



The Transformation of the Legitimacy of Power in Islamic Politics: From Classical *Bay'at* to the Modern Political Mandate

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Abstract

The transformation of power legitimacy in Islamic politics cannot be understood as a linear shift from *bay'at* (oath of allegiance) to general elections, because changes in political institutions also reconfigure the sources of authorization, the subjects granting the mandate, and the mechanisms of control over power. This study analyzes the mechanisms of this legitimacy transformation—from classical *bay'at* to the modern electoral mandate—and explains the continuities and discontinuities of Islamic political principles within a democratic state configuration. The research employs a qualitative approach based on a literature review, utilizing a comparative-historical design and conceptual analysis. The primary corpus comprises *fiqh siyāsah* (Islamic political jurisprudence) literature and Islamic political thought regarding *bay'at*. Secondary literature analyzes the nation-state, citizenship, representation, and democratic legitimacy. The analysis compares sources of authorization, legitimizing actors, mandate-granting procedures, limits of authority, and mechanisms of political accountability. The findings indicate that the transformation of legitimacy is reconstructive rather than substitutive. *Bay'at* grounds authorization in community recognition through personal relationships, moral commitment, and normative authority, whereas the electoral mandate institutionalizes citizen authorization through elections, representation, term limits, and constitutional oversight. The expansion of citizenship, institutional differentiation, the formation of the nation-state, and societal pluralization have shifted legitimacy from communitarian relations to more impersonal representative mechanisms. Principles such as *shūrā* (consultation), justice, and accountability have not lost their relevance; rather, they have been reconstructed into normative principles that underpin participation, the limitation of power, and institutional

accountability. In conclusion, the electoral mandate modernizes legitimacy mechanisms, altering the structure of authorization without severing the continuity of Islamic political ethics.

Keywords: Legitimacy of Power; *Bay'at*; Political Mandate; Islamic Politics; Modern Democracy

Abstrak

Transformasi legitimasi kekuasaan dalam politik Islam tidak dapat dipahami sebagai peralihan linier dari *bay'at* menuju pemilihan umum, sebab perubahan institusi politik juga merekonfigurasi sumber otorisasi, subjek pemberi mandat, serta mekanisme kontrol atas kekuasaan. Kajian ini bertujuan menganalisis mekanisme transformasi legitimasi dari *bay'at* klasik menuju mandat elektoral modern serta menjelaskan kontinuitas dan diskontinuitas prinsip politik Islam dalam konfigurasi negara demokratis. Penelitian ini menggunakan pendekatan kualitatif berbasis studi kepustakaan dengan desain komparatif-historis serta analisis konseptual. Korpus primer mencakup literatur fikih *siyāsah* dan pemikiran politik Islam mengenai *bay'at*, sedangkan literatur sekunder digunakan untuk menganalisis negara-bangsa, kewarganegaraan, representasi, dan legitimasi demokrasi. Analisis membandingkan sumber otorisasi, aktor legitimasi, prosedur pemberian mandat, batas kewenangan, dan mekanisme pertanggungjawaban politik. Hasil penelitian menunjukkan bahwa transformasi legitimasi bersifat rekonstruktif, bukan substitutif. *Bay'at* menempatkan otorisasi pada pengakuan komunitas melalui relasi personal, komitmen moral, dan otoritas normatif, sedangkan mandat elektoral menginstitutionalisasi otorisasi warga melalui pemilihan, representasi, periodisasi jabatan, dan kontrol konstitusional. Ekspansi kewarganegaraan, diferensiasi kelembagaan, pembentukan negara-bangsa, dan pluralisasi masyarakat menggeser legitimasi dari relasi komunitarian ke mekanisme representatif yang lebih impersonal. Musyawarah, keadilan, dan akuntabilitas tidak kehilangan relevansi, tetapi direkonstruksi menjadi prinsip normatif yang menopang partisipasi, pembatasan kekuasaan, dan pertanggungjawaban institusional. Kesimpulannya, mandat elektoral merupakan bentuk modernisasi mekanisme legitimasi yang mengubah struktur otorisasi tanpa memutus kesinambungan etika politik Islam.

Kata Kunci: Legitimasi Kekuasaan; *Bay'at*; Mandat Politik; Politik Islam; Demokrasi Modern

Introduction

The legitimacy of power is a fundamental issue in Islamic politics, as it establishes the normative and political basis that renders governmental authority acceptable, worthy of obedience, and accountable. Early Islamic political traditions identify *bay'at* (oath of allegiance) as a mechanism for recognizing political authority, linking the leader to the community through pledges of loyalty, obligations of obedience, and demands for just governance (Hagemann, 2023). Cavatorta and Torelli (2021) show that *bay'at* evolved as a practice of acknowledging religio-political authority, shifting in meaning as Muslim power structures moved from the early community to the caliphate and Islamic kingdoms. This historical evolution shows that political legitimacy in Islam was never monolithic; rather, recognizing a ruler was intertwined with *shūrā* (consultation), the authority of political elites, norms of justice, genealogy, military achievements, and religious authority (Faizin et al., 2026). The transformation into the modern state subsequently altered these relational structures through concepts such as citizenship, constitutions,

representation, elections, and the principle of popular sovereignty (Somek & Wilkinson, 2020). These institutional changes raise conceptual questions regarding how political consent—formerly mediated by the community and elites—assumes a new form through mandates granted by citizens.

