

## The Law of Obeying A Leader According to the Views of Abu Muhammad Al-Maqdisi Reviewed from Fiqh Siyasah

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<b>Article History</b> Received : 2018-09-03 Revised: 2018-09-11 Published: 2018-09-29  <b>Keywords:</b> <i>Obeying The Leader, Muhammad Al-Maqdisi, Siyasah Fiqh</i>	It has become an agreement among Sunni scholars that obeying the leader of the state is an obligation. The obligation to obey this applies to every Muslim leader whether he is cautious or not while not yet falling into real kufr. No one sneaks in this principle except the Khawarij and Mu'tazilah. But there is a figure named Abu Muhammad Al-Maqdisi who in principle has the same understanding as the Sunni scholars in the matter of the obligation to obey the leader even though they are acting arbitrarily against the people. The problem is that there is a statement from al-Maqdisi that shows the fall of the obligation to obey the leaders now, as if Muslim leaders have now apostatized from Islam so that they must not be obeyed or be loyal to them and are even obliged to fight. The formulation of the problem is: (1) how al-Maqdisi's views on obedience to the leader, (2) how the ulama's response to al-Maqdisi's views, (3) What is al-Maqdisi's view according to siyasah fiqh. This study aims to describe and describe the ai-Maqdisi thinking systematically. From this study it can be concluded that al-Maqdisi saw no adherence to the leaders of the Islamic world now because they had apostatized due to abandoning Islamic laws, therefore obliged to fight them according to their respective abilities. Many scholars opposed Al-Maqdisi's ideas but many supported them. However, if viewed from the perspective of the Siyasah fiqh, al-Maqdisi's thinking is incorrect, even very dangerous because it will cause a war between the government and the people so that the country will be chaotic.

### I. INTRODUCTION

It has become an agreement among Sunni scholars that obeying the leader of the state is an obligation that must be fulfilled and to contradict or oppose him is a sin, because the function of the leader is to be obeyed, Allah says: Meaning: O you who believe, obey Allah and obey the Messenger, and ulil amri among you (an-Nisa: 59).

This obligation to obey applies to every Muslim leader, whether he is pious or not. The Prophet said: From 'Auf bin Malik from the Messenger of Allah, peace and blessings be upon him, Allah's peace and blessings be upon him, he said: "The best of your rulers are those you love and they love you, they wish you good and you wish them good. And the worst of your rulers are those whom you hate and they hate you, you curse them and they curse you." Then it was said: "O

Messenger of Allah, shall we not just fight them with the sword?", he answered: "No, as long as they continue to pray among you. If you see from your ruler something that you hate, then hate his deeds (only) and do not let go of your hands from obedience."

In this research the author will focus on studying a figure named Abu Muhammad Al-Maqdisi. He was a writer, thinker and one of the former war fighters in Afghanistan when they repelled Russian colonialism. After returning to his country of Jordan, he became a figure driving resistance against the leadership since the early nineties, then he was detained by the local government because of his very radical attitude towards the government.

In principle, the author finds in his book that he has the same understanding as Sunni scholars

such as Imam Ahmad, Abu Ja'far At-Tohawi, Imam Al-Muzani regarding the issue of obligatory obeying the leader even if he is a cruel leader or even commits many sins, this is known through his words, namely: [And we are of the opinion that it is not permissible to khuruj (out of obedience) to the ImamsThe Imams of the Muslims, the governors and their guardians, even though they act cruelly or act arbitrarily, and must not abandon their obedience as long as they order what is good, and obeying them is obligatory as long as they do not order to do immoral things, we pray for goodness and guidance for them]

This is a very firm statement, namely that it is obligatory to be loyal and that it is not permissible to fight or break from obedience to Muslim rulers. Al-Maqdisi did not believe in what the Khawarij believed, namely that it was obligatory to fight against unjust rulers and seize the people's property or convert perpetrators of major sins to infidels, he even wrote a book that entitled al-Risālah al-Tsalātsiniyyah Fi al-Taḥdzīr Min al-Ghulu Fi al-Takfīr, this book contains a warning to people who are too easy and excessive in the problem of disbelief (Ashim, 1431 M).

