

# Women's Leadership: A Comparative Study between Fiqh Traditions and Contemporary Fatwa

*Masithoh<sup>1</sup>, Rosiana Kholifah<sup>2</sup>*

<sup>1</sup>Sharia Economic Law Study Program, Faculty of Islamic Religion, Universitas Islam Indonesia, Indonesia

<sup>2</sup>Sharia Economic Law Study Program, Faculty of Islamic Studies, Universitas Muhammadiyah Surakarta, Indonesia

<sup>1</sup>[masithohithoh698@gmail.com](mailto:masithohithoh698@gmail.com), <sup>2</sup>[anarosiana2002@gmail.com](mailto:anarosiana2002@gmail.com)

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## Abstract

**Objective:** This study aims to analyze Islamic views on women's and non-Muslim leadership through a comparative study between classical fiqh traditions and contemporary fatwas. Leadership in Islam is a crucial issue often debated, particularly regarding the roles of women and non-Muslims in government or public office. This research seeks to answer questions about the criteria for ideal leadership from an Islamic perspective and its relevance to modern socio-political contexts. **Theoretical framework:** The study is grounded in the theoretical framework of fiqh siyasah (Islamic political jurisprudence), emphasizing justice, public interest (maslahah), and representation as the foundations of leadership. The literature reviewed includes classical fiqh texts, Qur'anic exegeses, and contemporary fatwas. **Literature Review:** The literature review reveals a dynamic discourse on the leadership of women and non-Muslims, ranging from restrictive traditional views to more inclusive modern approaches. **Methods:** The research employs a qualitative methodology with a descriptive-analytical approach. Data were obtained from literature sources, including primary and secondary references related to leadership in Islam. A thorough analysis was conducted to identify the differences and similarities between traditional and modern perspectives. **Results:** The findings indicate that ideal leadership in Islam is not solely determined by religion or gender but by a leader's ability to act justly and uphold the rights of all citizens. In the Indonesian context, a non-Muslim leader can align with the nation's ideals as long as they practice justice and maintain the balance of people's rights. Conversely, a Muslim leader who acts unjustly and oppresses individual rights does not fulfill the criteria of Islamic leadership. Surah Al-Maidah verse 57 is often cited as the basis for prohibiting Muslims from selecting non-Muslim leaders; however, exceptions are made in emergencies, including the delegation of responsibilities to non-Muslims as representatives of the people. **Implications:** The implications of this study highlight the importance of prioritizing justice and competence as the main criteria for selecting leaders, whether in organizations or governments. Without fair and competent leadership, it is challenging for an organization or nation to function effectively. **Novelty:** The novelty of this research lies in its contemporary interpretation of Islamic leadership, where recent fatwas demonstrate greater flexibility in addressing modern socio-political dynamics. This study provides a fresh perspective, bridging Islamic values with the demands of the modern world.

**Keywords:** leadership, women, muslimah, fiqh traditional, contemporary fatwa.

## INTRODUCTION

The problem of women's leadership is an interesting topic that has always been an interesting topic and a prolonged polemic. Women's leadership is part of the principle of gender equality. As a result, there is one party who is marginalized. The marginalization that occurs as a result of this gender difference is created by people who still adhere to patriarchal culture. There are even some who think that marriage is used as a tool in a patriarchal practice so that it can hinder the existence of women [1]–[3].

Gender differences are used as the basis for providing social roles which are not only used as the basis for the division of labour, but more than that it becomes an instrument in the recognition and denial of social, economic, and political roles, as well as assessing the basic roles and rights of both. The world order of life is increasingly developing and causing very rapid changes which are marked by developments in the field of science and technology and world competition making changes very open. With the equality of duties and obligations played; in facing global challenges, women must play domestic and public roles in a balanced manner. Women's leadership in an Islamic perspective has been a problem since some time ago. This issue caused a prolonged controversy [4]–[6].

The Fatwa Council of Al-Jam'iyatul Washliyah, Indonesian Mujahidin Council, Hizb ut-Tahrir Indonesia stated that women are prohibited from becoming heads of state (leaders), while NU and Muhammadiyah do not question women becoming heads of state [7], [8].

At first, NU in the NU National Congress in Lampung in 1992 women became leaders. At the NU National Congress in West Nusa Tenggara in 1997 and the 30th NU Congress in Lirboyo in 1999, NU emphasized that women can be heads of state as long as they have capability and integrity, and maintain a balance between their public and domestic roles. The decision of the Tarjih Council in the 18th Muhammadiyah Tarjih Congress in Garut that women are encouraged by every Muslim and Muslim woman to participate intensively in various fields of life, including the field of politics and state administration [9], [10]. Islamic organizations are divided into two parts related to women's leadership issues.