Contemporary political realities indicate that electoral mechanisms have not yielded a uniform configuration of legitimacy across Muslim-majority nations. Freedom House reports that in 2024, three of the thirteen countries in the Middle East experienced a decline in political rights and civil liberties, while four saw improvements; nearly 80 percent of the region's countries remain classified as "Not Free," with Kuwait dropping from "Partly Free" to "Not Free" following the dissolution of parliament and the suspension of new elections (House, 2025). The Arab Spring also illustrates similar issues: regime changes in Egypt and Tunisia opened space for electoral competition and strengthened the public's role as a source of political consent. At the same time, the processes of forming governments and constitutions grappled with challenges regarding stability and public acceptance (Köprülü, 2023). This phenomenon reveals multiple sources of legitimacy, bringing together citizen consent, constitutional legality, religious authority, government performance, and political power. Consequently, legitimacy transforms through the institutionalization of political consent, rather than through a linear transition from religious to electoral legitimacy.

The literature on this subject has developed along several paths that have yet to converge fully. Musa et al. (2025) show that *bay'at* functions as a ritual acknowledging religio-political authority and has shifted alongside changes in power structures; while this study provides a strong historical foundation, it does not yet explain how the principle of political consent within *bay'at* relates to modern citizenship and electoral mandates. Hasbi and Muhammad (2025) expand upon this historical analysis by highlighting the diverse sources of legitimacy in Islamic power—ranging from loyalty, justice, and genealogy to military achievement and the authority of ulama—thereby challenging the notion that equates classical legitimacy with a single mechanism; their focus remains on pre-modern political configurations and has not yet yielded a model for the transition toward constitutional legitimacy. Belhaj (2025) demonstrates that the idea of popular sovereignty finds significant articulation in modern Islamic thought through the concept of *khalīfat al-insān* and can underpin a vision of democratic governance; this approach shifts the focus from the legitimacy of the ruler to the political capacity of the public, yet it has not explored the historical connection between the *bay'at* structure of consent and the mandate of the citizenry.

Bahri et al. (2024) explain religion's role as a source of political legitimacy in modern Muslim societies and emphasize the importance of interpreting the religion-state relationship through these societies' specific political histories; however, they do not detail the shifting actors or the mechanisms by which mandates are

conferred. Through a cross-national analysis, Driessen (2018) links government regulation of religion to levels of democracy in Muslim-majority countries, yet fails to trace the origins of these dynamics within classical Islamic political traditions. Abbas (2023) highlights Muslim modernists' ambivalence toward democracy, noting that democratic ideas can coexist with support for authoritarian regimes because of concerns about the tyranny of the majority. Collectively, these studies reveal three trends: historical studies explain classical mechanisms of legitimacy; studies on modern thought address Islam's compatibility with popular sovereignty; and contemporary political studies examine the interplay among institutions, democracy, and religion. This fragmentation leaves an analytical gap in the processes connecting the transformation of legitimacy sources, the subjects conferring authority, mechanisms of consent, and ruler accountability as the transition moves from classical political communities to modern citizenship-based states. This research addresses that gap by examining whether these changes result in the substitution, continuity, or reconstruction of principles of legitimacy.

Based on this issue, the research problem is formulated as follows: how does the structure of power legitimacy shift from the *bay'at* mechanism in classical Islamic politics to the political mandate found in modern constitutional states, and which elements continue, shift, or are reconstructed? This central question is explored through an analysis of the construction of *bay'at*-based legitimacy, the political structural changes driving this transformation, the institutionalization of citizen consent through representation and elections, and the role of Islamic legitimacy values within the modern state system. This study aims to reconstruct the legitimacy structure of *bay'at*, explain the historical-institutional factors shaping its evolution, compare classical and modern mechanisms of authority conferral, and formulate a pattern of transformation for Islamic political legitimacy based on sources of authority, mandating actors, approval procedures, limitations on power, and governmental accountability. The study's initial argument frames this transformation as a shift in the institutional form of political consent, rather than a linear substitution of religious legitimacy with popular legitimacy. *Bay'at* provides a historical form of authority recognition rooted in the leader-community relationship, whereas the modern mandate positions citizens as political subjects through representative and constitutional procedures. The study contributes by establishing a conceptual framework that explains how legitimacy transforms through the interplay of consent, representation, religious authority, public sovereignty, and constitutionalism.

