

## Conceptualizing Siyāsah in the Four Sunni Schools: *Classical Juristic Debates and the Juristic Logic of Political Flexibility*

Muhammad Abu Dzar<sup>1</sup>, Muntaha Artalim Zaim<sup>2</sup>, Muhammad  
Amanullah<sup>3</sup>

International Islamic University of Malaysia, Malaysia <sup>1,2,3</sup>

Corresponding author: [dzaryani09@gmail.ac.id](mailto:dzaryani09@gmail.ac.id)

DOI: 10.29240/jhi.v11i1.16245

Received: 29/01/2026

Revised: 06/02/2026

Accepted: 10/05/2026

Cite this article:

Muhammad Abu Dzar, Muntaha Artalim Zaim, Muhammad Amanullah (2026), Conceptualizing Siyāsah in the Four Sunni Schools: *Classical Juristic Debates and the Juristic Logic of Political Flexibility*: Approach. Al-Istinbath: Jurnal Hukum Islam, 11 (1), 2026, 292-316  
DOI : 10.29240/jhi.v11i1.16245

### Abstract

This article examines *siyāsah* in classical Sunni fiqh as a form of jurisprudential reasoning, rather than as a theory of state institutions. This study employs a normative qualitative approach using comparative fiqh analysis and contextual jurisprudential interpretation to analyze authoritative classical fiqh texts from the Hanafi, Maliki, Shafi'i, and Hanbali schools pertaining to governance, political authority, public policy, and legal discretion. The comparative method is used to identify patterns of similarities and differences across schools in conceptualizing the relationship between law, political authority, and the public interest, while contextual interpretation is applied to situate fiqh arguments within their historical and methodological contexts. The research findings indicate that doctrinal differences regarding political discretion reflect the plurality of legal rationalities operating within a shared normative horizon, namely justice (*'adl*) and the public interest (*maṣlahah*). Political flexibility in this article is conceptualized as the juristic logic of political flexibility, namely an internally structured and ethically bound legal logic, not a value-free space of political power. This article concludes that *siyāsah shar'īyyah* is an integral form of bound discretion within the Islamic legal system, offering a historical, contextual-methodological, and non-reductionist framework for contemporary studies of Islamic law and politics.

**Keywords:** Ijtihad, Islamic Political Thought, Juristic Logic, Modern Governance, Siyāsah.

## Introduction

Classical Islamic political thought is often understood through an institutional lens, especially the caliphate, which then gives rise to the assumption that Islamic jurisprudence provides a standard and uniform political model. This way of reading often places Islamic law within the framework of state theory, while its jurisprudential dimension as a tradition of legal reasoning has not been fully the main focus of study.<sup>1</sup> As a result, discussions of *siyāsah* in classical jurisprudence are often simplified into issues of the form of political institutions, rather than being examined as legal discourse that develops in certain social and normative contexts.

In the classical Sunni jurisprudence tradition, *siyāsah* appears within the framework of Islamic law which is not compiled in a single written constitutional document as it is known in the modern constitutional system. Political authority is understood in relation to normative principles such as justice (*‘adl*), public welfare (*maslahah ammah*), and social order.<sup>2</sup> Nevertheless, how they are formulated, operationalized and limited in legal practice is not always shown uniformly in jurisprudence literature.

This is seen in the differences in approach that have developed among the four Sunni schools of thought Ḥanafī, Mālikī, Shāfi‘ī, and Ḥanbalī.<sup>3</sup> The fuqahā’ discuss issues surrounding the authority of rulers, the space of administrative discretion, as well as the legitimacy of non-textual policies such as *ta‘zīr*, *qawānīn*, and *maslahah mursalah* with different methodological frameworks. These differences show that there are variations in perspective in understanding the relationship between law, power and the public interest in the context of government.

These methodological differences are also reflected in the general tendencies of each school, both in terms of the use of propositions, legal reasoning, and attitudes towards political discretion.<sup>4</sup> However, the extent to which these variations form a pattern of thinking about *siyāsah* as part of jurisprudence, as well as how it functions in limiting or legitimizing power, still requires more systematic and comparative study. Based on this issue, this article attempts to review the concept of *siyāsah* in classical Sunni jurisprudence through a comparative study of jurisprudential debates between the main schools of

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<sup>1</sup> Mohammad Hashim Kamali, “Freedom , Equality and Justice in Islam,” *American Journal of Islamic Social Sciences* 20, no. 3 (2003): 180–181.

<sup>2</sup> Muhammad al-Ghozali, *al-Tibru al-Masbuq Fi Nasibati al-Muluk*, 1st ed. (Bairut: Darul Kutub Ilmiyyah, 1988): 44.

<sup>3</sup> Muhammad Ibrahim al-Hafnawi, *al-Fath al-Mubin Fi Ta’rif Mushtolabat al-Fuqoha’ Wa al-Ushuliyin*, 3rd ed. (Cairo: Darus Salam, 2009): 12-179.

<sup>4</sup> Ali Jum’ah Muhammad, *al-Madkhol Ila Dirosati al-Mazahib al-Fiqhiyyah*, 1st ed. (Cairo: Darus Salam, 2004): 21-198.

thought. Instead of departing from assumptions about the form of a particular state or political model, this research focuses attention on how political authority is discussed, questioned, and negotiated within the framework of legal reasoning. With this approach, this article is directed at opening a more contextual and historical space of understanding of *siyāsah*, without first establishing final normative conclusions.

This research employs a normative qualitative approach with a comparative fiqh analysis method to examine the concept of *siyāsah* in the four Sunni schools of thought.<sup>5</sup> The primary sources of the study include authoritative and *mu'tabar* classical fiqh works within the Ḥanafī, Mālikī, Shāfi'ī, and Ḥanbalī traditions discussing governance, judiciary, and public authority, as will be demonstrated in the following sections of the study. The analysis focuses on how *siyāsah* is formulated, justified, and limited within the legal methodology framework of each school, rather than reconstructing a specific political system or institutional design.

The comparative approach is used to identify patterns of similarities and differences among the schools in understanding the relationship between law, power, and governmental flexibility.<sup>6</sup> To avoid anachronistic readings, this research applies contextual jurisprudential interpretation, meaning classical fiqh texts are interpreted based on their historical and methodological horizons. Through this approach, political flexibility is understood as the result of structured legal reasoning, constrained by ethical and procedural considerations.

Conceptually, this study departs from a critique of the dominant tendency in *siyāsah* studies that positions it primarily as constitutional and institutional theory, particularly through the literature of *al-abkām al-sulthāniyyah*.<sup>7</sup> On the other hand, contemporary literature assessing the compatibility of Islamic political thought with modern governance models often risks being anachronistic.<sup>8</sup> This article takes an alternative position by placing *siyāsah* as a *fiqh* category produced through internal jurisprudential reasoning, so that political flexibility is understood historically and methodologically, rather than as a normative justification for a specific form of state.

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<sup>5</sup> Sanne Taekema, *Theoretical and Normative Frameworks for Legal Research : Putting Theory into Practice*, 2 1–17 (2018).

<sup>6</sup> Nasir Majeed and Amjad Hilal, “Approaches and Methodologies in Comparative Legal Studies : An Abstract Framework as Methodology Keywords Introduction,” *Pakistan Languages and Humanities Review* 6, no. 3 (2022): 474–488, [http://doi.org/10.47205/plhr.2022\(6-III\)41](http://doi.org/10.47205/plhr.2022(6-III)41).