## LITERATURE REVIEW

The topic of leadership by women and non-Muslims has been a contentious issue within Islamic discourse, with varying interpretations emerging across historical and contemporary contexts. Classical Fiqh traditions often emphasize male leadership, rooted in interpretations of the Qur'an and Hadith, such as the verse "Men are the protectors and maintainers of women" (Qur'an 4:34) and certain narrations discouraging female leadership in political or judicial roles. Classical jurists like Al-Mawardi and Ibn Khaldun advocated for male dominance in leadership roles, associating it with traditional notions of guardianship and societal stability [9], [10].

Conversely, leadership by non-Muslims in Muslim-majority contexts has often been deemed impermissible under classical Fiqh due to concerns about allegiance and safeguarding Islamic governance principles. The principle of *wilayah* (guardianship) was primarily restricted to Muslims, with jurists emphasizing loyalty to the Islamic faith as a criterion for leadership [9], [10].

However, contemporary fatwa institutions have begun re-examining these rulings in light of modern contexts, including democratic governance and pluralistic societies. Scholars like Yusuf Al-Qaradawi and organizations like the European Council for Fatwa and Research argue for a more inclusive interpretation, emphasizing justice, competency, and public welfare over gender or religious identity. Contemporary fatwas often highlight examples of successful female leaders and the historical roles of non-Muslims in advisory and administrative capacities during the early Islamic period [11]–[13].

This evolving discourse reflects a tension between traditional jurisprudence and the demands of modernity. While classical rulings often prioritize textual interpretations,

contemporary fatwas tend to incorporate contextual realities, promoting principles like *maslahah* (public interest) and *maqasid al-shariah* (objectives of Islamic law). This shift demonstrates a broader effort to reconcile Islamic principles with the realities of gender equity and interfaith coexistence in leadership, making it a critical area for further scholarly investigation [11]–[13].

**Table 1. Literature Review**

Aspect	Fiqh Traditions	Contemporary Fatwa	Key References
<b>Definition of Leadership</b>	Leadership is often linked with <i>wilayah kubra</i> (major leadership) and <i>wilayah sughra</i> (minor leadership).	Broader interpretation includes administrative and professional roles beyond religious obligations.	Al-Mawardi (1996), Al-Ghazali (2004), Yusuf Al-Qaradawi (2010)
<b>Women in Leadership Roles</b>	Generally restricted in <i>wilayah kubra</i> due to interpretations of texts like Quran 4:34 and Hadiths.	Increasing acceptance, especially in administrative and professional roles, supported by maqasid shariah.	Al-Qaradawi (2015), Wahbah Al-Zuhayli (2007), Majelis Ulama Indonesia (MUI) fatwas
<b>Non-Muslims in Leadership</b>	Historically limited to non-religious leadership roles in Islamic states to maintain Muslim authority.	Fatwas in pluralistic societies allow greater flexibility, emphasizing justice and public welfare.	Ibn Khaldun (1958), MUI Fatwa No. 7 (2005), European Council for Fatwa and Research
<b>Justifications in Fiqh</b>	Derived from classical texts emphasizing religious and societal cohesion, e.g., Quran 9:23, Hadiths.	Justifications often employ <i>ijtihad</i> and emphasize maqasid, like justice and equality.	Ibn Taymiyyah (2010), Yusuf Al-Qaradawi (2012), Abdul Wahhab Khallaf (1996)
<b>Challenges in Application</b>	Resistance to change due to strict adherence to classical interpretations.	Balancing modern needs with adherence to core Islamic principles.	Mohammad Hashim Kamali (2009), Khaled Abou El Fadl (2001), Fatwa committees in Indonesia and Egypt
<b>Role of Context</b>	The historical and cultural context of fiqh influenced restrictive rulings.	Contextual understanding is critical for contemporary applicability in diverse societies.	Fazlur Rahman (1982), Tariq Ramadan (2005), Fatwa institutions like Dar al-Ifta al-Misriyyah
<b>Examples of Fatwas</b>	Prohibition of female heads of state in classical times.	Acceptance of female presidents and non-Muslim leaders in modern contexts (e.g., Indonesia, Tunisia).	MUI Fatwa (2005), Tunisian Fatwa Council (2019), Fatwa by Yusuf Al-Qaradawi on pluralistic governance

## METHODOLOGY

This research is qualitative research with a descriptive analysis method, namely by analyzing literature sources by collecting data on sources related to the problem being

researched. The data obtained will be analyzed by understanding and drawing conclusions specifically. Then the reading material will be used for problem research [11]–[13].

