***Rechtsstaat*  (The State of Law) From the Perspective of Al-Ghazali and Ibn Khaldun; Comparative Analysis**

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**ABSTRACT:** *The concept of a state is a closely related discourse to the lives of all mankind. However, the Holy Qur’an and Hadits as guidances for Moeslems were not mention the specific form and concept of a state. Therefore, this paper will discuss the concept of a state from some of islamic intellectual perspectives; al-Ghazali and Ibn Khaldun. Both of them were trying to formulated the form and concept of the state. This article uses a qualitative research method with a type of literature research. The results of the study show that the concept of the state in al-Ghazali's perspective is closely related to the theory of the relationship between politics and the state. According to him, government institutions have an obligation to realize the interests of the community and must be shari'i. Regarding the form of self-government, he leaned more towards the monarchy. Meanwhile, in Ibn Khaldun's perspective, there is no form of a country that he specifically recognizes. As long as it meets the criteria, then he admits it. Such a political discourse can be the basis of Muslim thinking in observing the dynamics of modern politics in this era.*

**Keywords:** *al-Ghazali, Ibn Khaldun, The State of Law, Political Discourse, Civil Society*

Negara merupakan sebuah diskursus yang erat kaitannya dengan kehidupan seluruh manusia. sehingga bentuk dan jenis suatu negara pun, berkembang seiring dengan perkembangan zaman. Kendati demikian baik al-Qur’an dan Hadis yang notabenenya adalah dua petunjuk bagi Umat Islam di seluruh dunia, tidak membahas konsep negara secara spesifik. Oleh karena itulah artikel ini akan mendiskusikan konsep sebuah negara dari perspektif ilmuwan muslim: al-Ghazali dan Ibn Khadun. Keduanya merupakan cendikiawan muslim yang berijtihad di dalam merumuskan konsep sebuah negara. Artikel ini menggunakan metode penelitian kualitatif dengan jenis penelitian kepustakaan. Hasil penelitian menunjukkan bahwa konsep negara dalam perspektif al-Ghazali erat dengan teori hubungan antara politik dan negara. Menurutnya lembaga pemerintahan memiliki kewajiban di dalam mewujudkan kepentingan masyarakat dan harus bersifat syar’i. Terkait bentuk pemerintahan sendiri, beliau lebih condong ke arah monarki. Sementara dalam perspektif Ibn Khaldun, tak ada bentuk sebuah negara yang ia akui secara khusus. Selama itu memenuhi kriteria, maka ia mengakuinya. Wacana politiknya yang demikian dapat menjadi dasar pemikiran muslim dalam mencermati dinamika politik modern di zaman ini.

**Keywords:** al-Ghazali, Ibn Khaldun, Diskursus Politik, Masyarakat Sipil, Negara Hukum,

1. **INTRODUCTION**

Discussing the terms and concepts of the state as part of the political aspect is a study that is quite interesting to discuss. This is because efforts to determine the concept and form of the state have a negative impact on the color of a country's political policies. The state is a historical embodiment of a social collectivity in fulfilling the demands of human dignity in which a state was founded (Balandier 1986, 161). Its existence is a system of implementing rules that have been agreed upon by the human community in a certain territorial area.

However, among Moeslems, the issue of the form and concept of a state is a debatable discourse. This arises because both the Qur'an and the Hadith do not clearly mention the form and concept of the state that must be developed by its people. These two foundations only provide the basic principles of an ideal state, as desired by Islam. Therefore, Muslim intellectuals try to interpret these basic principles in a formulation of the concept of statehood. Among the intellectuals were al-Ghazali and Ibn Khaldun.

Several previous studies related to the concept of the state from various approaches have been carried out by many researchers. For example, the research of Rapung et al., which is entitled, "Unsur-Unsur Negara dalam Perspektif al-Siyasah al-Syar'iyyah." His research states that the concept of the state is based on the interpretation of Q.S al-Hajj verse 41, which has at least four important elements for the establishment of a state. The four elements are: 1. Strengthening the Position (al-Tamkin) 2. Region (al-Ardhi) 3. The people and 4. Ability to Connect with External Parties, (Rapung, Alauddin, and Abidin 2022, 39).

Other research related to the topic of the state has also been discussed by Ahmad, who reviewed al-Ghazali's thinking on the discussion of good and correct government management, as well as a detailed review of the requirements to be a good leader in a government. This research ultimately concludes that the concept of good governance must be in harmony with God's law. He also said in his research that, although he did not explicitly mention the procedure for selecting the state, theologically he tended to advocate the election of the head of state from generation to generation as had been done in the time of the Prophet Muhammad (peace be upon him), the Companions and the Successors (Ulum 2022, 126, 138–39).

The last is research conducted by Agustina Damanik. The study in this study talks about the concept of the state from the perspective of Abu A'la al-Maududi. Agustina stated, as a modern thinking figure, he is a brilliant figure who offers the concepts of Islamic theocracy and theodemocracy as well as a number of concepts that are quite comprehensive regarding the discussion of the state. In the results of his research, he mentioned that in addition to putting forward these 2 concepts in the discussion, he rejected the concepts of democracy and European theocracy. This is based on his opinion that real sovereignty is in the hands of God, not in the hands of the people—as the core of the concept of European democracy (Damanik 2019, 99, 106–7).

Overall, this study takes the same topic as several previous studies above, which are both discussing the concept of a country. However, the approach taken is not the same as a several previous studies. The first previous research focused more on discussing the elements in the concept of the state through the al-siyasah al-syar'iyyah approach. This is different from the approach to the concept of the state through the study of the thought of figures. Then, in the second and third previous studies, the paradigm of the approach used is the same. However, the figures studied are different and the analysis techniques used are also different. This study focuses more on the study of figures centered on the thoughts of al-Ghazali and Ibn Khaldun towards the state of law concept, using comparative analysis techniques.

