

Rechtsstaat from the Perspective of Al-Ghazali and Ibn Khaldun

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ABSTRACT: *The concept of a state is a closely related discourse to the lives of all humanity. However, the Holy Quran and Hadits, as guidance for Muslims, did not mention the specific form and concept of a state. Therefore, this paper will discuss the idea of a state from some Islamic intellectual perspectives, such as al-Ghazali and Ibn Khaldun. Both of them were trying to formulate the form and concept of the state. This article uses a qualitative research method with a type of library research. This type of research allows primary data sources to come from books authored by Al-Ghazali and Ibn Khaldun. At the same time, secondary data sources come from various articles and other scientific books that can support the author's arguments. To analyze their thought, this article uses comparative analysis; comparative analysis allows researchers to understand how the two thinkers view the concept of the state of law and how their thinking can be compared in different contexts. The results of the study show that Al-Ghazali and Ibn Khaldun have similarities in emphasizing the relationship between region and politics, as well as the importance of religious principles in government. They agreed that the government must maintain order and justice. However, the difference lies in the approach and form of government; Al-Ghazali supported the monarchy, while Ibn Khaldun did not specify a specific form as long as it met the criteria for justice. Their thinking can be the basis for understanding the interaction of religion and politics in creating a just system of government. Nevertheless, this paper is limited to the views of Ghazali and ibn Khaldun to understand the thoughts of both without involving experimental empirical methods.*

Konsep negara adalah wacana yang berkaitan erat dengan kehidupan seluruh umat manusia. Namun, Al-Qur'an dan Hadist, sebagai panduan bagi umat Islam, tidak menyebutkan bentuk dan konsep spesifik suatu negara. Oleh karena itu, tulisan ini akan membahas gagasan negara dari beberapa perspektif intelektual Islam; al-Ghazali dan Ibnu Khaldun. Keduanya mencoba

merumuskan bentuk dan konsep negara. Artikel ini menggunakan metode penelitian kualitatif dengan jenis penelitian kepustakaan. Jenis penelitian ini memungkinkan sumber data primer berasal dari buku-buku yang ditulis oleh Al-Ghazali dan Ibnu Khaldun. Sedangkan sumber data sekunder berasal dari berbagai artikel dan buku ilmiah lainnya yang dapat mendukung argumen penulis. Untuk menganalisis pemikiran mereka, artikel ini menggunakan analisis komparatif. Analisis komparatif memungkinkan peneliti untuk memahami bagaimana kedua pemikir tersebut memandang konsep negara hukum dan bagaimana pemikiran mereka dapat dibandingkan dalam konteks yang berbeda. Hasil penelitian menunjukkan bahwa Al-Ghazali dan Ibnu Khaldun memiliki kesamaan dalam menekankan hubungan antara wilayah dan politik, serta pentingnya prinsip-prinsip agama dalam pemerintahan. Mereka sepakat bahwa pemerintah harus menjaga ketertiban dan keadilan. Namun, perbedaannya terletak pada pendekatan dan bentuk pemerintahan; Al-Ghazali mendukung monarki, sementara Ibnu Khaldun tidak menentukan bentuk tertentu selama memenuhi kriteria keadilan. Pemikiran mereka dapat menjadi dasar untuk memahami interaksi agama dan politik dalam menciptakan sistem pemerintahan yang adil. Namun demikian, tulisan ini terbatas pada pandangan Ghazali dan ibn Khaldun untuk memahami pemikiran keduanya, tanpa melibatkan metode empiris eksperimental.