The problem is that there is a statement from al-Maqdisi which shows that the obligation to obey the current leaders has been dropped, as if the current Muslim leaders have apostatized from Islam because they have committed clear disbelief so that it is not permissible to obey or be loyal to them and even obligatory to fight them, he said: [...know that you pray for the thagut or followers and helpers them to gain victory and glory and extend their power and to declare them as imams of the Muslims or ulil amri of the Muslims and to swear at them and be happy with their religious and worldly power is a great evil and a real falsehood that does not arise from a pure monotheistic person...]

The thing that causes these leaders to be infidels in al-Maqdisi's view, especially in his

country Jordan, is because they associate partners with Allah in tasyri' (making regulations).

## II. RESEARCH METHODS

This study employs a qualitative research method using a descriptive-analytical approach with literature review techniques. The research focuses on examining Abu Muhammad al-Maqdisi's thoughts regarding leadership, obedience to rulers, opposition, and their relevance to Islamic political jurisprudence (*fiqh siyasah*). Data sources consist of al-Maqdisi's writings, classical Islamic scholars' opinions, hadiths, and related literature discussing Islamic governance and *Ahlus Sunnah wal Jama'ah* perspectives. The collected data were analyzed through content analysis to identify similarities, differences, and inconsistencies between al-Maqdisi's views and mainstream Sunni scholarship.

## III. RESULTS AND DISCUSSION

### A. Biography Of Abu Muhammad Al-Maqdisi

Abu Muhammad al-Maqdisi is a very influential thinker, writer and supporter of the jihadi movement in Jordan. His full name is 'Isham or 'Ashim bin Muhammad bin Thahir ibn Muhammad ibn Mahmud Ibn Sulaiman al-Hafi al-'Utaibi al-Barqawi, who is known as Abu Muhammad al-Maqdisi as a form of respect for him, while al-Barqawi is not his family name but a reference to his place. he was born and has a lineage from the al-'Utaibi family. He has four children, three sons and one daughter, Muhammad is the oldest child so he is called Abu-Muhammad, Al-Maqdisi is a popular nickname for him since the beginning of his preaching and active writing. He was born in a village called Barqha, a suburb of Nablus, Palestine in 1378 AH or 1959 AD.

Al-Maqdisi left his village of Barqha after he was three or four years old with his family to Kuwait because his father worked there, then

settled in Kuwait and studied from elementary school level until he successfully completed his education to the junior high school level (high school), at the time of class Two junior high schools were the beginning of the growth of religious enthusiasm in al-Maqdisi through his friends from the Sururi group. After graduating from junior high school, his father wanted him to continue his education to a higher level, and coincidentally his father wanted his son to become an engineer, so he was sent to Yugoslavia with two of his friends from the Sururi group and coincidentally one of his friends was a person who had influenced al-Maqdisi to deepen his religion, and their departure to Yugoslavia was also at the direction of Muhammad Surur because he had friends and followers there, but al-Maqdisi and his other friends found it difficult to study in Yugoslavia because studying at universities had to be in the Yugoslavian language and coincidentally they had not studied it, and they were forced to take a Yugoslavian language course. Another difficulty they encounter is that studying there is very complicated, for those who want to study at college level in a certain major they are tested first by giving them books related to the major they will be taking to read, then after that an exam is held, if the score is sufficient then they can be accepted at the University. Because of these difficulties and the un-Islamic environment, they canceled continuing their education in Yugoslavia and returned to Jordan. Coincidentally, at that time registration was open at Mosul University in Iraq at Kulliyati al-Ulum, when al-Maqdisi wanted to register there his father did not allow it because he wanted his son to become an engineer. But at al-Maqdisi's insistence his father finally agreed. Al-Maqdisi also registered and majored in Biology. He studied in Mosul for only two years and when he entered his third year he was influenced by Juhayman's group, Juhayman's followers denied al-Maqdisi's actions because he studied in a place where men and women were

mixed, and where women taught, he finally decided to leave Mosul University. Even though he was at odds with the Sururi group, because the followers of the Sururi group suggested that al-Maqdisi continue his studies in Mosul, and they did not allow al-Maqdisi to leave or leave the Sururi group without permission from the group's leaders, then al-Maqdisi sent a letter to the Sururi Sheikhs that he was leaving the University because he considered it haram due to ikhtilat.

