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# THE PRINCIPLE OF ROTATION OF POWER IN ISLAMIC JURISPRUDENCE

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## ABSTRACT

This research discusses the principle of rotation of power in Islamic political jurisprudence; it included four sections and a conclusion. The research utilizes the inductive, comparative, analytical, and deductive methodology to elucidate the concept of rotation of power linguistically and terminologically. Moreover, it talks about the Imamate Contract based on the nature of the contract and its condition, and whether it depends on timing or perpetuity. It included the jurists' views and evidence on the issue; in addition to discussions that would lead to the most accurate and appropriate view. The research concentrated on the application of the principle of rotation of power, its effects, the resulting interest, and the averted harms. At the end, the research concluded with a set of results and recommendations. The findings indicate that the principle of rotation of power is compatible with Islamic jurisprudence and does not contradict Sharia principles. The study contributes to contemporary Islamic political thought by providing a jurisprudential foundation for regulated and peaceful transfer of authority.

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**KEYWORDS:** Rotation of power, Islamic political jurisprudence, Imamate contract, perpetuity.

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## 1. INTRODUCTION

Here is the corrected version with the citation preserved:

The concept of peaceful power rotation is a fairly recent phenomenon with regard to the development of political systems, insofar as this principle was not elaborated systematically in classical juridical texts even though it pertains to politics and public welfare. Even though the concept of peaceful power rotation was not formally recognized as a separate concept by classical jurists, its role in controlling power has come into prominence with the emergence of current political realities. The implementation of this concept has resulted in increased public welfare, less political conflict, and minimized losses due to power struggle. Therefore, this research attempts to explore the possibility of incorporating this concept into the system of political jurisprudence of Islam without conflicting with its basic precepts (Abd al-Qader, 1981).

This study seeks to develop a jurisprudential justification for the rule based on the proof of sharia, while simultaneously examining the objections to this proposition and their rationales.

### 1.1 Research Problem

The research attempts to answer the following questions:

1. What is the concept of the rotation of power? What are its implications in the present era?
2. Does Islamic jurisprudence recognize this principle? What is the degree of its legitimacy?
3. What do scholars say about this issue? What is their basis for this?
4. What are the implications of the application of the rotation of power?

### 1.2 Research Importance and Significance

The following points show the significance of the research:

1. It aids in the advancement of Islamic political thinking in dealing with governance issues that arise.
2. It explains the aims of Islamic politics such as justice, freedom from oppression, security, and fight against corruption.
3. It introduces a legal theory which would help minimize political struggles by means of legal process.

Fourth: It enhances the notion of public authority (al-sulta al-'amma) and assists in transferring public authority peacefully within legal bounds.

## 2. LITERATURE REVIEW

### 2.1 Linguistic Definition

#### 2.1.1 Rotation (*Tadawol*) in language

The linguistic root implies change, alternation, and shift from one condition to another (Al-Razi, 1979). The term is mostly employed for change in circumstances, such as alternation in time, circumstances, or power. In this sense, the word is reflected in the following Qur'anic verse, "And these days [of varying conditions] We alternate among the people" (Qur'an 3:140). This verse was interpreted by classical exegetes like Al-Tabari to mean the alternation of victory and defeat between people. Thus, it means that alternation is a universal law set by God in relation to human affairs.

Revealed in the course of wars, the verse sets a rule of alternation for all political and social systems, such as government and power.

#### 2.1.2 Linguistic definition of Power

The word "power" means control and domination. From a linguistic perspective, it means force, coercion, and the ability to influence other people's actions (Ibn Manzur, 1414 AH; Al-Razi, 1979). From a Qur'anic perspective, the word authority is used for governing based on evidences and proof in statements such as divine authority given to prophets.

Therefore, linguistically, the word "power" means the ability to control other people through authority or domination.

### 2.2 Terminological definition of Power

In the context of Islamic jurisprudence, power is understood as the rightful exercise of jurisdiction in an organized manner to control the affairs of society and guarantee communal benefit (Al-Zarqa, 1999; Al-Sudairy, 2004; Othman, 2006).

This implies having the capability to impose binding directives to organize social life and safeguard the interests of the people.

