THE IMAM AL-MAWARDI'S (364-450 H / 975-1058 AD) POLITICAL THOUGHTS

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ABSTRACT: *Western thinkers believe that Muslim scholars were the pioneers of philosophical thought ethics, yet provide no significant contribution in the field of political thought. Furthermore, the former treat the latter as possessing no clear views on political thought and that religion and Islamic civilization have by no means political thought. This point of view is a faulty at all. Since sixteen and seventeenth century Europe failed to acknowledge the characteristics of Muslim political thought, such as Al-Mawardi.*

Keywords: Imam Mawardi, Political Thought, Islam

INTRODUCTION

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

As social beings loaded with various needs and interests (individuals and society), humans are interdependent on one another. The logical consequence is the emergence of interaction as a prerequisite for transactions. However, the urge to fulfill unlimited desires from a limited self is vulnerable to being a trigger for the birth of conflict/opposition, and as a form of protection there is a necessity for structuring rules (institutionalization), whether conventionally formed (today we are familiar with democracy). as well as those who participate in creation (Divine systems and sunnatullah).

Islam during the time of the Prophet Muhammad SAW went through two periods which were separated by the migration of him and the Muslims from Mecca to Yasrib (Medina). The first period is called the Mecca period, marked by the emergence of the seeds of society and the laying of fundamental Islamic foundations. The second period is called the Medina period, a stage of perfecting the formation of Islamic society and explaining everything that in the previous era was still global, as well as perfecting laws and regulations by giving birth to new principles, and applying these principles in the form

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[1] *Harun Nasution, 1979,Islam Viewed from Its Various Aspects, Volumes I and II (Jakarta: UI-Press), p.11.*

of actualization. It is in this second period that Islamic society appears as a unit (unity) moving toward a goal.[2]

The series of life in Medina began by uniting the Muhajirin (Makkah Muslims who emigrated) with the Ansar (Native Medina residents) in a bond of brotherhood. Furthermore, binding agreements with layers of Medina society. Through the agreement, the Arabs and the Jews were united in Medina citizenship together with the Muslims. So trying to understand political problems in Islam is not a simple matter. At least according to Nurcholis Madjid there are two reasons.

1. *Islam has been making history for more than 14 centuries so it would be naivety to assume that during such a long period of time everything remained stationary and stopped.*
2. *In addition to the wide variety of materials that must be studied and researched, in the history of Islam there is also a very broad theoretical treasury about politics which appears almost every time with an important event.[3]*

The image of Islam as a world civilization expanded during the Umayyad caliphate, even though it was realized that Muawiyah bin Abi Sufyan's ascension to the throne was the caliph who replaced 'Ali bin Abi Talib. History records that in general Islamic civilization has expanded and prosperity has been fairly evenly distributed. This was proven during the time of the caliph Umar bin 'Abd al-'Aziz where there were no needy or poor people, even people who were entitled to receive zakat.

Segerid Hunch in his bookFadhl al-'Arab 'ala Auraba (Arab superiority over Europe) said, "the truth and need not be debated, European Christians in the Middle Ages did not know civilization and did not familiarize themselves with scientific discussions. The experimental method was not applied, except after Islam emerged, after Islamic civilization spread, and after Europe became acquainted with and directly interacted with Arab-Islamic thought.[4] The history of Islamic civilization records the development of political doctrine. In addition, 300 years after the death of the Prophet Muhammad SAW, Islam is seen as having three systems in life, namely faith, teachings of morality, and law or shari'ah, all of which regulate all aspects of life.[5]

In some cases, especially about the origin of the state and the system of government, almost all classical and medieval Islamic political thinkers haveresemblance or resemblance between one andanother, that is clearly seen from the influence of Greek thought, colored by the influence of 'Islamic aqeedah. However, what is unique about Al-Mawardi is the theory of social contracts, which was not owned by previous Islamic

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2 *Your Excellency,Islam country. (Depok: Our Word, 2010), h. 13.*