**Table 2. Research Methodology For A Qualitative Study With A Descriptive Analysis Approach**

Aspect	Description
Research Type	Qualitative research
Method	Descriptive analysis
Data Collection	Collecting literature sources, such as journal articles, books, fatwas, and classical Islamic texts. Focusing on materials directly related to the problem being researched.
Data Analysis	Understanding the content of the collected sources. Analyzing the data using thematic categorization. Drawing specific conclusions based on the analyzed data.
Research Steps	1. Identify relevant literature on the topic. 2. Organize and categorize the sources. 3. Analyze the sources critically, considering historical and contextual factors. 4. Interpret findings and conclude.
Purpose of Analysis	To provide a comprehensive understanding of the problem by synthesizing and evaluating the existing literature.
Output	A clear and systematic explanation of the issue is supported by evidence from the analyzed literature.
Justification of Method	Suitable for addressing conceptual and theoretical issues. Enables an in-depth understanding of Islamic perspectives and their contemporary applications.

The above research model if it is rationalized in the form of a figure is as follows, as shown in the figure below:



**Figure 1. Research Methods in Qualitative Research**

## RESULTS AND DISCUSSION

### Leaders and Leadership

A leader is a person who leads, guides, and directs a group of two or more people, either an organization or a family, who influence others to jointly carry out certain activities for the achievement of one or more goals [14]–[16].

The role of leaders is *alighting* (igniting the spirit of workers with their individual goals), *aligning* (combining individual goals with organizational goals so that everyone goes in the same direction), and *allowing* (giving flexibility to workers to challenge and change the way they work). The terms leaders in the Quran are caliph, imam, sultan, malik, ulil amri, and waly. The term is because Allah swt discusses the context in which the leadership is enforced. Furthermore, in Islam, leadership is fundamental, so a leader must be fair, trustworthy, deliberate, and uphold amr al-maruf wa nahy mungkar [17].

A leader must be capable so that the organization will run well if the leader has proficiency in his field, and each leader has different skills, such as technical, human, and conceptual skills. A leader should emulate the leadership of the Prophet PBUH when he led the city of Medina. The Prophet protects all residents, both Jews and Christians, in practising their religion. The Prophet received full support from all the people in building and running the government [18].

In the heyday of Ancient Greece, women experienced terrible things both from the aristocratic elite and the common people, they had no right to regulate themselves and their lives. Women of the elite were restrained in the palaces, while women of the common people became commodities that were traded [19].

Islam is here to change the habit of Jahiliyyah who looks down on women. From this, barriers emerge between women's obligations and positions. The explanation related to equality then gives birth to an explanation regarding feminism, gender equality, and emancipation, where feminism and gender are a form of emancipation from the West which is none other than women.

Leaders are servants of God who free people from dependence. Every human being is a leader, at least a leader towards himself as the hadith of the Prophet "each of you is a leader" (كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ) [20].

Leadership is a process in various ways influencing people or groups of people to achieve a common goal [21]. According to Kouzesi dani Posneri, the success a leader must be able to fulfil the following rules: meaning/calling; clear vision/direction; the ability to check and organize existing work patterns; the ability to develop people; and their ability to lift their hearts [22]. The following are various definitions of leadership that are used as a reference in the realm of development.

- 1) Leadership is a moral force that is creative and directed.
- 2) Leadership is the art of moving others to want to fight to achieve opportunities together.
- 3) Leadership is the process of influencing an organized group of people for the sake of achieving their goals.
- 4) Leadership means identifying productive areas of uncertainty and confusion and bringing the organization to those areas to gain a competitive advantage or other benefit.
- 5) Leadership means directing and aligning the tasks of the group members.
- 6) Leadership is a process in which an actor moves his subordinates to behave according to expectations.

Leadership in Islam can use the term imam. Leaders in Islam are also called caliphs as found in the Qur'an. Al-Baqarah: 30 and QS. Al-An'am: 165.