The theoretical basis used in this research study is the presentation of the concept of character studies put forward by Syahrin Harahap. According to him, quoted from Rahmadi, the study of figures is a systematic study carried out on the thoughts/ideas of a Muslim thinker, both in whole and in part (Rahmadi 2019, 276). Besides, Syahrin also said that this assessment was carried out covering the internal and external background, the development of thought, things that were noticed and underpaid, the strengths and weaknesses of the figure's thinking, as well as the contribution of the thought to his time and the era after (Harahap 2014, 6). Then, the supporting theory that will be used in this article is the theory put forward by Julius Stahl, regarding the concept of the state of law called the term *Rechtsstaat* .

The paradigm of this research article will be divided into several points/sub-chapters of discussion. The first study discusses the concept and social life urgencies towards the state of law and politic. This aims to present the discussion from general into specific analysis. Then, it is continued with a discussion of the biographies/profiles of the two figures (al-Ghazali and Ibn Khaldun) which are the main topics in this article. Then it was continued with a study of the thoughts of the two figures and a comparative analysis carried out on their thoughts.

Based on a few explanations above, this paper aims to explore how the concept of the state of law (*Rechtsstaat* ) from al-Ghazali and Ibn Khaldun perspectives. Through the study of figures, it is hoped that this article can explore the thoughts of both related to the term of the state. Using comparative analysis, it is hoped that this paper can provide a number of benefits, both theoretical and practical. From a theoretical perspective, this article can provide enrichment and insight into the concept of the state related to Islamic politics. On the other hand, this paper can also provide a conceptual understanding of the state that can be strengthened through comparative analysis. Then practically, this paper can be a reference to increase the awareness and understanding of the Muslim community about the concept of the state from the perspective of Islamic figures. So that they can be more critical in evaluating the modern political system in the current era.

1. **METHOD**

This paper uses a qualitative research method with the type of literature research. By conducting this type of research, the author takes the following steps: 1. Record all findings found related to the problem and topic of the paper 2. Collecting the findings found 3. Analyze all the findings using predetermined analysis techniques 4. As well as providing critical ideas on the results of the research (Sari 2021, 63). Then, the analysis technique used in this paper is comparison analysis. This allows the author to make a comparison of the thoughts of the two figures (al-Ghazali and Ibn Khaldun) related to the concept of the state. Thus, the approach in this paper is the study of figures—a methodology that will conduct a systematic study of the thoughts/ideas of a Muslim thinker, in the concept of the state that is closely related to politics. Finally, in the presentation of results and discussions, the author uses descriptive-interpretive form.

**III. RESULT AND DISCUSSION**

**The Concept and Urgency of Politics and the State in Social Life**

Theoretically, politics is a science that has its own urgency and position. In practical terms, politics is a profession that has its own honor and benefits, because it is related to trying to handle human affairs in the best possible way. Al-Imam Ibn al-Qayyim quoted the words of al-Imam Abu al-Wafa' bin Usail al-Hambaly, that politics is a performance by which people can become closer to repair and further from damage, while not contrary to the Shari'a (Ibn al-Qayyim dalam Al- Qardhawy 1997, 137).

The word of politic is oftenly translated with the word siyasah in modern Arabic dictionaries. This word is taken from the root word sasa-yasusu which is usually interpreted as driving, controlling, regulating; and so on. From the same root word was found the word sus which means full of germs, lice, or damaged (Shihab 1998, 416). Through this understanding, we can take two meanings related to the term siyasah. Namely siyasah in the first connotation with positive nuances based on the root of the word sasa-yasusu. Then, siyasah in a negative connotation that has the same root as the term sus—a perpetrator who gnaws on something such as caterpillars, germs and bed bugs(Kadri and Tumadi 2022, 58).

In the Qur'an, there is no word derived from the root word sasa-yasusu, but this does not mean that the Qur'an does not elaborate on political matters. Many scholars of the Qur'an have compiled scientific works in the field of politics using the Qur'an and the Sunnah of the Prophet as a reference. Even Ibn Taymiyah (1263-1328) named one of his scientific works as-Siyasah as-Syar'iyah (Religious politics). The Qur'an's description of politics, at first glance, can be found in verses that are rooted in the word ‘hukm’. This word originally meant "to obstruct or prohibit in the context of improvement". From the same root word was formed the word wisdom which originally meant control. This meaning is in line with the origin of the meaning of the word sasa-yasusu-sais-siyasat, which means to drive, control, controler, and the way to control (Shihab 1998, 417).

As social creatures, humans cannot live without interaction with other humans. Therefore, human interaction with their community is a must. In order for the existence of their aggressive and dynamic character to be fulfilled and maintained without damaging the existence of other human beings, human beings make a collectively agreed upon regulation that includes territorial unity, rules and laws, rights and responsibilities and so on. This is done for the creation of a harmonious social community relationship, the fulfillment of all human needs both physically and psychologically, and the avoidance of anarchist actions in the midst of life(Issawi 1976, 138). The intersection of human aggression with their community can give birth to various forms of civilization, agreement of interaction and unity of ideals then gives birth to a country.