3 *Ibid.. h. 14.*

4 *Rosihon Anwar, 2010,Political Philosophy between the West and Islam, (Bandung: CV Pustaka Setia), h. 331.*

5 *Abdul Farid, 2005,Islamic Political Jurisprudence, (Jakarta: Amzah), p. 123.*

thinkers or his contemporaries. In fact, only five centuries later, this theory was introduced by Western thinkers.[6]

METHOD

The aim and objectives of this paper is to examine the imam al-mawardi's (364-450 h / 975-1058 ad) political thoughts. Analytical method is employed when conducting the research. Thus this paper use qualitative approach and use various literature to analyze the problem.

RESULTS AND DISCUSSION
A.   Biography of Al-Mawardi

Al-Mawardi's full name is Abu Hasan Ali bin Muhammad bin Habib al-Mawardi. He was born in Basrah in 364 H/975 AD, and died in Baghdad in 450 H/1058 AD. He was an Islamic thinker, a prominent figure in the Shafi'i school of thought, and a high-ranking official with great influence in the Abbasid government. He is a prolific writer. Quite a lot of his books in various fields of science, ranging from linguistics, literature, interpretation to state administration.[7] Al-Mawardi grew up in Baghdad. From prominent scholars in the region he studied and deepened the Islamic religious sciences. Among the teachers are; al-Hasan Ibnu Ali al-Hambali, Muhammad Ibnu Adi al-Muqri, Muhammad ibn al-Ma'ali al-Asdi, Ja'far ibn Muhammad ibn al-Fadhl al-Baghadi, and Abu Hamid al-Isfiraini.

His last teacher was very influential on al-Mawardi. It was from his teacher that he studied the Shafi'i school in a routine lecture held at a mosque known as the Abdullah ibn al-Mubarok mosque in Baghdad. The depth of knowledge and high character of al-Mawardi has made him famous as a respected and authoritative role model among his peers, both by the general public and by the government. Several times he was appointed as a royal judge in Baghdad during the Abbasid rule. During the time of al-Qadir, in power (381 AH/991 AD – 423 AH/1031 AD), he was appointed as the supreme judge (qadhi al-qudhat), adviser to the king or caliph in the field of religion and government.

On the other hand he taught many eminent scholars as a result of his guidance. Among them; Abu al-Ainain Kadiri and Abu Bakr al-Khattib. Apart from teaching, the scientific activity he is engaged in is composing. Many valuable books were passed down in various fields, such as ushul fiqh, fiqh, hadith, interpretation, and siyasa fiqh. In this siyasa fiqh his name stands out because even now it is a reference for political science and government according to Islamic fiqh. Al-Mawardi made ijtihad and compiled a political framework about what must be done in a government, such as the main provisions in the appointment of a caliph, the duties of a caliph and state officials, and the relationship between the state and the people. The political conditions of the Abbasid daulah during

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6 *Munawir Sjadzali, 1993,Islam and State Administration; Historical Teachings and Thought, (Jakarta: UI Press), h. 69.*
7 *Al-Mawardi, "Adab al-Dunyā wa al-Dīn", in Suyuti Pulungan, 1999,Political Jurisprudence: Doctrine, History and Thought, (Jakarta: PT Raja Grafindo Persada), Cet.IV, h. 50.*

the life of al-Mawardi at the end of the 10th century AD to the mid-11th century AD were very different from the political conditions during the life of Shahab al-Din Ahmad bin Abi Rabi' (Abu Rabi) and the time of Abu Nasr al-Farabi, two scholars politics before al-Mawardi. The political conditions during al-Mawardi's time tended to be unstable and even led to a messy condition.[8]

B.   The works of al-Mawardi

Al-Mawardi is a prolific writer. He wrote quite a number of works in various branches of knowledge, from linguistics to literature, interpretation, fiqh and grammar. One of his most famous books, including in Indonesia isAdab al-Duniya wa al-Din (Manners of Worldly and Religious Life). In addition, his works in politics areAl-Ahkam al-Sultaniyah (Job/government regulations),Siyasat al-Wuzarat wa Siyasat al-Maliki (Requirements of Obligation, Politics of Kings),Tashilu al-Nadzari wa Ta'jilu al-Dzafari fi Akhlaqi al-Maliki wa Siyasati al-Maliki, Siyasah al-Maliki in Nashihah al-Muluk. Other works areAl-Hawi, which was used as a reference book on the Shafi'i school of law by later jurists, including al-Isnavi who highly praised this book. This book consists of 8,000 pages, summarized by al-Mawardi in 40 pages entitledAl-Iqra'.

