

Model of Islamic Governance and Judicial Independence: A Study of the Separation of Powers in the Era of Khulafaur Rasyidin

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Abstract. The separation of powers is a fundamental principle for ensuring justice and preventing the abuse of authority within a governance system. In the context of Islamic history, particularly during the *Rashidun Caliphate*, the need to distinguish between executive and judicial authority emerged as essential to uphold legal integrity and the rule of justice. This study aims to analyze the early development (*embryo*) of the separation of powers during the *Rashidun* era, identify the socio-historical factors that influenced it, and evaluate its impact on the effectiveness and integrity of the Islamic judicial system. This research employs a socio-historical approach, utilizing content analysis of classical Islamic texts and historical documents, as well as historical comparison of governance practices of the period. The findings indicate that the institutionalization of judicial independence began under the leadership of Caliph *Umar ibn al-Khattab* through the appointment of independent *qadis*, provision of stable salaries, and the establishment of judicial oversight mechanisms. Factors such as urbanization, territorial expansion, increasing societal complexity, and the need for administrative efficiency were central to these reforms. The study concludes that the separation of powers in the *Rashidun* era was not only a pragmatic solution to governance challenges but also a reflection of core Islamic principles of justice. This historical model offers a valuable precedent for strengthening judicial independence and ethical governance, and remains relevant as a reference for contemporary judicial reform in Muslim-majority societies.

Keywords: separation of powers, Rashidun Caliphate, judicial independence

INTRODUCTION

The era of Khulafaur Rashid refers to the period that lasted immediately after the death of the Prophet Muhammad in 632 AD, when the leadership of the Muslims was continued by his four closest companions: Abu Bakr ash-Siddiq, Umar ibn Khattab, Uthman ibn Affan, and Ali ibn Abi Talib. This period lasted until 661 AD and was considered by the majority of Sunni Muslims to be a period of a *righteous* (rightly led) caliphate, as well as an ideal model of Islamic governance, justice, and leadership (Muhlis, 2020; Taagepera, 1997).

After the death of the Prophet Muhammad, the Muslim community faced a leadership vacuum because the Prophet did not leave explicit instructions on who his successor would be. The process of electing caliphs at this time involved a mechanism of deliberation (*shura*) among the Companions, and in some cases through direct appointment. This early form of government was characterized by its consultative and participatory nature, emphasizing consensus and broad community involvement.

Each caliph brought a distinctive style of leadership: Abu Bakr ash-Siddiq maintained the stability and unity of the ummah during the Ridda War, and succeeded in consolidating the fledgling Islamic state. Umar ibn Khattab expanded the territory of Islamic rule and laid the foundations of administrative and legal structures, such as the establishment of the Diwan (state bureau) and the establishment of the Hijri calendar. Uthman ibn Affan led the codification of the Qur'an into a single standard mushaf, although the end of his reign was marked by internal turmoil. Ali ibn Abi Talib faced major civil conflicts, including the First Fitnah, but is remembered for his commitment to justice and equality.

The era of Khulafaur Rashid stands out for its fundamental contributions to the Islamic system of government, including Justice and Social Welfare: The caliphs placed justice, social

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welfare, and the equitable distribution of wealth as top priorities. The principles of deliberation (*shura*), consensus (*ijma'*), and accountability are upheld in government practice (Setiyowati et al., 2021). Umar ibn Khattab specifically carried out administrative reforms such as the establishment of a *Diwan* to manage the finances of the state and the military, as well as granting religious and cultural autonomy to the conquered people (Shabana et al., n.d.). State resources are managed through institutions such as *the Baitul Mal* (public treasury), to ensure equitable distribution and support for the poor, widows, and orphans.

Under the leadership of Khulafaur Rashidin, the Islamic state flourished, covering vast areas in the Middle East, North Africa, and parts of Asia. This expansion brought diverse societies into the Islamic environment, thus demanding the development of an educational and administrative system to integrate new areas.

Education developed significantly in this period with a holistic approach that combined religious science and secular science. The curriculum includes theology (*kalam*), Qur'anic interpretation, jurisprudence, mathematics, astronomy, and Arabic literature. Mosques served as centers of learning, and the Prophet's companions played an important role as educators and scholars.

The educational model currently emphasizes comprehensive learning which integrates religious knowledge and science and culture. Second, it focuses on moral development, justice, and the example of the Prophet's morals and the practical application of leaders and educators as role models by applying Islamic values in governance and social life (Muhlis, 2020).

The era of Khulafaur Rasyidin is considered a golden age in Islamic government because of its consistency in applying the principles of justice, deliberation, and accountability. This period sets a sustainable precedent in terms of: Democratic Leadership, i.e. emphasis on deliberation and consensus in decision-making. Implementing the rule of law: Ethical and fair implementation of Islamic law. Social Justice is a commitment to welfare and equal treatment for all levels of society, regardless of religion or ethnicity (Masrifatin, 2018).