However, in order for the differentiation of human aggression not to harm the community and the leakage of the rules that have been agreed to the maximum, it is necessary to have a person (head of state) who has the ability, both intellectual and personality who can regulate, counteract, neutralize and mediate various individual interests into collective interests (Natsir 1958, 112–13). So that it has a unity of goals and ideals, namely the creation of a harmonious social life order. Such an individual figure is the ideal figure of a head of state (Khaldun 1986, 398). Here, the state is seen as an institution that has special rights, duties, and objectives that have material tools and regulations that are recognized by all the people. Otherwise, then a country will stagnate and then be destroyed.

The concept of the state in general when viewed from the concept of its implementation is divided into 2 concepts, based on the theory put forward by Friedrich Julius Stahl. According to him, the state is divided into two forms, namely machstaat, a term that refers to the administration of a state based on a power. As well as the concept of *Rechtsstaat* , which refers to a law-based state administration; contrary to the previous concept that is carried out by the will of the individual or group (Hadi 2022, 174). The second form is the designation for the state of law. The term state of law itself is actually not limited to the concept of Stahl alone, there is The Rule of Law proposed by Albert Venn Dicey for example. Although both refer to a concept of 'state of law'. Both have several different focal points.

**Biography of al-Ghazali and Ibn Khaldun**

1. **Profile of Imam al-Ghazali**

Imam al-Ghazali's full name is Abu Hamid Muhammad bin Muhammad bin Muhammad bin Ahmad al-Ghazali. Al-Ghazali is known as 'Hujjatul Islam Zainuddin Thusi', so called because he is an al-faqih (fiqhist) who is madzhabkan al-Shafi'i (Al-Ghazali 2021, vii). On the other hand, he also got the nickname because he was a prominent theologian, jurist, original thinker, famous Sufism expert and who got the nickname Hujjah al-Islam. Al-Ghazali was born in the city of Thus, which belongs to the Khrasan region, in 450 H or 1058 M, and died also in Thus in 505H or 1111M. His greatest work is Ihya Ulum al-Din (Reviving the Religious Sciences) which consists of six volumes, which is considered by some to be a manual for the implementation of the plenary for the practice and appreciation of the teachings of Islam. both those related to pure worship and those related to aspects of community life (Abidin 1975, 12).

Al-Ghazali attended his first education in Thus, under the care of a founder and Sufism expert, his father's best friend. Then he moved to Naisabur and studied kalam or theology with Imam Haramain Juwaini. It seems that by that time he had already started writing and teaching. At that time, fortunately also began to have doubts about what truth he had learned from his teacher. In addition to studying with Imam Haramain Juwaini, al-Ghazali also studied with a number of other scholars, but generally less well-known. Then he joined the "group" of Nizham al-Mulk, the vizier of Sultan (Soljuk) A. Arsalan, a group that at that time was very attractive to young Islamic scholars.

In 484H or 1091M, al-Ghazali was assigned by Nizham al-Mulk to teach at the Nizhamiyah Higher Education institution which he sent in Baghdari. For four years Ghazali taught at the prestigious institution, and through his position as a teacher his name became more known, so that he was seen as one of the most respected scholars, and respected jurists, not only within the Nizamiyah environment, but also in the government circles in Baghdari (Abidin 1975, 20).

During his lifetime, the Islamic world did experience a worsening decline and depression compared to previous times, including the decline of religious life and morals. Initially, al-Ghazali thought and hoped to do something to improve the condition and situation. But it seemed that both the scale and the dimension and complexity of the depravity were such that he felt that it was all far beyond his ability. In the field of politics, dualism is growing (Sjadzali 1993, 71). During al-Ghazali's time the caliph's power was almost exclusively limited to the spiritual realm, while the real political power rested with the local rulers scattered throughout the Islamic world—whether they were Sultans, Kings or Amir (Sjadzali 1993, 72).

In Western North Africa, at that time there were two kingdoms: First, the Murabithun dynasty was built by Abdullah bin Yasin and Yusuf bin Tasyfin; His territory included Algeria, Marakisy, West Africa and Andalusia Yusuf bin Tasyfin as one of the founders of this dynasty, establishing Morocco and later making it the capital as well as the center of government. The establishment of this dynasty is an illustration in Islam, of what can be produced between the marriage of the sword and religion (Hitti 2024, 688–89). Then the second is the Muwahidun dynasty built by Muhammad bin Tumarat, whose territory covers the entire Arab Maghrib region, West Africa and Andalusia. This dynasty emerged after the short-lived collapse of Murabithun. This is because Murabithun is confined to an efficient military oligarchy, followed by laziness and corruption. Thus, the Murabithun dynasty became an easy target for his more ardent nephew, Muwahiddun (Hitti 2024, 693–94). Imam al-Ghazali as a prominent figure at that time, was friendly with the two founders of the dynasty (Faylasuf 2024).

Yusuf bin Tasyfin, the founder of the Murabithun kingdom, was in contact with Ghazali through correspondence. Joseph asked for advice on matters of war/peace, and political and state wisdom (Pratama 2022). Therefore, Ghazali has the right to be proud of Yusuf bin Tasyfin's success, both in building and in managing the country with justice and wisdom, until he gets the nickname Amir al-Muslimin, not Amir al-Mu'minin which is a title for the caliph only. Ghazali's other friendship, which also resulted in the birth of a state based on his direction and guidance, was his friendship with Muhammad bin Tumarat, the founder of the Muwahidun kingdom, after he succeeded in rebelling against Murabithun and seizing a number of his domains. The relationship between the founder of the Muwahidun dynasty and Ghazali, which lasted for three years, was that of a student and a teacher and tutor

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1. **Profil Ibn Khaldun**

The full name and genealogy of Ibn Khaldun (hereinafter referred to as Khaldun) is Waliuddin Abdur Rahman bin Muhammad bin Muhammad bin Hasan bin Jabir bin Muhammad bin Ibrahim bin Abdur Rahman bin Khalid bin Usman (Sjazali 1993:90). Khaldun was born in Tunisia on 1 Ramadan 732 H / 27 May 1332M and died in Cairo on 25th of Ramadhan 808 H/19th March 1406M (Al-Syaq’ah 1988, 19).