Keywords: *Al-Ghazali, Ibn Khaldun, Political Discourse, Civil Society, Legal State.*

I. INTRODUCTION

Discussing the term and concept of the state as part of the political aspect is a study that is quite interesting to discuss, so that's why the state has been studied by many entry points and standpoints ([Jessop](#), 2016). This is because efforts to determine the concept and form of the state sometimes determine the colour of a country's political policies. A state is a form of political association, and political association is itself only one form of human association ([Yuzbekova](#), 2024). According to Georg Jellinek, the state is a combination of three crucial elements that uphold the general legal order: state territory, state population, and state power ([Hosle](#), 2019). Its existence is a system of implementing rules that have been agreed upon by human communities in certain territorial areas. The agreement of the human community regarding the state cannot be separated from the logical consequence of the formation of a state, which is to protect its citizens. Timothee explained that a good state will strive to meet the social needs of its citizens which include economic and social conditions, and demand a coordinated response from the political community ([Endicott](#), 2021).

However, among Muslims, 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 mention the form and concept of the state that its people must develop. 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. Ghazali is one of the political works authors of the fifth century ([Ilhamni et al.](#), 2022). Meanwhile Ibn Khaldun,

according to [Sulastri](#) (2019), is a figure who contributed a lot to the discourse on the development of world civilizations.

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.](#) (2022). 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. 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 study 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). The last is research conducted by [Damanik](#) (2019). The study in this study talks about the concept of the state from the perspective of [Al-Maududi](#) (1995). Agustina stated that as a modern thinking figure, he is a brilliant figure who offers the concepts of Islamic theocracy and democracy as well as several 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.

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 that of several previous studies. The first previous research focused more on discussing the elements of the concept of the state through the *al-siyasah al-syar'iyah* approach. This is different from the approach to the idea of the state through the study of the biography of figures. Then, in the second and third previous studies, the paradigm of the approach used is the same. However, the statistics studied are different and the analysis techniques used are also different. This study focuses more on the study of figures centred on the thoughts of al-Ghazali and Ibn Khaldun towards the concept of state of law, using comparative analysis techniques.

The concept of the state in general when viewed from the idea 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 power. The concept of *Rechtsstaat*, which refers to a law-based state administration, is contrary to the previous concept that is carried out by the will of the individual or group ([Hadi](#), 2022). The second form is the designation for the state of law. The term state of law itself is not limited to the concept of Stahl alone, Albert Venn Dicey proposes the Rule of Law for example. Although both refer to a concept of 'state of law'. Both have several different focal points.

Based on that theory, the structure of this research article will be organized into several points or subchapters for discussion. The first section will address the concept of social life urgencies related to the state of law and politics. This part aims to transition from a general overview to a more specific analysis. Following this, there will be a discussion of the biographies and profiles of the two key figures, al-Ghazali and Ibn Khaldun, who are the main subjects of the article. Finally, the article will explore the thoughts of these two figures, including a comparative analysis of their ideas on the concept of the state in the portrait of *Rechtsstaat*.

This paper aims to explore how the concept of *Rechtsstaat* from al-Ghazali and Ibn Khaldun's perspectives. Through the study of figures, it is hoped that this article can examine the thoughts of both related to the term of the state. Using comparative analysis, it is expected that this paper can provide several 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 knowledge 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.

II. METHOD

This paper uses a qualitative research method with the type of library research or library-based researchers. This type of research has seven models as follows; 1) Keyword searches, 2) Subject searches, 3) Looking for recent, scholarly books and articles, 4) Citation searches in scholarly sources, 5) Searches through published bibliographies, 6) Searches through people sources, 7) Systematic browsing, especially of full-text sources arranged in predictable subject groupings (Mann, 2025). 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). The data sources used are divided into two. The primary data in this paper are books by Al-Ghazali and Ibn Khaldun. At the same time, secondary data sources come from various articles and scientific books. After the data sources are collected, an analysis of the thoughts of the two is followed. Only then will the data be analyzed with comparative techniques. This allows the author to compare 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 analysis of the thoughts/ideas of a Muslim scholar on 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

Concept, Urgency of Politics and State in Social Life

Theoretically, politics is a science that has its urgency and position. In practical terms, politics is a profession that has its honour 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* ([Al-Qardhawy](#), 1997)

The word politic is often 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, the word *sus* was found, which means full of germs, lice, or damage ([Shihab](#), 1998). 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* has 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 & Tumadi](#), 2022).