Method

This study uses a qualitative approach based on a literature review, employing a comparative-historical design and conceptual analysis to explain the shift in power legitimacy from the classical *bay'at* to the modern political mandate. Primary data include classical Islamic political works on *imāmah* (leadership), *bay'at*, authority,

obedience, and ruler-society relations—especially the works of al-Māwardī and al-Juwaynī—alongside other primary texts relevant to reconstructing practices and conceptions of legitimacy across periods. Modern data include constitutional documents and theoretical works on sovereignty, representation, political consent, mandates, democracy, and Islamic politics, while secondary data—drawn from reputable journal articles and academic books—contextualize the evolution of these concepts. Data collection involved searching academic databases and establishing inclusion criteria based on thematic relevance, source authority, historical context, and argumentative contribution, while excluding sources lacking a direct connection to the unit of analysis. Data were then extracted based on dimensions such as the source of legitimacy, authorizing actors, form of consent, object of power, limits of authority, accountability mechanisms, and the potential to revoke authority. The analysis reconstructed historical contexts, critically read texts, mapped legitimacy structures for each period, compared phases, and identified continuities, discontinuities, and mechanisms of institutionalizing change.

Results and Discussion

Bay'at as the Foundation of Political Legitimacy in the Classical Islamic Political Tradition

In the classical Islamic political tradition, *bay'at* is an act of recognition that links leadership to the community's political obligations; however, its status cannot be equated with legitimacy itself. Legitimacy refers to the basis upon which power is deemed valid (Gerschewski, 2018). In contrast, *bay'at* is a political act that articulates acceptance of a leader and binds the involved parties within a specific relationship of obligation (Podeh, 2010). This distinction matters because the process of acquiring power does not always begin with *bay'at*. An individual might first secure authorization through appointment, consultation, or consensus within a political group, subsequently receiving *bay'at* as a form of community recognition and commitment. The nature of *bay'at* pledged to the Prophet also differs fundamentally from that pledged to a caliph. The *bay'at al-'aqabah*, for instance, occurred in the context of establishing religious commitment and protecting the Muslim community; thus, interpreting it as an early form of modern head-of-state election is inaccurate (Mehfooz, 2022).

The most decisive shift occurred after the Prophet's death, when leadership no longer fell under prophetic authority. The events at Saqīfah Banī Sā'idah demonstrate that Abū Bakr's leadership emerged from political negotiations among groups with vested interests in the community's future. Al-Ṭabarī (1987) and Ibn Sa'd (1990) highlight the distinct stages of the deliberations at Saqīfah: the initial *bay'at* and the subsequent broader acceptance. Variations in historical accounts regarding the participants, arguments, and sequence of events indicate that the process cannot be reduced to a single, uniform succession procedure. The historical significance of this case lies, rather, in the interplay between political authorization

and community recognition. *Bay'at* binds the relationship between a leader who has secured political support and the community members who accept his leadership.

Al-Māwardī's framework offers a more systematic theoretical articulation of how leadership establishes a basis for recognition. In *al-Aḥkām al-Sulṭāniyyah*, the *imāmah* is positioned as an institution charged with upholding the faith and managing worldly affairs; thus, leadership is not understood merely as personal domination (Al-Māwardī, 2001). Consequently, legitimacy hinges on the candidate's qualifications, the electors' capacity, and the covenant binding the imam and the political community. The concept of *ahl al-ḥall wa al-'aqd* plays a pivotal role, as al-Māwardī designates them as *ahl al-ikhtiyār*—those responsible for selecting the imam—and requires them to have probity, the knowledge to identify qualified candidates, and the judgment and wisdom to select the most suitable leader (Al-Māwardī, 2001). This position indicates an authorization structure that precedes or accompanies the *bay'at*. Thus, the *bay'at* is not synonymous with the entire process of selecting an imam; rather, it is best understood as part of a sequence linking leadership qualifications, political authorization, the leadership covenant, and community recognition.

Al-Juwaynī reveals greater complexity in the relationship between the norms of *imāmah* and the realities of power under political pressure. His work, *Ghiyāth al-Umam fī Iltiyāth al-Zulam*, not only addresses the ideal form of leadership but also highlights the problems that arise when ideal conditions are difficult to realize and the stability of the political order faces a crisis. His thought shows that authority cannot be assessed solely by a single act of recognition; rather, a leader's actual capacity, ability to maintain order, and the normative demands of governance are inextricably intertwined (Al-Juwaynī, 1979). Consequently, *bay'at* operates within a broader structure of legitimacy than the mere expression of public will. A comparison with al-Māwardī reveals two complementary theoretical emphases: al-Māwardī offers a more systematic formulation of the prerequisites and contract of *imāmah*, whereas al-Juwaynī shows how leadership theory addresses situations where ideal authority and actual power do not fully coincide.