Leadership in Islam has an important position to be carried out as well as possible because Islam requires that in every association there must be a leader as the Prophet Muhammad said. "And Abu Saïd from Abu Hurairah that both said, the Prophet (peace and blessings of Allaah be upon him) said: When three people go out on a journey, let them make one of them the leader" (HR. Abu Daud).

Leadership is the process and behaviour of instructing followers, inspiring and influencing the activities of others to achieve common goals designed to benefit individuals, organizations, and many people. Leadership is not a position or a title, but rather a birth of a long process of change in a person [23].

### Women as Leaders in Islam

Qardhawi argued that women have the right to run for themselves as members of the Shura assembly or legislative and judicial candidates who are in charge of overseeing the government. In the field of law enforcement related to women and children, women are needed which are sometimes not possessed by men. Qardhawi also quoted from the opinion of at-Thabari and Ibn Hazm that it is not a problem for women to be appointed as judges in family matters, and not directly handle the case of jinayat [24], [25].

Kaukab Siddique argued that Aisha's leadership in the Jamal war did not happen suddenly but went through a long process. Before becoming the leader of Jamal's war, Aisyah had already transformed into a female mufti whose fatwas were accepted by both male and female companions. Not a few famous scholars at that time had gained knowledge from Aisha. Figur Aisyah r.a who became the warlord of Jamal and the mufti of the Companions is proof that a woman can be a leader in the public sphere. The success of a woman's leadership depends heavily on the acceptance of men under her leadership [26], [27].

The hadith about women becoming leaders is narrated by several hadith narrators, including Imam al-Bukhari, Turmudzi, an-Nasa'i, and Imam Ahmad bin Hanbal:

حدثنا عثمان بن الهيثم, حدثنا عوف, عن الحسن عن أبي بكر قال: لقد نفعني الله بكلمة سمعتها من رسول الله صلى الله عليه و سلم أيام الجمل بعدما كدت ان الحق بأصحاب الجمل فأقا تل معهم قال لما بلغ رسول الله صلى الله عليه و سلم ان اهل فارس قد ملكوا عليهم بنتكسرى قال لن يفلح قوم ولو أمرهم امرأة (رواه البخاري)

Meaning: Uthman bin Haitsam narrated to us, Auf narrated to us, from Hasan from Abu Bakr he said: Indeed, Allah has benefited me, because the sentence I heard from the Rasulullah SAW during the battle of Jamal, when I was almost caught up in the battle of Jamal he said: When the news that Persia had appointed the emperor's daughter as queen, This came to the Prophet, then he said: there will not be prosperity of a nation that leaves all its affairs to women (HR. Al-Bukhari).

حدثنا محمد بن المثنى, حّ حدثنا خالد بن الحرث, حّ حدثنا حميد الطّويل عن الحسن عن أبي بكر قال: عاصمني الله بشيء سمعته من رسول الله صلى الله عليه و سلم لما هلك كسرى قال من استخلفوا قالوا ابنته فقال النبي صلى الله عليه و سلم لن يفلح قوم ولو أمرهم امرأة قال فلّ ما قدمت عائشة يعني البصرة ذكرت قول رسول الله صلى الله عليه و سلم فعاصمني الله به قال أبو عيسى هذا حديث حسن صحيح (رواه الترمذي)

Meaning: Muhammad bin al-Mutsanna narrated to us, Khalid bin al-Haris narrated to us, he said, Humaid at-Tawil narrated from Hasan from Abu Bakrah said: Allah has rewarded me with something that I heard from the Messenger of Allah (peace and blessings of Allah be upon him). When Kisra died, he said: "Who is his successor?" they replied: His daughter the Messenger of Allah (peace and blessings of Allah be upon him) said: "It will not be fortunate for a people to entrust their affairs to a womanl. Abu Bakrah said: When 'Aisha arrived in Başrah, I mentioned the words of the Prophet (peace and blessings of Allah be upon him), and Allah (swt) protected me with those words. Said Abu Isa: This hadith ḥasansahīḥ (HR. Al-Turmudzi).

حدثنا يحيى بن عيينة ح دثني أبي عن أبي بكره عن النبي صلى الله عليه وسلم قال: لن يفلح قوم أسند أمرهم إلى امرأة (رواه أحمد)

Meaning: Yahya from Uyainah has narrated to us, Abi has narrated to me from Abu Bakrah from the Prophet Muhammad (peace be upon him) saying that it will not be lucky for a people to entrust their affairs to a woman (HR. Ahmad).

