AL MAWARDI'S SOCIAL CONTRACT THEORY (STUDY OF AL MAWARDI'S POLITICAL THOUGHT)

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Abstract

As social beings, humans depend on each other to meet their needs and interests. For this reason, a definite regulatory structure (institutionalization) is needed to minimize and overcome various problems that arise. Al-Mawardi is one of the most interesting Islamic political thinkers to discuss. The basic concept of al-Mawardi's political thought is the origin of the social contract theory. Using qualitative research methods through literature studies, this article will discuss al-Mawardi's social contract theory based on his political thoughts. The discussion in this article starts from a discussion of al-Mawardi's biography, al-Mawardi's main thoughts regarding the state and leadership, as well as the relationship between the ruler and the people which later became the social contract theory.

Keywords: *State, Leadership, Social Contract*

Abstrak

Sebagai makhluk sosial, manusia saling bergantung untuk memenuhi kebutuhan dan kepentingan mereka. Oleh karena itu, struktur regulasi yang pasti (dalam bentuk institusionalisasi) diperlukan untuk meminimalkan dan mengatasi berbagai masalah yang muncul. Al-Mawardi adalah salah satu pemikir politik Islam yang paling menarik untuk dibahas. Konsep dasar pemikiran politik al-Mawardi adalah asal usul teori kontrak sosial. Dengan metode penelitian kualitatif melalui studi literatur, artikel ini akan membahas teori kontrak sosial al-Mawardi berdasarkan pemikiran politiknya. Diskusi dalam artikel ini dimulai dari pembahasan biografi al-Mawardi, pemikiran utama al-Mawardi tentang negara dan kepemimpinan, serta hubungan antara penguasa dan rakyat yang kemudian menjadi teori kontrak sosial.

Kata kunci: *Negara, Pemimpin, Kontrak Sosial.*

Introduction

As social beings, humans depend on each other to meet their needs and interests (individuals and society), the logical consequence of this is that there is interaction as a means of the transaction. The urge to fulfill the unlimited desires of human beings causes their vulnerability to become a trigger for conflict/opposition in social life. For this reason, there is a need for a definite structuring of rules (institutionalization), both conventionally formed (today we are familiar with democracy) and those involved in creation (divine system and *sunnatullah*).

Islam is a comprehensive religion. Harun Nasution said that Islam covers various aspects of human life starting from aspects of *aqidah* (theology), *sharia* (law), philosophy, tasawuf (morality), and political aspects. Islam is not a narrow religion, which only regulates the ritual aspects of worship. Some of the aspects of human life are regulated by revelation with detailed rules down to technical guidelines such as aspects of *madlhah* worship (prayer, pilgrimage, and other legal aspects). However, there are also aspects in which Allah's revelation only provides general guidelines, while the procedures, techniques and procedures are left by revelation to Muslims to carry out *ijtihad*.[1]

Al-Mawardi is one of the interesting Islamic political thinkers to discuss in several ways, especially regarding the origins of the emergence of the state and the system of government. Several classical and medieval Islamic political thinkers have something in common or similarities with regard to the influence of Greek thought and Islamic *aqidah*. However, what is unique about Al-Mawardi is the theory of social contracts, which was not owned by

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[1] Harun Nasution, *Islam Ditinjau Dari Aspeknya* (Jakarta: UI-Press, 1979), 11.

previous Islamic thinkers or his contemporaries. In fact, only five centuries later, this theory was introduced by Western thinkers.[2]

This article is discussing al-Mawardi's social contract theory based on his political thoughts. The discussion in this article begins with a discussion of al-Mawardi's biography, al-Mawardi's main ideas regarding the state and leadership, as well as the relationship between the rulers and the people which then gave rise to social contract theory.

Research Method

The method used in this study is a qualitative method through library research or literature study of the sources of previous writings that discuss al-Mawardi's political thought and its relation to social contract theory. The data collection method used is to collect various books and related writings then select and identify them to get the appropriate conclusions.

Biography and Works of al-Mawardi

Al-Mawardi is an Islamic scientist whose full name is Abu al-Hasan Ali bin Muhammad bin Habib al-Mawardi al-Bashri. He was born in Bashrad in 364 H/975 AD and died on 30 Rabiul Awal 450 H/ 27 June 1058 AD in Baghdad when he was 86 years old.[3] He has the nickname "al-Mawardi" because of his intelligence in giving speeches, debating and having analytical acumen in every problem he faces. In addition, he also has a nickname that is attributed to his birthplace in Bashrah, namely "al-Bashri".[4]

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[2] Munawir Sjadzali, *Islam Dan Tata Negara; Ajaran Sejarah Dan Pemikiran* (Jakarta: UI Press, 1993), 69.