### **B. Principles Of Obedience In Al-Maqdisi's Thought**

It has become an agreement among Sunni scholars that obeying a Muslim leader is obligatory based on the command of Allah and His Prophet, they do not differentiate between a pious or non-pious leader, the important thing is that he is Muslim, this is based on the hadith of the Prophet "Meaning: From Hudzaifah radiyallaahu 'anhu Rasulullah sallallaahu 'alaihi wasallam said: "After my death, leaders will emerge who do not follow my guidance and do not follow my sunnah. There will also be people among them who have the hearts of demons but have human bodies". Hudzaifah radhiyallahu 'anhu asked, "What should I do, O Messenger of Allah, if I encounter that?" Rasulullah sallallaahu 'alaihi wasallam answered, "You still listen and obey the leader, even though your back is hit and your property is confiscated, you still listen and obey."

Likewise, al-Maqdisi believes in what other Sunni scholars believe, this can be seen from his statement in his book, namely;

[And we are of the opinion that it is not permissible to khuruj to Muslim Imams, governors and guardians even if they act cruelly or do arbitrarily, and must not abandon their obedience as long as they order what is good, and obeying them is obligatory as long as they do not order to do immoral things, we pray for goodness and guidance for them.] (Ashim, 1418).

From the statement above, it can be clearly seen how al-Maqdisi's principle in obeying a

leader is that the law is obligatory and one cannot deviate from obedience to him either by rebelling or simply disobeying even if they are ja'ir (doing injustice to the people), meaning that all the leader's orders must be carried out as long as the things ordered do not conflict with Islamic law, and if the order is in the form of immorality or something that conflicts with the law then it must not be carried out, and Immorality committed by a leader must not be used as an excuse for giving up obedience as understood by the Khawarij. And when the leader commits a sin, the people still pray for goodness for them so that they receive guidance as a form of loyalty. Al-Maqdisi's principles are in line with the words of the Prophet Muhammad sallallaahu 'alaihi wasallam, namely;

Meaning: "Surely there will be after my death *atsarah* (leaders who are selfish and take away the rights of the people) and things that you deny." The companions asked: "O Messenger of Allah, what do you order to people from among us who meet him?" He answered: "You carry out your obligations and you ask Allah for your rights (Muhammad, 1422).

In another book, al-Maqdisi distinguishes between leaders who do not comply with Allah's law because they follow their desires and those who associate partners with Allah. The difference between these two problems is that if the first one continues to make Islamic law as his official law, it's just that when adjudicating between people who have a dispute he violates or does not carry out Islamic law, this type of leader is called ja'ir (*zalim*), according to al-Maqdisi a leader like this must be punished. obey and must not rebel, the second type is the leader who do not make Islamic law as law, and even openly say that the right to make regulations is in their hands, then this type of leader is an infidel and must abandon obedience to him, even be hostile, hate and distance themselves from him, this is based on his statement, namely; [...we just have to explain to

the muwahhid brothers about the meaning of judging by other than what was revealed by Allah, where the perpetrator is punished for committing shirk and kufr which expels him from religion without reviewing whether he has justified it or believes that the law made by him is better as a condition for disbelieving him, and that kufr is *atasyri' al-'am* which is made into the *tagut-thagut* of this era as the right of them and their followers from among the people through representatives in parliament who are infidels, and that is a real act of disbelief and the perpetrator is disbelieved without reviewing whether he has justified it or believes that the law he created is better than Allah's law, in contrast to leaders who are unfair in power and decisions but are still bound by Islamic teachings and do not replace them with anything, then those like this must be differentiated between those who believe in the halal of laws other than what Allah has revealed and those who only follow their desires...] (Ashim, 1420)

In the same book on another page he says;

[I emphasize: and this is indeed the leaders we disbelieve because they judge other than what Allah has revealed, we do not disbelieve them in matters of *furu'* as long as they do not make it lawful, such as because they judge people who litigate in an unfair and unjust manner as per the understanding of the Khawarij, and we disbelieve them because their form of judging other than what Allah has revealed is the form of *al-Tasyri' al-Syirkiy* which cancels the principle of monotheism, and also because they following laws and *tasyri'* other than Allah, and because they seek religion and sharia other than that of Allah...]