Many female world figures who are role models such as Margareth Teacher in the UK, Indira Gandhi in India, and Cory Aquino in the Philippines can position themselves as intelligent women by not seeing themselves as weak women but with strength & intelligence in placing themselves at home, in the world of work, places of worship, and in the community environment. The role of women now indirectly has an extra position that cannot be replaced by men. By providing opportunities and encouraging women to play the role of leaders, governments, and organizations [28].

Culturally, women are figures who have more weaknesses than advantages. In terms of religious dogmatism, women are under the control or power of men. And there are many other negative connotations. Joana Hoare & Fiona Gell said that the birth of women's leadership terminology is a new phenomenon born from the struggle against male domination, culture, science, and the market. Women's leadership is a manifestation of the cult of globalization where there are no longer dichotomous boundaries [29], [30].

**Table 4. Comparison of Feministic and Masculine Leadership**

Feminist Leadership	Masculine Leadership
Cooperative	Competitive
Kaloborative	Hierarchical Authoritative
Low control	High Control by Leader
Addressing problems based on empathy	Troubleshooting based on analysis

This table shows that the categorization of this female leadership model is based on the psychological aspects of men who are hard, dominant, firm in their stance, and always rational in making decisions. In contrast, women tend to be humbler, and inconsistent, and prioritize feelings to make important decisions. The implication of the above dichotomous categorization is the formation of an unbalanced perception of the relationship pattern between men and women in the leadership pattern [31].

There is indeed a tendency to differ in leadership styles between women and men by their nature, but to be an effective leader concerning the organizational goals that she must achieve, it is not enough just because of the nature of women or the characteristics inherent in her, but many other factors that influence. Other factors that must be considered for organizational effectiveness include leader selection and placement, leadership education, rewarding the achievements of leaders and subordinates, organizational management techniques for dealing with environmental changes, and technology. Some Indonesian people agree that women have a role that cannot be separated from their role and position in the family. A woman has a dual role, the involvement of women in work-life activities outside the home, there are still obstacles and challenges, considering that women only play the role of housewives, educate children, and serve husbands, and are not allowed to carry out activities outside the home [31].

This is what makes this division of roles a form of gender injustice. This dual role of women became a topic of discussion in the early 20th century when women at that time began to follow in the public world since the rollout of ethical politics in the style of Dutch colonialism. However, since the existence of ethical political policies at that time, women began to enter the public sphere and become partners for men, which can be said to be a form of awakening for women to get the same rights as men. Women today have entered the

public sphere as a form of self-actualization to participate in realizing national development that previously depended on men, but now the roles between men and women are both struggling to create success in development in Indonesia. The changes that exist are now developing rapidly, as figured by R.A Kartini has made women stronger and united to move by carrying out a women's emancipation movement. The movement made by women for change is proof that women today have the power to equal their position with men so that the stereotypes against women that have been constructed in society are no longer the same in reality today. Thus it has shown that women can develop and adapt along with the progress of the times [32].

The Qur'an has explained the position of women who are equal to men. "If a man or a woman is in a state of faith, we will give him a good life and We will reward them with a better reward than what he has" (An Nahl: 97). Shihab (2011) talks about the similarity of the position of women and men, the difference is their devotion to Allah. There is no distinction based on gender, race, skin colour, and ethnicity. Women and men are equal and are asked to cooperate to fill each other's shortcomings, as explained in Surah At-Taubah verse 71: The believers, men, and women, some of them (are) helpers to others. They told them to pray, pay zakat and they obeyed Allah and His Messenger. They will be given mercy by Allah. Indeed".

The equality of men and women according to Nasaruddin Umar includes: 1) Men and women are both servants of Allah ('abid) 2) Men and women as caliphs on earth 3) Men and women receive primordial agreements 4) Adam and Eve are actively involved in cosmic drama 5) Men and women have the potential to achieve achievements. Nasaruddin Umar, 2007. 248-263. This means that in the capacity of human beings as a servant, men and women have the same potential and opportunity to become ideal servants (pious people), as hinted in QS. Al-Hujurat (49): 13. In addition to his capacity as a servant, man is the caliph on earth. In this case, men and women have the same role as caliphs, who will be responsible for the duties of their caliphate on earth, just as men and women must be responsible as servants of God [33]. According to Fakhru al-Razi, there is no human child born on this earth who does not pledge about the extension of God. This means, that from the aspect of accepting the primordial agreement, there is no difference between men and women.

