Проблемы власти и государственности в исламской политико-правовой мысли

Султан Таласович Хапчаев[1], Александр Григорьевич Масалов[2*]

[1,2]Ставропольский филиал Краснодарского университета МВД России (д. 43, проспект Кулакова, Ставрополь, 355000, Россия)
[1]hapchaev82@yandex.ru
[2]masalovag@inbox.ru; https://orcid.org/0000-0003-2906-34972
*Автор, ответственный за переписку

Аннотация. *Введение.* В статье представлено описание эволюции концепций власти и государственности в исламской политико-правовой мысли от классического периода до современности, исследуется взаимосвязь религиозных доктрин с политической практикой мусульманского общества. *Цель.* Выделение проблем и перспектив развития исламской политико-правовой доктрины в контексте трансформации представлений о легитимности власти и формах государственного устройства. *Материалы и методы.* Исследование построено на анализе первоисточников классической мусульманской юриспруденции, философских трактатов и работ современных исламских мыслителей с применением историко-сравнительного и сравнительно-правового методов. Сопоставляются нормативно-юридический подход факихов (аль-Маварди, Ибн Таймии, аль-Газали) и этико-философские воззрения мусульманских философов (аль-Фараби). *Результаты и обсуждение.* В ходе работы обнаружены существенные различия между суннитской договорной моделью легитимации власти и шиитской доктриной имамата. Прослежена трансформация исламской политической мысли в X–XXI веках: от классических идей аль-Фараби до концепций политического ислама аль-Маудуди и Сайида Кутба, а также современных дискуссий об исламской демократии. *Заключение.* По итогам проведенного исследования можно сделать вывод о том, что современная исламская политико-правовая доктрина демонстрирует гибкость и плюралистичность, допуская различные формы государственного устройства при условии реализации основополагающих целей шариата.

Ключевые слова: исламская политико-правовая мысль, халифат, имамат, шариат, государственность, политический ислам, исламская демократия, легитимность власти, шура, умма, теократия.

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Research article

Problems of power and statehood in Islamic political and legal thought

Sultan T. Khapchaev[1], Alexander G. Masalov[2*]

[1, 2] Stavropol Branch of the Krasnodar University of the Ministry of Internal Affairs of Russia (43 Kulakov Avenue, Stavropol, 355000, Russia)
[1] hapchaev82@yandex.ru
[2] masalovag@inbox.ru. https://orcid.org/0000-0003-2906-34972
*Corresponding author

Abstract. *Introduction.* The article presents a description of the evolution of concepts of power and statehood in Islamic political and legal thought from the classical period to the present day, examining the interrelation between religious doctrines and the political practice of Muslim society. *Goal.* To identify problems and prospects for the development of Islamic political and legal doctrine in the context of transforming notions of the legitimacy of power and forms of government. *Materials and methods.* The research is based on the analysis of primary sources of classical Muslim jurisprudence, philosophical treatises, and works of contemporary Islamic thinkers, employing historical-comparative and comparative-legal methods. The normative-legal approach of the fuqaha (al-Mawardi, Ibn Taymiyyah, al-Ghazali) is compared with the ethical-philosophical views of Muslim philosophers (al-Farabi). *Results and discussion.* The study revealed significant differences between the Sunni contractual model of legitimizing power and the Shia doctrine of the imamate. The transformation of Islamic political thought in the 20th–21st centuries was traced: from the secular ideas of Ali Abdel Raziq to the concepts of political Islam by al-Maududi and Sayyid Qutb, as well as contemporary debates on Islamic democracy. *Conclusion.* Based on the results of the conducted research, it can be concluded that contemporary Islamic political and legal doctrine demonstrates flexibility and pluralism, allowing various forms of government provided they implement the fundamental objectives of Sharia.
Key words: Islamic political and legal thought, caliphate, imamate, Sharia, statehood, political Islam, Islamic democracy, legitimacy of power, shura, ummah, theocracy.