After this period, the Islamic system of government shifted to a form of dynastic caliphate under the rule of the Umayyads, which marked the end of the consultative leadership model exemplified by the Rashid Khulafaur (Mulyani & al., 2023; Shabana et al., n.d.; Sowerwine, 2010). The legacy of the Khulafaur Rashidin era remains an ideal benchmark in Islamic leadership and governance. The principles of justice, deliberation, and comprehensive education continue to inspire Muslim society today. Achievements in the field of administration, expansion, and intellectual development at that time became the foundation for the progress of Islamic civilization in the following centuries.

Throughout history, the concentration of power in one authority has often led to abuse of authority, inefficiency, and weak accountability. In the context of Islamic rule, especially during the time of the Rashid Khulafaur, the main challenge was to prevent the executive power—represented by the caliph and his officials—from dominating the judicial process. The need for a clear separation of executive and judicial authority is urgent in order to ensure fairness, maintain the integrity of the legal process, and ensure that leaders are subject to the law, not above it. This separation is crucial in preventing arbitrary government and in upholding the rule of law in a society.

This study aims to analyze the early development (embryo) of the concept of separation of powers in the era of Khulafaur Rasyidin and assess its impact on the governance of judicial institutions. This study will explore how the separation between executive and judicial functions began to take shape, the social and historical factors that influenced the process, and the subsequent impact on the efficiency and integrity of the justice system.

The research questions asked include: how the separation of powers began to emerge in the era of Khulafaur Rashidin, what are the socio-historical factors that affect the separation, and what is its impact on the efficiency and integrity of the judicial system. Understanding the embryo of the

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separation of powers in the era of Khulafaur Rashid has great relevance to judicial reform today. This historical model shows that effective governance and the protection of citizens' rights depend on a firm separation between executive and judicial functions. This separation is the foundation for the upholding of the rule of law, the prevention of abuse of power, and the growth of public trust in the justice system. Judicial reform efforts in contemporary Muslim countries can draw important lessons from the Khulafaur Rashidin model, particularly in terms of strengthening the independence and accountability of the judiciary. The Khulafaur Rasyidin era provides a basic example of how the separation of powers between the executive and the judiciary can improve justice, efficiency, and integrity in governance, principles that remain relevant and crucial for judicial reform in the modern era.

Past studies have addressed governance in the early caliphate era (Muhlis, 2020; Mulyani et al., 2023) and the socio-political contributions of individual caliphs (Setiyowati et al., 2021; Arif, 2021). Others, such as ur Rehman et al. (2013) and Hosen (2019), explored the principle of judicial independence in Islamic thought. However, these works often focus on general governance or isolated figures, without a systematic evaluation of how judicial independence emerged as an institutional reform in response to the socio-political dynamics of the time. There is a scarcity of in-depth, structured studies that analyze the separation of powers during the Khulafaur Rasyidin era using a comparative socio-historical approach. Specifically, little research has assessed how Caliph Umar's innovations—such as the appointment of independent *qadhis* and the institutionalization of legal oversight—functioned as early models of judicial independence, long before similar concepts appeared in Western governance models. This study offers a novel contribution by systematically reconstructing the embryonic model of judicial independence during the Khulafaur Rasyidin era through socio-historical analysis. It highlights the reforms of Caliph Umar ibn al-Khattab not only as administrative responses but as early articulations of the separation of powers rooted in Islamic values of justice and accountability. The study also proposes a contextual bridge between early Islamic governance and contemporary efforts toward judicial reform in Muslim-majority countries.

The objectives of this research are to analyze how the concept of separation between executive and judicial authority began during the Khulafaur Rasyidin era, to identify the socio-historical drivers behind judicial independence in early Islamic governance, to assess the impact of these reforms on the effectiveness and integrity of the justice system, and to draw implications for modern judicial reform based on historical Islamic governance models.

This study provides both theoretical and practical contributions. For academics, it enriches the discourse on comparative constitutionalism in Islamic and Western traditions. For policymakers in Muslim-majority nations, it offers historical validation for promoting judicial independence. For civil society, it affirms the compatibility of Islamic governance with democratic values such as accountability and legal equality. For the broader public, it reinforces trust in the feasibility of a justice system that is both ethically Islamic and structurally modern.

METHOD

This research employed a socio-historical approach to examine the separation of powers during the *Khulafaur Rashidin* period. The socio-historical method integrated the analysis of historical events with the social context in which they occurred, allowing researchers to understand how the experiences, values, and structure of early Muslim societies influenced the development of legal and political institutions. This approach was particularly appropriate for the study of historical law, as law was a product of social and historical evolution, and its understanding required the placement of legal changes within a broader social and cultural framework.