Even though women occupy subordinate positions, they still have an agency to survive and this can be seen during the Covid-19 pandemic, even to provide support for their communities. In the limited social space during the COVID-19 pandemic, women can advocate and mobilize collective action, not only to survive but also to build space for the interests of the community. For example, the Sleman Regency Women's Organization Association (GOW) and the Sleman Regency P3AP2KB Office of Yogyakarta conducted Social Service to create solidarity against COVID-19. The concern for sharing masks and necessities was distributed to 65 poor vulnerable groups (poor families, the elderly) who are around the members of this organization. They continue to try to advocate for the community to be jointly involved in humanitarian activities like this. Similarly, the Persit Kartika Chandra Kirana women's organization XIX Pati Branch through various volunteer and non-profit activities has shown itself as one of the drivers of growth and revitalization of social capital in the community, especially through structurally and non-structurally owned networks to strengthen *social capital* against Covid-19 [34].

For example, in commemorating Kartini Day every April 21. The figure of R.A Kartini has inspired Indonesian women to achieve equality and welfare. However, it also does not make women forget to remain present in the family and be an example for their children and the surrounding environment. With the development of the times, women are also required to continue to develop themselves in the field they are engaged in.

### **Non-Muslim leadership**

Islam prohibits the election of non-Muslims as the leaders of the postulates in QS al-maidah: 51, 57 and QS. Ali-Imran: 28 because leaders are an important factor in achieving

successful activities in the hereafter. A leader who is an example for his followers must have a good profile that will be a role model for all circles [35]. The Indonesian state, which is majority of Muslims and led by Muslims today, does not always provide welfare, on the other hand, there is a dictatorship of rulers who take advantage of their status as God's representatives. Likewise, non-Muslims, who are considered to be indifferent to religion, do not always be indifferent to religion non-Muslim leaders can protect the existence of religion so that religious values can still be implemented [36].

Some Muslim countries (the majority of the Muslim population is about 91%) that have been led by non-Muslims include Tunisia, Algeria, Egypt, Syria, Pakistan, Nigerians and others. Senegal in 1980-1988 was led by Leopold Sedar Senghor (a Catholic). Similarly, Lebanon (54% Arab Muslim) in 2008-2014 was led by Michel Sulaiman, a Maronite Christian. This fact occurs because the opening of opportunities is influenced by other factors such as ethnic similarities and history as well as the political conditions of the country concerned, including which political party is currently in power in the country [37].

### **The Role of Non-Muslims as Leaders**

Imam al-Mawardi's view of Non-Muslim Leaders in the concept of leadership refers to *ulu al amr* or officials, namely people who are entrusted with taking care of the affairs of others and *khadimul umat* (servants of the ummah) with the understanding that a leader must put himself in a position as a servant of the community. Leaders in Islam have several forms, namely *caliphs*, *imamah*, *imarah*, *sultans' territories*, *mulks* and *ri'asah*. Each of these terms contains the meaning of leader in general, but the term that Imam al-Mawardi often uses in the context of government and state leaders, namely *imamah*.

According to Imam al-Mawardi, the *imamah* functions to replace the prophetic role in preserving religion and regulating the world. This position of *imamah* has moral implications to try to create a welfare of living together based on the principles of justice and equality. What Imam al-Mawardi means by leader is the imam, caliph, king, sultan, or head of state, and thus Imam al-Mawardi also gives political clothes. According to him, Allah appointed for his people a replacement for the Prophet (peace be upon him), to secure religion, accompanied by a political mandate. Thus, an imam on the one hand is a religious leader, and on the other hand a political leader. As a caliph or representative of the Prophet (peace be upon him), the definition is not much different from the definition conveyed by Imam al-Mawardi, he also collects religious and world affairs in the word *imamah* (leader), that's why non-Muslims by Imam al-Mawardi are prohibited from occupying the position of Head of State in this case as a caliph, because this position carries duties not only in this world but also in the hereafter [38].

Imam al-Mawardi also gave conditions for people who are entitled to be elected as leaders with seven conditions. First, fair in a broad sense. Second, knowing how to perform *ijtihad* in dealing with problems and laws. Third, healthy hearing, eyes, and speech. Fourth, be healthy so that it is not hindered from moving and moving quickly. Fifth, good at controlling people's affairs and public welfare. Sixth, be brave and firm in defending the people, the country's territory, and facing the enemy. Seventh, the descendants of the Quraish. These seven conditions must be met before a person is elected or given a mandate to serve as a head of state or leader. In the above conditions, it is not clearly stated that a leader must be a Muslim, but with the requirement to know so that he can perform *ijtihad*, he is certainly a Muslim.