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Introduction. Concepts of authority and state in Islamic political and legal thought were shaped by religious doctrines and the historical practice of Muslim society. From its earliest centuries, Islamic civilization demonstrated the inextricable link between the religious and political spheres: the Prophet Muhammad acted simultaneously as spiritual leader and head of the community (ummah), thereby setting a precedent for the unification of secular and spiritual authority. Subsequently, classical Muslim thinkers sought to understand the nature of authority based on the Quran and Sunnah, attempting to define the ideal Islamic state. Although the Quran and hadith contain only a few direct instructions on the organization of public authority, medieval theologians and jurists (faqihs) developed a holistic concept of the Islamic state, centered around the institution of the caliphate as the successor to the authority of the Prophet [4]. In classical Sunni theory, the caliphate was understood as a theocratic monarchy, where the ruler-caliph is considered God's viceroy on earth, responsible for the implementation of divine law (sharia) and the protection of the ummah. However, unlike the Shia tradition, which attributes questions of power to dogmatics (the doctrine of the imamate as a divinely established

institution), Sunni thought viewed public authority primarily through the prism of Islamic jurisprudence (fiqh), which gave its theories a more practical and legal character. This study, relying on a historical-comparative method and source analysis, traces the evolution of ideas about power and the state from classical Islamic political and legal thought to its contemporary interpretations. This perspective allows us to identify the continuity and transformations in Islamic political and legal doctrine, which has not only theoretical but also practical significance (given contemporary discussions about the role of Islam in the politics and law of Muslim countries).

Research Materials and Methods. The methodological basis of this study is a comparison of normative-legal and ethical-philosophical approaches to the phenomenon of power, developed within the Muslim intellectual tradition. The first approach—the normative-legal—is evident in the treatises of classical fuqaha, who, based on a few Quranic and prophetic injunctions, gradually developed a system of specific legal norms regulating the structure and functions of the Islamic state. The second approach—the ethical-philosophical—was embodied in the works of medieval Muslim philosophers (falasifa), who adopted the ancient heritage and sought to substantiate the ideal state structure from the standpoint of rational ethics. The study incorporates both approaches: through an analysis of the works of Muslim jurists (such as al-Mawardi, Ibn Khaldun, al-Ghazali, and others), it reconstructs the classical theory of the caliphate as a specific form of government, while references to philosophical treatises (such as al-Farabi) identify alternative conceptions of the state. Furthermore, a comparative method is employed to compare Sunni and Shia ideas, since, despite a common Islamic foundation, these two branches offered different justifications for the legitimacy of power (contractualism for Sunnis and imamate for Shiites). The final stage analyzes the modernization of political and legal thought in modern and contemporary times—from the reformist ideas of the early 20th century to the ideologies of contemporary Islamist movements. This integrated approach, combining historical, genetic, and comparative legal analysis, allows for a comprehensive scholarly presentation of the topic.

Research Results and Discussion. In classical Islamic political and legal doctrine, the institution of the caliphate—the authority of the caliph as the successor of the Prophet and head of the entire Muslim community—occupied a central place. After the death of Muhammad, the need arose for a leader who would unite the ummah and continue to guide the community in both spiritual and secular affairs. The Sunni tradition developed the doctrine of the caliphate, according to which legitimate authority is established on the basis of the oath (bay'ah) of the community to the elected leader. One of the first systematizers of this theory, al-Mawardi (11th century), in his work "Ahkam al-Sultaniya," focused primarily on the status of the imam-caliph, his duties, and the procedure for election. The imamate, according to al-Mawardi, arises through the conclusion of a unique social contract between the imam and the Muslim community (ummah). The ruler receives authority on the condition that he observes Sharia and protects the interests of Islam, and the community is obliged to obey him [7, pp. 179-188]. In the list of requirements for the caliph, the classics named male gender, belonging to the Quraysh tribe (a traditional condition deduced from the hadith), justice, knowledge of religion and the ability to govern [11, p. 278; 13, p. 12]. The duties of the caliph included supporting religion, enforcing Sharia laws, ensuring justice and security, collecting zakat and managing state finances, protecting borders and waging jihad against aggressors. Thus, the caliphate was conceived of as a theocratic government, where power is sanctioned by God's law and limited by it. In other words, the caliph (Arabic - "viceroy") is not a sovereign in the secular sense, but a trustee and custodian of the religious and legal system. Classical theory emphasized that the purpose of government is to ensure compliance with Sharia and the well-being of the ummah; the secular functions of government are inseparable from the religious ones.