The data sources in this study consisted of primary and secondary sources. Primary sources included classical Islamic texts, such as the Qur'an and collections of Hadith like *Saheeh al-Bukhari* and *Saheeh Muslim*, which provided direct evidence of legal and administrative practices at the time of *Khulafaur Rashidin*. Secondary sources comprised scholarly articles and books that analyzed the system of government and law of the period, as well as historical and contemporary legal studies that interpreted primary sources and provided context for the development of legal institutions.

This study used the methods of content analysis and historical comparison as the main approaches in the data analysis. It involved a systematic examination of primary texts and legal documents to identify references related to the roles and boundaries between executive and judicial authorities, as well as explicit and implicit statements about judicial independence.

RESULTS AND DISCUSSION

The Emergence of the Separation of Powers

In the earliest phases of Islamic rule, especially during the leadership of the Prophet Muhammad ﷺ and the caliphate of Abu Bakr ash-Siddiq, the executive and judiciary powers were not separated. The Prophet acted as the supreme political leader as well as the chief judge, resolving disputes, making legal decisions, and directly managing the affairs of the community. Abu Bakr continued this model by handling legal matters himself and overseeing all aspects of government, given that at that time the administrative structure was still simple and the Muslim community was relatively small.

Along with the rapid expansion of the territory of the Islamic state under the leadership of Umar ibn al-Khattab, the complexity and scale of the government increased drastically. The addition of new territories, population diversity, and the development of administrative apparatus created an urgent need for a more specialized and impartial legal system. Recognizing that justice is the backbone of government and that uncontrolled power can lead to abuse, Umar formulated a series of reforms to separate the judiciary from the executive:

1. **Appointment of Independent Judges:** Umar was the first ruler in history to formally separate the judicial power from the executive. He appointed qualified judges (qadhi) in each province and city, ensuring that they were not under the authority of the governor or other executive officials. The qadhis are selected based on their personal integrity, deep understanding of Islamic law, and their ability to give a fair verdict.
2. **Judicial autonomy:** To ensure judicial independence, Umar set adequate salaries for judges to prevent bribery or undue influence. He also issued detailed instructions (farman) to the qadhi, emphasizing the importance of impartiality, equality before the law, and adherence to the principles of the Shari'a (Taagepera, 1997).
3. **Oversight and Accountability:** Umar established a system of oversight of state officials and judges, including the establishment of a special department that handled public complaints. The department was headed by trusted figures such as Muhammad ibn Maslamah, who had the authority to investigate and follow up on reports of high-ranking officials, including governors.

4. Legal Procedure and Evidence: Umar also introduced procedural reforms, including the recognition of expert testimony in technical matters, thereby further professionalizing and standardizing the judicial process.

Umar's planned reforms had institutionalized the separation of powers in the structure of the Islamic state. The judiciary becomes a separate and respected branch of government, with its own procedures, personnel, and administrative support. Judges are given the authority to adjudicate cases independently, and their decisions cannot be overturned by the governor or other executive officials. This system was an important innovation of its time and set a precedent that influenced subsequent models of Islamic governance, even inspiring similar concepts outside the Islamic tradition (Sowerwine, 2010).

Hasan's comparative research shows that Umar ibn al-Khattab's separation of powers occurred long before a similar concept developed in Western political thought. Although judicial independence only became a major pillar in the modern system of government in the following centuries, Umar's reforms established the principle that no single individual including the caliph or governor was above the law. This model of governance, rooted in Islamic principles and adapted to the needs of a growing empire, provides the initial framework for law enforcement and judicial integrity that is relevant today in the discourse of *good governance* and legal reform. At the beginning of the era of Khulafaur Rashidin, the caliph held both executive and judicial authority. However, as the territory of the Islamic state expands and the complexity of governance increases, the need for a more formal judicial structure becomes apparent (Mulyani & al., 2023). Caliphs such as Umar ibn al-Khattab began appointing independent judges (*Qadhi*) who were known to have integrity and expertise in Islamic law, thus setting a precedent for the autonomy of the judiciary. Over time, the role of judges and legal scholars (*fuqaha'*) became increasingly separate from executive power, and in some cases, judges could even decide cases against the wishes of the caliph.

Socio-historical factors play an important role in the formation of the separation of powers. Some of the contributing factors include the expansion of the Islamic State, where the rapid growth of the region demands a more organized and impartial legal system to deal with societal diversity and legal complexity. In addition, the emergence of Islamic jurisprudence in the 8th and 9th centuries gave birth to an independent class of Islamic law intellectuals, which strengthened the independence of the judiciary from the intervention of the executive power (Shohibatussholihah, 2022). Social-community demands are also a driving factor, where the legitimacy of the caliph's power increasingly depends on the support of scholars and the general public who uphold the law and demand its fair application. The separation of powers during this period had a significant positive impact. One of them is the increased independence of the judiciary, which allows judges to make legal decisions without pressure from the authorities, thereby strengthening the credibility and fairness of the legal system. Furthermore, there has been an improvement in judicial governance through the establishment of a formal court system and the appointment of competent Qadhi who have resulted in a more efficient and consistent administration of justice (Anshorudin, 2024; Usman, 1994). Another important impact was the limitation of executive power, where the caliph himself was subject to the law and in many cases had to face the courts, which reinforced the principle that no one is above the law.