Khaldun's family is from Hadramaut (Southern Yemen) and is an expert in politics, except for his father. Then the family moved to Andalusia and finally to Tunisia in the middle of the VII century AH. Khaldun was named after his ninth grandfather, Khalid (un) bin Uthman (Wafi’ 1985, 3–4). Khaldun first received his education from his own father. Since childhood he studied Tajweed and the Quran, even memorized it, and was fluent in qiraat sab'ah. In addition, Khaldun also studied Tafsir, Hadith, Fiqh (Maliki), Arabic Grammar, Mantiq science, and Philosophy with a number of Andalusian scholars who migrated to Tunisia(Syarif and Muhammad 1978, 469). But at the age of 18, his great desire to study was forced to stop because of the spread of cholera that was so vicious and demanded many casualties, including his parents and most of his teachers. As a result of this event in 750 AH, many Tunisian people moved. The main destination is Morocco.

This incident made Khaldun have to try to get a job and decided to follow in the footsteps of his grandfathers by entering the world of politics. Thanks to his family's experience and his communication with various scholars and famous figures at that time, he has contributed a lot to his political career. In fact, in a relatively short period of time, Khaldun had occupied several important positions in the government at that time. This can be seen at the age of 21 years (751 AH) Khaldun was appointed as the secretary of Sultan Al-Fadl of the Hafs dynasty based in Tunisia. However, in 753 H Khaldun was forced to resign from the position because the ruler he supported lost a war. This did not make his political career dead. He then tried to approach several successive rulers, his expertise putting him in practical politics for a quarter of a century since Northwest Africa to Andalusia. No less than 10 times Khaldun changed positions from one dynasty to another. His attitude and political career course have caused Khaldun to make frequent shifts in loyalty. His attitude caused Khaldun's political space to be narrowed, because he was often suspected. The climax of the suspicion had led to Khaldun being arrested and imprisoned for 21 months by the government of Sultan Abu Inan of Bani Marin. After his release, Khaldun tried to appeal to the sympathy of some of the rulers of the time. However, because the rulers supported by Khaldun suffered defeat, causing him to be increasingly isolated and chased. Because of this unfortunate situation, in 774 AH / 1372 AD forced him to save himself. The first option is to Tunisia. However, because he was hindered by the Fez government who feared that Khaldun's political abilities would be exploited by the Hafs or Abd al-Wad dynasty, he finally decided to emigrate to Andalusia (Zainudin 1992, 3–4).

Thanks to the long-standing harmonious relationship between Khaldun and prime minister Ibn Khatib, his arrival in Andalusia was welcomed by Sultan Muhammad. The intimate atmosphere did not last long, because in the reign of Sultan Muhammad there was turmoil, even dragging Khaldun into an unfavorable situation. As a result, he left Andalusia for Biskra. In this area, Khaldun did not feel at home staying longer, mainly because of his less harmonious relationship, both with the ruler and with the tribes of the region. This situation forced him to leave Biskra and then join Sultan Abdul Aziz in Tlamsan. In this region, Khaldun encountered various obstacles. Thanks to the help and assurance of an old friend, Muhammad bin Arif, Khaldun finally obtained a pardon from Sultan Abu Hammu. From here, Khaldun intends to leave the political arena and return to pursue the scientific field that he has long left behind. From 776 AH / 1374 AD to 784 AH / 1382 AD Khaldun focused his attention on the field of science by utilizing the facilities of the Tunisian library. In this era, Khaldun was productive in writing. Among his writings is Muqaddimah Ibn Khaldun which is part of the book Al-Ibrar. But Khaldun's seriousness was halted for a moment when Sultan Abu Abbas asked Khaldun to join him on a military expedition (Sjadzali 1993, 94–96).

Upon returning from the military expedition, Khaldun asked the sultan for permission to carry out the hajj. Actually, this reason is used by Khaldun to get out of the world of politics and insensibly can focus his mind on the world of science. This request was granted so that in 784 AH / 1382 AD he left Tunisia for Alexandria. From here Khaldun did not go directly to Mecca but to Egypt to begin his scientific adventure. In Egypt, with his political ability and breadth of knowledge, he received a warm welcome from the rulers and the wider community. For approximately 24 years, Khaldun took advantage of the age and facilities available in Egypt to develop knowledge by becoming a lecturer in Maliki Fiqh Science at Madrasah Qamliyah (Ensiklopedi Islam 1994: 159). Khaldun is also believed to occupy the position of supreme judge (mufti) based on the Maliki school for 6 periods (Zainudin 1992, 50).

If you look at Khaldun's long and tortuous political career journey – even according to Thaha Husain, Khaldun is a traitor – then there are at least 3 hypotheses that can be developed in looking at Khaldun's political dynamics. First, he is still looking for the real political format and meaning. However, this approach is less valid, as it seems less relevant to Khaldun's family and personal background that is so intense with politics. Second, Khaldun has great ambitions to occupy positions in the government. For this reason, he is always looking for government alternatives that benefit his ambitions. However, this reason is also too weak to be stated, because by looking at his educational background that has been embedded since childhood, it seems difficult to put him in this position. Third, Khaldun already has a clear political concept. However, in order to actualize his ideal ideas, he often encountered obstacles from the government at that time. This situation forced Khaldun to make a "political leap". However, this reason still seems apologetic. Therefore, to answer the truth of the above hypothesis, a creative-analytical search of Khaldun's political concept is needed. One of the political concepts in question is his view of the concept of the state.