In another book that has been translated into Indonesian, al-Maqdisi has a very clear statement about the permissibility of obeying and fighting with a poor leader, but he divides it into three parts, as in his statement; [From a long discussion about fighting with the Amir Fajir, we conclude

the following points: first, it is mandatory for the mujahideen to distinguish between the Amir's troops or the Fajir State as a reality that cannot be avoided from the situation when the choice is in the hands of the Mujahideen. Fighting with the Amir Fajir is only permissible if there is no other choice because there is no amir who is righteous and strong. Secondly, it is obligatory for them to differentiate between the Amir Fajir whose badness is limited to himself and the Amir whose badness and dangers spread to Islam and the Muslims, even greater than the mafsadat of the infidels. For the first group of emirs, the Sunnah ahlus allow them to fight under their banner to prevent the mafsadat of larger infidels. As for the second group of amirs, the Ahlus Sunnah do not permit fighting with them, because the basic principle of avoiding the greatest harm by taking the lesser is not suitable for this case. Third, it is obligatory for the mujahidin to remember and realize that in the case of an amir whose poverty does not make him an infidel, but whose harm exceeds or equals the harm of the infidels, then in fact the rule does not apply to him and it is not permissible to fight with him. Moreover, an amir who openly commits innovations that make the perpetrator an infidel or who explicitly chooses the infidel system or the laws of ignorance, it is clearly forbidden to be with him.

In al-Maqdisi's view, if a leader has fallen into real disbelief, it is obligatory for every individual who is able to fight according to his ability to fight that leader, not being able to take up arms at least with prayer because everyone can certainly pray, he even emphasized again that a person who does not have the ability to fight a leader does not mean that it is not permissible for him to fight even if he is alone and is sure that he will not win and will be killed, as he stated.

[And if fighting and trying to overthrow them is not obligatory except for those who are able, then the obligatory conditions do not mean that it is permissible to fight, so that it is permissible for

someone to fight even alone, and even if he is sure that he will be martyred and not win, because jihad is an act of worship that Must And prescribed until day the end of the world No There is anything that cancel it, may do it at each time, like alms attributed to[zakat].

### **C. Al-Maqdisi's Response to Leadership in the Islamic World**

It is clearly known that all leadership in the Islamic world today is not much different in terms of its application of Islamic laws, and almost the entire Islamic world has joined the UN, the joining of the Islamic world into that organization in the view of al-Maqdisi is a form of disbelief and loyalty to the infidels, because every country that joins this organization must be bound by the regulations made by that organization, and of course many of these regulations in the view of al-Maqdisi are contrary to Islam, as he stated;

[It is fitting for you to know, O Muwahhid brothers, that the UN agreement is a law made by the UN to be adhered to and be governed by for every country that is a member of that rotten organization... the total number of regulations consists of 111 articles... and in this agreement there are binding agreements and laws that are invalid and contradict Islamic law...]

For that reason, al-Maqdisi firmly showed his attitude towards the leaders of every country in the Islamic world, namely that they are all infidels and there is no obedience to them, the reason he said that was because the leaders associate partners with Allah in making regulations even though Allah is the only one who has the right to make them, there are many statements by al-Maqdisi which are the reason for accusing the leaders of infidels but the essence of all of them is to return to one problem, namely associating partners with Allah in making laws; among those statements are;

[Know that the most abominable thaguts of this era, especially in our country (Kuwait), and most Muslim countries are man-made regulations

and laws, which people submit to, including worshipping these laws by following them and obeying them and submitting to them and being happy with them.]

According to his confession, most of the regulations had been read by him, as he said;

[If we try to explain all the regulations and laws that attribute themselves to Islam and mention examples of their disbelief one by one, it will certainly take a long time without any benefit being taken, that is because I have read most of the laws, there is no difference except only in the number, points and order and very little of the legal regulations of the State whether in the form of a kingdom, republic or others, and there are also small additions to some regulations that are regulated by political parties that do not provide changes and even increase disbelief].