[3] Rashdha Diana, "Al-Mawardi Dan Konsep Kenegaraan Dalam Islam," *Jurnal Tsaqafah* 13, no. 1 (2017): 159, https://doi.org/10.21111/tsaqafah.v13i1.981.

[4] Al-Mawardi, *Al-Hâwî Al-Kabîr* (Beirut: Dâr al-Kutub al-'Ilmiyah, 1994), 55.

Al-Mawardi's educational phase began in Bashrah which is known as one of the centers of Islamic studies. Then he continued his education at al-Za'farani University in Baghdad. Al-Mawardi studied law from a well-known Syafi'i jurist, namely Abu al-Qasim 'Abdul Wahid al-Saimari. The knowledge of language and literature was obtained from 'Abdullah al-Bafi and Sheikh Abdul Hamid al-Isfarayini. In addition, al-Mawardi also studied with other teachers, most of whom came from Baghdad, which enabled him to briefly master *hadith*, jurisprudence (*fiqh*), politics, philosophy, ethics, grammar and Arabic literature.[5]

Al-Mawardi lived when Baghdad was experiencing political turmoil. The luxurious life that tends to excessive coupled with the fanaticism of *madlhab* (sect) competition and the struggle between the Abbasids and Alawiyah made many provinces revolt and break away from the Abbasid dynasty.[6] Even so, al-Mawardi was able to master the conditions that made him get a strategic position in the government. With his ability as a lawyer, he had become a judge in various cities. Then during the reign of al-Qadir (381-423 H / 991-1031 AD) al-Mawardi had a career as a Supreme Court Justice *(Qâḍi al-Quḍâh)* and adviser to the king.[7] He also succeeded in mediating the Abbasid and Buwaihid governments which then resulted in a decision that was acceptable to both parties in which the Caliphate remained in the hands of the Abbasids while political and governmental power was exercised by the Buwaihids.[8]

As a scientist, al-Mawardi is a Muslim intellectual figure who is not content to just follow a particular *madlhab* (sect) of thought that developed at his time if that *madlhab* (sect) of thought turns

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[5] Abdul Aziz Dahlan, et al, *Ensiklopedia Hukum Islam* (Jakarta: Ikhtiar Baru Van Hoeve, 1996), 1162.

[6] Dedi Supriadi, *Sejarah Peradabab Islam* (Bandung: Pustaka Setia, 2008), 139–40.

[7] Abdul Aziz Dahlan, et al, *Ensiklopedia Hukum Islam*, 1162.

[8] Philip K. Hitti, *History of the Arabs* (London: Macmillan University Press, 1970), 471.

out to be unsatisfactory or contradicts the logic of his personal thought. There are al-Mawardi's writing which is divided into three several themes as quoted by Luthfi Hamidi including; the *first*, related to religious, social, political, language, and ethical issues such as al-Nukat wa al-'Uyun, al-Ḥâwî al-Kabîr , al-Iqnâ', A'lâm al-Nubuwwah and Kitâb fî al-Buyû'; *Second*, about socio-political thoughts such as al-Aḥkâm al-Sulṭâniyyah wa al-Wilâyat al-Dîniyyah, Naṣîḥat al-Mulûk, Tashîl al-Naẓar wa Ta'jîl al-Ẓafar, and Qawânîn al-Wizârah wa Siyâsat al-Mulk. *Third*, about Arabic language and literature such as Kitâb fî al-Naḥw, al-Amtsâl wa al-Ḥikam, and Adab al-Dunyâ wa al-Dîn.[9]

Al-Mawardi's Thoughts Regarding The Concept of The State

The definition of a state according to al-Mawardi is inseparable from his views on Islam. According to him, Islam orders Muslims to apply rules based on Islamic laws, both related to political, economic, civil, military and criminal, where these problems are arranged for the benefit of mankind. For this reason, according to al-Mawardi as quoted by Qadim Zulum that the State is a tool and means to create and maintain the benefit.[10]

According to Munawir Sjadzali, the state was born from the desire of humans to be able to fulfill the necessities of life and it is human nature to live to help each other. According to him, al-Mawardi has a certain view that God created humans as creatures with weaknesses. Humans are unable to fulfil their own needs without help from others. This encourages people to unite and help each other. This weakness encourages people to live in groups, help each other and work together so that it will eventually encourage people to form a state.[11] These definitions

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[9] A. Luthfi Hamidi, *Penguasa Dan Kekuasaan: Pemikiran Politik Al-Mawardi* (Yogyakarta: UIN SUKA, 1996), 25–28.