<sup>7</sup> Ali bin Muhammad al-Mawardi, *al-Abkam al-Sulthaniyyah Wa al-Wilayah al-Diniyyah*, 1st ed. (Bairut: Al-Maktab Al-Islami, 1996).

<sup>8</sup> Mohammed Arkoun, *Rethinking Islam: Common Questions, Uncommon Answers* (United States: Westview Press, 1994): 20-110.

## Discussion

### Jurisprudential Debate on Siyāsah in the Four Sunni Schools of Law *Siyāsah Shar‘iyyah*: Core Concept

The word *siyāsah* linguistically derives from the verb *sāsa–yasūsu*, meaning to regulate, manage, and rectify an affair.<sup>9</sup> Ibn al-Athīr defines it as implementing management over something in a way that brings benefit.<sup>10</sup> In the Prophet’s hadith, it is mentioned that the Children of Israel “were managed (*tasūsubum*) by the prophets,” indicating the governance of public affairs as carried out by leaders and rulers. The Prophet ﷺ said:

كَانَتْ بَنُو إِسْرَائِيلَ تَسُوسُهُمُ الْأَنْبِيَاءُ، كُلَّمَا هَلَكَ نَبِيٌّ خَلَفَهُ نَبِيٌّ، وَإِنَّهُ لَا نَبِيَّ بَعْدِي

“The Children of Israel were governed by the prophets; whenever a prophet died, another prophet succeeded him, and indeed there will be no prophet after me.”<sup>11</sup>

This meaning also encompasses the dimensions of command, prohibition, and discipline. Furthermore, this understanding is supported by authentic (*sahih*) hadiths of the Prophet, which indicate that *siyasah* has, from the very beginning, carried the meaning of practical and functional governance.

Terminologically, *siyāsah shar‘iyyah* is understood as a framework of legal reasoning that governs the management of public affairs and political authority based on sharia principles and objectives.<sup>12</sup> This concept does not refer to a specific system of government but rather to a normative mechanism that enables rulers to make policies in areas not explicitly detailed in the textual sources, while maintaining alignment with the values of justice, public benefit, and prevention of harm.

### Siyāsah in the Ḥanafī School: The Logic of Controlled Political Flexibility

In the Ḥanafī tradition, *siyāsah* was not developed as a theory of statecraft or institutional design, but rather as a juridical instrument to maintain social order and prevent harm. The school’s main focus lies in how the ruler’s authority can be legally justified in the context of enforcing norms and regulating societal behavior. Thus, *siyāsah* is understood as an integral part of the legal mechanism, not as a political domain autonomous from *fiqh*.

<sup>9</sup> Ahmad Ali Al-Bayumi, *al-Misbbah al-Munir*, ed. 1 (Cairo: Muassasah Al-Mukhtar, 2008): 177.

<sup>10</sup> Majd al-Din Ibnu Athsir, *al-Nibayah Fi Ghorib al-Hadist Wa al-Astsar*, 1st ed. (Dammam: Dar Ibnul Jauzi, 2000): 453.

<sup>11</sup> Muslim bin Hajjaj al-Naysaburi, *Shohib Muslim*, 3rd ed. (Bairut: Darul Ma’rifah, 2010): 879.

<sup>12</sup> Abdul Al Ahmad Athwah, *al-Madkhol Ila al-Siyasah al-Syar‘iyyah*, 1st ed. (Cairo: Darus Salam, 2014): 65.

Al-Bābartī defines *siyāsah* as the tightening of sanctions for criminal acts that already have a *sharʿi* legal basis, with the aim of closing the door to harm.<sup>13</sup> This definition reflects the early tendency in the Ḥanafī School to link *siyāsah* directly to the sphere of *jināyāt*. By limiting the scope of *siyāsah* to the strengthening of sanctions, al-Bābartī affirms that political flexibility can only be exercised within the bounds of law that are normatively recognized.

This approach is reinforced by al-Ṭarābulusī al-Ḥanafī, who draws a clear distinction between unjust *siyāsah* (*siyāsah ḡālimah*) and just *siyāsah* (*siyāsah ʿādilah*). According to him, just *siyāsah* is policy that restores rights, suppresses injustice, prevents crime, and realizes the objectives of the *sharia*. His formulation that “*al-siyāsah sharʿun muḡballaḡ*” – in the sense that *siyāsah* embodies amore stringernt manifestation of *sharia*.<sup>14</sup> Providing a juristic basis for authorities to implement stricter measures aimed at protecting the public welfare and maintaining social order.

The meaning of *tasydīd al-ʿuqūbah* (tightening of sanctions) in the Ḥanafī view is not uniform but contextual. Such tightening may take the form of increasing punishments already determined by textual sources or stipulating non-textual punishments according to the level of crime, social conditions, and considerations of time and place. Here it becomes evident that political flexibility in the Ḥanafī School is operational namely, the ability to adapt the application of the law to prevent broader harm.

Ibn ʿĀbidīn later developed the definition of *siyāsah* as an effort to improve society by guiding it toward safety in this world and the Hereafter. However, methodologically he narrowed the scope of *siyāsah sharʿiyyah* by equating it with *taʿzīr*.<sup>15</sup> By emphasizing that the use of the terms *siyāsah* and *taʿzīr* by the fuqahā is mutually interpretive, Ibn ʿĀbidīn situates *siyāsah* almost entirely within the criminal and disciplinary realm.

This tendency was continued by ʿAbd al-Ḥayy al-Laknawī and al-Nasafī, who interpreted *siyāsah sharʿiyyah* as an effort to safeguard and improve the people<sup>16</sup> through approaches of gentleness as well as firmness, for the sake of public welfare.<sup>17</sup> Their definition places public interest (*maṣlahah*) at the core of *siyāsah*, as if the very essence of *siyāsah* is practical benefit itself. Within this

<sup>13</sup> Akmal al-Din al-Babarti al-Ḥanafī, *al-Inayah Syarh al-Hidayah* (Bairut: Darul Fikr, n.d.).

<sup>14</sup> Ali al-Thorobulusi al-Ḥanafī, *Muʿīn al-Hukkam Fi Ma Yataroddadu Baina al-Khosmain Mina al-Ahkam* (Cairo: Mathbaat Mushtofa Al-Babi Al-Halabi, 1973): 169.

<sup>15</sup> Muhammad Amīn ibn ʿUmar Ibnu Abidin, *Roddu al-Mukhtar Ala al-Durri al-Mukhtar* (Bairut: Darul Maʿrifah, 2000): 23-24.

<sup>16</sup> Abdul Hayy Al-Laknawī, *Umdat al-Riʿayah Ala Syarh al-Wiqoyah*, 1st ed. (Bairut: Darul Kutub Ilmiyyah, 2009): 170.

<sup>17</sup> Umar Muhammad An-Nasafī, *Tolabatut Tholabah Fi Istilabi al-Fiqhiyyah*, 1st ed. (Bairut: Darul Kutub Ilmiyyah, 1997): 302.

framework, political policy gains legitimacy as long as it can be shown to contribute to the protection of society.

However, the foundation of *siyāsah* in the Ḥanafī school does not solely stem from criminal law discourse. Abū Yūsuf, the principal disciple of Abū Ḥanīfah, in *Kitāb al-Kharāj* demonstrated that the ruler's policies in the fields of fiscal matters and public administration can be justified according to the sharia through the principles of justice and the protection of people's rights<sup>18</sup>. This approach affirms that *siyāsah* in the Ḥanafī tradition has, from the outset, been functional and problem-oriented, even though not explicitly formulated in terminological form.