However, the actual historical evolution of the caliphate led to the emergence of more complex forms of political organization than the early ideals envisaged. Already in the era of the Rightly Guided Caliphs (7th century), the model of collective election of the community leader

was combined with elements of monarchical succession (for example, the appointment of a successor during the caliph's lifetime). During the Umayyad and Abbasid periods, the caliphate evolved into a large empire, and the caliph's single supreme authority became largely nominal in relation to a ramified system of governors and sultans. By the 10th century, actual governance of many provinces had passed to local dynasties, which recognized the caliph's spiritual authority only symbolically. The renowned orientalist V.V. Bartold noted that from the time of the Abbasids, dualism was established: the caliph retained a religious and legitimizing role, while secular power was concentrated in the hands of military rulers – the sultans [1, p. [15-78]. The caliph became a kind of "pope" of the Islamic world, embodying the idea of the unity of the ummah, while the sultans and emirs exercised real dominance at the local level. This diarchy (the dualism of "caliph-sultan") was also reflected in theory: medieval jurists allowed that, in the event of the caliph's weakness or incapacity, his governing functions could be performed by a strong sultan, who received the title of emir al-umara (commander-in-chief). Nevertheless, Sunni doctrine could not completely abandon the idea of a single caliph: the unity of the ummah was considered a religious imperative, and polyarchy an undesirable anomaly [10, pp. 229-231, 234]. Only a few thinkers dared to theorize the possibility of a plurality of states. For example, the Hanbali theologian Ibn Taymiyyah (13th–14th centuries), who lived through the collapse of the caliphate and the Mongol invasion, argued that there was no strict necessity for a single caliph. If Muslim communities were geographically separated, the existence of several rulers simultaneously was permissible [17, p. 12]. He recognized that religion and state should go hand in hand, but he prioritized the principles of Sharia, not a specific form of government. According to Ibn Taymiyyah, it was sufficient for the government to ensure the unity of faith and the observance of Islamic law. At the same time, he placed two main requirements on the ideal ruler: the ability to govern effectively and commitment to religion [8, pp. 343–348]. This point of view, bold for its time, in many ways contradicted the orthodox concept of the caliphate, but anticipated the modern pluralistic approach, which allows for various forms of Islamic government.

Alongside the normative and legal canon of the caliphate theory, a philosophical and political tradition, drawing on ancient philosophy, developed in Muslim thought. Its prominent representative was Abu Nasr al-Farabi (9th-10th centuries), who is called the "second teacher" after Aristotle in the classical Muslim intellectual tradition. In his treatise "Opinions of the Inhabitants of the Virtuous City," al-Farabi outlined the ideal of a perfect society, clearly echoing Plato's utopia. He considered the city-state (al-Madina), analogous to the polis, to be the primary form of a perfect society, and it is the word "city" that he uses as equivalent to the concept of state [3, pp. 243-247]. In al-Farabi's virtuous city, the ruler is a philosopher, possessing perfect wisdom and virtue; in fact, this is the image of a prophet-imam, combining religious guidance with philosophical knowledge. Such a ruler leads society not by force of coercion, but by persuasion and example, guiding citizens toward happiness and perfection. Al-Farabi presents the state as a hierarchically structured organism, similar to a healthy body, in which different groups of people perform "organic" functions for the common good. Al-Farabi's concept synthesized Islamic values with Hellenistic political ethics, according to which the ideal is a just sage on the throne, implementing divine law in the most rational manner. The influence of this philosophical idea is felt in later Muslim thought. For example, Ibn Rushd (Averroes) in the 12th century also discussed the "philosophical imam" [16, p. 4], and in modern times, images of an "Islamic utopia" have inspired reformers. However, for medieval orthodox Islam, philosophical utopias remained a secondary trend, while the theory of the caliphate, more firmly connected with religious practice, was still dominant.

Shiite political and legal thought, which developed along different lines, deserves special mention. Shiites based their thinking on the doctrine of divinely instituted authority—the Imamate. According to the Twelver (Imamite) Shiite doctrine, after the Prophet, the leadership of the ummah was rightfully vested in the imams of the lineage of Ali ibn Abu Talib, endowed

