

Political Legitimacy Through Bay'ah: A Comparative Study Between the Texts of the Qur'an, Hadith, and Modern Applications

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ABSTRACT

The issue of political legitimacy in the modern Islamic world often contradicts between the demands of tradition and the realities of contemporary statehood. This phenomenon is evident when the concept of bay'ah – the traditional pledge of allegiance – is loosely interpreted and applied, deviating from its original meaning in the texts of the Qur'an and Hadith. This gap, between early doctrine and current practice, is insufficiently addressed by existing studies which tend to view bay'ah either merely as a historical relic or a tool of political rhetoric. This conceptual study, through in-depth library analysis, attempts to unravel this complexity. Initial findings indicate that bay'ah historically formed a direct social contract, not merely an empty symbol. It also reveals a fragmentation in the interpretation by religious authorities in translating the true meaning of bay'ah for modern application. Finally, it is found that the application of bay'ah is often misused to consolidate autocratic power and undermine the principle of musyawarah. The implications of these findings necessitate a responsible reevaluation of the role of bay'ah in forming a governance that is truly legitimate in the eyes of Islamic law (sharia) and the people.

Keywords: Political Legitimacy, Bay'ah, Al-Qur'an, Hadith, Islamic Governance

INTRODUCTION

The quest for political legitimacy, an issue that haunts many Muslim-majority countries, often returns to the roots of Islamic doctrine. This becomes a major problem, especially in Muslim-majority countries where the people adhere strongly to Islam and Islam is institutionalized in state administration. However, what is ironic is that the original framework that should serve as a guide, such as the concept of *bay'ah*, appears increasingly blurred for easy interpretation by governing authorities, especially in the context of modern democratic governance. Traditional doctrine, which once formed the cornerstone of Islamic governance, is now practiced within a modern framework that is sometimes incompatible or entirely incongruous with current governance practices. This reveals a stark difference between how *bay'ah* was understood and practiced in early Islam and what transpires today. Earlier scholars appeared too comfortable with normative interpretations, failing to delve into why and how these deviations took root. This represents an academic failure among both past and contemporary scholars. A serious question rarely asked is: does *bay'ah* today truly reflect its original spirit as enshrined in the Qur'an and Hadith, or is it merely an empty ritual, serving as a tool to legitimize something already in existence? The academic community often overlooks sharp criticisms of modern practices, leaning more towards description than analysis. Yet, this ambiguity undermines political stability and public trust.

LITERATURE REVIEW

A review of the existing corpus of literature on *bay'ah* reveals a non-uniform landscape, indeed fraught with tension. Conservative views, as represented by al-Mawardi (1983) in his work *Al-Ahkam as-Sultaniyyah*, firmly establish *bay'ah* as a central pillar of the institution of imamate, an indisputable prerequisite for the ruler's sovereignty. However, this approach, though classic, is overly prescriptive; it outlines what should happen, without much concern for how *bay'ah* has often been misused throughout history. It is a fragile political idealism. Subsequently, there are modern scholars who attempt to reconcile *bay'ah* with the framework of democracy,

among them al-Attas (1993) who emphasizes aspects of musyawarah and justice. Nevertheless, they are often caught in an attempt to graft two entities that may be fundamentally incompatible - a political system based on divine authority and a system that exalts popular sovereignty. This is no easy task. Unfortunately, these studies, despite good intentions, fail to address the core question: how *bay'ah*, which ought to be a moral and political contract, is reduced to a mere ceremony of legitimation, a rubber stamp for the status quo? We find many scholars, for instance Muhammad Natsir (1980), who highlight the role of *bay'ah* in the formation of an Islamic state, but they tend to glorify the Rashidun Caliphate model without sufficient critical analysis of the challenges of its implementation in a vastly different modern context - this is a dangerous simplification. More alarmingly, some studies, as outlined by Hashim Kamali (2001), attempt to find common ground between *bay'ah* and human rights principles; this may be a noble endeavor, yet it often overlooks the actual power dynamics at play on the ground, where *bay'ah* frequently becomes a tool of oppression rather than liberation. My criticism is that no one has been brave enough to ask: has the excessive emphasis on the symbolic aspect of *bay'ah* obscured the deeper demands for accountability? Some historians, such as Lapidus (2002), provide an overview of the evolution of Islamic institutions as a whole, but they do not delve deeply enough into the conceptual fragmentation of *bay'ah* itself; how the essence of the pledge of allegiance transformed from one era to another, from a binding personal promise to a general and less binding public declaration. Conversely, many view *bay'ah* as a manifestation of the will of the ummah - as articulated by Esposito (2004) - but this view rarely explains why this will of the ummah is so easily manipulated or disregarded by rulers. It is too vast a gap. Thus, the existing literature, while rich in descriptive and normative discussions, lacks critical analysis of the cognitive dissonance between the idealism of *bay'ah* and the harsh political realities. They often overlook how *bay'ah*, from a bilateral agreement binding the ruler and the ruled, transformed into a unilateral submission. This is a fundamental problem that we must confront. This research aims to fill that void, questioning how a concept that should strengthen justice and legitimacy ultimately became a tool to justify injustice and authoritarianism. The failure to examine the causes of this decline more deeply is a significant weakness in previous studies, which often contented themselves with superficial interpretations and existing narratives.