[10] Abdul Qadim Zallum, *Pemikiran Politik Islam* (Bangil: al-Izzah, 2001), 155.

[11] Munawir Sjadzali, *Islam and Govermental System* (Jakarta: INIS, 1991), 43.

are in line with Roger F. Soltau's view that the state is an instrument or tool to realize the will and aspirations of its citizens. This is based on the basic goal of every state to regulate and control the public interest on behalf of the community.[12]

Al-Mawardi also believes that a country needs six main pillars to stand. The six main pilaars are; first, making religion as a guideline. According to al-Mawardi, religion is creating welfare and peace in the country because religion can be used as a controller of passions and a guide for human conscience. Second, a wise leader and has authority. In this case, a leader who is wise and has the authority inherent in him with his power is expected to be able to compromise several different aspirations, so as to build a country to achieve goals. The third is comprehensive justice. Comprehensive justice in a country will create peace, harmony, respect, obedience to leaders, and increase people's enthusiasm for achievement. Fourth is security, which means that the territory of the country provides inner peace to the people, and ultimately encourages people to take initiative and be creative in building the country. Fifth, the fertility of the homeland which will strengthen people's initiatives to provide food needs and other economic needs so that conflicts between residents can be reduced and resolved. Sixth, hope to survive and develop life. Human life gave birth to future generations. The current generation must prepare facilities, structures and infrastructure for future generations. People who have no hope of survival will have no enthusiasm and effort to live an established life.[13]

Based on those six main pillars, it is known that in al-Mawardi's concept of the state, the position of religion is very important. Religion and state need each other. Religion needs a state, because with a state religion can develop. Conversely, the state needs religion, because with religion the state can develop

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[12] Miriam Budiharjo, *Dasar-Dasar Ilmu Politik* (Jakarta: Gramedia, 2003), 39.
[13] Sjadzali, *Islam Dan Tata Negara; Ajaran Sejarah Dan Pemikiran*, 44.

under ethical and moral guidance. The state is also expected to be able to strive to always maintain unity among its people and build various facilities for the benefit of its people. When the people can obtain equal rights fairly and the people are willing to carry out their obligations as good citizens, then the state can become like a solid building.[14]

Al-Mawardi also said that power associated with religion is eternal and religion accompanied by power will be strong. In the first part of his famous work entitled al-Aḥkâm al-Sulṭâniyyah, al-Mawardi emphasizes that state leadership is a means to continue a prophetic mission, namely to protect religion and regulate the world. Supporting religion and world domination are two different activities, but symbiotically related. Both are two dimensions of the prophetic mission. Allah appointed a replacement leader for the Prophet, namely the caliph for his people to secure the country in the form of a political mandate. Thus, the caliph or imam is a religious leader and political leader. For this reason, it can be seen that the state is a political institution with religious sanctions. History also shows that when leading the Medina state, the Prophet Muhammad was also the messenger of God's teachings.

Al-Mawardi himself did not explain in detail the definition of an Islamic state. But according to him, the form of government is a Caliph.[15] According to him, the Caliph approaches the democratic system indirectly. This can be seen from the mechanism for appointing caliphs or imams, the criteria or requirements to become caliphs, and the procedures for selecting them. According to Al-Mawardi, *syariah* (religion) has a central position as a source of legitimacy for political reality. In another expression, al-Mawardi tries to link political reality with the political ideals of religion and makes religion a means to justify political expediency.

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[14] Muhammad Azhar, *Filsafat Politik: Perbandingan Antara Islam Dan Barat* (Jakarta: PT. Raja Grafindo Persada, 1997), 83.
[15] This way of thinking was influenced by the fact that al-Mawardi lived in the caliphate administration system that was in effect at that time.

The Concept of Leadership (*Imamah*) in the View of al-Mawardi

Imamah (leadership) referred to by al-Mawardi is termed a caliph or leader, king, ruler or head of state. Al-Mawardi also stated that the *Imamah* was formed to replace the prophetic function, such as to maintain religion and regulate the world.[16] For this reason, an Imam has a role as a religious leader as well as a political leader.