with infallibility (ma'sum) and special knowledge. State power not vested in the legitimate imam was viewed by Shiites as a usurpation, permissible only out of necessity. After the twelfth imam went into hiding (c. 9th century), Shiite theory long recognized any secular governance as merely a temporary surrogate, lacking full legitimacy. Shiite jurists al-Mufid and at-Tusi permitted subjects to obey de facto rulers for the sake of maintaining order, but the ideal was to await the return of the Imam Mahdi, who would restore just divine rule [12, pp. 65–66, 87–88, 152]. Thus, the Shiite concept of authority had a more sacred and messianic character (legitimate authority emanates from God's appointee). This attitude largely predetermined the unique path of Shiite societies. For example, in Iran under the Safavids, secular shahs attempted to rely on the Shiite clergy to sanction their authority, proclaiming themselves the Imam's viceroys. Overall, Shiite political theory did not develop a developed model of a state without an Imam until the 20th century. Only in modern times did Grand Ayatollah Ruhollah Khomeini propose the concept of "velayat-i faqih" (the authority of the Islamic jurist), according to which the highest Shia theologian can fulfill the functions of ruler in the absence of the imam. This idea became a revolutionary innovation, laying the foundation for the Islamic Republic of Iran since 1979, where the spiritual leader (rahbar) – essentially the embodiment of the principle of velayat-i faqih – combines theocratic and governmental authority. It is important to emphasize that although Sunni and Shia thought proceed from different starting points (contractual legitimacy for the former and charismatic succession for the latter), both traditions see the ideal of authority as serving divine law and ensuring public piety. The differences, however, concern rather the question of who has the right to rule: a righteous man elected by the community (Sunnis) or an imam appointed by God from a specific lineage (Shiites)?

The beginning of the 20th century was marked by a crisis in the traditional model of the caliphate and the need to rethink Islamic political theory in the context of the new world order. This crisis culminated in the abolition of the Ottoman Caliphate in 1924, after which the Muslim world was divided into nation-states, often secular in nature. The intellectual reaction to the collapse of the caliphate paradigm resulted in polarized opinions among thinkers of the time. On the one hand, Ali Abdel Raziq, an Egyptian scholar and qadi, argued in his influential book Islam and the Foundations of Governance (1925) that the Prophet Muhammad did not establish a specific political model, and Islam does not require the creation of a theocratic state [19, p. 40]. In his view, the caliphate was a historical phenomenon without mandatory religious sanction; religion is a spiritual matter, and governance should be left to the discretion of reason and human experience. This secularizing interpretation provoked sharp criticism from the ulema. Abdel Raziq was accused of undermining the foundations of Sharia, his book was banned, and he was stripped of his title of Sheikh al-Azhar. In contrast, another prominent figure, Muhammad Rashid Rida, championed the need to revive the caliphate. In his work, "The Caliphate, or the Great Imamate" (1922), Rida acknowledged that the Ottoman model had outlived its usefulness, but he proposed reforming the institution of the caliphate—selecting a new caliph by consensus of leading Muslim peoples and giving him a more spiritual and coordinating function, uniting disparate states [5, p. 189]. Rida's ideas were never implemented, but they formed the basis for the programs of a number of Islamic movements. In 1928, the Muslim Brotherhood emerged in Egypt[1], declaring its goal to be the revival of the Islamic way of life and the construction of a state based on Islamic principles (though without initially directly demanding the restoration of the caliphate). Thus, at the beginning of the 20th century, two lines emerged: the reformist-secular (Abdel Raziq et al.), which accepted the separation of religion and state, and the revivalist-Islamist (Rida, Muslim Brotherhood), which sought to return politics to the mainstream of Sharia, albeit in an updated form.

In the mid-20th century, against the backdrop of decolonization and the crisis of post-war secular regimes, the Islamist movement, an ideology that demands the primacy of Islam in state life, gained momentum. One of the founders of modern political Islam was the Indo-Pakistani

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[1]A terrorist organization banned in Russia.

thinker Abu Ala al-Maududi. He developed the concept of "theo-democracy," according to which sovereignty in the state belongs only to the Almighty, and people exercise power as his viceroys, following divine law [21, p. 24]. In his works, Maududi insisted that legislative power is limited by the Quran and Sunnah, but practical forms of government can include elected institutions and consultations (shura) [18]. Thus, Islamic governance should combine divine guidance with popular participation, without sliding into either a theocratic dictatorship or a liberal secular democracy. Maududi's calls found a response: in the 1940s and 1950s, In Pakistan and a number of other countries, a movement for the Islamization of legislation began, resulting in the enshrining in constitutions of norms stating that no law should contradict the principles of Islam. At the same time, a more radical idea, led by the Egyptian ideologist Sayyid Qutb, was gaining popularity in the Arab world. In his work Milestones (1964), Qutb declared modern secular society a state of jahiliyyah (ignorance, barbarism) and argued that true sovereignty belongs only to Allah (hakimiyyah), and all man-made systems (monarchies, republics, communism, etc.) usurp divine authority [14, p. 123; 20, p. 46]. From this conclusion, Qutb made a radical call: Muslims must create a vanguard that will overthrow wicked governments and establish rule according to Sharia. His ideas inspired generations of Islamists, including extremist organizations. While Maududi allowed for the gradual evolution of the state through reforms and elections, the Qutbist paradigm formed the basis of jihadist movements that justified armed uprisings against "non-Islamic" rulers.