Accordingly, power consists of four essential elements

- **Capability:** the ability to govern and make decisions
- **Binding authority:** enforceable obligation over subjects
- **Enforcement power:** ability to implement decisions lawfully
- **Legitimacy:** authorization derived from the community or its representatives

power that includes these elements together. It can be said that power is: "the legitimate capability to

issue binding decisions and orders that achieve the interests of the group, and to possess the ability to use lawful coercive force to implement its decisions and ensure compliance." The previously mentioned definition includes all of the elements. The definition of power was expressed as the legitimate capability/power. In this context, legitimacy is acquired from the political group (people), or from individuals who are united and bound together by a specific legal and political bond. As stated in some definitions, the definition avoids considering power as a body, entity, or person because the competent person or body exercises power and is not the authority itself. Power is a moral and legal matter; it is granted to a person or body and sometimes taken away according to the law.

The definition also avoids considering power as the same as authority, but rather considers power as one of the requirements and necessities of authority. This means that authority has the right to use power when necessary. It should be noted that power intended to be explained in this research is the permanent, sovereign, general legitimate power, which is one of the pillars of the state, whose legitimacy is derived from its people, and seeks to achieve their interests, manage their affairs, preserve their rights, and protect their freedoms.

After clarifying the meaning of power and rotation, it would be easy to shed light on the concept of the principle of "rotation of power" as follows:

"It is the peaceful rotation of capability and legitimate power in managing the affairs of the state from one person to another or from one body to another in accordance with the requirements of the constitution and the law."

The intended meaning of the rotation of power is the peaceful transfer that takes place through voluntary relinquishment of authority and the process of handing over in accordance with the requirements of the constitution and the applicable laws that regulate this issue, far from oppression, coercion, and the use of physical force, and far from all paths of violence, bloodshed, and incitement of sedition.

The power intended by rotation is the supreme authority that possesses sovereignty and the right to manage the state's public affairs in all its fields, and which has the exclusive legitimacy to issue binding decisions and orders without competition, in addition to the right to use force in accordance with the law

### **2.3 The Concept of Power in Islamic Jurisprudence**

This section discusses the concept of power in Islam in terms of: the person with authority (the head

of state), methods of appointing the head of state, and the preferred method agreed upon by most Islamic sects.

#### **2.3.1 The Head of State as the Embodiment of Legitimate Power**

In Islamic political theory, the state is composed of three essential elements: people, territory, and authority. The existence of authority is a defining condition for the existence of the state.

The first Islamic political model was established in Medina following the migration of the Prophet Muhammad, as documented in early biographical sources (Ibn Hisham, n.d.). In the model, the role of political and religious authorities is combined in the prophetic leadership, where he held complete executive, judicial, and administrative powers in line with divine revelations.

Upon the death of the Prophet, the new system of caliphate through consultation became the model for choosing leaders, and Abu Bakr Al-Siddique became the first Caliph by general consensus. The titles given to the leader include 'Commander of the Faithful' and then 'Imam', terms all of which have been used in the juristic sense to refer to the head of state in the Islamic system.

It is clear from these facts that the concept of authority in the Islamic system involves the idea of an authority vested in the public interest by the consent of the community. The legitimacy of political authority thus lies in the process of appointment, which will be examined in the next section.

#### **2.4 Methods of appointing head of state**

This section discusses the most imperative methods considered in Islamic jurisprudence in granting supreme power to those who exercise it rightfully and through which the head of power gains legitimacy for his actions over the subjects.

##### **2.4.1 The method of choosing the head of state by the nation is an established principle in Islamic jurisprudence.**

This principle is widely accepted in Islamic thought schools, scholars, and jurists, except for the Imami Shia sect (Sobhi, 1991, p. 79). The jurists have clearly confirmed this standpoint. According to Al-Juwayni, the Imamate is founded upon either nomination or the choice of the people of power, which is a prevalent view of political legitimacy from a jurisprudential perspective among the Ummah (Al-Juwayni, 1401 AH, p. 54). This perspective is also corroborated in his general jurisprudential reasoning, where he states that the Imamate is based on one of these two factors.

Abu Ya'la al-Farra' has noted that "Imam means the one whom the people of al-ahl wa al-'aqd agree on." (Al-Farra', 2000, p. 23) This opinion finds wide acceptance among the juristic writings, and there is general agreement regarding the legality of appointment, with the dispute confined mostly to procedure.

According to al-Baqillani, the establishment of the Imam can only be done via a contract between qualified representatives from the Muslim community since there is no other way other than textual appointment and election, and in case of invalidity in the former, then the latter takes place (al-Baqillani, 1987, p. 467).