**The Views of Al-Ghazali and Ibn Khaldun In The Concept of The State**

1. **The State of Law (*Rechtsstaat*) in al-Ghazali's Perspective**

According to al-Ghazali, man was created by Allah and cannot live alone, he needs to gather with others; creatures of their kind. As for the need for humans to gather with their neighbors, it is driven by two reasons. First, the need to maintain the continuity of offspring (reproduction). This can only happen through meetings between men and women and associations between the two. Second, to cooperate or help (ta'awun) in order to obtain food to sustain life, clothes to protect oneself from heat and cold, a place to shelter to protect oneself from heat and cold; and protect families and property from all kinds of disturbances and children's education.

Humans as individuals are not able to live on their own, this can be seen in the reality of life activities, such as in terms of working rice fields and fields. For this, he needed agricultural tools, for which blacksmiths and carpenters were employed. To hold food, a wheat mill and a baker were needed. And for the preparation of clothes are needed weavers and tailors. Children's education needs a place and teachers as well as other tools. All of these factors require good cooperation between fellow humans. For this reason, a certain place is needed, and from there a country is born (Al-Ghazali 1975, 1745).

It is a universal opinion that the main elements of the state are the existence of a group of people or society, which in the study of political science is called the people, the existence of a certain region, and the existence of a government or leader(Pulungan 1997, 223). The need for these three things is an important thing that must be met for the existence of a country. Without any of these three things, the existence of a country would not exist. Both de facto and de jure.

Regarding efforts to meet the needs of the people's lives, al-Ghazali argued that the state needs a number of elements that ensure the establishment of the state, namely: agriculture to produce foodstuffs; livestock producing livestock; hunting, to produce game animals; mining, to obtain mining goods stored in the bowels of the earth; spinning to produce clothes; development to produce housing (Al-Ghazali 1975, 1744).

In addition, the political element is also a joint of the state. Politics (siyasat) is related to the management of the state, the arrangement of cooperation between citizens to ensure common interests, resolve disputes between citizens and protect threats and dangers that come from outside. In the political field, this requires a number of things. First, land surveyors to find out the size of people's land and its fair distribution. Second, the military to maintain the security and defense of the country. Third, the judiciary to resolve disputes and disputes between citizens. And fourth, the law, which is the law that maintains the morals of the community that must be obeyed so that there are no disputes and violations of rights, namely the law of Allah in the field of muamalah (Al-Ghazali 1975, 1745–46). To regulate all these things, a head of state or leader is needed who is in charge of managing all the affairs of the people and the state (Al-Ghazali 1975, 1747).

The government (oftenly used the term Imamah or Khilafah) is the general leadership for Muslims in religious affairs and world affairs as a substitute for the function of the Prophet PBUH. Al-Ghazali expressed the opinion that the establishment of the caliphate is mandatory sh'i. The basis is ijma' ummah, and the mandatory category is fardhu kifayah (Al-Ghazali 1972, 118). The ijma' of the ummah, according to him, is found in the history of Muslims, namely the occurrence of ijma' of the companions in the process of appointing a caliph who replaced the Prophet PBUH. Since that event until the time of al-Ghazali, Muslims have always been under the rule of the caliphate system. This means that for several centuries, the ijma' of Muslims accepted that system of government. So, the concept of ijma' for al-Ghazali is the consensus of all scholars and ordinary people in an unlimited time. According to him, the important thing is not the ijma’, but why the ijma' occurs. He also held the view that the ijma' of the ummah on the need for Imamah was intended in order to maintain shari'a and religious order. Such a thing cannot be realized unless there is an obedient ruler (Syarif and Muhammad 1978, 390).

Al-Ghazali also put forward another reason by observing the social reality and human nature. According to him, humans tend to be social so that they can cooperate and help in order to meet their life needs. But because in cooperation and help, there is often competition and opposition, so to overcome it, the government or rulers are needed, to serve the interests of the people.

Al-Ghazali's thinking implies that religion and politics are closely related to the world and the hereafter. Because according to him, the goal of human beings in society is not only to meet needs and seek material happiness, but more than that to prepare for a more prosperous and eternal life in the hereafter. Life and life in the world are not for the world alone, but the world is for religion and religion to govern the world. Both must be fulfilled in a balanced and fair manner (Syarif and Muhammad 1978, 389). The actualization of religion is understanding, appreciation and worship. This will not be achieved except with a healthy body with the fulfillment of the primary needs of mental security, and the property is secured. If these important needs are not met, neither will knowledge and charity be achieved, both of which are the means and tools to attain happiness. So material welfare is a condition for the implementation of the appreciation and practice of religion, and religion plays a role in regulating how to obtain material needs. The order of the world, the harmony of soul and property and the actualization of religion will not be realized unless there is an obedient ruler to govern the world into a field for obtaining a prosperous life in the hereafter.

In this regard, al-Ghazali formulated a theory of the relationship between religion and politics that is very close and interdependent. Religion is the basis and the sultan (political power) is the guardian. Something without a foundation will collapse and a foundation without a guard will be lost. So the sultan is needed to ensure world order. The order of the world is a must for the order of religious practice, and the order of religious practice is a must to obtain happiness in the hereafter. So the appointment of an imam or ruler is mandatory according to religious law (shari'). Thus, the bond between religion and the world or between religion and political power integrally will create the authority of state sovereignty in the hands of an authoritative and respected head of state in order to create the benefit of the people (Syarif and Muhammad 1978, 377).