At the same time, not all political Islam was reduced to extremes. Many moderate thinkers attempted to synthesize Islamic values with the institutions of the modern state. On this basis, the concept of "Islamic democracy" emerged, based on the principles of shura (consultation), ijtihad (reasonable interpretation), and the responsibility of rulers to the people, but within the moral and legal constraints of Sharia. For example, the Egyptian theologian Yusuf al-Qaradawi pointed out that Islam does not reject democratic procedures if they do not contradict faith. The election of the head of state, collegiality in decision-making, and respect for rights are fairly consistent with the Islamic principles of justice and consultation [22, pp. 12-24]. He and a number of other modern ulema believe that the form of government (monarchy, republic, federation) is not strictly predetermined by Sharia; it is more important that power be exercised on the basis of Islamic values (justice, service to society, compliance with Sharia norms in the public sphere) [6]. After the fall of the Caliphate, the Muslim world followed the path of nation-states, and most countries adopted constitutions declaring Islam the state religion or source of legislation. This became a compromise, as Sharia law was gradually incorporated into legal systems (especially in the areas of family and inheritance law), while the political form remained largely borrowed from the Western European model of the nation-state [2, pp. 93-95].

It is significant that by the late 20th and early 21st centuries, the idea of a secular state with an Islamic moral foundation, or a theoethical state, gained currency in Islamic discourse. This implies a secular mechanism of governance (institutions of parliament, elections, and separation of powers), but on the condition that Islam serves as the moral and legal guideline for legislation and policy. This formula was promoted, for example, by intellectuals who argued that the goal was not a theocracy of ayatollahs or a medieval-style caliphate, but democratic governance in which laws do not contradict Sharia [9, pp. 223-244]. In particular, in Tunisia and Egypt in 2011-2012, discussions were held about incorporating Sharia norms into the constitution, while recognizing the sovereign power of the people. Essentially, a balance was sought between the supremacy of divine law and popular sovereignty, which remains the subject of lively theological and legal debates to this day. Many theologians have concluded that a combined consideration of these principles is possible through the doctrine of "shura + ijma": decisions are made by elected bodies (shura), but within the framework of consensus (ijma) on fundamental Islamic values that cannot be overturned by a vote. This synthesis confirms the flexibility of Islamic political thought, capable of adapting to the challenges of the times while maintaining a commitment to tradition.

The revival of caliphate ideas in the modern era deserves special attention. Throughout the 20th century, movements calling for the restoration of a unified Islamic caliphate periodically emerged. One of these was the international organization Hizb ut Tahrir [2] (Party of Liberation), founded in 1953 by Taqiyuddin Nabhani. In his works The Constitution of Islam and The System of Islam, Nabhani developed a utopian model of a modern caliphate: a unitary state headed by a caliph elected by Muslims, in which borders between Islamic countries are abolished and all laws are strictly based on Sharia [5, p. 189]. Hizb ut Tahrir does not participate in elections and rejects national governments as illegitimate; its activities, however, are banned or marginalized everywhere, and it has not achieved practical success in recreating the caliphate. A far more dramatic attempt was made by radical jihadists: the terrorist organization Islamic State of Iraq and the Levant (ISIS) [3], having captured significant territories in Syria and Iraq, proclaimed the restoration of the caliphate in June 2014. ISIS leader Abu Bakr al-Baghdadi declared himself Caliph Ibrahim, calling on all Muslims to offer bay'ah to him. However, leading Islamic scholars unanimously rejected ISIS's claims, pointing to gross violations of Sharia law, as a caliphate cannot be established unilaterally by a group of extremists ignoring the opinion of the entire ummah. Yusuf al-Qaradawi and other ulema emphasized that proclaiming a caliphate requires authority granted by the consensus of Muslim peoples, not the seizure of power by force; moreover, ISIS's atrocities and takfiri ideology place the organization outside of Islam. As a result, the ISIS "caliphate" was not recognized and was defeated militarily. This episode, on the one hand, discredited the idea of an immediate restoration of the caliphate by force, and on the other, it raised the question among Muslims: what should be the format of political unity of the ummah in the modern world? Some prominent Islamic thinkers responded that in the 21st century, a realistic form could be a supranational union or confederation of independent Muslim states. Thus, al-Qaradawi noted that the caliphate in our era is a federation or confederation of Muslim countries united by common values, and not necessarily a single state under a single ruler [15]. This approach effectively rethinks the classical utopia of a global caliphate, bringing it into line with modern principles of sovereignty and international relations.