Evidence for the validity of selection:

#### 2.4.1.1 *The Qur'an*

Allah says: "And their affairs are conducted by consultation among themselves" (Qur'an 42:38). This verse establishes consultation as a governing principle in collective decision-making. Classical exegetes explain that major public matters, including leadership, fall under this principle (Ibn Kathir, 1419 AH, vol. 7, p. 193).

#### 2.4.1.2 *Consensus (Ijma')*

Al-Juwayni and other scholars report a consensus among Sunni scholars, the Mu'tazila, the Najjariyah, and the Khawarij regarding the legitimacy of selection, while noting disagreement from the Imami Shiite position, which is based on textual designation (Sobhi, 1991, p. 79).

#### 2.4.1.3 *Practice of the Companions*

Following the death of the Prophet Muhammad (PBUH), the Companions gathered in Saqifah Bani Sa'idah and engaged in consultation regarding succession. As a result, the election and pledging of allegiance to Abu Bakr Al-Siddiq as the first Caliph took place (Al-Hadith Publishing House, 2004, hadith no. 3668).

Such an approach provides empirical proof of the legitimacy of the selection method for choosing the Imam, since the Companions were the most competent in implementing the rules of the Scripture.

Accordingly, selection remains the foundational method of appointing the Imam. Other methods mentioned in juristic discourse are treated as contextual exceptions arising from historical circumstances rather than foundational principles of governance.

#### 2.4.2 *Covenant and succession*

When scholars adopted the method of selection for appointing the head of state, other approaches emerged in practice due to political realities, and

these became subjects of juristic analysis and fatwa, including the method of covenant and succession. The term covenant is derived from a root meaning recommendation, pledge, agreement, and commitment, and it refers to what a ruler designates for governance responsibilities (Ibn Manzur, 1414 AH, p. 209). Technically, it refers to a situation in which a ruling Imam designates a specific person during his lifetime to assume leadership after his death (Rida, n.d., p. 41). Scholars from various Islamic schools have considered succession through covenant a valid method of appointing the Imam, and some have even reported consensus on its permissibility (Al-Mawardi, n.d., p. 30; Al-Juwayni, 1401 AH, p. 134; Al-Baqillani, 1987, p. 503; Al-Qalqashandi, n.d., vol. 1, p. 48). However, this permissibility is conditional and not absolute, as it requires that the Imam must have a valid and established imamate based on legitimate conditions, that the successor must meet all qualifications of leadership and be the most suitable for public administration, that the aim of succession must be public interest rather than personal or familial benefit, that kinship preference must be excluded to prevent bias and conflict of interest, and that succession must be conducted with consultation and approval of the people of authority. It should be noted that, in practice, these conditions were often not fully observed, leading to deviations from the juristic framework

#### *Evidence for Covenant and Succession*

##### *First: Practice of the Companions*

Proponents rely on the practice of the Companions as evidence, including Abu Bakr's designation of Umar and Umar's designation of a consultative council of six Companions. Reports indicate that Abu Bakr consulted leading Companions before making his (Al-Suyuti, 2004, p. 82; Al-Qalqashandi, n.d., p. 69), while Al-Bukhari reports that Umar acknowledged the precedent of both Abu Bakr and the Prophet in leaving matters of succession in structured forms of delegation (Al-Hadith Publishing House, 2004, hadith no. 7218). Jurists argue that these practices demonstrate recognition of succession mechanisms conducted through consultation and collective agreement (Al-Mawardi, n.d., p. 25; Al-Juwayni, 1401 AH, p. 134). In addition, some scholars have transmitted consensus on the validity of succession through covenant (Ibn Jama'ah, 1988, p. 53; Ibn Khaldun, n.d., p. 262; Al-Juwayni, 1401 AH, p. 134., p. 399; Ibn Hajar al-Asqalani, n.d., vol. 13, p. 208), based on the acceptance of early caliphal practice. Furthermore, the rationale of public interest

supports this method, as it seeks to prevent disputes over leadership and avoid the political vacuum that may arise after the death of the ruler, which could otherwise lead to instability or chaos.