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 references. 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, the word wisdom was formed, which originally meant control. This meaning is in line with the original meaning of the word *sasa-yasusu-sais-siyasat*, which means to drive, power, control, and the way to control ([Shihab](#), 1998).

As social creatures, humans cannot live without interaction with other humans ([Jones et al.](#), 2016). Therefore, human interaction with their community is a must. 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 to create a harmonious social community relationship, fulfil all human needs both physically and psychologically, and avoid anarchist actions during life. 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. So, that's why without society, there is no state or nation ([Sulastru](#), 2019).

However, 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 intellectually and personality regulate, counteract, neutralize and mediate various individual interests into collective interests. 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).

Here, the state is seen as an institution with special rights, duties, objectives, material tools, and regulations recognized by all people. Otherwise, the country will stagnate and then be destroyed.

Biography of al-Ghazali and Ibn Khaldun

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* (fiqh) who is an al-Shafi'i follower ([Tahir](#), 2020). On the other hand, he also got the nickname because he was a prominent theologian, jurist, original thinker, and famous Sufism expert. Al-Ghazali was born in the city of Thus, which belongs to the Khorasan region, in 450 H or 1058 M, and also died in Thus in 505H or 1111M. His greatest work is *Ihya Ulum al-Din* (Reviving the Religious Sciences) which consists of six volumes and is considered by some to be a manual for implementing 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 ([Artika et al.](#), 2023).

Al-Ghazali was born into a poor family, but his father was a sufi and loved science. Before his father passed away, he left Ghazali and his brother in the hands of his sufi's friend. Ghazali started his studies when he was fifteen ([Hoshimovich](#), 2020). 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 ([Mahmud](#), 2019). 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 several other scholars, but generally less well-known. Then he joined the "group" of Nizam al-Mulk, the vizier of Sultan (*Soljuk*), a group that at that time was very attractive to young Islamic scholars ([Garden](#), 2014).

In 484 H or 1091 M, al-Ghazali was assigned by Nizam al-Mulk to teach at the Nizhamiyah Higher Education institution which he sent to Baghdadi. 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 Baghdadi. Al-Ghazali witnessed a peak of power during his lifetime until the sharp setback to the Seljuk dynasty following the murder of Malik Shah. In the reign of Seljuk, Al-Ghazali grows and thrives with religious thoughts. He got a fresh breeze and high respect from the Seljuk ruler because of the similarity of the two schools, namely *Syafi'iyah* in jurisprudence and *Asy'ariyah* in theology ([Sahri](#), 2021).

During his lifetime, the Islamic world experienced 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 ([Muzakki et al.](#), 2024). 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 ([Sahri](#), 2021).

In North Africa, there were two kingdoms at that time. 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 was one of the founders of this dynasty, established Morocco, and later made it the capital and the centre 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). 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. Imam al-Ghazali 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 ([Faylasuf](#), 2024). 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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Profile of 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 ([Bahar & Soomro](#), 2024). Khaldun was born in Tunisia on the 1st of Ramadan 732 H / 27 May 1332M and died in Cairo on the 25th of Ramadhan 808 H/19th March 1406M ([Al-Syaq'ah](#), 1988; [Irwin](#), 2018).

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 ([Machouche et al.](#), 2023). Khaldun first received his education from his 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*, and Philosophy with several Andalusian scholars who migrated to Tunisia ([Syarif & Muhammad](#), 1978). But at the age of 18, his great desire to study was forced to stop because of the spread of cholera which was so vicious and caused 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 try to get a job and decide to follow in the footsteps of his grandfathers by entering the world of politics ([Fischel](#), 2022). 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, Khaldun 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 from 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 narrowed Khaldun's political space because he was often suspected of being corrupt. The climax of the suspicion 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, 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, he was forced 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.