Socio-Historical Factors Influencing the Separation of Power in the Era of Khulafaur Rasyidin

During the time of Khulafaur Rashidin, Muslim society underwent a very rapid demographic and social transformation. Initially, the Islamic political structure centered in Medina was small and relatively homogeneous. However, as Islam spread throughout the Arabian Peninsula and surrounding areas, the population increased significantly and new urban centers such as Kufa, Basrah, and Fustat emerged. This urbanization process brings together ethnic, linguistic, and religious diverse groups, thereby increasing social complexity and demanding a more sophisticated governance structure (Rejjabbayevich, 5 C.E.).

The increasing diversity and density of the population makes it impractical for a single authority to perform executive and judicial functions simultaneously. Therefore, there is a strong push to delegate judicial authority to independent officials (*qadhi*) who can resolve local disputes fairly and efficiently (Ubudiyah & Nurhalimah, 2023).

The rapid expansion of territory under the leadership of the Rashid Caliph especially during the caliphate of Umar and Uthman transformed the Islamic state from a city community into a vast empire with various provinces. This expansion demanded the establishment of a more complex administrative apparatus, including the appointment of governors (*wulat*) to administer the territory and judges (*qadhi*) to handle legal affairs (Abubakar et al., 2024; Ubudiyah & Nurhalimah, 2023).

The separation of powers is partly a response to the need for administrative efficiency: with the governor focusing on executive and military affairs, independent judges can ensure the fair application of the law and resolve disputes without interference. This separation is also important in preventing the concentration of power and potential abuse by provincial governors, who otherwise can manipulate judicial outcomes for personal or political gain (Hasan, 2025; Hosen, 2019).

Historical texts and legal documents from this period show that the caliphs, especially Umar ibn Khattab, issued strict directives to maintain the independence of the judges, and affirmed that even the caliph was subject to the law (Usman, 1994).

The economic conditions during the Khulafaur Rashidin period were marked by an increase in state income derived from agriculture, trade, and the tax system, including zakat, *kharaj* (land tax), and *jizyah* (taxes on non-Muslims) (Abubakar et al., 2024; Arif, 2021). As the state's resources increase, financial management becomes increasingly complex. Effective resource allocation, fair taxation system, and corruption prevention are central issues in government (Hasan, 2025).

The existence of an independent judiciary is essential to provide legal oversight of economic activities, resolve disputes related to land, contracts, and taxes, and ensure that state officials, including governors, can be held accountable for financial violations (Usman, 1994). This surveillance system protects the public interest and strengthens the legitimacy of the country's economic policies.

A comparative analysis of historical texts and legal documents shows that the separation of powers during the time of Khulafaur Rashid was not only a pragmatic response to changing socio-political realities (Hosen, 2019; Ubudiyah & Nurhalimah, 2023), but also a fundamental principle in Islamic governance. Classical thinkers such as al-Mawardi

emphasized the importance of judicial independence and the rule of law as key elements of a just Islamic state.

Legal documents from the period, including judicial appointment letters and judicial instructions, show a clear intention to institutionalize judicial independence as well as protect it from interference by executive power. This approach set a significant precedent for the development of Islamic constitutional theory and even influenced constitutional thought in the West, where the separation of powers is a key pillar of *good governance* and the rule of law.

CONCLUSION

This research demonstrated that the separation of powers during the era of *Khulafaur Rashidin*, particularly under *Umar ibn al-Khattab*, emerged as a pragmatic response to the growing complexity of Islamic state governance. As the Islamic state expanded, executive and judicial functions, initially unified, were functionally separated to address increasing administrative demands. *Umar* pioneered an independent judiciary by appointing trustworthy *qadhis*, providing them with adequate salaries, and establishing supervision and legal procedures, thus laying the groundwork for judicial independence. This separation significantly enhanced the efficiency and integrity of the judicial system, enabling independent legal decisions, preventing executive abuse of power, and reinforcing public trust in justice. The *Khulafaur Rashidin* era thus set an early precedent for checks and balances in Islamic governance. The study recommends using this historical model as a normative and practical reference for judicial reform in contemporary Muslim countries, integrating its principles of justice, accountability, and judicial independence into modern institutions, while encouraging further comparative research to deepen the understanding of just governance across different eras and systems.

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