### ***Criticism of Covenant and Succession***

Accordingly, the doctrine of consultation of the Qur'an dictates that any issue pertaining to matters of the public has to be decided by consulting all involved parties, and having succession concentrated on a particular person could be against this basic doctrine of Islam. Likewise, the practice of the prophet Muhammad also justifies this claim; the prophet did not assign anyone his successor despite its critical nature, which proves that he believed in consultation instead of assignment for such an issue. It should be noted that Abu Bakr assigned Umar as his successor after consultations with some senior companions of the prophet (Ibn Taymiyyah, 1986, vol. 1, p. 530).

This is also evidenced by historical events as what was practiced during the Umayyad and Abbasid eras resulted in inheritance of rule and political monopoly, which violates the concept of consultation (Ibn Khaldun, n.d., p. 264). While succession may be based on the fear of causing chaos, this problem could be solved by appointing a deputy who will take charge of things until a successor is found. Additionally, political power in Islamic law belongs to the people because the imam represents the people in applying Sharia laws, conducting public affairs, and realizing mutual benefits, hence making it impossible to convert public power into personal ownership. This is because political power in Islam is a public right, not the personal privilege of the head of state that he or she is free to dispose of by appointing someone to succeed him or her; such succession is invalid because it involves the abuse of public property without proper delegation.

### ***2.4.3 Seizing power by force and coercion (Rida, n.d., p. 43).***

Jurists presented another way to reach power. It has imposed itself on political reality in both the ancient and modern Islamic world. The dominant ruler became the holder of authority without the will of the nation or its representatives, and without considering the validity of this behavior from the jurisprudential or legal perspective. However, jurists were forced to consider this behavior (Ibn Hajar al-Asqalani, n.d., vol. 13, p. 7) and they had to issue a fatwa on the extent of the legitimacy of this method of reaching power. This raises questions about the obligation to obey this ruler and whether disobedience is sinful or not.

### ***What is meant by this method?***

It is the process whereby an individual seizes power by taking it from the existing authority, overcoming it through force with the support of his group. This occurs without consultation and without legitimate designation or succession by the existing Imam. This is similar to what happened when the Abbasids seized the caliphate from the Umayyads by force. They took control of authority, removed the Umayyads from power, and killed those who opposed them. Similar internal conflicts occurred during Abbasid rule, such as Al-Ma'mun's conflict with Al-Amin.

### ***Jurists' Opinion on Seizure of Power by Force***

Many jurists stated that authority established by force may be recognized in practice, and they issued fatwas regarding obedience to such rulers if they are able to maintain control and establish stability. This opinion is attributed to the majority, and Imam Ahmad is cited among those who held it. Judge Abu Ya'la states: "The imamate is established by force and conquest and does not require a contract..." (Al-Mawardi, n.d., p. 23). The Imam of Al-Haramayn from the Shafi'i school states that if the one who takes power is qualified for the imamate and no other legitimate imam exists, then his authority may be recognized under certain conditions (Al-Juwayni, 1401 AH, vol. 1, p. 317):

- The person must be qualified for the imamate
- No independent legitimate imam exists
- Stability is achieved after his control

Al-Ghazali considers coercive rule permissible under necessity, similar to other exceptional legal situations (Al-Ghazali, n.d., p. 120), and Hanafi jurists likewise recognize the authority of a dominant ruler on the basis of necessity (Ibn Abidin, 1992, p. 549). These positions imply that coercion in governance was seen as an exceptional case based on necessity and stability. Nonetheless, taking power by force amounts to violating the rights of the public for the state, which is not a permissible way of obtaining political power under Islamic law. It also contradicts the Qur'anic principle of consultation, which establishes that public affairs must be conducted through mutual deliberation, while the practice of the Companions demonstrates that authority was historically established through consultation and consensus, as seen in Saqifah and subsequent pledges of allegiance. Accordingly, coercive seizure of power contradicts the principle of shura and the established jurisprudential foundations of legitimate authority, and the correct method remains selection through consultation and pledge of allegiance.

## 2.5 The concept of the pledge contract, its conditions and legal classification

This research is conducted after adopting the principle of selection as a correct way to appoint the Imam where the pledge expresses the correctness of the choice. This research consists of several topics that address: the concept of allegiance in language and terminology, its divisions and conditions, the adaptation of the allegiance contract from a jurisprudential perspective, and its acceptance of timing.

