reza, "Islam and Politics: Separation or Collaboration of Religion and State," Al-Ikhsan 3, no. 1 (2025)

[4] Williamson et al., "Preaching Politics," *British Journal of Political Science* 53 (2022)

[5] Akram, Hayat, and Ali, "The Interplay of Islamic Ideology and Political Authority in Pakistan's Constitutional Framework," *JPSA* (2025); Mohiuddin, "Islam, Religious Authority and the State," *AJMEIS* 16 (2022).

[6] Alexandre Caeiro, "The Appeal of Religious Law," *Law and History Review* (2025).

[7] Musonnif et al., "Government Position in Religious Authority Contestation in Indonesia," *De Jure* (2024)

[8] Williamson et al., "Preaching Politics," 2022.

[9] Sair, Kusman, and A., "Governing in a Hybrid Space," *International Journal of Religion* (2025).

that the problem is not merely whether Islamic law should influence the state, but how such influence is structured and constrained.

Despite the growing body of literature on Islam and politics, a significant research gap remains. Many studies address either historical models of Islamic governance or contemporary constitutional arrangements without systematically analyzing the normative implications of authority contestation between religious institutions and the state. Moreover, existing scholarship often treats Islamic law as a static body of norms rather than a dynamic legal tradition shaped by interpretive authority. This article argues that the core issue lies in the reconfiguration of authority: who has the legitimate power to define, interpret, and enforce Islamic law in the modern state.

Accordingly, this article aims to analyze the relationship between Islamic law and the state through the lens of authority. It seeks to (1) examine the theoretical foundations of religious and political authority in Islamic legal thought, (2) analyze contemporary manifestations of authority contestation in modern states, and (3) propose a normative framework that preserves the integrity of Islamic law while preventing its instrumentalization by political power. By doing so, this study contributes to a more nuanced understanding of Islamic law not as a tool of state domination, but as a normative system that must negotiate its place within modern governance structures.

METHODOLOGY

This research employs a normative juridical method to analyze the relationship between Islamic law and the state, with particular emphasis on the contestation between religious authority and political power. The normative approach is appropriate because the study focuses on legal norms, authority structures, and interpretive legitimacy rather than empirical behavioral data.[10]

The study applies three approaches. First, a conceptual approach is used to examine theories of authority, sovereignty, and legitimacy within Islamic political and legal thought. Second, a statute and constitutional approach analyzes how modern states institutionalize Islamic law through constitutional provisions and state policies. Third, a historical–contextual approach is employed to trace the transformation of religious authority from pre-modern Islamic governance to contemporary state systems.[11]

Through critical interpretation and normative evaluation, this research formulates prescriptive conclusions regarding the appropriate boundaries between religious authority and political power, aiming to preserve the autonomy of Islamic law while ensuring compatibility with modern governance principles.[12]

RESULTS AND DISCUSSION
Theoretical Foundations of Religious Authority and Political Power in Islamic Legal Thought

The first result demonstrates that Islamic legal and political thought historically constructed religious authority and political power as distinct yet interdependent domains. Classical Islamic governance did not conceptualize sovereignty as an absolute concentration of authority in the hands of rulers. Instead, authority was distributed

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[10] Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017).

[11] Bahri et al., "The Intersection of Religion and Politics," *Pharos Journal of Theology* (2024).

[12] Effendi, "State-Religion Relationship from the Perspective of Islamic-Based State Policy," *al-Daulah* (2022)

across multiple normative actors, with political rulers exercising coercive power over public order while religious scholars retained interpretive authority over the meaning, scope, and application of Islamic law. This distribution reflects a foundational assumption within Islamic legal thought that law derives its legitimacy not from political command, but from juristic interpretation grounded in divine revelation.[13]

This differentiated structure of authority was neither accidental nor merely pragmatic. It was rooted in a normative understanding that conflating political power with religious interpretation posed a serious risk to justice. Müller notes that Islamic law developed as an autonomous epistemic tradition precisely to prevent its subordination to political interests. Jurists functioned as custodians of legal meaning, operating through scholarly consensus, interpretive debate, and methodological rigor. Political rulers, by contrast, were tasked with enforcing order and ensuring security, but they lacked the epistemic legitimacy to define religious norms unilaterally.[14] This framework positioned Islamic law as a moral constraint on political authority rather than an instrument of state domination.

Classical political theorists articulated this distinction with remarkable clarity. Al Ghazali acknowledged the necessity of political authority for preventing chaos and safeguarding communal stability, yet he consistently emphasized that political power must remain subordinate to ethical and religious objectives. Sahri's analysis of al Ghazali's theory of imamah demonstrates that political legitimacy was conditional rather than absolute, justified only insofar as rulers protected religion and upheld justice. Ibn Taymiyyah similarly recognized the instrumental role of political authority but warned against governance driven solely by expediency. For both thinkers, political power was necessary but morally constrained, operating within boundaries set by religious law.nThe juristic conception of authority further reinforces this separation. Islamic law emerged through interpretive processes grounded in textual reasoning, consensus, and analogical deduction. Fathi and Qayyumzadeh emphasize that the authority of the jurisconsult in Islamic governance was rooted in expertise and moral credibility rather than coercive force.[15] Consequently, religious authority functioned as a decentralized normative power capable of critiquing political decisions.