METHODOLOGY

This study is not an endeavor to collect field data; it is an in-depth exploration of intellectual heritage, a conceptual journey. The methodology employed is conceptual analysis, or library research, which is critical and interpretive — we are not merely reading, but debating, questioning, and reconstructing understanding. This is not a passive process. This approach is chosen based on the conviction that the question of political legitimacy through *bay'ah* not only requires exposure to the original texts, but also demands a critical reinterpretation of them in a vastly different contemporary context. We need a new lens. Its primary objective is to construct a more robust conceptual framework, not merely to summarize existing theories. The research process begins with the identification and collection of primary materials — especially the texts of the Qur'an and Hadith related to *bay'ah*, as well as the views of classical scholars such as al-Mawardi, Ibn Khaldun, and Ibn Taymiyyah. This is the foundation. Subsequently, secondary materials consisting of works by modern scholars — both from the Islamic world and the West — who study *bay'ah*, political legitimacy, and Islamic state theory, are also collected. Text selection is not random; each source is evaluated based on its relevance, argumentative rigor, and potential to spark intellectual debate. We reject works that are overly descriptive without offering in-depth analysis. The next stage involves systematic content analysis. Each text is broken down into main themes: the definition of *bay'ah*, its conditions, its moral and political implications, and its application throughout Islamic history. This is not merely extracting information, but questioning the underlying assumptions of each perspective. Are these arguments consistent? Where do their weaknesses lie? We compare conflicting views, seeking points of conflict and gaps in the discourse. For example, the difference between *bay'ah* given by *ahl al-hall wa al-'aqd* (those who bind and loosen) and general *bay'ah* from the people - this requires careful scrutiny. Emphasis is placed on the historical and socio-political context in which each interpretation of *bay'ah* emerged, because a concept cannot be understood in isolation from its time and place. This is the richness of conceptual analysis. Finally, a critical synthesis is conducted. This is the most challenging stage, where we not only combine various perspectives but also evaluate the strengths and weaknesses of each argument, and subsequently develop new interpretations that are more coherent and relevant. We attempt to propose a conceptual model of *bay'ah* that can unravel the ties between sacred texts and modern political needs, without sacrificing the original essence or permitting misuse. This involves an iterative process — returning to the original texts, comparing them with modern interpretations, and then formulating more solid arguments. Essentially, this methodology is an

intellectual endeavor to deconstruct, critique, and reconstruct the understanding of *bay'ah* so that it does not continue to be a tool of political manipulation, but returns to its position as a sacred pledge between leaders and the people, based on the principles of justice and accountability.

FINDINGS

The understanding of *bay'ah*, in its origin, was indeed very clear. It was not merely a ceremony; it was a binding bilateral contract, a pledge of allegiance between the leader and the led, based on heavy reciprocal responsibilities. The texts of the Qur'an and Hadith clearly outline this. The sacred texts, when honestly examined, show that *bay'ah* was not an absolute surrender, but rather a conditional acceptance of power, where the leader was held accountable for upholding justice and the sharia of Allah. Unfortunately, this understanding has often eroded. History subsequently witnessed the degradation of *bay'ah* from a binding political agreement to a ritualistic formality, often coerced, disregarding the elements of willingness and voluntariness that were so crucial in early Islam. It transformed into a theatrical performance. This is not evolution; this is degradation. This change directly weakened the people's power to question or even withdraw their support if leaders broke their promises. Here lies a severe misunderstanding. Furthermore, significant interpretive disputes arose regarding who had the right to give and receive *bay'ah*. In early times, it involved the consent of influential community figures (*ahl al-hall wa al-'aqd*), alongside widespread public acceptance. Today, religious authorities, often tied to state institutions, are seen to monopolize this interpretation, granting it to specific leaders — thereby legitimizing governance that may be far from the values of justice. This is an abuse of authority. This overly narrow and apologetic interpretation effectively undermines the spirit of *bay'ah* as an accountability mechanism. Modern realities, in turn, add undeniable layers of complexity. When *bay'ah* attempts to be applied within modern state systems — which are based on the sovereignty of human law and party systems — it often has to be modified to the point of being unrecognizable. It becomes merely a metaphor. The question of how this pledge of allegiance can be translated into the context of general elections, constitutions, and the separation of powers remains an unresolved enigma; attempts to graft the two often result in an awkward and ineffective hybrid, causing *bay'ah* to lose its political and moral efficacy. This is a bitter irony. Finally, these findings highlight the gap separating the idealism of the Qur'an and Hadith texts from flawed contemporary applications. *Bay'ah*, which should be a shield for justice, now appears to be a sword that consolidates arbitrary power. It requires a courageous re-evaluation.

