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# Substantive Legitimacy over Symbolic Formalism: A Maqāṣid-Based Framework for Religion State Relations

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## Abstract

Debates on religion state relations in Muslim-majority societies are frequently framed within a binary opposition between theocratic and secular models, often reducing legitimacy to institutional form rather than normative substance. This study aims to examine how state legitimacy should be assessed from the perspective of Islamic legal philosophy by moving beyond structural classification toward a substantive evaluative framework. Employing a normative philosophical legal research design, the study integrates doctrinal analysis with a conceptual reconstruction of the ontological, epistemological, and axiological dimensions of Islamic law, using *maqāṣid al-sharī‘ah* as the principal analytical framework. The findings reveal that Islamic legal philosophy does not prescribe a fixed constitutional model of governance; instead, it prioritizes the realization of justice, public welfare, and the protection of human dignity as the core criteria of legitimacy. The study argues that legitimacy in Islam is substantive rather than structural, meaning that neither religious labeling nor secular constitutional design automatically determines normative validity. By systematically positioning *maqāṣid al-sharī‘ah* as an evaluative benchmark for governance, this research contributes a structured philosophical alternative to the prevailing theocratic secular dichotomy. The implications of this study lie in providing a normative framework for assessing governance in pluralistic societies, fostering constructive engagement between Islamic jurisprudence and contemporary constitutional theory.

**Keywords:** Constitutional Theory; Islamic Legal Philosophy; *Maqāṣid Al-Sharī‘ah*; Religion State Relations; State Legitimacy

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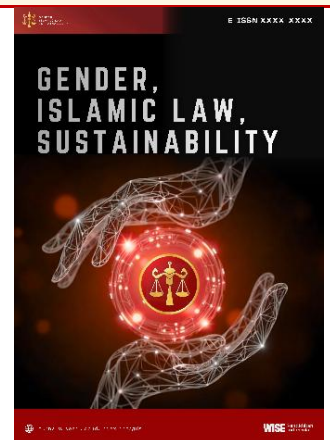
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## INTRODUCTION

The relationship between religion and the state continues to be one of the most enduring and complex debates in contemporary political and legal discourse, particularly within Muslim-majority societies [1], [2], [3]. The rise of the modern nation-state, largely shaped by European secular constitutional traditions, has significantly transformed the institutional landscape of governance across the globe [4], [5], [6]. As a result, Muslim societies have faced a persistent question: should the state adopt a theocratic model grounded in religious law, or should it embrace a secular structure that formally separates religion from political authority? This tension is not merely institutional; it reflects deeper philosophical concerns about legitimacy, sovereignty, and the moral foundations of governance.

In many Muslim-majority countries, including Indonesia, the debate over theocratic and secular state models has remained both politically sensitive and intellectually unresolved. Theocratic governance is commonly understood as a system in which religious law forms the basis of state authority and positive law [6], [7], [8]. Conversely, secular governance is often described as a political arrangement that distinguishes religious belief from public authority and legislative processes. These two models are frequently portrayed as mutually exclusive alternatives, producing a binary framework that dominates constitutional and political discussions. However, such classifications often focus primarily on institutional form and ideological labeling rather than examining the normative purposes that governance seeks to realize [9], [10], [11].

From a historical perspective, Islam developed in close interaction with political authority. During the leadership of Prophet Muhammad in Medina, religious and political dimensions were intertwined in a manner that accommodated pluralism and collective responsibility. The Constitution of Medina represents a foundational example of how Islamic principles informed political organization without reducing governance to a rigidly ideological or exclusionary structure [12], [13], [14]. Rather than imposing a uniform religious identity, the Medina polity was based on covenantal cooperation among diverse communities. This early historical experience suggests that Islamic governance was not defined by formalistic theocracy but by substantive ethical commitments to justice, coexistence, and communal welfare [15], [16], [17].

At the same time, the intellectual trajectory of secularism in Europe followed a distinct path. Secularism emerged partly as a response to the dominance of ecclesiastical authority in medieval Europe and gained momentum during the Renaissance and Reformation periods. It sought to differentiate religious authority from political power in order to protect individual freedom and promote rational governance [18], [19], [20]. Over time, secular constitutionalism became associated with modern state formation and spread globally through colonial, post-colonial, and transnational processes. Consequently, Muslim societies encountered secular institutional models that appeared to challenge traditional understandings of religion's public role [21], [22].