However, this classical balance did not imply the absence of interaction between religion and politics. Islamic symbols, rituals, and legal references were often employed by rulers to bolster political legitimacy. Ahmed's study of the Delhi Sultanate demonstrates that political authorities selectively appropriated Quranic and Hadith references to legitimize their rule, while remaining dependent on religious scholars for normative validation. This dynamic illustrates that Islamic law historically operated as a source of legitimacy rather than a tool of absolute control. This theoretical framework positioned Islamic law as a normative constraint on political authority rather than an instrument of state domination. Law functioned as an external standard against which political decisions could be evaluated and criticized. The ability of jurists to issue legal opinions independent of political power created a space for normative contestation. Such contestation was not viewed as a threat to political stability but as a safeguard against tyranny. The authority of Islamic law thus rested on its moral credibility and methodological coherence, not on coercive enforcement.

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[13] Müller, Islam, Law, and the State, The Oxford Handbook of Law and Anthropology, 2020

[14] Sahri, Political Thought of Al Ghazali on Imamah, HTS Teologiese Studies, 2021.

[15] Fathi and Qayyumzadeh, The Authority of the Jurisconsult in Administering the Islamic Government, Comparative Studies in Jurisprudence, Law, and Politics, 2025

As a result, religious authority functioned as a dispersed normative power capable of critiquing political decisions. Jurists were not state officials in the modern sense, nor were they subordinated to centralized bureaucratic control. Their authority was sustained through scholarly networks, teaching institutions, and public trust. This autonomy enabled Islamic law to maintain internal coherence while remaining responsive to social change through interpretive reasoning.

However, the existence of a differentiated authority structure did not imply a complete separation between religion and politics. Islamic symbols, rituals, and legal references were frequently employed by rulers to bolster political legitimacy. Ahmed's study of the Delhi Sultanate illustrates how political authorities strategically appropriated Quranic verses and Hadith narratives to present themselves as protectors of Islamic order.[16] Importantly, such appropriation did not eliminate the role of religious scholars. On the contrary, rulers remained dependent on jurists for normative validation, indicating that religious authority could not be entirely absorbed by political power.

Transformation of Authority Relations in the Modern State Context

The second result reveals that the emergence of the modern state fundamentally transformed the relationship between Islamic law and political authority. Modern statehood introduced centralized sovereignty, territorial jurisdiction, and legal positivism, reshaping the conditions under which Islamic law operates. Hussin's historical analysis shows that colonial administration played a decisive role in redefining Islamic law as a domain subject to state regulation rather than juristic autonomy.[17] This transformation laid the foundation for contemporary authority contestation.

In postcolonial Muslim majority states, Islamic law has often been incorporated into constitutional and statutory frameworks. Akram et al. demonstrate that in Pakistan, Islamic ideology was constitutionally institutionalized as a source of political legitimacy, while interpretive authority remained firmly under state control.[18] This arrangement produced a paradox in which Islamic law was symbolically elevated yet substantively constrained by political interests.

A similar pattern emerges in Egypt and the Gulf states. Mohiuddin's study of Egypt illustrates how state institutions selectively recognize religious authority while marginalizing independent scholarly voices.[19] Caeiro further argues that jurisdictional politics in Gulf sheikhdoms transformed religious law into an administrative instrument of governance, thereby eroding its normative autonomy.[20] These findings suggest that state domination over Islamic law is not merely accidental but structurally embedded within modern governance frameworks.

Indonesia presents a hybrid model that further complicates authority relations. While the state does not formally adopt Islamic law as the basis of governance, it exercises significant control over religious interpretation. Musonnif et al. demonstrate that state intervention in determining Islamic months reflects a broader pattern of

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[16] M. Ahmed, "Islamic Symbols of Authority: The Quran and Hadis in Delhi Sultanate's Political Legitimacy (13th–14th Century)," *International Journal for Multidisciplinary Research* 7, no. 3 (2025).

[17] Hussin, The Politics of Islamic Law, University of Chicago Press, 2016

[18] Akram, Hayat, and Ali, The Interplay of Islamic Ideology and Political Authority in Pakistan's Constitutional Framework, Journal of Political Stability Archive, 2025

[19] Mohiuddin, Islam, Religious Authority and the State, Asian Journal of Middle Eastern and Islamic Studies, 2022.

[20] Caeiro, The Appeal of Religious Law, Law and History Review, 2025

governmental authority over religious norms.[21] This intervention, though justified in the name of administrative order, raises normative questions regarding the limits of political power in religious matters.