The relationship between *bay'at* and political obligation also encompasses a contractual dimension that cannot be equated with modern social contract theory. In classical Islamic political thought, leadership entails obligations to safeguard the faith, uphold justice, protect the community's interests, and conduct governmental affairs in accordance with recognized norms. Public obedience is not unconditional, as the demands placed on the ruler are shaped by the responsibilities inherent in the office of *imāmah* (Caniago et al., 2024). Al-Māwardī (2001) positions the *Imām's* obligations as a crucial element of the leadership structure. In contrast, the Mu'tazila sect—represented by 'Abd al-Jabbār—emphasizes justice as the basis for evaluating power (Opwis, 2024). This distinction reveals a conditional conception of the

relationship between the ruler and the community: legitimacy hinges not merely on who holds power, but also on how that power is exercised.

The four succession cases during the era of the *Khulafā' al-Rāshidūn* (Rightly Guided Caliphs) demonstrate distinct variations in the relationship between authorization and *bay'at*. Abū Bakr secured support through a deliberative process at Saqifah, followed by a broader *bay'at*, meaning his political recognition evolved incrementally. 'Umar's case follows a different pattern: Abū Bakr designated him before the community's *bay'at*; here, the *bay'at* served more as ratification of an existing authorization. 'Uthmān was selected through a *shūrā* mechanism restricted to a group of figures designated by 'Umar, and he subsequently received the *bay'at* as an expression of acceptance of his leadership. The case of 'Alī unfolded amidst a highly tense political climate following the assassination of 'Uthmān, with the *bay'at* taking place against a backdrop of fragmentation and contested authority (Al-Ṭabarī, 1987; Al-Ya'qūbī, 1999; Ibn Sa'd, 1990). These four instances do not reflect a uniform formula for succession. Rather, the differences show that the *bay'at* can play different roles in establishing power: following negotiations, accompanying a selection, ratifying a designation, or occurring amid a political crisis.

The Shift in the Basis of Legitimacy: From Religious Authority to Public Political Sovereignty

The transformation of the basis of power legitimacy in Islamic political history unfolded through differentiated governance structures, territorial expansion, the establishment of bureaucracies, shifting relationships between rulers and society, and the emergence of citizenship categories later institutionalized through constitutional law. Early Islamic political structures rested on the religious community, which also served as the arena for forming political authority (Zaman, 2020); conversely, the expansion of power during the Umayyad and Abbasid periods created far more complex administrative requirements. Managing vast territories required fiscal, military, bureaucratic, and legal frameworks that personal ties alone could not fully explain. The dynastic nature of power reinforced lineage, military control, administrative capacity, and elite recognition as additional sources of legitimacy (Issaev & Zakharov, 2022). This situation produced a multi-layered configuration of legitimacy that brought together Islamic norms, political continuity, effective governance, and acceptance by influential groups.

This structural shift became clearer as political authority was no longer synonymous with a single source of validation. While dynastic regimes preserved Islamic symbols, language, and institutions, power continuity often depended in practice on the ability to control the military, manage administration, ensure order, and maintain elite support (Lazăr, 2024). The distinction between normative legitimacy and actual power capacity subsequently became a crucial issue in classical Islamic political thought. Al-Māwardī (2001) discussed the *imāmah* within a normative framework requiring ruler suitability and a selection mechanism

involving the *ahl al-ikhtiyār*. In contrast, the political reality of dynasties demonstrated that governmental authority also relied on institutional capacity and political power (Daud, 2022). Al-Juwaynī (1979) even grappled with the tension between ideal order and de facto power—power not always established through normative procedures. The shift at this stage, therefore, was not a transition from religion to politics, but rather a differentiation in the sources of authority recognition. Religious norms continued to provide the language of legitimacy, while lineage, military might, administration, and stability emerged as factors determining the continuity of governance.

A more radical transformation occurred when Muslim states confronted European expansion and the reorganization of colonial governance starting in the 19th century. The impact varied, as each region possessed distinct colonial configurations, social structures, and state-religion dynamics. The Dutch East Indies, British India, Egypt, and North Africa underwent changes driven by administrative mechanisms, legal codification, modern education, population censuses, territorial organization, and the creation of population categories that placed individuals in new legal relationships with the state (Al-Shuqairat et al., 2026; Khan et al., 2026). These changes shifted certain regulatory functions from community authorities and religious institutions to territorial administrations operating through law and bureaucracy. This process did not mean the disappearance of Islamic authority. In Egypt, religious authorities maintained their influence through education, family law, *waqf* (endowments), social organizations, and shaping public opinion, even as the state took over or reorganized areas of governance previously dispersed across various centers of authority (Friesen, 2024). Colonialism thus altered the architecture within which political legitimacy was produced and exercised.

Colonial reorganization also introduced political categories distinct from religious community membership. Modern administration required a population it could classify, register, subject to the law, and place within specific jurisdictions. Categories such as “resident,” “legal subject,” and—subsequently—“citizen” forged new relationships between individuals and the government (Gatiningsih & Saputra, 2026). This shift grew more significant as modern education produced an intellectual class fluent in a new political lexicon—encompassing concepts such as constitutions, nationhood, political rights, representation, citizenship, and sovereignty. This emerging group did not necessarily distance itself from Islam; indeed, some movements—such as the Muslim Brotherhood (*al-Ikhwān al-Muslimūn*), Tablighi Jamaat (*Jamā'ah Tablīgh*), and Hizb ut-Tahrir (*Ḥizb al-Taḥrīr*)—developed forms of Islamic reformism in response to colonialism and political decline (Ali & Orofino, 2018). A transformation in legitimacy unfolded through competition among various bases of validation: the authority of *‘ulamā’* (religious scholars), religious solidarity, nationalism, state capacity, the rule of law, and the political will of the populace all converged within the same political arena.