Thanks to the long-standing harmonious relationship between Khaldun and Prime Minister Ibn Khatib, Sultan Muhammad welcomed his arrival in Andalusia. The intimate atmosphere did not last long because, in the reign of Sultan Muhammad, there was turmoil, even dragging Khaldun into an unfavourable 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. With 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* and this writing comes close to becoming a comprehensive encyclopedia ([Merican](#), 2022). But Khaldun's seriousness was halted for a moment when Sultan Abu Abbas asked Khaldun to join him on a military expedition ([Ganjivar](#), 2025).

Upon returning from the military expedition, Khaldun asked the sultan for permission to carry out the hajj. Khaldun uses this reason to get out of the world of politics and insensibly 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. Khaldun is also believed to have occupied the position of supreme judge (mufti) based in the Maliki school for 6 periods ([Ümütlü](#), 2024).

If we 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 aspirations. However, this reason is also too weak to be stated because, by looking at his educational background, which has been embedded since childhood, it seems difficult to put him in this position. Third, Khaldun already has a clear political concept. However, 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. Thus, Khaldun's scientific structure, especially in the field of politics, was shaped by the wealth of life experience that was close to the power environment ([Rolis & Harnadi](#), 2021).

The Views of Al-Ghazali and Ibn Khaldun in The Concept of The State

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 ([Sukrina & Aprison](#), 2024). Two reasons drive the need for humans to gather with their neighbours. First, there is a 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*) 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 working in 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 required. And for the preparation of clothes, weavers and tailors. Children's education needs a place, teachers, and other tools. All of these factors require good cooperation between fellow humans. For this reason, a certain place is necessary, and from there a country is born ([Al-Ghazali](#), 1975).

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, the existence of a government or leader, and sovereignty ([Safdari & Ehtesham](#), 2025). 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.

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 against 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 maintains the security and defence of the country. Third, the judiciary resolves disputes between citizens. And fourth, the law, which is the law that keeps 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). 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.

The government (often 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 *shi'i*. The basis is *ijma' ummah*, and the compulsory category is *fardhukifayah* ([Al-Ghazali](#), 1972). 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 Saw. 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 to maintain *shari'a* and religious order. Such a thing cannot be realized unless there is an obedient ruler ([Syarif & Muhammad](#), 1978).

Al-Ghazali's thinking implies that religion and politics are closely related to the world and the hereafter. 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 governs the world. Both must be fulfilled in a

balanced and fair manner ([Syarif & Muhammad](#), 1978). The actualization of religion is understanding, appreciation, and worship. This will not be achieved except with a healthy body with the fulfilment of the primary needs of mental security and the property being 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. Based on that, for Al-Ghazali politics was a necessary component of religion and morality ([Kirabaev & Al-Janabi](#), 2019).

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 spiritual practice is a must to obtain happiness in the hereafter. Thus, the appointment of an imam or ruler is mandatory according to religious law (sharia). Therefore, 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 to the benefit of the people ([Syarif & Muhammad](#), 1978).

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](#) (1962), is his effort to maintain the institution of the caliphate as a symbol of the unity of the Muslim community.

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. 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). Thus, *siyasah* problems include the study of fiqh ([Al-Ghazali](#), 1972). 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 the hereafter ([Syarif & Muhammad](#), 1978). Politics, according to him, is a tool to obtain happiness in this world and the hereafter.

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, and 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). Thus, government institutions must 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 ([Barqi et al.](#), 2024). 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). Given that the responsibility of a country leader is very large and not easy to do.

To become a leader, al-Ghazali mentioned some conditions in his four books as follows; *al-Iqtisad fi al-I'tiqād*, *at-Tibr al Masbuk fi Nashihat al-Muluk*, *Ihyā 'Ulumi ad-din*, and *Fadhā'il al-Bātiniyyah wa fadhā'il al-Mustazhenvvyah* ([Arifin](#), 2020). In *al-iqtisad fi al-I'tiqad*, first, he explains that a leader needs to have expertise. A leader must have the competence to manage subordinates and bring them to achieve their goals. *Second*, Having knowledge and character of *wara'*. *Third*, Fulfill the requirements to become *qadhi*. *Fourth*, Having a lineage from the tribe of Quraish. *Fifth*, a leader must have the appointment or transfer of power from another party ([Al-Ghazali](#), 1972). The fourth condition is based on hadith. Prophet Muhammad Saw said, "The leader is from the Quraish tribe." But then, Al-Ghazali argued that the Prophet had determined this. In contrast to al-Haramain, al-Ghazali's teacher, who argued that an ideal leader does not have to be from the Quraish tribe, as long as he has real competence and power, then he is eligible and entitled to become a leader ([Arifin](#), 2020).