[therefore we suffice by giving examples of lawsthis country (Kuwait) which is man-made, as an example of evil laws in this era].

Based on the explanation above, it is clear what Al-Maqdisi's attitude is towards leadership in the Islamic world today, and it is even more emphatic if we read his words, namely;

[and every Muslim in any country, can apply all of our words to the laws of the country in which he lives, by simply replacing the article numbers that we indicate to him here with the numbers and articles of the laws of his country].

This means that if a country does not implement its laws based on Islamic law, there will be no obedience to the leader of that country.

#### **D. Opposition In Al-Maqdisi's View**

If we look for the meaning of opposition in the dictionary, we will find that it means an opposing party in the representative council and so on which opposes and criticizes the opinions or political policies of the ruling group.

Meanwhile, according to legal and political experts, opposition is defined as a party faction that holds positions that contradict the policy line of the group running the government. The

opposition is not an enemy, but rather a sparring partner in the political arena. A democratic system considers opposition to be highly urgent and necessary. This is because the opposition performs a vital and important function: checks and balances, controlling the government supported by the majority, testing government policies by pointing out their weaknesses, and proposing alternatives (Ridwan, 2014).

In other words, opposition is "a group of people outside the government who legally have the right to voice opinions and carry out activities aimed at criticizing and controlling the government's attitudes, views, or policies based on ideological perspectives, empirical reality, or certain interests." (Firman, 2016).

Based on the definitions of opposition above, we can understand that opposition is a movement that is recognized in a country, meaning that they are official and not an illegal group.

Thus, in al-Maqdisi's view, opposition in a legal form should not exist because if a group is officially recognized. The government certainly has binding agreements or regulations that they must obey and they must even submit to the government, and this is the same as supporting the disbelief of the government itself, because a person who has believed in the disbelief of the government must free himself from all things that show loyalty, we can know this from his statement when interviewed by the electronic al-'Ashr magazine in 1423 H before he was put back in prison about the law on establishing a party;

[Why don't you think about forming a political party?]

Then al-Maqdisi answered with a very long answer.

[If what is meant by party here is one which is official and recognized by law, then this is not permissible for us because it contradicts the main teachings of this da'wah from A to Z, where this da'wah does not take its shari'ah from man-made laws but rather shari'ah which comes from

heaven. Moreover, in order to form an official political party, there must be a prior agreement to be loyal or loyal to the leader and to the laws of the State, and this is of course very contrary to the preaching of monotheism and one of the invalidators of Islam, because among the principles of preaching monotheism must be to deny the law and disassociate oneself from anyone who makes it a law, therefore, even if we were given and given the freedom to form a party without being asked for any difficulties from us, we would definitely reject it, so how could we possibly try to form that party? And because this da'wah always shows hostility towards the law and disobeys it and the people who make it law, the government fights us very fiercely and will not like or recognize it, just as the followers of this da'wah do not like those leaders because they are dictators, and do not like their laws and will not recognize them, therefore it is permissible for us to form an official political party even though it is haram in our opinion; Likewise, it will not happen either in fact or in reason. However, if the meaning of the question is to work through a group or organization then we do not deny it, even though we do refuse to make this da'wah an organization through which the attitude of wala' and bara' is built and detached from all Muslims; As for working together through an organization, it is permissible and no one denies it except those who are ignorant of the history of the Prophet, but because of the current situation, it is demanded that this da'wah only move in education such as in schools which will produce da'is and mujahidin until a certain time, without any organizational ties that can make it easier they fall in trap forthagut.]

From al-Maqdisi's words above, we can draw the conclusion that if what is meant by opposition is a party that opposes the government but is officially recognized by the State then this cannot be because it is in conflict with the main teachings of da'wah which it absolutely adheres to, but if we

mean that the opposition is an opposition party whether it is recognized by the State or not then this depends on the government and goes back to al-Maqdisi's principle of obedience to the leader, and it has been explained above that it is permissible to oppose and even must resign if the government falls into disbelief, and if If a leader only makes mistakes that do not amount to disbelief, he is not allowed to oppose anything and is still obliged to obey good things thousands of troops. And he was also the one who persuaded the Tatars to kill the Caliph and his family. Likewise, the fall of the Umayyad dynasty occurred due to a rebellion carried out by the Abbasids. How many Muslims were shed blood as a result of this rebellion?! If we also look at the country of Algeria, how many innocent Muslims were slaughtered by armed groups claiming to be fighting for the establishment of an Islamic state? Even the clearest proof is the Indonesian nation, a nation that was colonized by the Dutch for a very long time because they were successfully divided.