The formation of the nation-state after decolonization reinforced this shift through the “territorialization of sovereignty”—anchoring political power within defined territorial boundaries subject to specific legal jurisdictions (Davis & Müller, 2025). This configuration differed markedly from political structures that based membership primarily on religious or dynastic ties. The modern state had to define who counted as a citizen, which territories fell under its authority, which laws applied, and which institutions held the mandate to govern the population. Citizenship thus emerged as a legal category linking the individual to the state, without erasing religious, ethnic, or communal identities. This transformation did not automatically result in democratic governance, as post-colonial states could take the form of monarchies, republics, parliamentary systems, military regimes, or authoritarian governments (Khoso, 2024). Its historical significance for legitimacy lies in the shift regarding the political unit that grants and receives legal recognition: the state no longer derives its *raison d'être* solely from personal ties between a ruler and a community, but rather from claims over territory, population, law, and institutions that formally bind all citizens.

Constitutionalization subsequently gave normative shape to the changing relationship between power and the people. Modern constitutions do not merely determine who governs; they also establish the source of authority, the limits of power, the division of institutional functions, the status of citizens, and the principles underpinning the government's legitimacy (Loughlin, 2018). This shift is evident in the diverse constitutions of Muslim-majority nations, which combine elements of popular sovereignty, positive law, national identity, and Islamic references in varying configurations. Indonesia's constitution, for instance, vests sovereignty in the people within a rule-of-law framework (Safa'at, 2022), whereas Pakistan's constitution blends divine sovereignty with the exercise of state authority through constitutionally established institutions (Waseem, 2024). These differences show that constitutionalization is not synonymous with eliminating religious legitimacy; rather, it changes how various sources of legitimacy are situated within the state's legal structure.

***Bay'at* and the Modern Political Mandate: A Shift in Authorization Mechanisms**

Bay'at and the modern political mandate can be productively compared if both are viewed as mechanisms of authorization, rather than as direct equivalents between classical Islamic politics and modern democracy as a whole. *Bay'at* constitutes an act of political recognition and commitment that gives normative form to the relationship between a leader and the community (Wagemakers, 2015). In contrast, a modern political mandate refers to the authorization granted to a representative or public official to exercise specific authority within a defined office, legal system, and term of office (Froio, Bevan, & Jennings, 2017). This distinction situates popular sovereignty, elections, representation, and the social contract at different conceptual levels. Popular sovereignty denotes the ultimate source of

political authority; elections provide procedures for selection and authorization; representation governs the relationship between the represented and the representative; and the social contract explains the normative basis for political obligations. A mandate exists at the intersection of authorization and the exercise of representative authority. Fossheim (2025) indeed positions electoral authorization and accountability as interconnected elements, even though contemporary representation cannot be reduced to elections alone.

The authorization structure of *bay'at* reveals a close relationship between consent, the political status of those granting recognition, the leader's qualifications, and the obligations of governance. The variations in succession mechanisms discussed earlier demonstrate that *bay'at* is not always the act that initially establishes leadership. Political actions—such as appointment, consultation, limited selection, or agreement among influential groups—may precede it; *bay'at* then provides recognition and establishes normative consequences for the leadership relationship. Al-Māwardī (2001) assigns a crucial role to the *ahl al-ikhtiyār* (those with the authority to choose), who can select an imam based on criteria such as justice, knowledge, judgment, and the candidate's suitability. This structure highlights the distinction between the capacity to choose and the act of *bay'at*, without separating the two.

The nature of the authorizing actor changed as political capacity became increasingly tied to citizenship status and regulated through legal procedures (Pedroza & Arrighi, 2025). This shift does not mean all modern systems grant political rights universally or allow equal participation, as election history shows restrictions based on legal status, gender, class, race, age, and other criteria. The relevant structural distinction lies in the principle of electorate formation: the capacity to grant authorization is increasingly defined by rules of political membership rather than solely by social standing, religious authority, or elite influence. *Bay'at* operates through an act of recognition that derives its force from the status of the parties involved, the pledge itself, and norms of obligation; an electoral mandate operates through a collective decision that derives its validity from pre-established procedures.