Al-Mawardi said that the legal basis for establishing an *Imamah* is obligatory by *ijma'* and *sharia*.[17] Regarding the basis of this obligation, there are two opinions regarding the reasons for the obligatory existence of the Imamah. First, it is mandatory because of rational considerations in which humans are social beings whose interactions require powerful parties (leaders) who can overcome the possibility of disputes and conflicts. For that it can be known that humans need government. Second, it is obligatory based on religious law *(sharia)*, to carry out prophetic functions to maintain and carry out religious duties.[18]

According to Mawardi, a leader has at least ten tasks that must be carried out, they are: first, preserving and maintaining the foundations of religion and overcoming deviations from it. Second, uphold justice and unity. Third, enforce the law. Fourth, maintaining the security of the people and the state. Fifth, gather strength to face the enemy. Sixth is fighting groups that disturb and oppose the existence of Islam. Seventh, collect taxes according to the levels determined by the *sharia*, *nash*, and *ijtihad* of the Ulama. Eighth is managing the use of treasury assets effectively and efficiently. Ninth, choose officials who are honest,

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[16] Kamaluddin Nurdin, *Hukum Tata Negara Dan Kepemimpinan Dalam Takaran Islam* (Jakarta: Gema Insani Press, 2000), 16.

[17] Hashbi Ash-Shiddieqy, *Asas-Asas Hukum Tata Negara Menurut Syari'at Islam* (Yogyakarta: Matahari Masa, 1969), 64.

[18] Muhammad Amin, "Pemikiran Politik Al-Mawardi," *Jurnal Politik Profetik* 4, no. 2 (2016): 129–30, https://doi.org/10.24252/profetik.2016v4i2a1.

trustworthy, competent, and professional in assisting the imam in carrying out his leadership duties. Tenth, inspecting the work of his assistant officials and researching the progress of state projects, so that he can determine the political policies of Muslims well and protect the country.[19]

In addition to the duties that must be carried out, an imam also gets income rights *(ḥaq al-qāsimī)*. This right is given because the imam has done his job for the benefit of the public, so he has no more time to think about his personal interests. This is seen from the time of Caliph Abū Bakr at the insistence of the companions to also get income from his caliph position. In addition, an imam also has the right to issue regulations *(ḥaq al-tashrī')*. The regulations issued by the imam are regulations that are binding on their citizens, as long as these regulations are intended for the common good and do not conflict with the Qur'an and the Sunnah of the Prophet Muhammad.[20]

Imam Appointment Mechanism According to al-Mawardi

According to al-Mawardi, there are two elements in the election or selection of an imam or head of state. First is the existence of *Ahl al-Ikhtiyār* or people who are entitled and have the authority to elect an imam or head of state. According to al-Mawardi, the conditions for becoming an *Ahl al-Ikhtiyār* are: (1) having a fair attitude. (2) is having knowledge to determine prospective imams who meet the requirement. (3) is having broad and wise insight to choose candidates who meet the requirements to manage the interests of the people and lead the people.[21]

Secondly, there is *ahl al-Imāmah* or people who are entitled to serve as imams or heads of state. The requirements to become an

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[19] Al-Mawardi, *Sistem Pemerintahan Khilafah Islam, Ed. Khalifurrahman Fath and Fathurrahman* (Jakarta: Qisthi Press, 2015), 34.

[20] A. Djazuli, *Fiqh Siyasah* (Jakarta: Kencana, 2009), 95.

[21] Al-Mawardi, *Al-Aḥkâm Al-Sulṭâniyyah* (Beirut: Dâr al-Fikr, 1960), 6.

Ahl al-Imamah are: (1) Having fair character. (2) Have the knowledge to perform *ijtihad* in legal matters and their management. (3) Mentally healthy. (4) Have a healthy and normal physique. (5) Have adequate insight to manage the life and benefit of the people. (6) Having the courage and firmness to protect the people from enemies. (7) Be of the lineage of the Quraysh.[22]

Furthermore, al-Mawardi gave two methods of electing heads of state, namely the method of election through the forum of *ahl al-'aqd wa al-hall* or people's representatives who are also referred to as *ahl al-Ikhtiyār* and the method of election through appointment by the previous caliph. Whereas impeachment or dismissal occurs when an Imam has deviated from the criteria of a leader, that's when: (1) The caliph or imam loses his fairness, gives priority to lust and commits evil. (2) The caliph or imam loses mental or physical health (eg. loss of mind, sight, taste and smell). (3) The caliph or imam becomes a prisoner or his power is usurped by the sultan or emir which results in his independence being lost.