### 2.5.1 Definition of pledge in language and terminology. First: The pledge in language.

The pledge (Bay'a) is derived from the trilateral verb "ba'a," which is associated with meanings such as sale, transaction, and exchange of goods or money. It was termed "sale" because it was confirmed and formalized between two parties through the act of placing hands together, serving as a metaphor for agreement. The pledge is also performed through a handshake, symbolizing mutual consent, and thus Bay'a and Mubaya'a denote a treaty or contractual agreement. The term allegiance is defined as an act of pledging loyalty and committing to a particular entity or cause (Ibn Manzur, 1414 AH, p. 209).

In terms of terminology, the notion of pledge has been used in multiple instances in the Sunnah. One example is the Pledge of Aqaba made by the Prophet Muhammad (PBUH) with the Aws and Khazraj tribes that resulted in his relocation from Mecca to Medina. Similarly, the Pledge of Ridwan at Al-Hudaybiyyah involved the Companions pledging allegiance to the Prophet in a commitment to confront the Quraysh. This meaning is further affirmed in the Qur'anic verse: "Certainly was Allah pleased with the believers when they pledged allegiance to you, [O Muhammad], under the tree" (Qur'an, 48:18).

We notice that "bay'ah" was used in the Qur'an and Sunnah to mean a collective pledge and agreement on public matters such as fighting or support. In this context, we refer specifically to the pledge to the Imamate or the presidency of the state. If used generally, the term refers specifically to the pledge to the Imam, which is the focus of this discussion. Ibn Khaldun says: "Know that the pledge of allegiance is a covenant of obedience." He also says: "When they pledged allegiance to the Emir, they would place their hands in his hand to confirm the covenant" (Ibn Khaldun, n.d., p. 209).

Al-Qalqashandi said: It is when the people of authority gather and appoint the Imamate to whoever meets its conditions (Al-Qalqashandi, n.d., vol. 1, p. 39). Some selected texts describe the pledge, such as:

- (We pledge to listen and obey you in good and bad times, and not to dispute authority.)
- (I acknowledge that I will listen and obey according to the Sunnah, as much as I am able.)

In its essence, the pledge is a contract between two parties. It imposes mutual rights and duties: the nation or its representative on one side, and the person nominated as Imam on the other. The contract assigns the responsibility of governing the state, managing its affairs, and achieving public interests according to Sharia principles. Therefore, it is a contract similar to other contracts in Islamic jurisprudence with its pillars, conditions, and effects, as reflected in broader juristic treatments of governance and legal maxims (Ibn al-Azraq, n.d.). It can be defined as: (The pledge is a contract of consent between the nation or its representative and the candidate for the Imamate. The candidate becomes Imam and must be obeyed in all matters except disobedience. The Imam is a representative of the nation in achieving its general interests. This definition has several implications, including:

- The pledge is a contract between two parties ((Al-Juwayni, 1401 AH, vol. 1, p. 55), governed by general contract theory. Accordingly, the Imam acquires legitimacy from the pledge (Al-Juwayni, 1401 AH, vol. 1, p. 55), and without it he is not recognized as Imam nor does he acquire legitimate authority in Islamic jurisprudence.
- This contract is invalid without consent and free will, and any coercion or intimidation invalidates it, as occurred in some historical cases.
- The pledge is a distinct contract with its own form and effects related to appointing the Imam and assigning supreme authority. It is comparable to an agency or delegation contract for clarification.
- Through the pledge, the Imam acquires the right to be obeyed, as well as support, advice, and consultation, provided that the pledge is valid and legitimate according to Sharia.
- The nation has the right to choose and appoint the ruler, monitor and evaluate him, enjoin good and forbid evil, and remove him when necessary.
- The contract obligates the ruler to implement Sharia, manage public affairs, protect rights, safeguard freedoms, and ensure justice and security among people

### 2.5.2 Adaptation of Pledge Contract

In this section, we aim to explain the nature of the pledge contract and its importance from two aspects, the first of which concerns its purpose, intent, and legal effects, raising the question of whether the pledge contract creates authority or merely manifests

it. There is a significant difference between these two positions, as considering the pledge to be the origin of authority implies that it is the mechanism through which the Imamate is assigned to the Imam, and through it alone he acquires legitimate authority. In contrast, viewing it as a manifestation of authority implies that the Imam had already acquired legitimacy prior to the pledge, and that the pledge serves merely as a formal declaration or public announcement of an already established authority (Al-Juwayni, 1401 AH, vol. 1, p. 55). In this context, Al-Juwayni addresses the legal classification of the pledge contract, which can be understood through two principal perspectives (Al-Juwayni, 1401 AH, vol. 1, p. 55). First position The pledge is a commitment of allegiance; it is a statement of acceptance of authority. Therefore, the pledge does not create an existing authority (i.e., caliph), but merely acknowledges an already existing authority, hence the pledge reduces to nothing more than a formal expression. Second position The pledge creates authority. Thus, the pledge is made by the people of authority, or by the general population, and thereby gives legitimacy to the Imam and obligates them to be obedient to the Imam and to recognize his authority.