The methodological dimension of political flexibility in the Ḥanafī school becomes clearer in the works of al-Sarakhsī, particularly through his discussion of *istihsān*. He emphasized that the law must take into account social realities and the needs of the community, especially in public affairs. Departures from formal *qiyās* may be justified when based on strong public interest and genuine need, ensuring that the law remains relevant without losing its normative legitimacy.<sup>19</sup>

Ibnu Nujaim also stressed that the ruler's authority in formulating public policy is aimed at maintaining order and preventing social harm. He viewed the ruler's actions in non-textual domains as having to be directed toward *hifẓ al-niẓām* (maintenance of public order) and *daf' al-fasād* (prevention of harm).<sup>20</sup> Thus, political flexibility is not understood as discretionary freedom, but rather as a legal obligation to adjust the application of norms to social conditions.

Holistically, the Ḥanafī school's approach to *siyāsah* reflects a juristic logic of political flexibility that is limited, controlled, and oriented toward social stability. Political flexibility is expressed through the adjustment of law enforcement instruments and practical policies, not through designing forms of government. This model shows that political adaptability in classical Sunni fiqh is not the product of ideological compromise, but rather a consequence of a jurisprudential logic that places the law as the primary regulator of power.

### **Politics in the Mālikī School: *Maqāsīd*, *Maslahah*, and the Logic of Political Flexibility**

The Mālikī school occupies a central position in the discourse on *siyāsah shar'īyyah* due to its strong orientation toward the *maqāsīd al-sharia* and public

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<sup>18</sup> Ya'qub ibn Ibrahim Abu Yusuf, *al-Khoraj* (Bairut: Darul Ma'rifah, 1997): 6.

<sup>19</sup> Muhammad As-Sarakhsī, *Ushulu al-Sarakhsī* (Bairut: Darul Kutub Ilmiyyah, 2000): 199-208.

<sup>20</sup> Zain al-Din Ibnu Nujaim Al-Hanafī, *al-Babru al-Roiq Syarh Kanzu al-Daqo'iq*, 2nd ed. (Bairut: Dar Ihya Turost, 2002).

welfare.<sup>21</sup> Unlike approaches that limit *siyāsah* to the realm of sanctions and criminal control, the Mālikī school has, from the outset, viewed it as a normative instrument for safeguarding social order and realizing the purposes of the *sharia* in the context of governance. Within this framework, *siyāsah* is not understood as a specific form of politics, but rather as a legal logic adaptive to social dynamics.

Ibn Farḥūn explicitly distinguishes between unjust *siyāsah* (*siyāsah ḡālimah*) and just *siyāsah* (*siyāsah ‘ādilah*). Oppressive politics are regarded as a deviation from the Sharia, whereas just politics serve as a means to restore rights, prevent injustice, and close the doors to social corruption. This distinction is important because it shows that political legitimacy from a Mālikī perspective is not measured by the institutional form of power, but by its function in realizing justice and the *maqāṣid al-sharia*.

Furthermore, Ibn Farḥūn asserts that granting broader policy space to rulers does not contradict Shar‘ī evidences, as long as such policies do not wholly depart from the boundaries of the Sharia. He connects political flexibility to social realities, particularly the rising levels of corruption and the increasing complexity of societal life. In this context, changing social conditions may necessitate differences in policy without being construed as deviations from Islamic law.

The theoretical foundation for this flexibility is reinforced by al-Qarāfi, who methodologically distinguishes between the Prophet’s actions as a messenger and as a head of state. In al-Ihkām, he emphasizes that a ruler’s political policy does not always require specific textual evidence, provided it does not contradict the general principles of the Sharia.<sup>22</sup> This distinction opens a space for juridical legitimacy for contextual policies and positions *siyāsah shar‘iyyah* as a domain of operational *ijtibād*, rather than a mere literal application of texts.

The *maqāṣid*-based approach of the Mālikī school reaches systematic formulation in the thought of al-Shāṭibī. Through al-Muwāfaqāt, he affirms that the laws of the Sharia aim to realize human welfare comprehensively and sustainably.<sup>23</sup> Within this framework, *siyāsah shar‘iyyah* functions as a mechanism for safeguarding the *maqāṣid* in an ever-changing social reality. Al-Shāṭibī even criticizes rigid legal applications when they result in *mafsadah* (harm), as such outcomes contradict the fundamental objectives of the Sharia.

<sup>21</sup> Muhammad Ibnu Farhun Al-Maliki, *Tabshirotu al-Hukkam Fi Ushuli al-Aqbdiyati Wa Manahiji al-Abkam*, 1st ed. (Bairut: Darul Kutub Ilmiyyah, 1995): 115.

<sup>22</sup> Ahmad ibn Idris al-Qorofi al-Maliki, *al-Ihkam Fi Tamyiz al-Fatava An al-Abkam Wa Tashrofi al-Qodhi Wa al-Imam*, 2nd ed. (Aleppo: Maktabah Al-Matbuat Al-Islamiyyah, 1995): 109-119.

<sup>23</sup> Ibrahim ibn Musa as-Syatibi, *al-Muwafaqot Fi Ushuli al-Syari’ah*, 10th ed. (Bairut: Darul Kutub Ilmiyyah, 2019): 6.

The ethical dimension of siyāsah also receives serious attention in the Mālikī tradition, as reflected in the thought of At-Thurtusi. He emphasized that political authority is a moral trust bound to the values of justice, responsibility, and the protection of society from tyranny.<sup>24</sup> Thus, siyāsah is not understood merely as an administrative technique of power, but as an ethical practice rooted in the values of the sharia.

One of the most distinctive features of the Mālikī approach is the broad acceptance of *maṣlaḥah mursalah* as the basis for public policy. In contrast to approaches that require specific textual evidence, the Mālikīs regard any benefit that does not conflict with sharia principles as valid proof (*hujjah*). This provides wide scope for rulers to respond to social changes, emergencies, and the administrative needs of the state without being bound to static policy forms. However, political flexibility in the Mālikī school is not without limits. Mālikī scholars consistently affirm that political policy must never completely depart from the framework of sharia, even if intended for public benefit.<sup>25</sup> Thus, flexibility is understood as normative adaptation bound by the principles of justice, prevention of tyranny, and realization of maqāṣid al-sharia, rather than as legitimization for arbitrary policies.

Overall, the Mālikī school's approach to *siyāsah shar'īyyah* represents the most mature form of juristic logic of political flexibility in the Sunni fiqh tradition. Political flexibility is not positioned as a compromise under the pressure of reality, but as a methodological consequence of the orientation towards maqāṣid and public interest (*maṣlaḥah*). Through this model, the Mālikī school offers a conceptual framework that allows Islamic law to remain normative, contextual, and relevant in facing political changes across eras.

### **Politics in the Shāfi'ī School: Normative Authority and the Logic of Political Flexibility**

The Shāfi'ī school occupies an important position in the conceptual formulation of siyāsah in classical fiqh, particularly through the development of the discourse on al-aḥkām al-sulṭāniyyah. In this tradition, politics is not understood as a domain outside the law, but rather as an integral part of the normative system of the sharia. *Siyāsah* is positioned as a juridical mechanism to regulate power, maintain social order, and ensure that political authority operates within a legitimate religious legal framework.

Al-Māwardī is a central figure in the construction of *Shāfi'ī siyāsah*. In the introduction to *al-Aḥkām al-Sulṭāniyyah wa al-Wilāyat al-Dīniyyah*, he affirms that

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<sup>24</sup> Abu Bakar Ath-Thurtusi, *Siroju al-Muluk*, 1st ed. (Riyadh: Darul Azariyah, 2005): 150-152.