The concept of a mandate gained significance once electoral authorization was distinguished from the act of voting itself. Theories of representation differentiate the “imperative mandate” from forms of representation that allow the representative room for deliberation; consequently, the relationship between voters and officials cannot be accurately described as a simple bilateral contract (Vandamme, 2026). Salkin (2021) frames representation as one person acting on behalf of another, whereas Fullerton (2023) shows that representative government entails elections, representative autonomy, and periodic public assessment. Ansolabehere and Kuriwaki (2022) further highlight the evolution of representation theory toward a broader understanding of the interplay between elections,

participation, deliberation, and accountability. Thus, the modern political mandate is best understood as a limited authorization granted to a representative officeholder—one that encompasses discretion, defined limits of competence, a fixed term of office, and the prospect of public evaluation.

The nature of consent reflects a shift from relational acts of recognition to standardized electoral procedures. *Bay'at* takes a performative form: a pledge that establishes or affirms a political relationship while imposing obligations on the parties involved. Its effectiveness hinges on political and normative acceptance within the community, as well as the standing of the actor offering recognition (Podeh, 2010). Elections operate under a different structure, wherein individual consent is translated into a collective outcome through rules governing valid votes, victory thresholds, seat allocation, and counting methods (Däubler, 2022). Electoral consent, therefore, is not merely a quantitative version of *bay'at*; it transforms consent into political information that can be quantified, verified, debated, and validated through institutional procedures. This transformation also explains why a mandate cannot be equated simply with a vote. A vote constitutes an act of authorization during the selection stage, whereas a mandate concerns the authority acquired once that process is complete.

The object of authorization has shifted from a figure-centered leadership relationship to authority inherent in an office. *Bay'at* links the community to a specific leader; consequently, personal qualities, suitability, governing capacity, and recognition of the figure play a crucial role in establishing the political relationship (Wagemakers, 2015). The modern mandate shifts this emphasis, as authorization is granted to an individual as the holder of a public office who possesses specific legal competence. A change of individual does not eliminate the office itself or the authority inherent in it. This structure depersonalizes power: what is conferred upon the official is not the right to possess power personally, but the authority to perform defined functions. Modern authorization is, therefore, simultaneously personal and impersonal: citizens elect an individual, yet the authority that individual acquires derives from their office.

The limits of authority mark another shift in the normative locus of power. The classical Islamic political tradition did not view the ruler as a wielder of power devoid of obligations. Al-Māwardī (2001) linked the *imāmah* to preserving religion and managing public affairs, whereas al-Juwaynī (1979) highlighted the tension between the normative requirements of leadership and prevailing political conditions. Consequently, the distinction from modern systems is not merely a shift from unlimited to limited power; rather, it lies in how the limits of authority are institutionalized. Within the *bay'at* structure, limits on power were inextricably linked to the office's obligations, religio-legal norms, the leader's fitness, and assessments of governance performance. In constitutional government, officials' competence is defined through the division of authority, term limits, legal

procedures, and oversight institutions that do not rely entirely on the officeholder's will (McLean, 2020). This evolution shifts the locus of restraint from a normative relationship between leader and community to a legal framework inherent to the office itself and enforceable by other institutions.

Accountability reflects a more complex relationship between the authorization of power and its exercise. While elections let citizens re-evaluate officials at the end of their terms, this mechanism differs from directly revoking a mandate (Singh, 2026). Impeachment, recall, judicial review, parliamentary oversight, audits, and electoral defeat each entail distinct grounds, procedures, and consequences. An official might lose office through impeachment without retroactively forfeiting electoral legitimacy, or fail to secure a new mandate without ever having their tenure cut short before its scheduled conclusion. These distinctions illustrate why modern accountability should not be reduced to elections alone. Fossheim (2025) positions authorization and accountability as interconnected dimensions, as citizens can both grant authority and assess a representative's performance retrospectively. Al-Māwardī's political tradition likewise does not recognize unlimited electoral power; sources discussing the structure of *ahl al-ḥall wa al-'aqq* point to concepts of tenure stability and the possibility of removal on legal grounds, rather than the arbitrary will of those who granted the authorization (Heck, 2016).

The potential termination of authority marks a crucial point of comparison. *Bay'at* cannot be treated as a mandate that any individual who previously pledged it can revoke at any moment. Once authorization is established, tenure stability holds intrinsic normative value, as baseless revocation could lead to political fragmentation and disrupt communal order. Al-Māwardī (2001) frames removal in terms of legally justifiable causes, rather than as a discretionary right for any elector to annul a prior decision. Modern mandates are also limited, as specific terms of office and competencies bind authorization. In systems lacking a recall mechanism, voters lack the authority to revoke an individual's mandate simply because they dislike a single policy; evaluations typically occur through subsequent elections or other constitutional mechanisms (Bass, Cameron, & Kastellec, 2022). This comparison yields a significant finding: both structures recognize limits on the arbitrary alteration of authority, yet the sources and forms of these limitations differ. *Bay'at* links stability to political obligation and normative order, whereas modern mandates link it to terms of office, positive law, removal procedures, and institutional competencies.