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, 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 ([Syarif & Muhammad](#), 1978).

Al-Ghazali's political thought is distinctive from 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 [Qayyum](#) (1988). He addressed these letters to sultans, governors, government officials, oppressors, unsympathetic rulers, corrupt officials, politicians, politicians 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. 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 ([Qayyum](#), 1988).

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 based on their thinking and orientation. The state of law emphasizes the rule of law which is rational and secular, where clear laws limit the power of the state 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 secure 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.

Rechtsstaat in Ibn Khaldun'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 of viewing their community as a sub-system of the state system. Such an attitude is termed by Khaldun the attitude of *ashabiyah* (group solidarity) ([Khoiruddin](#), 2017). Only a country that has a strong *ashabiyah* can create a high civilization. On the other hand, if the sense of *ashabiyah* has faded, then a country will be destroyed ([Ümütlü](#), 2024).

Because the state is an institution that has a considerable responsibility to protect all its people, Khaldun centralizes the concept of the state universally in his political thinking. This is visible from Khaldun's thought that the state or *mulk* is in the position of the form of civilization (*umrân*) ([Türker](#), 2016). Khaldun did not mention the form of the state in his concept of the state transparently like Ghazali. In this case, it seems that Khaldun gives freedom to each community to determine the shape of its state, and it also appears that he is coloured 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 colour of the tool they want to use that follows the situation, conditions, and the agreement of the community itself. The most important thing is how the "tool" can realize the ideals and prosperity of all the people. 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 idea 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 all the people must obey.

Khaldun's thinking about the concept of the state is heavily influenced by Plato's teachings on the idea 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 can be a leader in a good country, so he must try to act and act wisely and not drown in worldly greed and avarice ([Mahdi](#), 1971). Therefore, for the election of the head of state to be able to protect these two functions truly, 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 and fair, having the ability to manage the government, and being in good health. The Quraish tribe ([Khaldun](#), 1986). 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, was the leadership prototype owned by the descendants of the Quraish ([Khaldun](#), 1986). 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. 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 by non-Muslims as long as they are fair meet the requirements of the head of state and can 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).

For Khaldun, the head of state is not a dictator who with his power imposes his will on others. Still, 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. This view, according to [Al-Maududi](#) (1995), emerged as an Islamic antithesis to the form of monarchy or papal government (Christian) which placed the head of state with absolute sovereignty. The democratic form of the caliphate developed by Khaldun has a meaning of the embodiment of the concept of the caliphate of Allah which is limited by the limits of Divine law. 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).

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 for implementing state political policies. With this footing, the state can function ideally, namely actualizing its existence as a forum for the growth of happiness and goodness for all people (Mahdi, 1971). Looking at Khaldun's view above, Watt (1972) argues that this is a pretty brilliant view of a world thinker. Khaldun's thought emerged from a long direct experiment. With his rational and accountable exploration ability, Khaldun was the foremost religious and political thinker possessed by Islam in the Middle Ages and no expert could match his expertise, both in the West and in the East (Hitti, 2024).

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

1. A healthy environment, both air and water and the layout of the building.
2. It is located in a strategic place and is 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).

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 in the following verses:

"Birds fall where grain is thrown. The houses of noble people are crowded" (Khaldun, 1986).

Judging from Khaldun's view of the concept of the state in his political thinking has its colour, 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, it seems that "duality" is a necessity for Khaldun to include his political ideas in the political dynamics and turmoil of that time.