Al-Ghazali's opinions prove how necessary it is to establish a government on the one hand, and support his political theory on the other. His thinking paradigm is based on the historical reality of Muslims, the disposition of human beings as social beings, and the character of Islamic teachings that pay attention to the affairs of the world and the hereafter in a balanced manner, as well as the desire to implement Islamic sharia. This, according to Rosenthal, is his effort to maintain the institution of the caliphate as a symbol of the unity of the Muslim community (Rosenthal 1962, 38).

Al-Ghazali parallels politics with religion, departing from his perception of the position of politics in science. According to him, science must be distinguished between shari'a science and non-shari’a science. Politics, ethics and metaphysics fall into the first category, while logic, mathematics and physics fall into the second category (Shirwan 1945, 203). This means that the first category, such as politics, is sourced from the shari’a, and the second category is sourced from reason and empirical experience (Al-Ghazali 1961, 27). Thus, siyasah problems include the study of fiqh (Al-Ghazali 1972, 105). Based on his thoughts, al-Ghazali defined siyasat as an effort to improve the lives of the people by guiding them to the straight path that saves them in this world and in the hereafter (Al-Ghazali dalam Syarif and Muhammad 1978, 5). Politics, according to him, is a tool to obtain happiness in this world and the hereafter (Ahmad, 1975: 27).

The duties and objectives of government institutions, in the view of al-Ghazali, are institutions that have power and become a tool for implementing sharia, realizing the benefits of the people, ensuring order in world affairs and religious affairs. It also functions as a symbol of the unity of Muslims for the sake of the continuity of Muslim history (Al-Ghazali, 1972: 105-106). Thus, government institutions have an obligation to regulate society in terms of the common good.

Judging from the form of government that has been formulated until now, al-Ghazali seems to be more inclined to the monarchical form of government. This is based on his opinion that a person who will be the head of state must receive tafwidh from the holder of power (Pulungan, 1997 : 268). The form of government of a monarchical state is a government with an executive position that is hereditary, held by one person who is given a term of office for life and has a non-trivial interest in running the country (Gerring 2021, 4). Given that the responsibility of a country leader is very large and not easy to do.

To become a leader, al-Ghazali proposed ten conditions that must be met by a person to be appointed as the head of state, sultan or king: (1) adulthood or puberty; (2) a healthy brain; (3) free and not slave; (4) men; (5) descendants of the Quraish; (6) healthy hearing and vision; (7) real power; (8) hidayah; (9) knowledge; and (10) wara' (Sjadzali 1993, 78). From these ten conditions, al-Ghazali concluded to four important conditions, namely: (1) the ability to act; (2) authority; (3) honesty; and (4) science (Abidin 1975, 293).

Based on verse 59 of Surah al-Nisa' which commands believers to obey Allah, His Messenger and the leaders, and verse 26 of Surah Ali Imran which affirms that Allah gives kingdom (power) to those He wills, al-Ghazali supports the adage that says that the head of state or sultan is the shadow of Allah on His earth. Therefore, the people are obliged to follow and obey it, not to oppose it. For this reason, according to him, in reality God chose among Adam's grandchildren to be prophets and leaders. The Prophets are tasked with guiding the people to the right path, and the kings or leaders control the people so that they do not endanger their fellow men, and with their wisdom they realize the benefit of the people. The line of thought of al-Ghazali, according to Muhammad Jalal Syaraf and Ali Abd al-Mu'thi Muhammad, implies that the power of the head of state is muqaddas (holy). Therefore, the people are obliged to obey all their orders. The system of government in al-Ghazali's thought is a theocracy (Al-Ghazali dalam Syarif and Muhammad 1978, 393).

Al-Ghazali's political thought is distinctive with political thought that is religious and moral. This thinking is based on his opinion that the political position is at a level below the prophethood. This style of thinking is found in his book al-Tibr al-Masbuk fi Nashihat al-Muluk which specifically talks about the ethics of rulers, and other books, such as the ‘Letters of al-Ghazali’ compiled by Abdul Qayyum. He addressed these letters to sultans, governors, government officials, oppressors, unsympathetic rulers, corrupt officials, politicians, statesmen and others who abuse their power and position. In the letters, according to Abdul Qayyum, "there is a complete self-realization of one of the most impressive reformers of his time, who refused to submit to immoral power."(Qayyum 1988, vi). According to al-Ghazali, human beings are grouped into three groups: 1) those who are immersed in the darkness of the world and matter; 2) those who are above the material world tend towards spiritual purification; and 3) those who are divine and perfect (al-Ghazali dalam Qayyum 1988, 22–23).

The concept of the state of law (*Rechtsstaat* ) and Al-Ghazali's view of the state have similarities in terms of the importance of justice, but differ in the basis of their thinking and orientation. The state of law emphasizes the rule of law which is rational and secular in nature, where the power of the state is limited by clear laws and there is a separation of powers between the executive, legislative, and judicial. This aims to create a fair social order and ensure legal certainty for all citizens. Meanwhile, in Al-Ghazali's view, the state focuses more on moral and spiritual principles based on Divine law (sharia). For Al-Ghazali, the state not only functions to regulate worldly affairs, but also to ensure that Muslims can practice their religion properly. Leaders, in his view, must have high moral and spiritual qualities and ensure justice and the welfare of the people. Although both prioritize justice, the main difference lies in the source of law and the ultimate goal of the state: the state of law aims to create a just social order and protect human rights in a secular manner, while in Al-Ghazali's view, the state serves as a means to achieve the welfare of the world and the hereafter by making the divine law the main foundation.