<sup>25</sup> Muhammad Ibn al-Arzaq, *Bada'i'u al-Silk Fi Thoba'i al-Mulk*, 1st ed. (Cairo: Darus Salam, 2008): 256.

God has established political leadership as a continuation of the prophetic function in safeguarding religion and regulating worldly affairs. The *imāmah* is understood as the primary foundation for the stability of the Muslim community, serving as the shelter for all public and administrative authority.<sup>26</sup> Thus, political legitimacy emanates from a *shar‘ī* mandate, not merely from factual power.

For al-Māwardī, the importance of the *imāmah* lies in its ability to unite the community under legitimate leadership and systematically organize various forms of authority. Therefore, the laws governing political power must be formulated proportionally and coherently so that no tension arises between political interests and the principles of the *sharia*. Within this framework, *siyāsah* is not a rigid institutional design, but rather a normative system that enables the management of power in accordance with diverse social needs.

Al-Māwardī’s thought was later continued by Abū Ya‘lā al-Farrā’, who defined *al-ahkām al-sultāniyyah* as the scope of authority that may be exercised by an *imām* or ruler in governing state affairs and enforcing religious law. Politics, in his view, serves as a means of transitioning society from a state of disorder to order, and from restriction to permission, provided it is based on *sharia* legitimacy.<sup>27</sup> This perspective reflects an acknowledgment of the flexibility of political policy, yet that flexibility remains constrained by the objective of upholding Islamic law.

Al-Juwaynī provides a broader conceptual dimension by viewing *siyāsah* as a collection of Allah’s laws regulating leadership over both the elite and the general public. He distinguishes between political aspects that fall under the authority of the ruler and those that are the responsibility of individual *mukallaf*.<sup>28</sup> This distinction indicates that politics is not entirely centralized in the state but rather functionally distributed according to the role and capacity of each legal subject, thereby opening space for adaptation without abandoning the normative structure.

The normative-functional dimension of *Shāfi‘ī siyāsah* becomes clearer in the thought of al-Ghazālī. He emphasizes a symbiotic relationship between religion and political authority, in which religion serves as the normative foundation, while authority functions as its guardian and executor.<sup>29</sup> Within this framework, political flexibility is recognized as a practical necessity for maintaining social stability, yet it must remain oriented toward protecting religion and ensuring societal order.

<sup>26</sup> Al-Mawardi, *al-Ahkām Al-Sultāniyyah Wa al-Wilāyah ad-Diniyyah*: 13.

<sup>27</sup> Muhammad Husein Al-Farra’, *al-Ahkām al-Sultāniyyah* (Bairut: Darul Kutub Ilmiyyah, 2000): 19.

<sup>28</sup> Abdul Malik al-Juwayni, *al-Ghiyathi*, 2nd ed. (Qotar: Qotar University, 1981): 313.

<sup>29</sup> Muhammad Ghazali, *al-Iqtishod Fi al-I‘tiqad*, 2nd ed. (Bairut: Darul Kutub Ilmiyyah, 2015): 127-130.

This approach receives a more explicit jurisprudential articulation in the work of ‘Izz al-Dīn ibn ‘Abd al-Salām. Through the theory of *maqāṣid* and legal maxims, he evaluates political policies based on the extent to which they achieve benefit and prevent harm (*mafsadat*).<sup>30</sup> Political judgment is not determined by its institutional or procedural form, but by the orientation of its objectives. Here, the rational, purpose-driven logic of Shāfi‘ī political flexibility becomes clearly evident.

Meanwhile, practical fiqh works such as *Minhaj* by al-Nawawī illustrate how the principles of *shāfi‘ī siyāsah* are applied in the concrete regulation of public life.<sup>31</sup> Although he did not formulate a systematic political theory, al-Nawawī’s views on the role of public authority, the enforcement of justice, and enjoining what is right and forbidding what is wrong (*amar ma‘rūf nahi munkar*) reflect an acknowledgment of the state’s role in safeguarding public welfare, while consistently affirming ethical and normative boundaries.

Overall, the Shāfi‘ī school’s approach to siyāsah reveals a jurisprudential logic of bounded political flexibility. Politics is understood as a space for *ijtihād* that adapts to social and historical contexts, yet remains governed by the principles of the sharia, ethics, and the objectives of public welfare. Thus, the Shāfi‘ī school makes an important contribution to the classical debate on Islamic politics by demonstrating that political adaptability can coexist with the normative steadfastness of the law.

### **Politics in the Ḥanbalī School: Textualism, Public Order, and Juristic Discretion**

The Ḥanbalī school is often perceived as the most textualist within Islamic law. However, in the realm of siyāsah (politics/governance), the Ḥanbalī tradition instead presents a conceptual formulation that is highly dynamic and adaptive. Politics is understood not as a sphere separate from the *sharia*, but as a juridical instrument for realizing justice and public welfare, as long as it does not contradict the normative principles of Islam.

The most influential classical formulation in this school comes from Ibn ‘Aqīl al-Ḥanbalī. He defined *siyāsah* as any action that brings people closer to goodness and further away from corruption, even if such an action is not explicitly prescribed by the Prophet or revealed through divine revelation, provided it does

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<sup>30</sup> Izzud Din ibn Abdus Salam, *Qowaidu al-Abkam Fi Masholih al-Anam*, 4th ed. (Bairut: Darul Kutub Ilmiyyah, 2015): 4-5.

<sup>31</sup> Yahya ibn Syaraf al-Nawawi, *Minhaj al-Tholibin Wa Umdat al-Muftin*, 8th ed. (Bairut: Darul Kutub Ilmiyyah, 2017): 177-184.

not contradict what is established by the *sharia*.<sup>32</sup> This definition demonstrates explicit recognition of a broad space for political *ijtihad* within the Ḥanbalī school.

However, this openness is firmly bounded by Ibn ‘Aqīl’s fundamental condition: “not contradicting the textual sources (*nass*) and principles of the *sharia*.<sup>33</sup>” With this restriction, he rejected any dichotomy between the *sharia* and political policy. Just *siyāsah* is not positioned as an alternative to Islamic law, but as part of the *sharia* itself. This emphasis affirms that political flexibility is only valid within the bounds of legal normativity.

The close relationship between *siyāsah* and public interest (*maṣlahah*) forms the core axis of the Ḥanbalī approach. By making public interest (*maṣlahah*) and the prevention of harm (*mafsadah*) the objectives of public policy, the Ḥanbalī school evaluates politics based on its substantive impact, rather than merely its form or formal legitimacy. However, such public interest (*maṣlahah*) is always tested against *sharia* principles, ensuring it does not devolve into unrestrained pragmatic rationality.

Ibn ‘Aqīl’s ideas were later systematically developed by Ibn Qayyim al-Jawziyyah. He stressed that just *siyāsah* is part of the *sharia* and a branch thereof, not an independent entity. Conversely, unjust *siyāsah* is the opposite of the *sharia*, just as injustice is the antithesis of justice.<sup>34</sup> This statement rejects the view that limits the *Sharia* solely to textual law and excludes public policy from the domain of Islamic law.