Within Islamic intellectual discourse, scholars have responded to these developments in diverse ways. Abdullahi Ahmed An-Na'im advocates for institutional separation between religion and the state to ensure freedom of belief while allowing Islamic values to function as ethical guidance in the public sphere [23]. Fazlur Rahman conceptualizes the state not as a theocratic authority but as a moral instrument intended to realize social justice derived from

Islamic teachings. [24]. In the Indonesian context, Nurcholish Madjid emphasized the desanctification of political institutions, arguing that Islam does not require the establishment of a formally religious state, but rather prioritizes the realization of justice, humanity, and welfare [25].

Although these contributions have enriched the debate, much of the existing scholarship tends to concentrate on constitutional typologies, political history, or ideological confrontation between “Islamic” and “secular” state models [26], [27], [28]. The discussion often remains confined to whether Islamic law should be formally codified in the constitution or whether religious authority should be institutionally separated from governance. Less attention has been devoted to systematically grounding the debate in the philosophical foundations of Islamic law itself. In particular, limited effort has been made to integrate the ontological understanding of law (what law is), the epistemological sources of authority (how law is known and justified), and the axiological objectives of Sharia (what law seeks to achieve) into a coherent framework for evaluating state legitimacy.

This gap has important implications. When the debate is reduced to structural or symbolic categories, the deeper normative question of legitimacy remains underexplored. A state may constitutionally declare itself “Islamic” yet fail to uphold justice and public welfare. Conversely, a state that does not formally adopt religious law may nonetheless protect fundamental rights, promote equality, and secure social welfare objectives that align with Islamic ethical principles. Therefore, evaluating governance solely on the basis of its institutional label risks obscuring the substantive values that Islamic law seeks to realize. This study addresses that gap by shifting the analytical focus from formal state typologies to substantive legitimacy. Instead of asking whether a state is theocratic or secular, this article poses the following central question: How should state legitimacy be assessed from the perspective of Islamic legal philosophy? By employing a normative–philosophical approach, this research examines the relationship between religion and the state through the framework of *maqāṣid al-sharī‘ah*, the objectives of Islamic law that encompass the protection of religion, life, intellect, property, dignity, and social welfare.

The central argument advanced in this article is that Islamic legal philosophy does not prescribe a fixed institutional model of governance. Rather, it establishes normative objectives and ethical principles that must guide political authority. Justice (*al-‘adl*), consultation (*al-shūrā*), equality (*al-musāwāh*), and protection of human dignity constitute foundational criteria for assessing governance. Consequently, state legitimacy in Islam is substantive rather than symbolic. A state’s claim to religious identity does not automatically guarantee its conformity with Islamic principles, just as a formally secular structure does not necessarily contradict them. Legitimacy must instead be measured by the extent to which governance realizes the ethical objectives of Sharia. By reframing religion state relations through a *maqāṣid* based evaluative lens, this study contributes to contemporary debates in at least three ways. First, it moves beyond the rigid dichotomy of theocratic versus secular models by proposing a structured normative alternative grounded in Islamic legal philosophy. Second, it integrates ontological, epistemological, and axiological dimensions of Islamic jurisprudence into a coherent analytical framework. Third, it opens space for constructive dialogue between Islamic ethical principles and modern constitutional systems in pluralistic societies, demonstrating that institutional flexibility can coexist with normative commitment.

In doing so, this article seeks to contribute not only to Islamic legal studies but also to broader discussions in political and legal theory regarding the foundations of state legitimacy. By prioritizing substantive justice over symbolic formalism, the study offers a conceptual pathway for understanding how Islamic legal philosophy can inform contemporary governance without being confined to ideological binaries.

## **METHODS**

### ***Research Design***

This study employs a normative philosophical legal research design to examine state legitimacy within the framework of Islamic legal philosophy [29]. The research is doctrinal in character and does not rely on empirical fieldwork or quantitative data. Instead, it focuses on the systematic analysis of legal doctrines, philosophical arguments, and normative principles concerning religion–state relations. The primary objective is to construct a substantive evaluative framework grounded in *maqāṣid al-sharī‘ah* that enables an assessment of governance beyond formal institutional classifications such as “theocratic” or “secular.” The normative orientation of this study allows for a reconstruction of legitimacy criteria based on Islamic legal philosophy rather than on constitutional labeling or political typology alone.