Rechtsstaat in Ghazali and Ibn Khaldun's Perspective

Al-Ghazali and Ibn Khaldun, both influential figures in Islamic thought, share similarities and differences in their views on the state and its leadership. Despite their distinct approaches, they both emphasize the importance of justice and limiting state power. However, their perspectives diverge significantly when considering the role of formal legal structures versus social and cultural factors in state sustainability. Al-Ghazali

advocates for a strong leader who supports the religious authority of the caliph, ensuring unity and power in an Islamic state. Similarly, Ibn Khaldun highlights the importance of leadership in maintaining state stability, emphasizing *'ashabiyah* (group solidarity) as a key factor in state formation and longevity.

The concept of a *Rechtsstaat* emphasizes that the government must operate under clear and structured laws, ensuring justice through an independent legal system and limiting state power to prevent abuse. Al-Ghazali's thoughts can be integrated into this framework by highlighting the role of religious law (sharia) as a source of authority and governance. In his view, the caliphate is both a spiritual and political institution, with sharia serving as the foundation for all authority. This aligns with the *Rechtsstaat* principle of law-based governance, where a higher legal framework guides the state's actions. Incorporating Ghazali's perspective into the *Rechtsstaat* framework would suggest that a state of law should not only adhere to formal legal structures but also be grounded in moral and religious principles that guide governance and ensure justice.

In contrast, Ibn Khaldun views the state more as an entity built on social solidarity (*'ashabiyah*), where group strength is crucial for state formation. He theorizes that states undergo a life cycle—beginning with strength from social solidarity, developing into stable governance, but eventually declining due to decreased solidarity and government corruption. Despite these differing approaches, both thinkers emphasize the importance of justice and limiting state power. While the *Rechtsstaat* focuses on formal legal structures, Ibn Khaldun sees social and cultural factors as central to a state's sustainability. This highlights the complexity of governance, where both legal frameworks and social dynamics play critical roles in maintaining a stable and just state.

The integration of Al-Ghazali's thoughts into the *Rechtsstaat* concept offers a unique perspective on governance. By emphasizing the role of sharia as a guiding legal framework, Al-Ghazali's philosophy aligns with the *Rechtsstaat*'s focus on structured laws. However, while the *Rechtsstaat* primarily focuses on formal legal structures, Al-Ghazali's approach incorporates religious principles as a foundation for governance. This blend of legal and religious frameworks could provide a comprehensive governance model that balances formal structures with ethical and moral considerations. In contrast, Ibn Khaldun's emphasis on social solidarity highlights the importance of cultural and social factors in state sustainability, underscoring the dynamic nature of political power and the role of leadership in maintaining stability.

Ultimately, both thinkers offer valuable insights into the nature of governance and state sustainability. Al-Ghazali's focus on religious law and moral principles provides a foundation for ethical governance. At the same time, Ibn Khaldun's emphasis on social solidarity and leadership highlights the importance of cultural and political dynamics in state formation and longevity. By integrating these perspectives into the *Rechtsstaat* framework, one can develop a more holistic understanding of governance that balances formal legal structures with social, cultural, and ethical considerations. This integrated approach could enhance the legitimacy and stability of the state by aligning its legal framework with broader ethical and religious values, ultimately ensuring justice and limiting the potential for state abuse.

IV. CONCLUSION

The concept of *Rechtsstaat* and the thoughts of al-Ghazali and Ibn Khaldun share similarities and differences regarding justice, power limitation, and governance. All three emphasize the importance of justice but in different contexts. Al-Ghazali sees justice as a principle based on Islamic values, and Ibn Khaldun views it as crucial for social stability. *Rechtsstaat* emphasizes it through a transparent legal system. Both *Rechtsstaat* and the Islamic thinkers agree on limiting state power. *Rechtsstaat* uses legal mechanisms like separation of powers, while al-Ghazali and Ibn Khaldun focus on moral and social factors. The approaches differ significantly: *Rechtsstaat* relies on a structured legal system, al-Ghazali on religious principles, and Ibn Khaldun on social solidarity for state stability. Despite these differences, all highlight the importance of justice and power limitation in governance.

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