It can also be demonstrated from an analysis of early juristic writings that the pledge was considered a legally-binding contract and not simply a formal gesture. Further, based on the evidence presented below, it appears that the pledge creates authority. The evidence for this includes three items. Firstly, Islamic law focuses on the substantive impact of contracts and agreements, and rejects those that are merely formal expressions without any real-world ramifications. It follows logically then, that if the pledge has no real-world ramifications, it is not truly a legally-binding contract. Secondly, there are historical examples of pledges being treated as binding agreements by the Prophet. Specifically, during the Pledge of Aqaba, the Prophet viewed the pledge as having created a legally-binding obligation. Without the creation of such obligations, events like the Prophet's migration to Medina would never have occurred. Thirdly, some of the most important jurists have reinforced this understanding of how the pledge creates authority. For example, Al-Ghazali states that an Imamate is recognized by authority, and that all authority derives its power from the pledge (Al-Ghazali, n.d., p. 173), while Ibn Taymiyyah affirms that the Imamate is not valid until accepted by those possessing authority, and that obedience follows legitimate recognition (Ibn Taymiyyah, 1986, vol. 1, p. 527). Fourthly, reason also

justifies this position since, if the pledge does represent a valid consent (and it would lose its contractual nature and legally binding force) due to lack of constitutive function, it is apparent that there exists a contract with an authority.

Considering the temporal aspect of a contract, which is one of the most important issues addressed by this study, another question comes into play. Is the pledge able to have an expiration date? Does stating a specific period of time for the pledge affect its validity?

Accordingly, specifying a term does not invalidate the pledge contract, contradict its requirements, or undermine its legal effects. This supports the conclusion that the pledge may be limited in duration, thereby providing a jurisprudential foundation for the principle of the peaceful rotation of power.

### 3. RESEARCH METHODOLOGY

The study utilizes the inductive, analytical and deductive methodology. The meaning and concept of the rotation of power. This study will illustrate the meaning of the rotation of power linguistically and terminologically. Then, the meaning of "the rotation of power" as a compound term will be further explained.

### 4. RESULTS AND DISCUSSION

As seen earlier, the supreme authority in Islamic jurisprudence is in the hands of the head of state (the *Imam* or Caliph). The method of appointing the head of state agreed upon by the majority of scholars is represented by selection through the pledge, and that power is a general right of the nation. The *Imam* is the representative of the nation and its agent in implementing the speech of the Noble Lawgiver addressed to it in general. Now, we must address the issue of the transfer of power, and the view of Islamic jurisprudence. We will discuss the peaceful transfer of power from two aspects: from the aspect of the general legal rules and evidence that support the validity of the approval of the peaceful transfer of power. The second aspect tackles the objections that stand in the way of approving the peaceful transfer of power in Islamic jurisprudence.

#### 4.1 General rules and evidence that support the validity of the peaceful transfer of power in Islamic political system.

##### 4.1.1 Rotation/alternation is a universal law.

This is taken from the Allah's words: *And these days [of varying conditions] We alternate among the people. Al-Imran: 140*. This verse was revealed on the occasion

of the Battle of *Uhud*, in which the Muslims were afflicted. It came to ease Muslims' suffering by reminding them of the law of alternation in life. Muslims must accustom themselves to a firm rule in life that is subject to change and transition from one state to another. Therefore, the believers' knowledge that this is a divine law reduces their sadness and makes them more open to accepting the vicissitudes of life and the changing vicissitudes of time (Ibn Kathir, 1419 AH, vol. 7, p. 193).