Conclusion. The development of concepts of power and state in Islamic political and legal thought demonstrates the complex interweaving of religious ideals with historical realities. Classical doctrine developed in the Middle Ages and sacralized power, subordinating it to the goals of religion. In the form of the caliphate, it affirmed the principle of the unity of the spiritual and the secular: the ruler is conceived as the guardian of faith and law, and the state as the instrument for establishing divine justice on earth. Even medieval authors compared the ruler to a shepherd responsible for his flock (ummah), emphasizing that on the Day of Judgment, the imam will be required to render a special account for the people entrusted to him. These principles rested on the principle, fundamental to Muslims, that there is no true authority outside the framework of Islam, and the legitimacy of authority is measured by the extent of its service to Allah and the community of believers. The state, in turn, is conceived not as an intrinsic machine of coercion, but as a means of enforcing divine justice.

Modern interpretations retain this axiom, but have undergone significant transformations in the search for answers to the challenges of the new era. Islamic thought in the 20th and 21st centuries, having encountered the ideas of secularism, nationalism, and democracy, developed a wide range of views—from the complete separation of religion and state to demands for the total dominance of Sharia. At the same time, there is a tendency toward a convergence of moderate Islamic positions with the universal principles of the rule of law. Most modern Muslim intellectuals agree with the need for constitutionality, elected government, and respect for human rights, seeking to justify these institutions through the prism of Islam (concepts of shura, social contract, maslahat—the common good, etc.). At the same time, adherence to key traditional principles remains: in an Islamic society, the law must comply with Sharia, and politicians must

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[2] A terrorist organization banned in Russia.
[3] A terrorist organization banned in Russia.

be guided by the moral norms of religion. Authority, in its ideal sense, is still viewed not so much as a privilege as a responsibility to God and others.

The concept of an Islamic state in modern interpretations has become more flexible and pluralistic. While a single caliphate was once the ideal, various models are now accepted, such as an Islamic republic (as in Iran), a constitutional monarchy, a federation of Islamic countries, and so on, provided they implement the fundamental goals of Sharia (the principle of justice, the protection of faith, life, reason, property, and the honor of subjects). Modern Muslim societies, having embraced the institutions of the nation-state, continue to search for the optimal form of realizing these ideals.

The experience of recent decades shows that excessive secularization, ignoring religious sentiments, is just as fraught with conflict as blind adherence to archaic models. In this regard, a monolithic understanding of power has now given way to a dialogue between tradition and modernism, and the success of this dialogue determines whether the Islamic political and legal heritage will become a resource for stability and development or a factor of discord. In any case, Islamic political and legal thought possesses sufficient internal diversity and dynamism to propose modern forms of exercising power without betraying its spiritual foundations.

It should be especially noted that studying the concepts of power and state in Islam is not only a look into the past but also a key to understanding the future of the Muslim world. Academic interest in this topic rightly remains high, as the Islamic understanding of power influences political processes in many regions of the world. Knowledge of classical foundations and modern interpretations helps accurately assess trends in state-building in Muslim countries, predict possible models for the development of Islamic statehood, and identify points of contact between religious and secular approaches in reforming political and legal systems.

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Информация об авторах
Султан Таласович Хапчаев – кандидат юридических наук, начальник кафедры конституционного и гражданского права Ставропольского филиала Краснодарского университета МВД России, hapchaev82@yandex.ru. ResearcherID:OZF-6636-2025.

Александр Григорьевич Масалов - доктор политических наук, профессор, профессор кафедры конституционного и гражданского права Ставропольского филиала Краснодарского университета МВД Росси., masalovag@inbox.ru; Scopus ID: https://orcid.org/0000-0003-2906-34972.

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Information about the authors
Sultan T. Khapchaev – Cand. Sci. (Law), Head of the Department of Constitutional and Civil Law, Stavropol Branch of the Krasnodar University of the Ministry of Internal Affairs of Russia, hapchaev82@yandex.ru.

Aleksandr G. Masalov – Doctor of Political Sciences, Professor, Professor of the Department of Constitutional and Civil Law, Stavropol Branch of the Krasnodar University of the Ministry of Internal Affairs of Russia, masalovag@inbox.ru; Scopus ID: https://orcid.org/0000-0003-2906-34972.

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