DISCUSSION

The implications of these findings extend beyond mere academic discussion; they touch upon the very pulse of governance in many Muslim countries. So what does this mean for us? When *bay'ah* transforms from a binding contract to a mere ceremony, it fundamentally alters the nature of the relationship between the ruler and the ruled, eroding the fabric of trust. This means that the legitimacy obtained through *bay'ah* today - if it exists at all - is a fragile, merely symbolic legitimacy, not rooted in the sincere and conditional acceptance of the people, as demanded by the texts of the Qur'an and Hadith. We should be suspicious. It indicates that many modern governments claiming to be Islamic have actually conflated religious tradition with their own political will, producing an incomplete hybrid - an intellectual abomination. This raises an important question: has *bay'ah* now become a rhetorical tool used to cloak unpopular or autocratic policies in the garb of religious sanctity? Presumably so. If so, this not only misuses religion but also erodes public trust in religious institutions themselves, rendering ulama ineffective political tools. This is a catastrophe. The overly narrow interpretation by religious authorities, who often serve as mouthpieces for the government, creates more problems than solutions; it hinders healthy critical debate about legitimate forms of governance in Islam and stifles intellectual innovation. We need to ask: are they afraid of the true power of the people? The willingness to accept outdated interpretations or those adapted for short-term political interests, disregarding broader sharia principles such as justice and *musyawarah*, will ultimately be self-defeating. Ideally, *bay'ah* should not only be about giving allegiance, but about who is worthy of receiving that allegiance, and on what basis that allegiance is given. This void opens space for unaccountable governance, where the people have no choice but to accept what is presented to them, without room to express dissatisfaction. This contradicts the spirit of Islamic justice. In theory, *bay'ah* should function as a mechanism of checks and balances, ensuring leaders do not deviate from the path of truth. But in practice, it often fails. This concern is not merely academic; it can lead to social instability, simmering public anger, and ultimately, a total rejection of the existing system. The indiscriminate use of *bay'ah*, without

understanding its original context and modern demands, can be described as a futile, even dangerous, endeavor. It creates an illusion of legitimacy, while beneath the surface, a crisis of trust is simmering. We cannot allow this to persist. Therefore, it is crucial to restore *bay'ah* to its original meaning as a just and binding social contract, not only at the elite level but also among the general populace, ensuring it truly reflects voluntary consent and adherence to sharia. Failure to do so will continue to haunt the aspiration of forming a truly legitimate and sustainable Islamic state.

CONCLUSION

This discussion, which has attempted to unravel the complexities surrounding *bay'ah* in the context of contemporary politics, has led us to an unsettling conclusion. It turns out that *bay'ah*, a fundamental concept in Islamic political tradition, has undergone significant changes from its original meaning in the texts of the Qur'an and Hadith to a form of modern application that is often flawed. This is not merely a minor shift; it is a damaging metamorphosis. Instead of being a binding and bilateral social contract, ensuring the accountability of leaders to the people and sharia, *bay'ah* is now often misused as a symbolic formality, a stamp of approval for existing power, without demanding commensurate responsibility. Ironic, indeed. This gap between theory and practice raises serious questions about the legitimacy of governments that claim legitimacy through *bay'ah* today. It exposes the fragility of political systems that rely on religious rhetoric without strengthening the principles of justice and accountability. This is a systemic weakness that must be acknowledged. We can no longer be content with superficial interpretations that disregard historical dynamics and complex political realities. Restoring *bay'ah* to its true position requires an intellectual revolution — not just understanding the texts, but also being critical of their application. Future research in this field must go beyond library analysis. Subsequent research should conduct in-depth field studies, perhaps through content analysis of contemporary political speeches in Muslim countries that use *bay'ah* as a justification for legitimacy, or by examining public perceptions of *bay'ah* among ordinary people. We need empirical data to confirm or refute this conceptual argument. Only then can we understand how this concept functions on the ground, not merely in an ideal realm. Failure to address this issue honestly will continue to cause confusion, contribute to a prolonged crisis of political legitimacy, and ultimately damage the credibility of religious institutions in society. This is a warning that cannot be ignored. If *bay'ah* continues to be a mask for autocratic rule, it will lose all meaning, and the intellectual legacy of Islam will be tarnished by endless manipulation.

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