In *I‘lām al-Muwaqqi‘in*, Ibn Qayyim criticized two extreme tendencies in understanding *siyāsah*. The first group narrows the *sharia* too much, closing off the space for political policy, which results in Islamic law being unable to respond to social realities. The second group loosens the boundaries excessively, thereby justifying policies that contradict the law of Allah and His Messenger<sup>35</sup>. Both extremes, according to him, stem from a failure to understand the objectives of the *sharia* and the dialectical relationship between text and reality.

The criticism was followed by a historical analysis of the emergence of political regulation outside of *fiqh*. When the *sharia* is rigidly narrowed, rulers are driven to create their own political laws in order to maintain social order. As a result, a dualism of law emerges, which in turn produces structural damage. For

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<sup>32</sup> Muhammad Ibnu Qoyyim al-Jauziyyah, *Bada‘in al-Fawa'id*, 1st ed. (Bairut: Darul Kitab Al-Arobi, 2001): 445.

<sup>33</sup> Muhammad Ibnu Qoyyim al-Jauziyyah, *al-Thuruq al-Hukmiyyah Fi al-Siyasah Al-Syar‘iyyah*, ed. Maktabah As-Sunnah Al-Muhammadiyah (Cairo, 2002): 13.

<sup>34</sup> al-Jauziyyah, *Bada‘in al-Fawa'id*: 447.

<sup>35</sup> Muhammad Ibnu Qoyyim al-Jauziyyah, *I‘lamu al-Muwaqqi‘in an Rabbi al-‘Alamin*, 1st ed. (Dammam: Dar Ibnul Jauzi, 2002): 512-513.

Ibn Qayyim, the solution to this problem is not the secularization of law, but rather the strengthening of *siyāsah shar‘iyyah* oriented toward the *maslahah*.<sup>36</sup>

The roots of this thought can also be traced to the stance of Imam Aḥmad ibn Ḥanbal himself, who, although cautious toward political power, still acknowledged the role of the state in maintaining public order and upholding justice.<sup>37</sup> In the Ḥanbalī tradition, practices such as *ḥisbah*, enjoining what is right and forbidding what is wrong, and the protection of public interests are understood as part of a collective responsibility that can be institutionalized by political authority. This thinking reached its mature articulation in the works of Ibn Taymiyyah, He asserted that the primary aim of authority is to uphold justice,<sup>38</sup> and that Allah supports a just state even if it is non-muslim, and does not support an unjust state even if it is Muslim.<sup>39</sup> This statement shows that political legitimacy is judged based on substantive justice, not identity or institutional formality.

In general, the Ḥanbalī School’s approach to *siyāsah* represents the most explicit yet normatively restrained logic of political flexibility. Flexibility is broadly acknowledged in the sphere of methods, policies, and instruments of governance, but is strictly limited by the principles of justice, public welfare, and the objectives of the sharia. The contribution of the Ḥanbalī School lies in its ability to demonstrate that political adaptability is not a threat to Islamic law, but rather the highest expression of its jurisprudential rationality.

### ***Siyāsah* in the Four Sunni Schools: A Comparative Juristic Reading**

This section proposes a rereading of the concept of *siyāsah* in classical Islamic law by placing it within the juristic logic framework of political flexibility developed by the four Sunni schools. Rather than viewing *siyāsah* as a pragmatic domain outside of, or even opposed to sharia norms<sup>40</sup>, this discussion demonstrates that political flexibility has been systematically institutionalized within the internal structure of *fiqh* through diverse yet disciplined juristic mechanisms. By mapping how the Ḥanafī, Mālikī, Shāfi‘ī, and Ḥanbalī schools articulate spaces for political adaptation, this section constructs a comparative analytical framework affirming that the plurality of *siyāsah* approaches is not a sign

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<sup>36</sup> Muhammad Ibnu Qoyyim al-Jauziyyah, *ʿIlmu al-Muwāqqiʿin an Rabbi al-ʿAlamin*, 1st ed. (Dammam: Dar Ibnul Jauzi, 2002): 512-513.

<sup>37</sup> Ahmad bin Hanbal, *Masail Imam Ahmad Bin Hanbal Bi Riwāyati Ibnihī*, 1st ed. (Riyadh: Darul Wathon, 1999): 39-41.

<sup>38</sup> Ahmad ibn Abdul Halim Ibnu Taymiyyah, *al-Siyasah al-Syar‘iyyah* (Cairo: Dar Zuhur AL-Fikr, 2001): 10 .

<sup>39</sup> Ahmad ibn Abdul Halim Ibnu Taymiyyah, *al-Hisbah Fi al-Islam* (Bairut: Darul Kutub Ilmiyyah, n.d.): 7.

<sup>40</sup> Jocelyne Cesari, “Islam in the West : From Immigration to Global Islam Islam in the West as an Object of Research” *Harvard Middle Eastern and Islamic Review* 8 (2009): 148–175.

of normative fragmentation, but rather an expression of Islamic legal rationality in responding to social dynamics and evolving governance needs.

The following table shows the Juristic Logic of Political Flexibility in the Four Sunni Schools as a result of the study in the previous sub-chapter.

Aspect	Ḥanafī	Mālikī	Shāfi'ī	Ḥanbalī
<b>Source of Flexibility</b>	<i>Ta'zīr, istibsān</i> , social needs	<i>Maslahab mursalah, sadd al-dharā'ī'</i>	<i>Wilāyah, ahkām sulṭāniyyah</i>	<i>Maslahab</i> without contradiction to <i>al-naṣṣ</i>
<b>Methodological Orientation</b>	Pragmatic-jurisprudential	Teleological ( <i>maqasid</i> -based)	Structural-normative	Substantive-ethical
<b>Form of Discretion</b>	Punishment discretion and public policy	Policy discretion for public benefit	Limited administrative discretion	Substantive justice discretion
<b>Ethical Limits</b>	Prohibition of injustice	public welfare Not departing from <i>sharia</i>	principles Law hierarchy over authority	Prohibition of absolutism and injustice
<b>Flexibility Character</b>	Adaptive to social context	Responsive to societal realities	Stable and institutional	Corrective to formalism

This table illustrates the differences in jurisprudential logic through which the four Sunni schools conceptualize political flexibility (*siyāsah*). Rather than representing conflicting political ideologies, these logics reflect distinct jurisprudential mechanisms for regulating policy adaptability while maintaining normative boundaries.

The table also visualizes the comparative architecture of political (*siyāsah*) flexibility in classical Sunni jurisprudence by presenting the characteristic jurisprudential logic of the four schools. The Ḥanafī school places flexibility in the discretion of public authority through *ta'zīr* and administrative considerations, enabling rulers to respond pragmatically to social dynamics within the bounds of justice and legal norms. The Mālikī school, in contrast, frames political adaptability through *maqāṣid al-sharia* and public interest (*maṣlahah*), allowing governance to evolve in line with social realities as long as the fundamental purposes of Islamic law are preserved.

Meanwhile, the Shāfi'ī school conceptualizes flexibility within a structured normative-institutional framework centered on *imāmah* and *al-ahkām al-sulṭāniyyah*,

ensuring that political adaptation proceeds through procedural legitimacy rather than unfettered discretion. The Ḥanbalī school articulates flexibility most explicitly by prioritizing substantive justice and public welfare, provided these do not conflict with the fundamental principles of the sharia.

This table can also be understood as a tiered jurisprudential framework that explains how political (*siyāsah*) flexibility is constructed within the four Sunni schools (*madhhab*) through different yet complementary mechanisms. At the foundational normative layer, all four schools (*madhhab*) agree that politics is an instrument for realizing justice and public benefit, and is never detached from sharia. None of the schools (*madhhab*) view *siyāsah* as an autonomous, value-free domain; flexibility is always bounded by the principles of justice, prevention of harm, and protection of the public interest.