### ***Research Approach***

The study integrates a philosophical, doctrinal, and conceptual-analytical approach [30]. The philosophical approach is used to explore the ontological foundations of Islamic law (the nature and purpose of law), its epistemological structure (sources and authority of legal norms), and its axiological dimension (ethical objectives and values). This dimension is crucial in understanding how Islamic law conceptualizes justice, authority, and governance. The doctrinal approach analyzes classical and contemporary Islamic legal theories addressing sovereignty, political authority, and the objectives of law. This includes examination of juristic discussions on governance as well as modern reinterpretations of religion state relations. The conceptual-analytical approach clarifies key terms such as theocratic state, secular state, legitimacy, and *maqāṣid al-sharī‘ah*. By refining these concepts, the study avoids reductionist interpretations and ensures analytical precision in evaluating competing governance models.

### ***Sources of Data***

This research relies exclusively on secondary data derived from authoritative textual sources. Primary sources include classical Islamic jurisprudential works discussing governance and legal objectives, foundational *maqāṣid* literature, and relevant Qur’anic verses and Prophetic traditions concerning justice, consultation, equality, and public welfare. Secondary sources consist of peer-reviewed journal articles and academic monographs addressing Islamic political theory, constitutionalism, and secularism. Contemporary scholarly contributions engaging the religion–state debate are examined to contextualize modern interpretations. Supporting literature from political and constitutional theory is incorporated to situate the discussion within broader debates on modern state legitimacy. All sources were selected based on academic credibility, thematic relevance, and contribution to the normative discourse on governance.

### ***Data Collection Procedure***

Data were collected through systematic library research. The process began with identifying central themes related to religion–state relations and legitimacy. Relevant classical and contemporary works were mapped to trace the evolution of arguments concerning Islamic governance. Normative

principles associated with *maqāṣid al-sharī‘ah* were extracted from the literature and organized according to their ethical objectives. The materials were then categorized into two analytical clusters: arguments emphasizing institutional structure and arguments emphasizing substantive ethical outcomes. This categorization facilitated comparative evaluation between formal state typologies and a *maqāṣid* based framework of legitimacy.

### **Data Analysis**

The analysis was conducted using qualitative normative reasoning. The first stage involved conceptual clarification of central terms to ensure consistency and avoid semantic ambiguity. The second stage consisted of reconstructing the ontological and epistemological foundations of Islamic law in relation to governance. The third stage focused on the axiological dimension by examining *maqāṣid al-sharī‘ah* as an evaluative benchmark. Governance models were assessed based on their capacity to realize core objectives of Islamic law, including justice, protection of life, protection of intellect, protection of property, protection of religion, and preservation of human dignity and public welfare. Through this process, legitimacy is evaluated substantively rather than symbolically. This analytical framework enables a shift from binary classification toward principled normative evaluation rooted in Islamic legal philosophy.

### **Scope and Limitations**

This study is limited to conceptual and philosophical analysis and does not include empirical case studies or quantitative constitutional comparison. Although contemporary contexts are occasionally referenced for illustration, the argument remains theoretical in orientation. Future research may operationalize the proposed *maqāṣid*-based framework through comparative constitutional analysis or empirical case applications in specific national settings.

## **RESULTS AND DISCUSSION**

### **Reconstruction of State Legitimacy in Islamic Legal Philosophy**

The analysis demonstrates that Islamic legal philosophy does not prescribe a fixed institutional model of governance. Neither theocratic formalism nor secular constitutional separation is established as an absolute requirement in classical jurisprudence. Instead, governance is conceptualized as an instrumental mechanism (*wasīlah*) designed to achieve ethical and social objectives. This reconstruction shifts the understanding of legitimacy from structural identity to normative realization. Political authority is not inherently sacred by virtue of religious labeling, nor is it inherently illegitimate due to secular institutional design. Legitimacy is contingent upon the realization of justice, protection of rights, and preservation of public welfare. To clarify this reconstruction, the ontological, epistemological, and axiological dimensions of legitimacy are synthesized in Table 1.