In the context of Imam al-Mawardi's discussion or thoughts regarding non-Muslims who have the right to occupy the position of *Wazir Tanfidzi* in the Islamic government because this position has weak authority and only 54 DICTUMS: Journal of Sharia and Law Volume 19 Number 1 July 2021 Evan Edo Prasaetyo, Yono & Sutisna Non-Muslim Leadership in Perspective requires few requirements. The reason is, that his authority is still limited by the opinions and ideas of the Imam (caliph). *Wazir Tanfidzi* was only a mediator between the caliph and the people. The task of the *Tanfidzi Vizier* was only to carry out the orders of the

caliph, realize his orders, follow up on his decisions, inform the inauguration of officials, prepare the army, and report important and actual information to the caliph so that he could handle it according to the orders of the caliph. Thus, Wazir Tanfidzi only plays a role in carrying out his duties and does not have the right to appoint officials to handle these duties. If he is involved in the polls, it is also under special authority [38].

However, if he is not involved in it, his position is more than that of a mediator or ambassador. Wazir Tanfidzi does not need an inauguration, but just a notification. To occupy this position, he is not required to be independent and knowledgeable because he does not have the authority to inaugurate officials who say that they must be independent. He is also not allowed to make his own legal decisions that require him to be knowledgeable. The duties of Wazir Tanfidzi (assistant to the caliph in administrative affairs) are only focused on two things, namely accompanying the imam (caliph) and carrying out his orders. In comparison, the concept of non-Muslim leadership is also constructed through Ibn Taymiyah's thought. Similar to Imam al-Mawardi, this view is also suspected to be based on the phenomenon of non-Muslim leadership in a society that is majority Muslim.

Ibn Taymiyyah, an Islamic thinker through his most famous and controversial opinion is that "it is better to be led by a just infidel leader, than by a tyrannical Muslim leader". Starting from this opinion of prioritizing just leaders over faith, Ibn Taymiyah went further about the role of the state in his project of cosmopolitanism. Ibn Taymiyah stated that the main task of the state is the upholding of shari'a which is none other than the upholding of universal justice. Thus, according to him, shari'ah and universal justice are parallel "twin brothers" and must go hand in hand. Nevertheless, the discourse around the law of appointing non-Muslim leaders among Muslims is a controversial issue that has always provoked debate among experts and has been going on for a long time. This arises because, in both the Qur'an and al-Sunnah which are the two main sources of Islamic law, in addition to the evidences that prohibit Muslims from choosing non-Muslims as their leaders, other evidences allow it [38].

Haikal (1888–1956 A.D.) as quoted by Ahmad Sukardja said: Islam establishes principles for certain governments, but establishes principles for governments that have developed throughout history. In addition, the life of the state for Muslims only began after the Prophet Muhammad (peace be upon him) and his followers migrated and settled in the city of Medina. For this state life, the Prophet (peace be upon him) laid down the basic principles that govern family life, inheritance distribution, trade, and buying and selling based on Divine revelation [39].

The basic principles of social life, economics, and ethics do not provide details about the establishment of the state nor explicitly mention the system of government. According to Ibn Taymiyyah, the system is important, but the most important thing is that a person who occupies a position of power must meet the requirements, first, obtaining the support of the majority of the people in Islam is determined by consultation and bai'at. Second, winning the support of Ahl as-Syaukah or elements of power holders in society and third, having the requirement of personal strength and being trustworthy with an honest, trustworthy, and fair attitude, then a leader will be able to provide mutual benefits to his people. Based on such reasons, it is very natural that Ibn Taymiyah later issued a very "bold" statement, namely "It is better to be led by a just infidel leader than led by a tyrannical Muslim leader". This is because a person who can be appointed as a leader is a person who has strength and integrity, can do justice, and has a strong commitment to the prosperity of the people he leads regardless of his faith background. Thus, the relevance of Ibn Taymiyyah's thought in the discourse on the appointment of non-Muslims as leaders among Muslims is answered by itself, that it is permissible as long as he meets the conditions [40].