1. **The State of Law (Rechtsstaat ) in al-Ghazali's Perspective**

The ideal condition of a country can emerge when an order of social interaction is created between citizens who have a unified vision in viewing their community as a sub-system of the state system. Such an attitude is termed by Khaldun with the attitude of ashabiyah (group solidarity). Only a country that has a strong ashabiyah is able to create a high civilization. On the other hand, if the sense of ashabiyah has faded, then a country will be destroyed (Zainudin 1992, 196).

Because the state is an institution that has a considerable responsibility in protecting all its people, Khaldun centralizes the concept of the state universally in his political thinking. Khaldun did not mention the form of the state from his concept of the state transparently. In this case, it seems that Khaldun gives freedom to each community to determine the shape of its state, and it also seems that he is colored by the view of Ibn Taymiah who said that the state is something necessary in enforcing religious orders. However, its existence is as a mere "tool" and not an institution that intrinsically enters religious institutions. Therefore, humans are given the freedom to determine the concept and color of the tool they want to use that is in accordance with the situation, conditions and the agreement of the community itself. Only the most important thing is how the "tool" is able to realize the ideals and prosperity of all the people (Islamika No. 3 1994: 68). However, Khaldun only gives signs of the ideal state form, namely the caliph or imamah. This limitation cannot be understood in the same way as the concept of a caliphate state whose head of state has a dual function as the head of state and the head of religion or the concept of imamah understood by the Shi'a group. At this level, the head of state, in addition to being the ruler of the state whose function is to maintain the welfare of the worldly life of all the people, is also a leader (imam) whose all actions (morality) are guidelines and examples that must be obeyed by all the people.

Khaldun's thinking about the concept of the state is heavily influenced by Plato's teachings on the concept of the "philosophical state". According to him, it is the philosopher who has the criteria that can achieve peace and prosperity in this world and the hereafter. A Muslim ruler is able to be a leader in a good country, so he must try to act and act wisely, wisely, and not drown in worldly greed and avarice (Mahdi 1971, 286–89). Therefore, in order for the election of the head of state to be able to truly protect these two functions, the election must be through ahl al-hal wa al-aqd. In this case, the head of state, at least, meets the requirements, such as being knowledgeable, fair, having the ability to manage the government, being in good health, and the Quraish tribe (Khaldun 1986, 238–39) Meanwhile, in looking at the position of Ahl Al-Hal wa Al-Aqd, horizontally, it is the bearer of the people's sovereignty, which is then delegated to the Head of State, to apply all the wisdom of government in the life of the nation and state.

In addition, Khaldun did not agree with the determination of the criteria that the head of state should be a descendant of the Quraish. According to him, the meaning of these conditions must be seen in a historical context and not dogmatic. Historically, at that time the figure of the leader, such as trustworthy, honest, fair, strong and responsible, as the leadership prototype owned by the descendants of the Quraish (Khaldun 1986, 242). Therefore, if at the time the criteria are owned by a group outside the Quraish, then he has the right to be elected or appointed as the head of state. In fact, even more extreme, for Khaldun, the head of state does not have to be a Muslim. For example, when the Muslim community is in a non-Muslim majority social community, then the head of state can be appointed from non-Muslims, as long as they are fair and meet the requirements as the head of state, and are able to create a policy for the benefit of the people, rather than Muslims but do not have these criteria. Ideally, to build a "madany" state, the head of state should be a Muslim, because normatively only Islam has this ideal concept (Khaldun 1986, 65–69; Raliby 1965, 171).

For Khaldun, the head of state is not a dictator who with his power imposes his will on others, but he is a leader of the people who is in charge of carrying out social responsibility, namely the establishment of a harmonious social life order. A good head of state is a head of state who realizes that he is the holder of the people's mandate and always tries to be fair, gentle and wise towards his people. With this attitude, the head of state and all his people will coexist in building the country and its civilization (Rahman Zainudin 1992: 94). This view, according to Maududi, emerged as an Islamic antithesis to the form of monarkhi or papal government (Christian) which placed the head of state with absolute sovereignty. With the democratic form of the caliphate developed by Khaldun, it has the meaning of the embodiment of the concept of the caliphate of Allah which is limited by the limits of Divine law (Al-Maududi 1995). Thus, for Khaldun, forming a state and appointing a head of state is an obligation, both because of the basis of sharia based on the ijma of friends, and for the reason of aqli because humans are social beings who have individual differentiation (Khaldun 1986, 235–37).

The practical goal that Khaldun developed in his political thinking about the state is the concept of moral reflection as reflected in social history. This moral reference is a guideline in implementing state political policies. With this footing, the state is able to function ideally, namely actualizing its existence as a forum for the growth of happiness and goodness for all people (Mahdi 1971, 270–71).

Looking at Khaldun's view above, Watt argues that this is a pretty brilliant view of a world thinker. Khaldun's thought emerged from a long direct experiment (Watt 1972, 143). With his rational and accountable exploration ability, Khaldun was the foremost religious and political thinker possessed by Islam in the Middle Ages and there was no expert who could match his expertise, both in the West and in the East (Hitti 2024, 255).

For Khaldun, in order to create a good country, there are at least 4 sociological criteria that must be considered, namely:

1. A healthy environment, both air, water and the layout of the building.
2. Located in a strategic place and being a trade traffic.
3. The creation of strong social solidarity, both with the ties of ethnicity, religion, language, region, and a sense of togetherness.
4. Located in a fertile and rich place (Khaldun 1986, 401–5).