The result confirms that modern state intervention transforms Islamic law from an independent normative system into a regulated object of governance. This transformation weakens religious authority, politicizes legal interpretation, and generates public contestation over legitimacy.

Normative Framework for Balancing Religious Authority and Political Power

The third result formulates a normative framework for rebalancing the relationship between Islamic law and the state in contemporary governance. The analysis confirms that authority contestation arises not from the presence of Islamic law in public life, but from the absence of clear normative boundaries governing state intervention.

First, religious authority must be recognized as epistemic rather than coercive. Islamic law derives its legitimacy from interpretive credibility, not state enforcement. Yahya and Sahidin argue that constitutional Islamic jurisprudence should preserve clerical autonomy while allowing contextual engagement with state law.[22] This approach prevents the instrumentalization of religion by political power.

Second, the state must adopt a facilitative rather than controlling role in religious matters. Effendi emphasizes that Islamic based state policy should respect the autonomy of religious institutions while ensuring public order.[23] Excessive state intervention undermines both legal certainty and religious legitimacy.

Third, hybrid governance models must be carefully structured to avoid authority overlap. Williamson et al. demonstrate that politicization of religious discourse erodes trust in religious institutions.[24] A clear demarcation between legal administration and religious interpretation is therefore essential.

Table below summarizes the proposed normative framework.

Table 1. Normative Framework for Balancing Islamic Law and State Authority

Dimension	Classical Islamic Model	Contemporary Problem	Normative Recommendation
Source of legitimacy	Juristic interpretation	Political instrumentalization	Restore epistemic authority
Role of the state	Guardian of public order	Regulatory dominance	Facilitative governance
Legal enforcement	Moral compliance	Coercive formalism	Limited state enforcement
Institutional design	Plural authority	Centralized sovereignty	Clear authority demarcation
Public trust	Scholarly credibility	Politicized religion	Institutional autonomy

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[21] Musonnif et al., Government Position in Religious Authority Contestation in Indonesia, De Jure, 2024.

[22] Yahya and Sahidin, Relation of Religion and Practical Politics, HTS Teologiese Studies, 2022

[23] Effendi, State Religion Relationship from the Perspective of Islamic Based State Policy, al Daulah, 2022

[24] Williamson et al., Preaching Politics, British Journal of Political Science, 2022.

The table functions as an analytical framework that reveals a fundamental shift in the structure of authority governing Islamic law, namely the displacement of epistemic legitimacy by political power. In the classical Islamic model, legal authority was derived from juristic reasoning and moral credibility, ensuring that Islamic law operated as an autonomous normative system. The contemporary problem identified in the table is political instrumentalization, whereby Islamic law gains validity through state endorsement rather than interpretive legitimacy. This transformation weakens the normative autonomy of Islamic law and renders it vulnerable to political interests. The proposed strategy of restoring epistemic authority is therefore essential to realign Islamic law with its jurisprudential foundations and to prevent its reduction into a mere instrument of governance.

The table also exposes the transformation of the state's role from guardian of public order into a dominant regulator of religious norms. Classical governance limited state intervention to maintaining stability, while religious interpretation remained decentralized. In contrast, modern states tend to regulate Islamic law through bureaucratic control and legal codification, reshaping its substance in the process. The recommendation of facilitative governance directly addresses this distortion by redefining the state's function as enabling religious practice and legal pluralism rather than controlling doctrinal outcomes. This approach recognizes that legal certainty does not require monopolization of interpretive authority, but clear institutional boundaries and procedural restraint.

Finally, the table highlights the broader consequences of authority misalignment for enforcement mechanisms and public trust. The shift from moral compliance to coercive formalism risks transforming Islamic law into a punitive system detached from its ethical objectives. Simultaneously, the politicization of religion erodes public confidence in religious institutions. The combined recommendations of limited state enforcement, clear authority demarcation, and institutional autonomy aim to restore balance by preserving the moral credibility of Islamic law while ensuring governance effectiveness. In conclusion, the table demonstrates that sustainable integration of Islamic law within the modern state depends not on ideological fusion or separation, but on structuring authority relations around mutual restraint, epistemic autonomy, and normative accountability.

CONCLUSION

This study concludes that the relationship between Islamic law and the state is fundamentally a question of authority rather than ideology. Classical Islamic governance recognized a differentiated authority structure in which religious law retained interpretive autonomy while political power ensured public order. The emergence of the modern state disrupted this balance by centralizing authority and subordinating religious law to political control.

Contemporary conflicts surrounding Islamic law stem from this structural transformation. When the state monopolizes religious interpretation, Islamic law loses its normative credibility and becomes a political instrument. Conversely, excluding Islamic law entirely from public life ignores its historical role as a moral and legal reference for Muslim societies.

This article recommends that modern states adopt a normative framework that respects the epistemic autonomy of religious authority while maintaining political neutrality in legal enforcement. Legal reform should prioritize institutional

restraint, plural authority recognition, and procedural clarity. By doing so, Islamic law can function as an ethical and normative resource rather than a tool of political power.

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