Differences emerge at the layer of jurisprudential mechanisms. The Ḥanafī madhhab emphasizes administrative discretion and the ruler's policies to respond to social disorder. The Mālikī school (*madhhab*) madhhab operationalizes flexibility through the orientation of *maqāṣid* and public interest (*maṣlahah*), enabling legal adaptation in line with changing contexts. The Shāfi'ī madhhab channels flexibility through institutional structures and normative legitimacy such as *imamah* and *al-aḥkām al-sulṭāniyyah*, while the Ḥanbalī madhhab evaluates political policies substantively based on their justice and utility outcomes, provided they do not contradict sharia principles.

At the operational layer, these four logics form a spectrum of “juristic logic of political flexibility” that is plural yet disciplined, affirming that political flexibility is an inherent characteristic of Sunni fiqh, not a modern innovation.

This table makes a conceptual contribution by introducing the “juristic logic of political flexibility” as an analytical lens for revisiting classical debates on *siyāsah*. Rather than reproducing the common dichotomy between textual legalism and political pragmatism, it demonstrates that flexibility has long been institutionalized within the internal structure of fiqh through distinct jurisprudential mechanisms across the four Sunni schools. Accordingly, the table maps inter-school differences not as normative fragmentation but as diversified logics of adaptation discretionary (Ḥanafī), goal-oriented (Mālikī), institutional-procedural (Shāfi'ī), and substantive (Ḥanbalī). This typology moves beyond historical description and offers an analytical framework that can be further tested in comparative studies of Islamic public law and policy.

Overall, the table shows that political flexibility in classical fiqh is plural yet disciplined, integrating adaptability with normative commitment and offering a jurisprudential framework capable of accommodating diverse forms of governance without compromising justice, legality, and the moral objectives of the law.

A further implication of this comparative framework is that the plurality of jurisprudential logics among the four Sunni schools should not be viewed as an obstacle to legal coherence, but rather as a source for developing adaptive models of contemporary Islamic governance. The contribution of this research lies in its effort to bridge these differences through the concept of the “juristic logic of political flexibility,” which demonstrates that administrative discretion, *maqāṣid*-based reasoning, institutional legitimacy, and substantive justice are not mutually exclusive approaches, but rather complementary mechanisms within a shared sharia horizon. In this sense, the four schools of thought collectively provide an integrated jurisprudential repertoire to respond to the challenges of modern governance without removing political authority from ethical and legal constraints.

This comparative framework also holds significant relevance for contemporary Muslim societies facing complex issues such as constitutional reform, public administration, financial regulation, digital governance, religious pluralism, and social welfare policies. For example, the Hanafi school’s emphasis on administrative discretion can provide a foundation for contemporary regulatory policies and emergency governance; the Maliki school’s orientation toward public interest (*maṣlaḥah*) and *maqāṣid* is highly relevant to Islamic finance, public welfare programs, and sustainable development policies; the Shafi’i school’s concern with procedural legitimacy aligns with constitutionalism and the rule of law; while the Hanbali school’s focus on substantive justice provides an ethical basis for evaluating state policies based on their social impact and public interest.

Thus, this study argues that classical *siyāsah* should not be confined merely to historical political theory, but must be reinterpreted as a dynamic jurisprudential framework capable of guiding contemporary Islamic public law and governance. By reconstructing *siyāsah* as a pluralistic legal logic that remains bound by normative discipline, this article offers a methodological bridge between classical fiqh and modern state governance, ensuring that Islamic legal thought remains rooted in sharia norms while remaining responsive to contemporary social and political realities.

### **Juristic Logic of Political Flexibility**

The discourse on *siyāsah shar‘iyyah* in Islamic legal literature is often problematically understood as a grey area between law and politics, or as a pragmatic exception to shar‘i norms.<sup>41</sup> This understanding tends to place political flexibility as a deviation from normative law. This article, however, starts from the opposite assumption: political flexibility in classical *fiqh* is the product of

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<sup>41</sup> Mohamad Hashim Kamali, “Siyasah Shar‘iyah or the Policies of Islamic Government,” *American Journal of Islamic Social Sciences* 6, no. 1 (1989): 59–80.

internal juristic reasoning, not an extra-legal residue. Such flexibility operates through methodological mechanisms that can be traced, justified, and normatively limited.

Through a comparative analysis of the four Sunni schools of law, this section formulates what is referred to as the juristic logic of political flexibility—a pattern of legal reasoning that enables the adaptation of political policy within the framework of sharia without falling into the absolutism of power. This logic operates through two main dimensions: the methodological sources that legitimize flexibility, and the ethical-legal boundaries that regulate it. Within this framework, *siyāsah shar‘iyyah* is understood as bounded discretion, not as political freedom without norms.

Methodologically, political flexibility in classical fiqh stems from the recognition of the limitations of legal texts in anticipating the complexity of social reality.<sup>42</sup> The fuqahā’ realized that law does not operate in a vacuum, but within a society that is constantly changing. Therefore, *siyāsah shar‘iyyah* was formulated as a mechanism for adjusting the law to social contexts in order to safeguard the fundamental objectives of sharia.

The primary source of such flexibility is the recognition of the ruler’s discretion in the domain of *ijtibādī*. In the Ḥanafī tradition, this space is clearly evident in the development of the concepts of *ta‘zīr*<sup>43</sup> and *istihsān*<sup>44</sup>. Punishments and policies can be adjusted according to the degree of social harm, the condition of society, and preventive needs, as long as they aim to preserve public welfare.<sup>45</sup> This discretion is not arbitrary action, but rather a form of applied *ijtibād* oriented toward social stability and substantive justice.

The Mālikī school provides an even more explicit articulation through the concepts of *maṣlaḥah mursalah*<sup>46</sup> and *sadd al-dharā‘i*.<sup>47</sup> Mālikī scholars understand that political policy can be formulated on the basis of clear and rational public interest, even without a specific textual foundation. As long as such policy does not contradict the general principles of the sharia, it is considered jurisprudentially valid.<sup>48</sup> This approach affirms that flexibility is not a compromise of the law, but rather an expression of the teleological orientation of fiqh.

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<sup>42</sup> Yusuf Al-Qorodhowi, *al-Fiqh al-Islami Baina al-Asbolah Wa al-Tajdid*, 2nd ed. (Cairo: Maktabah Wahbah, 2003).

<sup>43</sup> al-Babarti, *al-Inayah Syarh al-Hidayah*.

<sup>44</sup> al-Sarakhsi, *Ushulu al-Sarakhsi*.

<sup>45</sup> al-Hanafī, *Mu‘inu al-Hukkam Fi Ma Yataroddadu Baina al-Khosmain Min al-Ahkam*.

<sup>46</sup> al-Syatibi, *Al-I‘ishom* (Bairut: Darul Fikr, 2010): 78-81.

<sup>47</sup> Muhammad Abu Zahroh, *Malik Hayatuhu Wa Asbruhu Wa Arouhu Wa Fiqhuhu*, 4th ed. (Cairo: Darul Fikr Al-arabi, 2020).

<sup>48</sup> Ahmad ibn Idris al-Qorofi al-Maliki, *Al-Ihkam Fi Tamyiz al-Fatawa An al-Ahkam Wa Tashorufati al-Qodhi Wa al-Imam*, 2nd ed. (Aleppo: Darul Basyair Al-Islamiyyah, 1995).