According to Khaldun, if these criteria, both in terms of monographs, society, and heads of state, are already possessed in a country, then these conditions will accelerate the growth of prosperity and the emergence of a high culture. Khaldun's basic idea was at least biased from his life experience while in Egypt which was conducive to the implementation of an ideal government. This conducive atmosphere can be seen from the following verses:

*Birds fall where grain is thrown*

*The houses of noble people are crowded (Khaldun 1986, 420).*

Judging from Khaldun's view of the concept of the state in his political thinking has its own color, both in understanding the concept of the caliphate, ashabiyah and the process of selecting the head of state. When this aspect is developed in detail, it can be seen that Khaldun's various political leaps were not his arrogant attitude towards politics. In doing his politics, Khaldun sociologically refers to social theory (realistic logic). In this case, the message of the Quran is intended to be able to be applied in real life. The point is solely in the context of worship to Allah. Meanwhile, the shape must be adjusted to the social conditions at that time. This is because when human beings are faced with a global social world, they must follow their realistic logic. Otherwise, all the ideas they had would be shattered to pieces. Therefore, in assessing Khaldun's attitude that seems "duality" is a necessity for Khaldun in order to include his political ideas in the midst of the political dynamics and turmoil of that time.

The concept of the state of law (*Rechtsstaat* ) and Ibn Khaldun's views on the state have interesting differences and similarities. The state of law emphasizes that the government must be subject to clear and structured laws, ensure justice through an independent legal system, and limit the power of the state to avoid abuse. These principles ensure the protection of human rights and justice for citizens. On the other hand, Ibn Khaldun views the state more as an entity built on the basis of social solidarity or asabiya, where group strength is the main factor in the formation of the state. In theory, the state will experience a life cycle—starting from the strength born of social solidarity, developing with a stable government, but finally experiencing setbacks due to a decline in solidarity and corruption in the government. Although they differ in their approaches, they have similarities in emphasizing the importance of justice and the limitation of state power, but the state of law focuses more on formal legal structures, while Ibn Khaldun sees social and cultural factors as the core of the state's sustainability.

1. **CONCLUSION**

The concept of *Rechtsstaat*  in the thought of al-Ghazali and Ibn Khaldun shows that although the three do not speak directly of the state of law in the modern sense, there are some fundamental similarities and differences that need to be observed in their views on the state and government. These two Islamic thinkers provide insight into the importance of the principle of justice, the limitation of power, and the moral and social role in creating a stable and just government.

The importance of justice is a theme that connects the thought of al-Ghazali, Ibn Khaldun, and the concept of the state of law (*Rechtsstaat* ). For al-Ghazali, justice is the main principle in the administration of the state, which must be based on Islamic religious and sharia values. In his view, a just government not only regulates worldly life, but also directs society to achieve prosperity in the hereafter. Meanwhile, in the *Rechtsstaat* , justice is understood more as a principle reflected in a transparent legal system, where every state action must be based on clear rules, and the protection of human rights is the top priority.

Ibn Khaldun also emphasized the importance of justice in government, but with a more social and historical approach. According to Ibn Khaldun, a just state will gain support from the people, which in turn will strengthen the stability of the country. He suggested that a corrupt and unfair government would lead to the collapse of the state due to the loss of social solidarity (asabiya) which is the basic strength of a country. This shows a difference with the modern state of law, which emphasizes more on the formal and procedural legal system to ensure justice.

In terms of the role of law and the structure of the state, the *Rechtsstaat*  puts forward a clearly and unequivocally organized rule of law. The state of law aims to limit government power from being abused, as well as maintain a balance between individual rights and state power. The concept of the state of law relies on an independent judicial system, separation of powers, and protection of human rights.

On the other side, al-Ghazali, although not discussing the state of law in the same sense, considers law to be an integral part of Islamic sharia that must be implemented by the state. Governments according to al-Ghazali should prioritize moral and religious principles in their policies, and law is not only a tool for regulating social life but also for achieving spiritual goals. Al-Ghazali sees the state more as a tool to realize moral and spiritual well-being, rather than just a tool to maintain social order through a formal legal system.

Ibn Khaldun, on the other hand, did not develop the idea of a state of law based on a structured legal system as in the concept of the *Rechtsstaat* . He emphasized the importance of social solidarity (asabiya) in maintaining the sustainability of the country. In Ibn Khaldun's view, the country develops and survives as long as there is strong unity and solidarity in society. Countries that lose social solidarity will suffer setbacks, regardless of the existing legal system or governance structure.

In terms of the limitation of power, both *Rechtsstaat* , al-Ghazali, and Ibn Khaldun agreed that state power should be limited and should not be abused. In the concept of the state of law, the limitation of power is carried out through clear legal mechanisms, such as the separation of powers and the supervision of state institutions. Al-Ghazali, while not discussing the limitation of power in a modern form, stressed that an unjust or authoritarian leader would undermine the stability of the country. Meanwhile, Ibn Khaldun views power more as something that depends on public support and social solidarity, so that a government that is unable to maintain social unity will lose its power.

Overall, although there are similarities in emphasizing the importance of justice, limitation of power, and morality, these three ideas have different approaches. The *Rechtsstaat*  emphasizes a structured and rational legal system to regulate relations between citizens and limit state power. Meanwhile, al-Ghazali focuses more on the application of religious principles and morality in running the government, with the aim of achieving the welfare of the world and the hereafter. Ibn Khaldun, on the other hand, sees the state in a dynamic social and cultural context, where the sustainability of the state depends on social solidarity and a healthy social structure.

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