Contestation of Legitimacy in Contemporary Islamic Politics

Contestation over the legitimacy of contemporary political Islam centers on who has the authority to set the norms that bind a government and how that authority gains public acceptance. This question does not create a simple opposition between divine sovereignty and popular sovereignty, as the two operate in different realms. Maududi (1990) positions God's sovereignty as a limit on human claims to

establish norms absolutely, while simultaneously allowing space for humans to govern through principles of consultation (*shūrā*), *ijtihād* (independent legal reasoning), and political institutions. His framework distinguishes between the normative source and the wielder of authority. Quṭb (2006) sharpens this issue through the concept of *ḥakimiyyah*, linking legitimacy to acknowledging God's authority in determining the orientation of law and social life. Thus, *ḥakimiyyah* is not synonymous with sovereignty in modern constitutional theory; rather, it is a claim regarding the epistemic and moral limits of human authority.

The most significant consequence of the *ḥakimiyyah* concept concerns interpretive authority. Acknowledging revelation as a normative source does not automatically determine who has the authority to define legal meanings for the needs of the modern state. Maududi (1990) allows room for *ijtihād* and political processes to translate Islamic principles into governance, meaning human authority remains essential in implementation. Quṭb (2006) places greater emphasis on subordinating the political order to divine principles, such that human legislation does not derive legitimacy solely from the will of the majority. This distinction highlights issues left unresolved by the term "divine sovereignty": who interprets the norms, how are conflicting interpretations reconciled, and who can claim to represent the divine will? When a state enshrines a single religious interpretation as positive law, interpretive authority shifts from the pluralistic religious sphere to the state's coercive institutions. Contestation over legitimacy thus moves from the source of norms to the distribution of authority in defining them. This dimension helps explain why debates about modern political Islam are also debates about legal epistemology and the boundaries of religious authority.

Abou El Fadl (2003) reframes this issue by critiquing the concentration of authority and advocating for a commitment to democracy. He does not discard Islam's normative dimension; rather, he asks how Islamic legal and moral traditions can support a system of governance that checks power, protects diversity, and enables public participation. Abou El Fadl rejects the notion that the compatibility of Islam and democracy can be proven merely by identifying modern institutions within Islamic history; instead, he emphasizes the need for a moral commitment to democracy alongside a critical evaluation of Sharia epistemology and the concept of sovereignty (El-Fadl, 2003). This position leads to a significant shift: political legitimacy is not determined solely by a government's Islamic identity but must be tested against the quality of institutions that enable people to correct abuses of power. Democracy acquires normative value because the separation of powers, elections, pluralism, and mechanisms for correction offer the possibility of curbing domination.

An-Na'im takes this reconstruction a step further by decoupling religious legitimacy from state coercion. He posits the freedom to choose one's religion as the fundamental reason why the state should not claim the authority to impose Sharia

as positive law in the name of Islam. He proposes “civic reason”—public reasoning open to debate and acceptable to all citizens without requiring adherence to any specific religious doctrine (An-Na'im, 2008). This position does not exclude Islam from the political realm; Islamic values can still shape the convictions of citizens, civil society organizations, and policy arguments, but state law's legitimacy must emerge from a deliberative space accessible to all citizens. The distinction from Abou El Fadl lies in the emphasis: Abou El Fadl starts from the possibility of reconciling Islam and democracy through moral values and democratic institutions, whereas An-Na'im draws a sharper boundary on using state coercion to enact Sharia. The divergence from Maududi and Qutb is even more fundamental, as religious authority shifts from state law to belief formation and public argumentation.

Constitutionalism is the concrete arena for these differences, as constitutions define relationships among norms, citizens, state institutions, and coercive power. Pakistan presents a configuration distinct from Indonesia's, as its constitution combines references to divine sovereignty with representative institutions and state legal mechanisms (Waseem, 2024). Egypt's 2014 Constitution establishes Sharia principles as the primary source of legislation while upholding the republican system, citizens' rights, and the separation of institutional powers (Anello, 2017). Indonesia does not designate Sharia as the sole formal source of legislation; instead, its constitutional legitimacy rests on popular sovereignty and the rule of law (Iswanto & Hadinatha, 2023). These differences reveal three distinct ways of structuring the relationship between the sources of Islamic values and the sources of state authority. The central issue is not the mere presence of Islam in the constitution, but who has the authority to determine its legal consequences, how such interpretations are regulated, and whether citizens have mechanisms to challenge the misuse of religious interpretation. This contest over legitimacy plays out within legal institutions, not merely in theological debates.

Hallaq's critique expands the issue from the constitution's content to the very form of the state that frames the process. He does not simply take issue with secularization; rather, he questions the compatibility of the modern state structure with the moral configurations, legal frameworks, and modes of subject formation that evolved within the Islamic tradition (Hallaq, 2015). This critique matters because an “Islamic state” project might succeed in enshrining Sharia in the constitution without resolving the fundamental issue of the modern state as an institution that centralizes legislation, administration, and coercive power. Hallaq's position challenges the assumptions underlying both Maududi's and An-Na'im's approaches from a different angle. Maududi sought to articulate Islamic principles through the structure of the modern state. An-Na'im sought to shield Sharia from state coercion; Hallaq questions whether the modern state structure itself can serve as an adequate instrument for an Islamic moral life. This debate raises three conceptual possibilities: Islamizing state institutions, restricting the state to prevent

it from monopolizing religion, or pursuing a moral order that transcends the modern state. Consequently, the question of legitimacy extends beyond who grants authority to the government; it also addresses whether the institution receiving that authority possesses a form consistent with the moral objectives it claims to uphold.