**Table 1.** Philosophical Dimensions of State Legitimacy in Islamic Legal Thought

<b>Dimension</b>	<b>Analytical Focus</b>	<b>Key Finding</b>	<b>Implication for Governance</b>
Ontological	Nature and purpose of law	Law is purpose-driven and governance is instrumental	Institutional form is secondary to ethical function
Epistemological	Source and interpretation of authority	Normative authority derived from revelation but mediated through interpretation	Institutional diversity is permissible within principled boundaries

Axiological	Ethical objectives (maqāṣid al-sharī‘ah)	Justice, welfare, dignity, and protection of fundamental interests are central	Legitimacy depends on outcome-based realization of objectives
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### **Limitation of the Theocratic–Secular Dichotomy**

The analysis further reveals that the binary categorization of governance into “theocratic” and “secular” models is conceptually insufficient when assessed through Islamic legal philosophy. Theocratic labeling does not automatically guarantee conformity with maqāṣid principles. A state may constitutionally adopt religious law yet fail to uphold justice or protect fundamental rights. Conversely, a constitutionally secular state may substantively realize equality, consultation, and public welfare. This finding suggests that institutional classification alone cannot serve as a valid benchmark of legitimacy. Instead, a normative evaluative framework is required. The comparative implications of this limitation are summarized in Table 2.

**Table 2.** Structural Versus Substantive Evaluation of Governance

<b>Evaluation Basis</b>	<b>Theocratic Model</b>	<b>Secular Model</b>	<b>Maqāṣid-Based Assessment</b>
Structural Identity	Religious law formally embedded	Institutional separation of religion and state	Structural form not determinative
Source of Legitimacy	Religious authority	Constitutional authority	Ethical realization of justice and welfare
Risk	Symbolic religiosity without justice	Formal neutrality without moral direction	Requires measurable ethical performance
Legitimacy Criterion	Formal compliance with religious identity	Constitutional legality	Substantive fulfillment of maqāṣid objectives

### **Substantive Legitimacy as the Core Finding**

The central finding of this study is the formulation of substantive legitimacy as the primary criterion for evaluating governance within Islamic legal philosophy. Substantive legitimacy refers to the extent to which a political system realizes the ethical objectives embedded in maqāṣid al-sharī‘ah, particularly justice (*al-‘adl*), consultation (*al-shūrā*), equality (*al-musāwāh*), and the protection of human dignity. This framework demonstrates that Islamic legal philosophy is outcome-oriented rather than structurally prescriptive. Legitimacy is assessed not by whether a state declares itself Islamic or secular, but by whether it fulfills its ethical mandate. The findings therefore establish a normative shift from symbolic institutional classification to principled substantive evaluation.

### **Discussion**

The findings of this study reposition state legitimacy within Islamic legal philosophy from a structural paradigm toward a substantive evaluative framework. This orientation resonates with contemporary scholarship that emphasizes ethical realization over institutional formalism. For instance, Ahyar and Huda [31] argues that constitutional secularism may serve as a mechanism to protect freedom of belief while allowing Islamic ethical values to inform public life. While his approach prioritizes institutional differentiation, the present study extends this perspective by demonstrating that institutional design alone does not determine legitimacy. Instead, legitimacy must be evaluated through the realization of maqāṣid-based ethical objectives.

Similarly, Turabi and Auda [32] rearticulates maqāṣid al-sharī‘ah as a systemic and

purposive framework for interpreting Islamic law in modern contexts. The findings of this study reinforce Auda's purposive methodology but move further by applying *maqāsid* not merely as a legal interpretive tool but as a normative benchmark for evaluating political authority. In this regard, governance is not assessed through its symbolic religious identity but through its capacity to realize justice, welfare, and human dignity.

The emphasis on justice as the foundation of legitimacy also aligns with Refner [33] critique of modern state structures. Hallaq questions whether the modern nation-state can genuinely embody the moral foundations of classical Islamic governance. However, whereas Refner underscores structural incompatibility, the present study adopts a more adaptive approach. It argues that structural form is not inherently determinative; rather, the decisive criterion lies in whether governance substantively fulfills ethical objectives. This position provides a mediating framework between structural pessimism and constitutional accommodation.

In the context of Muslim-majority democracies, Hektaviandri et.al [34] identify Indonesia as an example of democratic statecraft compatible with religious pluralism. Their analysis supports the argument that formal secularism does not necessarily negate religious values in public life. The findings of this study complement that argument by grounding such compatibility within Islamic legal philosophy itself. By demonstrating that *maqāsid al-sharī'ah* prioritizes justice and welfare over structural symbolism, the study provides a jurisprudential foundation for understanding why plural constitutional arrangements may remain normatively legitimate.