C.   Al-Mawardi's thoughts

Al-Mawardi is one of the Muslim thinkers who came to the surface to make a paradigmatic contribution in terms of the concept/system of society and institutions (state) which is quite interesting, that the process of establishing a state is not only based on forming human regeneration in one community, but also to remind that humans were created as weak creatures, therefore they also need one another. Azyumardi Azra said that al-Mawardi gave an ideal picture of the caliphate.[9] *Regardless of the ideality of his ideas, this thinker continues to receive public scrutiny and criticism. He is assumed not to have offered a political system or comprehensive outlines of government rules, but merely to create a moral ideal for rulers and their powers.*

Before the al-Mawardi era, Baghdad was the center of civilization and the axis of the Islamic state. The caliph in Baghdad is the brain of civilization, the heart of the existence of the state, has very strong power and authority, reaches out and is obeyed by all regional rulers within the scope of the Abbasid daulah. Ironically, in subsequent developments, the power and authority of the caliphate in Baghdad gradually dwindled, dimmed and turned to regional (local) rulers in the Abbasid dynasty such as Turkey,Persia and other major regions. Since then, the Baghdad caliph has only been a symbolformal government, while the real power (actual power) and exclusive government held by the regional authorities.

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8 *K. Ali, 1997,A Studi of Islamic History, trans. Gufran A, Mas'adi,Islamic History From the Beginning to the Fall of the Ottoman Dynasty: Pre-Modern Dates, (Jakarta: Raja Grapindo Persada), Cet. II, p. 228.*
9 *Azyurmadi Azra, 1996, Islamic Political Upheaval: from Fundamentalism, Modernism and Post Modernism,(Jakarta: Paramadina), h. 4.*

Fortunately, at that time there was no plot or attempt to coup (overthrow) the Abbasid Caliph in Baghdad to be replaced by a Turkish or Persian caliphate.[10]

The political constellation that was going through al-Mawardi's era was in a chaotic situation, similar to the era faced by al-Farabi. However, these two figures use different patterns and methods in responding to these challenges. Al-Farabi with the power of his philosophical reasoning resolved this fact with a very perfect approach, even though the embodiment of his ideas culturally could not be realized. While al-Mawardi formulated a political movement as a response to facts by maintaining the status quo, stressing that a caliph must be Arab and come from the Quraysh tribe, as well as the assistants of the caliphate.[11]

What becomes a problem then is whether the Arab nation and the Quraysh tribe referred to by al-Mawardi in this issue are directly related to ethnicity which is biologically material in nature, or is there a more substantive assumption underlying this socio-philosophical statement? In relation to this issue, it is necessary to explain al-Mawardi's views regarding the origins of the growth of the state. Like Plato, Aristotle, and Ibn Abi Rabi', al-Mawardi also argued that humans are social beings, but al-Mawardi included religious elements in his theory. Humans are creatures that most need the help of other parties compared to other creatures. According to him, human weaknesses do not have the ability to meet all their own needs and the existence of individual differences (talents, tendencies and abilities) encourage humans to unite and help each other and cooperate.[12] In other words, the reason for the birth of the State was the desire of mankind to provide for their common needs, and their minds taught them how to help each other and how to form bonds with one another. Al-Mawardi stressed that state leadership is an instrument to continue the prophetic mission to maintain religion and regulate the world. Religious maintenance and regulation are two different types of activity, but are symbolically related. Both are two dimensions of the prophetic mission.[13]