Citizenship reveals the political consequences of this shift in authority, as the modern state must decide who counts as a full member of the political community. Citizenship status places Muslims and non-Muslims within a shared legal framework, meaning that the legitimacy of governance cannot rest solely on the state's ability to represent the majority religious community. An-Na'im (2008) explicitly links citizenship, human rights, and the secular state in his arguments regarding the future of Sharia. In contrast, Abou El Fadl (2003) connects democracy to protecting human dignity, pluralism, and the possibility of holding power accountable. Consequently, pluralism shifts from a moral demand to a matter of distributing authority. Minority citizens must have the legal capacity to raise objections, participate, and enjoy protection without first being required to accept the majority's religious identity as the basis for their membership. This structure differs from the concept of the *Ummah* as a normative religious category, although the two may interact within political life. Thus, the legitimacy of governance in a pluralistic society is tested by institutions' ability to transform diversity into equal citizenship relations without enforcing a homogenization of beliefs.

The reinterpretation of *bay'at* in contemporary discourse must be understood as a process of conceptual translation rather than as an institutional continuation of classical practices. *Bay'at* can serve as a language for articulating consent, the ruler's responsibilities, and the moral bond between leader and community; however, this translation does not make *bay'at* identical to a social contract or an electoral mandate. The modern social contract constructs the citizen as a political subject who confers legitimacy on governing institutions. In contrast, *bay'at* carries a normative religious dimension that links consent to moral obligation. Consequently, modern political discourse uses *bay'at* selectively: it can retain the aspect of consent while reinterpreting its religious and relational structures to suit modern institutions. Thielicke-Witt (2025) highlights the importance of distinguishing between specific functional similarities and overall conceptual equivalence. Abou El Fadl (2003) himself warns against the danger of anachronism when modern political institutions are projected onto Islamic history. This distinction makes *bay'at* useful as a genealogical source for discourse on political consent, without implying direct continuity between classical mechanisms of legitimation and contemporary constitutional democracy.

Conclusion

The transformation of political legitimacy in Islam reveals a shift in the structure of authorization—from *bay'at* to the modern political mandate—achieved through historical-institutional reconstruction. While *bay'at* combined community

consent, recognition of leadership, the ruler's moral obligations, and accountability to religious norms, the modern mandate shifts authority to citizens through constitutions, representation, and elections. Continuity lies in the principles of consent and the demand for ruler accountability. At the same time, the shift is evident in the changing actors who confer legitimacy, the nature of political relationships, and the sources of authority validation. This reconstruction unfolded through the institutionalization of consent, the limitation of authority, political representation, electoral mechanisms, and constitutional accountability. Comparing the two mechanisms reveals *bay'at* as a relationship of personal and communal recognition.

In contrast, the political mandate functions as a periodic, impersonal, representative, and legally binding form of authorization. This configuration positions Islamic norms, public sovereignty, citizenship, pluralism, and constitutional democracy as the arena for negotiating contemporary political legitimacy, while also highlighting the need to avoid an evolutionary interpretation that equates *bay'at* with democracy. This transformation framework expands the study of Islamic politics by examining the dynamic interplay between norms, authorization, representation, the limitation of power, and accountability. Limitations regarding the selected literature, the scope of classical traditions, the reliance on a literature-based approach, and the heterogeneity of Muslim-majority nations constrain broad generalizations. Future research should develop cross-national comparative studies, historical analyses of primary sources, and empirical examinations of citizen perceptions and political practices concerning the relationship between *bay'at* and the political mandate.

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Author Contribution Statement

AN contributed to the conceptualization, research design, data analysis, manuscript drafting, and publication correspondence. I contributed to data collection, literature review, and the interpretation of findings. SNN contributed to critical analysis, argument development, and substantive editing. NMA contributed to source verification, discussion refinement, and manuscript revision. All authors reviewed and approved the final version of the manuscript and are responsible for their respective contributions.

Conflict of Interest

The author declares that this manuscript was prepared without any conflicts of interest—financial or non-financial—that could influence the objectivity, integrity, or independence of the research, writing, or publication. The entire research and manuscript preparation process was conducted independently in accordance with the principles of scientific publication ethics.

AI Usage Statement

The author used artificial intelligence (AI) to a limited extent to enhance language quality, correct grammar, and assist with manuscript formatting. The author generated all results, findings, concepts, analyses, ideas, interpretations, and conclusions in this article and bears full responsibility for them, not the AI. The author reviewed and verified the entire manuscript and assumes full responsibility for the published work's accuracy, integrity, and originality.

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