Çakır [35] further contributes to political theory by urging engagement with Islamic political thought as a serious normative tradition rather than as a cultural exception. The present research responds to that call by reconstructing legitimacy criteria through ontological, epistemological, and axiological dimensions of Islamic law. Unlike descriptive analyses of political Islam [36] or examinations of Islamism and constitutional conflict [37], this study offers a structured evaluative model that moves beyond ideological classification. It reframes the debate by shifting the question from "Which institutional model is Islamic?" to "Which governance model substantively realizes Islamic ethical objectives?"

The novelty of this study lies in its systematic integration of *maqāsid al-sharī'ah* into a comprehensive framework of state legitimacy grounded in philosophical reconstruction. Previous scholarship has often addressed religion state relations either through constitutional analysis, sociopolitical critique, or reformist advocacy. By contrast, this research unifies ontological, epistemological, and axiological dimensions into a coherent evaluative structure. It demonstrates that Islamic legal philosophy is outcome-oriented rather than structurally prescriptive. In doing so, it transcends the theocratic secular dichotomy and proposes substantive legitimacy as the primary criterion of governance assessment [38], [39].

The theoretical implications of this contribution are significant. First, it challenges reductionist interpretations that equate Islamic governance exclusively with formal theocracy. Second, it offers a normative tool that can be applied comparatively across different constitutional systems without collapsing into relativism. Third, it strengthens dialogue between Islamic jurisprudence and contemporary political theory by demonstrating compatibility between *maqāsid* based ethics and broader justice-oriented frameworks. In plural societies, this approach may foster constructive constitutional engagement rather than ideological polarization.

Nevertheless, this study has limitations. Its normative-philosophical orientation does not include empirical case studies that test the operational application of the proposed framework. While references to contemporary Muslim-majority democracies [40], [41], illustrate contextual relevance, systematic comparative constitutional analysis remains beyond the scope of this

research. Furthermore, the reliance on textual reconstruction may invite alternative interpretations within Islamic jurisprudential traditions. Future research could expand this framework through empirical examination of constitutional practice, policy implementation, or governance indicators measured against maqāṣid criteria. Such expansion would strengthen the practical applicability of substantive legitimacy as a theoretical model. In sum, this study contributes to contemporary debates on religion and state by advancing a maqāṣid-based theory of substantive legitimacy. By prioritizing ethical realization over structural symbolism, it offers a conceptually rigorous and normatively grounded alternative for evaluating governance in modern pluralistic contexts.

## CONCLUSION

This study examined state legitimacy within Islamic legal philosophy beyond the theocratic–secular binary. The findings demonstrate that Islamic law does not mandate a fixed institutional model of governance. Instead, it establishes normative objectives grounded in maqāṣid al-sharī‘ah that prioritize justice, public welfare, and the protection of human dignity. Accordingly, legitimacy is substantive rather than structural. A state’s constitutional identity whether religious or secular does not by itself determine its conformity with Islamic principles; legitimacy depends on the realization of ethical objectives.

The primary contribution of this research lies in its systematic integration of ontological, epistemological, and axiological dimensions into a maqāṣid-based evaluative framework. By shifting the focus from symbolic institutional form to measurable ethical performance, this study offers a philosophically grounded alternative to prevailing structural paradigms in religion–state debates. The framework provides a normative tool for assessing governance in pluralistic contexts while preserving the ethical core of Islamic jurisprudence. This research is limited to normative-philosophical analysis and does not empirically test the proposed model. Future studies may apply the framework to comparative constitutional contexts to further examine its practical relevance.

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## AUTHOR CONTRIBUTION

I.F. contributed to the conceptualization of the study, methodology design, formal analysis, investigation, data collection, manuscript writing, reviewing and editing, visualization, and supported the entire research process until the completion of this manuscript. T. contributed to

methodology design, formal analysis, manuscript reviewing and editing, research supervision, and supported the entire research process until the completion of this manuscript.

## CONFLICT OF INTEREST

The authors declare no conflict of interest.

## DECLARATION OF USE OF AI IN SCIENTIFIC WRITING

The authors used several generative AI tools in the process. ChatGPT was used to help organise complex concepts, while Grammarly was employed to enhance the grammar, style, readability of the text and improve the overall clarity of the writing. Although these tools provided valuable support, the researcher wrote all the content and conclusions.

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