Although the verse talks about the subject of wars and battles and the alternation of victory and defeat, it is not far from our topic. The verse speaks about a general law related to all the dimensions and areas of life. Life is not monotonous and unchanging, if it were, it would be corrupt and rotten. Life is based on movement, activity, renewed effectiveness, and the constant and continuous change of faces, generations, and balances of power. This is most clearly evident in the field of politics and state administration, as the state (*Dawla*) derives its name from the meaning of alternation (*Tadawol*), i.e. the transfer of power from one person to another and from one class to another. Therefore, we need to believe in it and prepare for it in advance. This means that we must facilitate the process of rotation of power from one imam to another with ease and simplicity through approved legislation that regulates the process of peaceful transfer of power before it is imposed on us through coercion, violence, revolutions and bloodshed.

#### 4.1.2 *The contractual nature of the pledge*

According to its legal adaptation among jurists, the pledge contract is similar to the contract of delegation or agency/mandate. This means that after the pledge is made to the Imam, he becomes a representative/delegate (Al-Juwayni, 1401 AH, vol. 1, p. 55) of the nation and its agent in implementing the speech of the Lawgiver directed to all those charged with the responsibility in general; such as establishing the limits, enforcing jihad and fighting, defending the land of the state, protecting rights and freedoms, resolving disputes, establishing justice among the people, and other things (Al-Farra', 2000, p. 27).

Other aspects of the nature of the contract: It is a contract that accepts a term for the presidency of the state for a specific period of time, and it is not an eternal contract. Timing does not invalidate it, spoil it, or deviate from its objectives.

There is no legal prohibition against determining the term of the presidency of the state because the pledge is a contract between the candidate for the presidency of the state and the elected representatives of the nation, whom the jurists have

called the people of authority. If we know that the contract is the law of the contracting parties, then their agreement to entrust authority to the Imam for a period of four or five years is a complete and valid. Then, we will have made the process of transferring power take place through the end of the presidential term specified by the constitution or binding law easily and accessibly by establishing it in the minds, hearts and consciences of the people; through sound jurisprudential legislation based on the rules of Sharia in an authentic manner free from doubt (Al-Zarqa, 1999).

#### 4.1.3 *The rule of public interest (Right)*

Based on the agreement of the majority of scholars, jurists, and imams of the sects, power in the Islamic political system is a public right - with the exception of the Imami Shiites. This means that Allah did not give power after the Prophet, to anyone in particular, nor to a group of people, nor to a tribe, nor to a race. This is what all the Companions agreed upon after the death of the Prophet (PBUH), and none of them deviated from them. Moreover, it is not reasonable and logical that all the companions would conspire to conceal any of this (Al-Juwayni, 1401 AH, vol. 1, p. 28; Ibn Taymiyyah, 1986, vol. 1, p. 527).

The agreement that power is the right of the nation makes us stand on the requirements of this statement. No one may exercise power except with the permission of the nation or its representative, and that public rights do not become private rights after the pledge. The nation or its representative are the ones legally entrusted with granting power to one of them who has met its conditions (Al-Juwayni, 1401 AH, vol. 1, p. 27; Ibn Jama'ah, 1988, p. 56).

They are the ones who have the power to establish legislation that guarantees its transfer from one Imam to another in a clear, peaceful manner that prevents it from being monopolized by anyone other than the nation and its representatives. They are responsible for protecting this matter from robbery and usurpation. The nation has the right to decide on the principle of transfer of power through binding legislation derived from Sharia and based on its general rules that protect the nation from fighting and chaos.

#### 4.1.4 *The rule of interest*

The public interest in determining the term of the presidency of the state appears in several aspects:

1. Determining the term regulates the competition for power in a solid legislative manner, and reduces the motives for conflict and dispute that have appeared throughout history which included the form of force and the use of violence

in the shadow of the eternal monopoly of power. If everyone knows it is for a specific period and then the matter of power is transferred, the possibility of conflict will be eliminated and the matter will be decided.

2. Specifying the term gives voters the opportunity to evaluate and re-evaluate to judge the competence of those who assumed power during these years; in terms of their ability to achieve the interests of the nation, their ability to fulfil what they promised the people, and their ability to manage and administer various affairs. Accordingly, the candidate can be returned to power for another term, or can be replaced by another.
3. Specifying the term of the presidency obliges the person in charge to exert the best efforts to carry out the duties in the best possible way, so that he is not punished by replacement in the event of negligence. The competition for power becomes through the criteria of competence, strength, honesty, and the ability to develop, improve, and achieve accomplishments for the state, and not through reliance on the clique and clan and the use of armed force.