#### **E. Inconsistent As an Adherent Of Ahlusunnah Waljama'ah**

After knowing how al-Maqdisi responded to the leadership in the Islamic world today, namely that there was no obedience to them, he was even obliged to fight them and took priority over fighting genuine infidels. If viewed from the perspective of siyasah fiqh, al-Maqdisi's views are in conflict with Sunni ulama. Like :

Imam Ahmad bin Hanbal who lived between 164 AH- 241 AH, Imam Ahlus Sunnah, he became an example and model in practicing the Sunnah of the Prophet both in good and bad times, how to deal with the authorities, he was beaten with a whip, dragged, and imprisoned because of the problem of not saying that the Koran is a creature, even though we do not find a history of him ordering people to rebel against ungodly and tyrannical rulers, but on the contrary, it is a recommendation to was patient and maintained obedience and congregation, in fact he always

called the ruler of that era with the words: "O leader of the believers."

He emphasized:

[Whoever goes out of obedience to a leader among the leaders of the Muslim community, under whom humanity unites and recognizes him as ruler, in whatever way he obtains that power, whether by favor or victory, he has broken the unity of the Muslim community and has contradicted the hadiths of the Prophet sallallahu alaihi wasallam, if that person dies, he will die in ignorance] (Rabi, 2008).

Al-Ghazali. Al-Ghazali was a Sunni scholar who strongly emphasized the principle of obedience to those in power, believing that the well-being of humanity on earth was closely linked to the existence of those in power. He said:

[For this reason, it is necessary to know who Allah SWT has given this position to. As a ruler and as God's guardian on earth, everyone is obliged to love him, submit and obey him. They are not allowed to disobey and oppose it. As Allah says: O you who believe, obey Allah and obey the apostles and uli al-amri among you] (Al-Ghazali, 1409 H).

Al-Ghazali did not discuss the impeachment of the head of state at all. For him, the head of state is not accountable to the people but to God (Iqbal, 1409 H).

Ibn Taimiyah, he said:

Ibn Taimiyah was one of the Sunni scholars who emphasized the obligation to obey the ruler even if he was evil and oppressive, as he said: [sixty years under the leadership of an evil ruler is better than one night without a ruler]

He demonstrated his obedience to the head of state. He was frequently imprisoned for disagreeing with the ruler, yet he never opposed or rebelled. Ibn Umar exemplified this even more emphatically.

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

The findings indicate that Abu Muhammad al-Maqdisi differentiates between unjust Muslim leaders who still uphold Islamic law and leaders who replace Islamic law with man-made legislation. According to al-Maqdisi, obedience remains obligatory toward unjust Muslim rulers as long as they do not commit acts considered disbelief (*kufir*). However, leaders who abandon Islamic law and establish secular legislation are regarded as unbelievers and should not be obeyed. His views also reject political participation through officially recognized opposition parties because they are considered forms of loyalty to non-Islamic systems. Nevertheless, several of al-Maqdisi's perspectives differ significantly from mainstream *Ahlu Sunnah wal Jama'ah* scholars such as Imam Ahmad ibn Hanbal, Al-Ghazali, and Ibn Taymiyyah, who emphasize patience, social stability, and maintaining obedience to rulers despite injustice.

##### B. Suggestions

Future studies should explore al-Maqdisi's political thought using broader comparative perspectives involving contemporary Islamic political theories and modern state systems. Researchers are also encouraged to examine the practical implications of extremist interpretations of governance and obedience within Muslim societies. In addition, strengthening moderate Islamic discourse is important to promote balanced understandings of leadership, political participation, and social stability in accordance with the principles of Islamic jurisprudence and contemporary realities.

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