In Sunni political theory, like that of Ibn Taimiyah, government institutions are the highest symbols of shari'ah. Al-Mawardi is aware that shari'ah is a guideline for Muslims. However, the reality was not so, the 'Abbasid caliph determined otherwise. Perhaps this is one of the reasons why he took the path of compromise in the formulation of his political theory, even though he sacrificed the ideals of shari'ah.[14] Giving positions to people who are able to carry out the above tasks in the community is mandatory based on the consensus of the 'ulama'. A group of people think that the appointment of the head of state is legally mandatory based on reason, because the character of reasonable people has a tendency to submit to the head of state who protects them from all forms of injustice,

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10 *Ibid.*

11 *Munawir Sjadzali,On. Cit., h. 63.*

12 *Al-Mawardi, 1999,Adab al-Dunyā wa al-Dīn, in Suyuti Pulungan,Political Jurisprudence: Doctrine, History and Thought, (Jakarta: PT Raja Grafindo Persada), Cet.IV, h. 227.*

13 *Shamsuddin Ramadhan, 2003,Re-establishing the Islamic Caliphate. (Jakarta: Panjimas), p.45.*

14 *Ahmad Syafi'i Ma'arif, 1996,Islam and State Problems, (Jakarta: LP3S), h. 31.*

resolves conflicts and enmity that occur between them. Without a head of state, people are in a state of chaos, and become people who are not counted among other nations.

According to Muhammad Dhiya' al-Din al-Rais, appointing a head of state is very important, especially to continue the Islamic mission after the death of the Prophet Muhammad SAW, to protect society from various harms, to realize religious obligations whose implementation requires the intervention of the authorities, and to realize justice and guarantee the achievement of people's desires to achieve happiness in the world and the hereafter. Seeing the urgency of the existence of a head of state, Ibn Taimiyah said, 60 years under an unjust government (head of state), is better than one night without a head of state.[15]

If the leadership of the head of state is known to be obligatory according to the Shari'a, then the obligatory status of leadership is fardhu kifayah such as jihad, and seeking knowledge. This means that if the leadership of the head of state has been carried out by someone who has the right to run it, then the leadership has fallen from someone else. So the legal status of the leadership of the head of state is fardhu kifayah. However, if there is no person to carry out the leadership duties of the head of state, then there must be two parties to carry it out, namely: First, the Electoral Council which is tasked with selecting the head of state for the ummah, and second, the Council which is tasked with appointing one of them to become the head of state.

According to Sunnis, appointing the head of state is an obligation under the Shari'a. To legitimize this view, the Sunnis put forward three arguments, namely:

1. Based on al-Qur'an surat al-Nisa/4: 59. ‚O you who believe, obey Allah and His Messenger and Ulil Amri (ruler) among you‚.
2. The hadith of the Prophet which reads: There cannot be three people in a place on this earth, except when they choose one of them as their leader‚. (H.R Ahmad).[16]
3. Based on the consensus of friends and tabi'in. This third argument was agreed upon when Abu Bakar gave a speech in the Mosque to coincide with his appointment by all Muslims in order to confirm his allegiance which had been done by other companions in Tsaqifah Bani Sa'idah.

The position of head of state is considered valid in two ways: First, election by ahlul halli wal 'aqdi (shura assembly). Second, the appointment by the previous head of state. The scholars differed on the number of members of the ahlul halli wal 'aqdi (shura majlis) so that their appointment of the head of state was considered valid. A group of scholars are of the opinion that the election for the head of state is not valid unless it is attended by all members of the ahlul halli wal 'aqdi (majlis shura) from each region, so that what they appoint is accepted by all levels of society and they all submit to their leadership. This opinion is evidenced by the appointment of Abu Bakr ra when he became head of state. He is elected by those who are present at his appointment, and does not wait for the arrival of members who are not yet present.