Relations berween Rulers and People as the Basis of Al-Mawardi's Social Contract Theory

According to al-Mawardi, human social interaction is continuous and permanent. Humans were created by Allah as weak creatures, therefore humans are equipped with intellectual potential that will lead them to behave in certain ways and that will lead them to happiness in the afterlife. Differences in intelligence, intellect, personality, talent between humans will actually encourage humans to cooperate with each other. From this, humans finally agreed to form a community to fulfill their

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[22] Al-Mawardi, 6.

interests and needs through a social contract in the form of a state.[23]

The basic need for association and forming a group for humans is a natural phenomenon in the macro-cosmological structure, and it occurs spontaneously. The spontaneous development begins with a demand to meet all the necessities of life, whether in the form of food or security. Then it is at the level of protecting each other's interests that humans must finally make their choice to make mutual agreements. Al-Mawardi stated that Allah is the main center of all social circulation. Allah intentionally created humans in a physically weak condition and from this weakness, humans become figures who need help, both from Allah and other humans. Al-Mawardi said that the differences in talent, innate and ability between humans are the driving force for them to help each other. The weakness of humans who do not have the ability to fulfil all their own needs encourages people to unite and help each other and finally agree to establish a state. Thus according to al-Mawardi, the formation of the state is the desire of mankind to fulfil their common needs.[24]

The basic concept of al-Mawardi's political thought above became the forerunner to the form of social contract theory. The relationship between *ahl al-'aqd wa al-hall* or *ahl al-Ikhtiyār* and the imam or head of state is a social contract and collective agreement to perform tasks and obligations that are mutually beneficial between the two parties on the basis of reciprocity. Therefore a leader besides having the right to be obeyed by the people, at the same time the leader is also obliged to protect the people, manage their lives well and be responsible.

To support this statement, al-Mawardi cites a hadith narrated from Abu Hurairah RA:

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[23] Azhar, *Filsafat Politik: Perbandingan Antara Islam Dan Barat*, 81.

[24] Sjadzali, *Islam Dan Tata Negara; Ajaran Sejarah Dan Pemikiran*, 60–61.

"In the future there will be your leaders after me. Some of them are good and lead you with good, but there are also those who are evil and lead you with evil. Listen to and obey them according to the truth. If they do good, then the good is for you and for them. But if they do evil, then (the good consequences) for you and their evil returns to them."[25]

From this contract, reciprocal rights and obligations were born between the head of state as the recipient of the trust and the people as the giver of the trust. According to al-Mawardi, in general there are ten duties and obligations of the elected head of state as explained above. In this regard, al-Mawardi was the only Islamic political thinker in the Middle Ages who argued that the head of state could be replaced if it turned out that he was no longer able to carry out his duties, even though al-Mawardi did not provide a method or mechanism for changing the head of state. He also did not explain how *ahl al-Ikhtiyâr* or *ahl al-Ḥall wa al-'Aqd* were appointed, and from which circles, based on personal qualifications or group representatives.[26]

Al-Mawardi provides a big frame in this form of leadership, with the category of imamah which is oriented towards mastery of two dimensions, religion and politics itself. The Imamate referred to by al-Mawardi is the Caliph, king, sultan or head of state. He also gave religious clothes to the position of head of state in addition to political clothes. According to al-Mawardi, Allah appointed for his people a leader as a substitute for the Prophet's caliphate, to secure religion, accompanied by a political mandate, thus an imam on the one hand is a religious leader and a political leader on the other.[27]

Al-Mawardi mentioned that in fact the imam or caliph was projected to take over the prophetic role in guarding religion and governing the world. According to al-Mawardi, *imamah* is

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[25] Al-Mawardi, *Al-Aḥkâm Al-Sulṭâniyyah*, 5.
[26] Sjadzali, *Islam Dan Tata Negara; Ajaran Sejarah Dan Pemikiran*, 69.
[27] Al-Mawardi, *Al-Aḥkâm Al-Sulṭâniyyah*, 63.

something that is obligatory. Because for people who have reason, usually always have a tendency to horn to the imam or caliph who protects them from all forms of injustice, decides the conflict and enmity that occurs between them. The caliph functions as the traffic of the community in managing their daily problems both in terms of the economy or in the ideal communication system between people.[28]