The author's opinion is, that the degree between men and women is the same in the eyes of Allah, the difference is devotion. However, in the context of male or female leadership, this is still widely debated by many circles. So in this context, Muslim or non-Muslim leadership

that the author will express. As the theory above with the concept of Imam al-Mawardi's thought, Imam al-Mawardi also gave political clothes. According to him, Allah appointed for his people a replacement for the Prophet (peace be upon him), to secure religion, accompanied by a political mandate. Thus, an imam on the one hand is a religious leader, and on the other hand a political leader. As a caliph or representative of the Prophet (peace be upon him), the definition is not much different from the definition conveyed by Imam al-Mawardi, he also collects religious and world affairs in the word *imamah* (leader), that's why non-Muslims by Imam al-Mawardi are prohibited from occupying the position of Head of State in this case as a caliph, because this position carries duties not only in this world but also in the hereafter.

Hadits: "From Uthman bin Haitsam from Auf Hasan from Abi Bakrah said: 'Allah benefited me with a sentence that I heard from the Prophet PBUH on the day before the Battle of Jamal after I had almost justified them (Ashabul Jamal) and fought with them. When the news came to the Prophet PBUH that the Persians had appointed Kisra's daughter as their leader, he said, 'It will not be lucky for a people to leave their affairs to women.' (HR Al-Bukhari).

## CONCLUSION

Leadership in Islam is a complex issue, especially related to the position of women and non-Muslims in government structures or public offices. A comparative study between the classical *fiqh* tradition and contemporary fatwa shows differences in views in understanding who has the right to lead, both in terms of gender and religion. In Islam, leaders have a very important central role because they are the ones who are expected to carry out the mandate and lead society towards the welfare of the world and the hereafter. Therefore, Sharia pays special attention to the criteria and characteristics of a leader. In the modern era, the meaning of leader has undergone expansion and adjustment to the needs of the times. The ideal leader is someone who can be a fair and balanced mediator, maintaining harmony in a multicultural and multireligious society, such as in Indonesia. In the context of the Indonesian state based on Pancasila, a leader, both Muslim and non-Muslim, must be able to protect the rights of every individual fairly regardless of religious background. A leader who oppresses or acts unjustly on the rights of an individual is considered an unIslamic leader, even if he is a Muslim. However, according to Surah Al-Maidah verse 57, there is a prohibition for Muslims to choose or make non-Muslims their leaders. This verse is often understood as an affirmation that Muslim leaders are prioritized to maintain religious integrity and morality in government. Leaders in Islam are not only responsible for worldly affairs but also for *ukhrawi* affairs (hereafter). They are expected to be able to bring the community to the goodness and blessings of life that are not only limited to the world but also to life after death. Therefore, the selection of leaders who are in line with Islamic principles is considered very important. The scholars' views on non-Muslim leadership show diversity. Most classical scholars, especially in traditional *fiqh*, emphasize that non-Muslims are not allowed to be leaders of Muslims except in emergencies or certain conditions. This includes situations where no Muslim candidate is qualified or in the conditions of a non-Muslim-majority country that requires collaboration between different religious groups. However, in the contemporary era, some scholars and fatwas tend to be more flexible in dealing with socio-political realities that are increasingly plural and open. They emphasized the importance of considering the context of the times and the circumstances of the society in which Muslims are located, such as in countries with democratic systems of government. The Indonesian context, with Pancasila as the basis of the state, underscores the importance of unity and equality among all citizens, regardless of religion. In this view, as long as a leader can carry out his duties fairly, maintain a balance of human rights, and avoid discrimination or oppression, then he is considered to meet the criteria of a good leader. Even if the leader is non-Muslim, if they adhere to justice and equality as aspired to in the principles of the state, then their leadership is acceptable in the national context. However, from an Islamic

perspective, leaders who are called "infidel leaders" are those who oppress, act unjustly, and violate human rights. In this case, justice is the main factor that determines whether a leader deserves recognition, regardless of his religion. These principles of justice, as explained in Maqashid Sharia, emphasize that all forms of government and leadership must be based on efforts to protect basic human rights, such as the right to life, religious rights, and property rights. In conclusion, leadership in Islam, both by women and non-Muslims, remains a debate involving the interpretation of sharia law and the context of the times. Contemporary fatwas tend to emphasize flexibility and adaptation to modern socio-political realities while maintaining the basic principles of justice and balance in carrying out the mandate of leadership. The ideal leader in Islam can be a fair mediator, safeguard individual rights, and ensure the welfare of the entire society, both in this world and the hereafter.

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### Author Contribution

All authors contribute equally to the publication of this paper, all authors read and agree to this paper, and all authors declare no conflict of interest.

### Conflicts of Interest

All authors declare no conflict of interest.

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