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15 *Ibn Taymiyyah, 2003,Al-Siyasah al-Syar'iyyah fi Ishlah al-Ra'iyyah,(Bandung: Space), h. 13.*
16 *Ahmad bin Hambal, t.th.,Musnad al-Imam Ahmad Ibn Hambal, Jld. 2. (Beirut: Dar al-Fikr), h. 177.*

Another group of scholars is of the opinion that at least the institution that elects the head of state, namely the ahlul halli wal 'aqdi (majlis shura) has five members, then they agree to appoint the head of state, or one of their own who is appointed with the blessing of four other members. This group berjujjah for two reasons; First, the Appointment of Abu Bakr r.a. five people agreed to appoint Abu Bakr, followed by other people. The five people were Umar bin Khaththab, Abu Ubaidah bin Al-Jarrah, Usaid bin Hudhair, Bisyr bin Sa'ad, and Salim, a former slave of Abu Hudzaifah. Second, that Umar bin Khattab r.a. form a shura institution with six members, then the six people appoint one of them as head of state with the approval of the five shura members. This is the opinion of most of the jurists and theologians in Basrah.

The scholars in Kufah are of the opinion that ahlul halli wal 'aqdi (shura assembly) is considered valid with three people. One of the three is appointed head of state with the approval of the other two members. So one of them is appointed, and two other people become witnesses as the marriage contract is considered valid in the presence of one guardian and two witnesses. Another group argues that ahlul halli wal 'aqdi (shura assembly) is valid with one person, because Abbas bin Abdul Muthalib r.a. said to Ali bin Abu Talib r.a.: "Spread your hands, I will take your pledge, so that people will say that the uncle of Allah's Apostle has pledged allegiance to his nephew and then no two people will have different opinions about you".

From the course of Islamic history for decades from the classical period to the present contemporary period, it is evident that there is not a single title of head of a particular Islamic state that is firmly and consistently held by Muslims, it seems this is not a matter of principle, just a formality. Al-Mawardi's view of state enforcement through politics has six main elements,[17] that is :

1.   Religion is adhered to and lived as a moral provision
        Religion can control human desires and passions, because being a watchdog is attached to the human conscience, religion is the most important joint for the welfare and stability of the country.

2.   A charismatic, authoritative and exemplary ruler
        In this way he can unite different (heterogeneous) aspirations; fostering the State to achieve noble goals, keeping religion alive and practicing, and protecting the people, their wealth and honor, in conditions like this the ruler is essentially an imam or caliph.

3.   Total justice.
        Thorough justice will create intimacy between fellow citizens, generate respect and obedience to leaders, enliven people's lives and awaken people's interest in working and achieving. Justice will also create unity, awaken people's

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17 *Al-Mawardi,Al-Ahkam al-Sultaniyah, in M. Yusuf Musa, 1991,Politics and the State in Islam, (Yogyakarta: LSI Library), Cet. II, p. 60.*

loyalty, prosper the country which will eventually secure the position of ruler. Justice must start from oneself which is reflected in doing good and leaving bad deeds, then being fair to others. The latter is divided into three parts:

a. *Act justly towards subordinates, like a king towards his people, by giving facilities and abandoning burdensome ways.*
b. *Be fair to superiors, like the people to their rulers with a sincere attitude of obedience, ready to help with high loyalty.*
c. *Be fair to others as equals, that is, don't complicate matters, leave actions that are not commendable and that are painful.*

4. *Even security.*
With equal distribution of security, the people can live in peace and be able to carry out their obligations and rights as a people. The equality of security is the result of the totality of justice.

5. *Sustained soil fertility.*
With soil fertility, people's needs for food and other material needs can be met, and thus can be avoided from evil deeds with all the bad consequences.

6. *Hope of survival.*
The current generation is closely related to future generations, so the current generation is the heir to the past generation. Therefore, it is necessary to prepare a generation that is optimistic so that it is able to meet its needs. On the other hand, a generation that is pessimistic will be crushed by time and developments and will not be able to survive. The Prophet said: "Hope is a blessing from Allah to my people, if there is no hope, people will not (trouble) plant trees, and a mother will not breastfeed her child."