Apart from that, al-Mawardi also initiated the involvement of the community in the process of determining the *imamah* that they would adopt as role models. It shows an election (general election) in determining who is most entitled. Even though at that time it was still limited to a small group who had the right to vote, this indicated a democratic system that positioned people's sovereignty as a very important element. Community involvement in determining a caliph is also inspired by the discourse of deliberation in Islam itself, when determining matters relating to the needs of life and the benefit of the people must be decided together as well. Here, it was found that there was a high spirit and contained a universal insight of thought in al-Mawardi's social philosophy. Beside that, there are also ideas of the universality of religion related to knowledge that originates from the human mind.[29]

Al-Mawardi's view of the social contract is also a modern thought which is now being embraced by many advanced nations. This social contract necessitates checks and balances between the government and the people. Thus, the government cannot act arbitrarily, because there are corridors that it must follow. The theory of the social contract put forward by al-Mawardi in the 11th century AD turned out to inspire political figures who emerged five centuries later, in the 16th century AD. There are at

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[28] Alfoe Niam Alwie, "Konstruksi Filsafat Sosial Al-Mawardi," *Kalam: Jurnal Studi Agama Dan Pemikiran Islam* 6, no. 2 (2012), https://doi.org/10.24042/klm.v6i2.409.
[29] Alwie.

least three well-known Western political thinkers who put forward the theory of social contracts with different versions: (1) Hubbert Languet, French scientist who lived between 1519 and 1581 AD. (2) Thomas Hobbes, English scientist who lived between 1588 and 1679 AD. (3) John Locke, British scientist who lived between 1632 and 1704 AD.[30]

As written by Munawir Sjadzali, Hubbert Languet wrote a work entitled *"Vindiace Cintra Tyrannos"* in Latin in 1579 AD, and translated into French in 1581 AD. Languet proposed a social contract theory by saying that the establishment of a state is based on two contracts, first, contract with God. This contract contains an oath that the king and the people must practice religion as a form of devotion to God. Second is the contract between the king and his people. The people swore loyalty and obedience to the king, while the king swore to run a just administration.

Thomas Hobbes in his book *"Leviathan"* describes the origins of the state. Hobbes' opinion has similarities with al-Mawardi's opinion. The state was formed to bring together and regulate the wants and needs of different people through a contract that they agreed to. They elect a king who will manage relations between people and protect their life, family and property (wealth). For Hobbes, social contracts are made between citizens while the existence of a king is a product (result) of citizen agreements. The king is not as a party involved in making contracts to regulate society. Therefore the king has absolute power to regulate the distribution and delegation of authority to members of his community to jointly realize a social contract. There is no reason for the people to complain about the actions and policies of the king. Hobbes' view that gives powerful to this king is a strange political concept.[31]

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[30] Sjadzali, *Islam Dan Tata Negara; Ajaran Sejarah Dan Pemikiran*, 67.
[31] Sjadzali, 46–48.

Hobbes's political views above are with the concept of the social contract from John Lockce. In his book entitled *"Two Treatises on Government"* John Locke put forward a different view from Hubbes. According to John Locke, the king is a partner or party that is visible in the social contract and the social contract occurs between the king and his people. As a consequence, the government (including the king) is the recipient of the mandate while the people are the trustees. The king and recipient of the mandate in the modern political representation system are referred to as representatives. The king and the representative council who have obligations may not be absent and do not carry out their duties. The recipient of the mandate is the servant of the people. The mandate can be revoked if the representative or party given the mandate turns out to be manifestly negligent in carrying out his/her duties.[32]

Conclusion

Based on the previous discussion, it can be concluded that the basic concept of al-Mawardi's political thought above became the forerunner to the birth of social contract theory. The relationship between *ahl al-'aqd wa al-hall* or *ahl al-ikhtiyār* and the imam or head of state is a social contract, contract and collective agreement to perform tasks and obligations that are mutually beneficial between the two parties on the basis of reciprocity. Therefore, apart from having the right to be obeyed by the people, a leader is also obliged to protect the people, manage their lives well and be responsible. Al-Mawardi's social contract theory which was written in the 11th century AD inspired political theorists Hubbert Languet (1519–1581 AD), Thomas Hobbes (in 1588–1679 AD), and John Locke (1632–1604 AD).

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[32] Sjadzali, 46–48.

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