The Shāfi‘ī school constructs political flexibility through the framework of *wilāyah* and the regulation of public authority. Although known for its more rigorous methodology in *uṣūl al-fiqh*, Shāfi‘ī scholars such as al-Māwardī<sup>49</sup> and al-Juwaynī<sup>50</sup> acknowledge that public affairs management cannot be entirely reduced to textual rules. *Aḥkām sultāniyyah* functions as a space for applying the general principles of sharia within a governance context, while maintaining the normative hierarchy between law and power.

Meanwhile, the Ḥanbalī school, political flexibility reaches its most sharply defined conceptual formulation through the thought of Ibn ‘Aqīl and Ibn al-Qayyim. By defining *siyāsah* as policy that brings people closer to benefit and distances them from harm, as long as it does not contradict the sharia<sup>51</sup>, they assert that the objectives of the law constitute the primary criterion for policy legitimacy. Here, flexibility serves as a means of realizing justice, not merely as procedural adaptation.

Beyond jurisprudential discretion, political flexibility is also supported by *maqāṣid al-sharia* as a normative horizon. Although the terminology of *maqāṣid* developed systematically in later periods, its substantive ideas were already present in the classical discourse on *siyāsah*. The protection of religion, life, intellect, property, and lineage becomes the evaluative orientation of political policy<sup>52</sup>. Within this framework, flexibility is not a sporadic situational response, but part of a goal-oriented legal rationality.

Another important role is played by *qawā‘id fiqhiyyah*. Principles such as *taṣarruf al-imām manūṭ bi al-maṣlaḥah*, *al-ḍarar yuzāl*, and *taghayyur al-aḥkām bi taghayyur al-aẓmān*<sup>53</sup> provide normative justification for the adjustment of political policy. These principles function as a conceptual infrastructure linking abstract norms to concrete realities, enabling *fiqh* to respond to social change without losing internal consistency.

It is important to note that political flexibility in classical *fiqh* was always contextual–jurisprudential, not anachronistic. The Islamic jurists (*fuqahā’*) responded to the social realities they faced - such as rampant crime, social instability, or moral decay - through the mechanisms of legal reasoning available within the *fiqh* tradition. Thus, flexibility was a response to specific historical contexts, but constructed through a legal logic that can be reconstructed across eras.

<sup>49</sup> al-Mawardi, *al-Aḥkām al-Sultāniyyah Wa al-Wilāyah al-Diniyyah*.

<sup>50</sup> al-Juwaynī, *al-Ghiyathī*.

<sup>51</sup> al-Jauziyyah, *Ilamū al-Muwaqqi‘in an Rabbi al-‘Alamin*.

<sup>52</sup> Salam, *Qowaidu al-Aḥkām Fi Masbūḥi al-Anam*.

<sup>53</sup> Abdu al-Rohman Jalal al-ddin Al-Suyuthi, *al-Asybah Wa al-Nazhoir*, 2nd ed. (Cairo: Darussalam, 2004): 210-220.

Recognition of political flexibility in classical fiqh was always accompanied by a strong emphasis on ethical and legal boundaries. Flexibility was never understood as absolute freedom, but rather as discretion bound by shar‘i norms and principles of justice.<sup>54</sup> Without these boundaries, flexibility could potentially become legitimization for arbitrary power.

The most fundamental limit is the prohibition of contradicting the scriptural text (*mu‘arāḍah al-naṣṣ*).<sup>55</sup> Consensus across schools of thought affirms that *siyāsah shar‘iyyah* must not conflict with evidence that is *qat‘i* in nature. Therefore, flexibility can only operate within the realm of *ijtihādī*, not in the domain of normative rulings that are final. This principle clearly distinguishes between jurisprudential discretion and legal deviation.

The distinction between *siyāsah ‘ādilah* and *siyāsah ḡālimah* serves as an ethical mechanism to limit flexibility.<sup>56</sup> Scholars across schools of thought assert that political policy is only valid in the shar‘i sense if it aims to uphold justice, eliminate oppression, and protect society from harm. Policies that perpetuate injustice, even if cloaked in the rhetoric of public interest, are categorized as *siyāsah ḡālimah* and rejected by the sharia.

Another ethical boundary concerns the moral accountability of rulers. Classical fiqh does not separate the legality of policy from the moral integrity of its implementation.<sup>57</sup> The principles of trustworthiness, justice, and public responsibility serve as evaluative standards for political policy. Thus, flexibility is measured not only by the effectiveness of a policy, but also by its conformity to the ethical values underpinning the sharia. Ibn al-Qayyim’s strong warning against two extremes -rigid legalism that closes off space for substantive justice and political pragmatism that sacrifices shar‘i norms - reflects the deep awareness in classical fiqh of the risks of misusing flexibility.<sup>58</sup> *Siyāsah shar‘iyyah* is positioned as a middle path that maintains balance between norms and reality, between law and power.

From this perspective, political flexibility actually serves as a mechanism to prevent absolutism. By binding the ruler’s discretion to principles of law and ethics, classical fiqh implicitly establishes limits on power. Although not formulated in modern constitutional terms, this logic has structural equivalence to the concept of limiting power in contemporary constitutional theory.

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<sup>54</sup> Muhammad Khidr Husen, *al-Syari‘ah al-Islamiyyah Sholihah Li Kulli Zaman Wa Makan* (Cairo: Dar Nahdhoh Misr, 1999): 24-36.

<sup>55</sup> Sya’ban Muhammad Ismail, *Al-Tajdid Fi Ushul al-Fiqh*, 1st ed. (Cairo: Darut Ta’lif, 2000): 36.

<sup>56</sup> Al-Maliki, *Tabshirotu al-Hukkam Fi Ushuli al-Aqbdhiyati Wa Manabiji al-Abkam*.

<sup>57</sup> Muhammad Abdul Karim Al-Mushili, *Kitab Husni al-Suluk Al-Hafizh Daulati al-Muluk*, ed. 1 (Riyadh: Darul Wathon, 1996): 19.

<sup>58</sup> Al-Jauziyyah, *I‘lamu al-Muwaqqi’in an Rabbil al’Alamin*.

In classical fiqh literature, *siyāsah* is not understood as an independent source of law separate from the Sharia. Rather, it functions as a mechanism for implementing the law in areas not explicitly regulated by the sacred texts.<sup>59</sup> In this context, *siyāsah* allows the ruler to adopt policies not specifically mentioned in the texts, as long as these policies do not conflict with the fundamental principles of Islamic law. This affirms that the flexibility in *siyāsah* is derivative and normative, not absolute.

Methodologically, *siyāsah* is clearly connected to the tools of *uṣūl al-fiqh*. Concepts such as *maṣlaḥah*, *istihsān*, *urf*, and *sadd al-dharā'i*<sup>60</sup> play an important role in shaping the framework of public policy reasoning. Through these tools, public policy gains legal legitimacy so long as it meets two primary conditions: it does not contradict the definitive provisions of the Sharia, and it is able to realize public benefit. Therefore, the flexibility contained in *siyāsah shar'iyah* is methodological, not unrestrictedly discretionary. *Uṣūl al-fiqh* provides a methodological basis for political decision-making that is responsive to social change, while remaining within the normative boundaries of the Sharia.