Through such ethical foundations, it is hoped that the state will really make every effort to maintain the unity of the people and help each other, increase the means of a good life for every citizen so that all people can become like a solid building. At the same time carrying out obligations and obtaining rights without any distinction between the ruler and the people, between the strong and the weak and between friend and foe.[18]

Al-Mawardi's political thoughts, especially those related to imamate (leadership) as a system of government, can be seen in the following framework:

1. *The Law of Upholding Imamat (leadership)*

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18 *Al-Mawardi,Adab al-Dunyā wa al-Dīn, in Suyuti Pulungan,Political Jurisprudence...., On. Cit., h. 89.*

The Imamate (leadership) referred to by al-Mawardi, is held by the caliph or leader (al-rais), king (al-mulk), ruler (al-sulthan), or head of state (qaid al-daulat) and to whom he is given a religious label. . Al-Mawardi stated, "The Imamate was formed to replace the prophetic function in order to maintain religion and regulate the world".[19] Thus an imam is a religious leader on the one hand and a political leader on the other. The basis for the formation of the Imamate, said Mawardi, is obligatory by ijma'.[20] However, the basis for this obligation is disputed, whether it is based on ratio or religious law (shari'ah). According to him there are two groups, first, it is obligatory because of rational considerations (ratio). The reason is that humans are social creatures, and in their interactions there may be hostility, disputes, and persecution. Therefore we need a leader who can prevent these possibilities from happening. So logically humans need government. The second group is obligatory based on religious law (shari'ah) not because of considerations of reason, because the head of state carries out religious duties which the ratio may not support and the ratio does not oblige the leader to carry them out. Meanwhile, the ratio only obliges every reasonable person not to commit injustice and not to cut off relations with other people, and to encourage fairness and to maintain relations with other people.

2. *The right to be chosen*

People who are entitled to be nominated as head of state (imam) must have the following seven conditions:
   a.   *Fair in a broad sense*
   b.   *Have the knowledge to be able to perform ijtihad in dealing with problems and law.*
   c.   *Healthy hearing, eyes and speech, so that they can deal directly with their responsibilities.*
   d.   *Healthy body, so it is not hindered to move and move quickly.*
   e.   *Good at managing people's affairs and public welfare.*
   f.   *Courage and resolutely defend the people and face the enemy.*
   g.   *Descendants of Quraish.*

3. *Ahl al-Ikhtiyar*

Those who are entitled to vote must have three conditions:
a. His personal credibility or balance (al-'Adalah) meets all criteria.

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[19] *Kamaluddin Nurdin, 2000,Constitutional Law and Leadership in Islamic Measures, (Jakarta: Gema Insani Press), Cet. I,h. 16.*
[20] *Hashbi Ash-Shiddieqy, 1969,Fundamentals of Constitutional Law According to Islamic Shari'a, (Yogyakarta: Matahari Masa), Cet. I,h. 64.*

b. *Having the knowledge to know who is entitled and worthy to assume the position of head of state with the conditions.*

c. *Having strong opinions and wisdom that allows him to choose who is most appropriate to assume the position of head of state and who is most capable and clever in making policies that can bring about the benefit of the people. The people who have the right to choose this faith are representatives of the people who are commonly called Ahl al-Hall wa al-'Aqd, they are the ones who have the authority to bind, unravel and solve problems, or also called the alIkhtiar model.[21]*

4. *Method of Election of Imams (Succession of Heads of State)*

In the succession/election of the imam (head of state) can be done in two systems:

a. *Ahl al-Hall wa al-'Aqd.*

b. *A will or appointment by a previous priest.*

This shows that both from early sources of Islam and from historical facts, al-Mawardi did not find a standard system of succession for heads of state, but succession in Islam which has been implemented by friends there are three systems. First, the general election conducted by the legislature as in the case of Abu Bakar. Second, the selection of the commission system chosen to determine the replacement of the head of state, then the determination of this commission is promoted to the people to be ratified, such as the promotion of Umar bin Khattab. Third, the appointment system by the previous head of state by first paying attention to the political voice of the people, as Uthman ibn Affan ascended to the throne.