Practical reality has proven the correctness of this approach, as experiments that adopt the principle of the rotation of power within specific time periods for assuming power have proven that it has brought about progress and prosperity in those societies, and greater respect for human dignity and basic rights. It has proven that this system is more transparent, fair, and free from financial and administrative corruption and personal monopolization of power.

## 4.2 The objections of opponents

The opponents who consider it impermissible rely on several arguments that require critical examination, the most important of which are the following (Musa, n.d., p. 146; Al-Juwayni, 1401 AH, p. 134).

### 4.2.1 Argument from Companions' practice

The opponents clung to the evidence of the Companions' actions and the way they concluded the pledge, as they did not specify a time limit for the duration of the imamate. They would pledge allegiance to him absolutely, without any specific timing, and the pledge to the imams would end with death. This is what happened with *Abu Bakr, Omar, Othman, Ali*, and all of the caliphs who followed them. The Companions' approval reaches the level of consensus, and therefore the statement of specifying a period for the Imamate is a matter that contradicts what the Companions were upon.

*This argument can be discussed from two aspects:*

**First Aspect:** It is known that the pledge during the time of the Companions was completed without a term, and any specific period. This is a clue to the validity of the pledge without a specific duration or term. If they call this consensus, then it is a consensus on the permissibility of the pledge without a specific time limit. However, it is not correct to use this as evidence of the invalidity of the term, and it is not accurate to consider this a consensus on the prohibition of setting a specific term for the presidency of the state.

**Second Aspect:** The proponents of the permission of the principle of peaceful transfer of power do not say that it is obligatory, but rather that it is permissible, or recommended to achieve the greater interest. This means that specifying a term in the pledge to the Imam does not contradict the actions of the Companions nor does it oppose them in any way, because that does not remove the contract from the authority of the nation or whoever represents it, and it does not leave the circle of obligatory consultation. It did not go beyond the scope of the obligatory consultation, but rather some improvements were introduced to the contract through a specific period of time required by the public interest.

### 4.2.2 Claim of foreign origin

The claim that the principle of the rotation of power is alien to the Islamic approach to governance and it has no origin in Islamic heritage. This is the result of the Western culture and the product of the Western experience in governance, politics, and state administration. There are several comments and observations on this statement, the most important of which are:

**First observation:** This statement is not evidence, as it does not indicate denial, prohibition, or dislike. There is nothing that prevents adopting the principle of the rotation of power if this description is correct. If it contradicts a correct text or conflicts with a legal rule, then it shall be considered prohibited.

**Second Observation:** This principle can be adopted if it does not contradict with the rules of *Sharia*, regardless of the culture or environment that produced it. This is considered a wisdom based on the hadith: "A wise word is the lost property of the believer, so wherever he finds it, he has more right to it (Al-Hadith Publishing House, 2004, hadith no. 2687).

## 5. CONCLUSION AND RECOMMENDATIONS

### 5.1 Key Findings

The most important results of the research can be summarized as follows: The principle of the rotation

of power refers to the peaceful transfer of supreme authority in the state from one person or group to another in accordance with constitutional and legal frameworks. Power in Islamic jurisprudence is a general right of the nation, exercised by the head of state on its behalf and with its authorization. Selection and pledge constitute the agreed-upon methods across Islamic sects for appointing the head of state, with the exception of the Imami Shiite position. Although there are certain rare situations where jurists may permit forms such as covenant, inheritance or acquisition through military power, none of them will be considered as a fundamental basis for rule in Islam. A pledge in Islamic law is an enforceable contract establishing authority and granting legitimacy to the ruler rather than a mere ceremonial act without legal effect.

Furthermore, the pledge contract accepts temporal limitation, and specifying a fixed term does not invalidate it nor contradict its legal requirements. Accordingly, the principle of peaceful rotation of power is consistent with the rules and objectives of Islamic law, particularly in achieving public interest and ensuring political stability.

## 5.2 Recommendations

*The researcher recommends the following:*

- It is important to draw the researchers' attention to the maturation of the theory of governance in

Islam so that it would be able to absorb the experiences and expertise of humanity in the field of reaching power and transferring it in a peaceful manner.

- It is necessary to prepare scientific research and studies related to consolidating the foundation of authority for the nation and purifying Islamic jurisprudence from the doubts that have raised doubts in the generations about the suitability of the political theory of Islam in governing and managing the state.

## Conflict of Interest

The author has no conflict of interest to be declared.

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