Differences in methodological approaches among the schools of law also influence how *siyāsah* is understood and operationalized. The Mālikī school, for instance, grants broad scope to *maṣlaḥah mursalah* as a basis for legitimizing public policy<sup>61</sup>, while the Ḥanafī school employs *istihsān* and customary practice as instruments of legal flexibility.<sup>62</sup> In contrast, the Shāfi'ī school is more cautious in accepting non-textual policies<sup>63</sup>, and the Ḥanbalī school emphasizes the moral integrity of the ruler as a primary prerequisite for *siyāsah shar'iyah*.<sup>64</sup> This diversity demonstrates that *siyāsah shar'iyah* is not merely a static concept of fiqh, but also a dynamic governance framework that evolves through various jurisprudential methodologies and socio-political contexts. Therefore, *siyāsah shar'iyah* can be understood not only as a branch of *fiqh* that regulates political authority, but also as a broader normative and institutional approach to realizing the objectives of sharia through policies that are contextual, proportional, and grounded in ethics.

Thus, the discussion of political authority in fiqh also indicates a distinction between the realm of law that is fixed (*thamābit*) and the realm of policy that is flexible (*mutaghayyirāt*). *Siyāsah* operates primarily within the latter, namely the sphere of policy that requires adjustment to changing social and political

<sup>59</sup> Ahmad Fahmi Abu Sinnah, *al-Naẓhoriyyah al-Ammah Li al-Muamalat Fi al-Syariah al-Islamiyyah* (Cairo: Darut Ta'lif, 1967): 22-23.

<sup>60</sup> Abdur Rohim al-Isnawi, *Nihayatu al-Sul Syarb Minhaj al-Wushul Fi Ilmi al-Ushul*, 1st ed. (Bairut: Darul Kutub Ilmiyyah, 1999): 360-378.

<sup>61</sup> Al-Syatibi, *al-Muwafaqot Fi Ushuli al-Syari'ah*: 16-39.

<sup>62</sup> Abdullah ibn Umar Al-Dabbusi, *Taqwim Ushulu al-Fiqh Wa Tabdid Adillati al-Syar'*, 1st ed. (Riyadh: Maktabah Rusd, 2009): 404-450.

<sup>63</sup> Muhammad ibn Idris al-Syafi'i, *al-Risalah* (Bairut: Darul Kutub Ilmiyyah, 2001): 487-504.

<sup>64</sup> Taymiyyah, *al-Siyasah al-Syar'iyah*.

conditions.<sup>65</sup> However, this flexibility remains bound by the fundamental values of sharia and by mechanisms of legal accountability.

Accordingly, *siyāsah* in classical fiqh can be understood as a jurisprudential concept that bridges the gap between legal norms and the realities of power. It provides a conceptual framework that allows the management of political authority in an adaptive manner without abandoning the normative commitment to justice and public welfare. This understanding affirms that political flexibility in the Sunni fiqh tradition is not a deviation from Islamic law nor the result of ideological compromise, but rather an expression of its contextual jurisprudential logic bound by ethics.

Therefore, *siyāsah shar‘iyyah* can be understood to represent what may be called the “juristic logic of political flexibility,” namely the jurisprudential reasoning that makes possible the adaptation of political policy without relinquishing normative adherence to sharia. Flexibility in this context is not ideological leniency or political pragmatism, but the outcome of legal reasoning that operates within non-textual domains (areas of *ijtihad/ manāṭiq al-ijtihād*) consciously acknowledged by the fuqahā.

From this perspective, political authority is understood as a legal trust subject to mechanisms of jurisprudential justification. *Siyāsah shar‘iyyah* limits the ruler’s policy space through criteria of legality and public welfare, so political flexibility is always measured and normatively accountable. Differences among schools of thought in assessing the legitimacy of public policy do not indicate inconsistency, but rather variations in the application of the same jurisprudential logic.

Thus, the term “juristic logic of political flexibility” is conceptually equivalent to the function of *siyāsah shar‘iyyah* in classical *fiqh*. Both affirm that Islam does not offer a rigid political model, but rather a legal framework that is adaptive and normative. Political flexibility in the Sunni tradition is not an adjustment to the demands of modernity, but an inherent characteristic of fiqh reasoning itself which enables the continuity of law within changing political realities.

In Sum, the juristic logic of political flexibility shows that *siyāsah shar‘iyyah* is not an anomaly within Islamic law, but rather an expression of the maturity of fiqh as a normative system. Political flexibility does not indicate weakness in the law, but rather its ability to interact reflectively with social and political realities without losing its commitment to justice and public welfare.

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<sup>65</sup> Majdi Muhammad Asyur, *al-Tsabit Wa al-Mutaghayyir Fi Fikri al-Imam Abi Ishaq al-Syatibi*, 1st ed. (Dubai: Darul Buhust Lid Dirosat Al-Islamiyyah, 2002): 19-21.

The contemporary implications of this jurisprudential logic of political flexibility can be seen in various forms of modern governance and public policy in Muslim societies. In the field of Islamic finance, for example, reasoning oriented toward *maqāṣid* and public interest (*maṣlahah*) considerations has enabled the development of modern financial instruments, regulatory frameworks, and sharia oversight systems that are not explicitly addressed in classical fiqh. Similarly, contemporary constitutional arrangements in several muslim-majority countries reflect the Shafi'i school's emphasis on procedural legitimacy and institutional regularity through mechanisms such as constitutional courts, administrative accountability, and the rule of law.

The Hanafi school's orientation toward administrative discretion is also relevant in modern regulatory governance, particularly in responding to emergencies, public health crises, market regulation, and digital administration, where state authorities require adaptive policy mechanisms that remain bound by legal and ethical principles. Meanwhile, the Hanbali school's emphasis on substantive justice and the prevention of harm provides an ethical framework for evaluating public policies related to social welfare, environmental protection, the eradication of corruption, and human dignity.

In this context, the jurisprudential logic of political flexibility demonstrates that classical *siyāsah shar'īyyah* retains enduring relevance for the contemporary world. Rather than offering a rigid and uniform political system, classical fiqh actually provides a normative-methodological framework capable of accommodating institutional diversity, legal adaptation, and changes in social reality, while still upholding the ethical objectives of sharia. Therefore, studies on *siyāsah shar'īyyah* contribute not only to historical jurisprudence but also to contemporary discussions regarding governance, constitutionalism, public policy, and ethical constraints on political authority in modern Muslim societies.

## Conclusion

This article demonstrates that *siyāsah shar'īyyah* in the classical Sunni fiqh tradition functions as a form of jurisprudential reasoning, not merely as a technical instrument of political power. Through a comparative analysis of the Hanafi, Maliki, Shafi'i, and Hanbali schools, this study demonstrates that political flexibility in Islamic law is constructed through diverse yet interconnected jurisprudential mechanisms grounded in justice, the public interest, and the objectives of sharia. Thus, political flexibility must be understood as a form of constrained discretion (constrained *ijtihād*), not as boundless pragmatism or extra-legal authority.

This article contributes to contemporary studies on Islamic law and governance by introducing the concept of the “juristic logic of political flexibility

(الْمَنْطِقُ الْفَقْهِي لِلْمُرُوءَةِ السِّيَاسِيَّةِ)” as an analytical framework for understanding how classical *fiqh* accommodates social and political change while maintaining normative boundaries. This framework demonstrates that the adaptability of law within the Sunni tradition is methodological and jurisprudential in nature, rather than ideological. Future research could further examine how these jurisprudential logics operate within contemporary Muslim legal systems, particularly in the fields of constitutional governance, public administration, Islamic finance, and digital regulation. Comparative empirical studies on the implementation of *siyāsah shar‘iyyah* in modern Muslim countries would also help expand the practical relevance of this framework.

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