5. *The duties of the Imam*

There are 10 tasks that must be carried out by the head of state:

a. *Maintaining the basics of religion that has been agreed upon by the salaf scholars.*

b. *Upholding justice, so that the strong do not oppress the weak, and the weak do not feel oppressed.*

c. *Upholding the law, so that the religion of God and the rights of the people are preserved.*

d. *Maintain security and protect their territory from interference by enemies and criminals so that the people/people are free and safe, both their lives and property.*

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21 *Erwin I. J. Rosenthal, 1962, Political Thought in Medieval Islam: An Introductory Outline, (London: Cambridge University Press), h. 32.*

e. *Build strength to face the enemy.*
f. *Jihad on those who oppose Islam after preaching so that they acknowledge the existence of Islam.*
g. *Collecting taxes and alms according to what is required by syar'a, nash and ijtihad.*
h. *Regulate the effective use of baitul mal assets.*
i. *Appoint trusted officials and appoint competent people to assist him in carrying out the mandate and authority he holds.*
j. *Doing his own inspection of the work of his assistants and scrutinizing the course of the project so that he can carry out the political policies of Muslims well and protect the country.*

6. *Knowing the Imam (Head of State)*

If the position of imam has been officially handed over to someone, either by handing over a mandate or by election, all Muslims must know about the transfer of that position to a new imam, with its characteristics. However, they do not have to know his person and name directly, except for the electoral council which is the basis for the legality of appointing a head of state and the determining factor for the legitimacy of that position.

7. *Impeachment (Dismissal of Priest)*

If the head of state has fulfilled the rights of the ummah that the author mentioned earlier, he has automatically fulfilled the rights of Allah and the rights of the people and their obligations. If he has done that, the people or the people have two rights over him. First, obey him. Second, help him while remaining in the truth. According to Al-Mawardi, there are two reasons for allowing the impeachment of the head of state.

First, because he experienced a change in moral terms. There are two kinds of changes:
a. *Moral changes related to the body, that is, he does the prohibitions, and the evils, because he obeys Yahwat, and submits to his passions.*
b. *Moral changes related to belief.*

Second, if there is a change in the head of state. In this case there is three things: (1) sensory defects; (2) organ defects, and (3) action defects.[22]

8. *Social Contract Theory*

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[22] *Qamaruddin Khan, 2002,Al-Mawardi Country, (Bandung: Library), h. 62-63.*

One thing that is very interesting from Mawardi's constitutional ideas is that the relationship between ahl al-hall wa al-aqd or al-ikhtiar and the imam or head of state is a relationship between two parties participating in a social contract or agreement on a voluntary basis, a contract or agreement that creates obligations and rights for both parties on the basis of reciprocity. Therefore, besides having the right to be obeyed by the people and demanding full loyalty from them, the priest, on the other hand, has obligations that must be fulfilled towards his people, as explained above.

What is interesting about this is that al-Mawardi introduced the social contract theory at the beginning of the XI century AD, and only five centuries later, namely the mid-16th century AD, social contract theory began to emerge in the West. Thus 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 Mawardi did not provide a method or mechanism for changing the head of state. Nor did he explain how the ahl al-ikhtiar or ahl al-hall wa al-aqd were appointed, and from which circles, based on personal qualifications or group representatives.

CONCLUSION

The description of the discussion above leads the writer to draw the following conclusions:

1. *Abu Hasan Ali bin Muhammad bin Habib al-Mawardi was a productive Muslim thinker who was born in Basrah in 364 H/975 AD, and died in Baghdad in 450 H/1058 AD.*
2. *As a talented thinker, al-Mawardi succeeded in carrying out his spectacular ideas and compiling them into several books which are still widely used as scientific references.*
3. *One of the big ideas packaged is its relation to the state system which refers to the political circulation that occurred during the khulafa'urrasyidin era, then packaged it into several derivative ideas and ended up in a social contract system.*

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