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Ibn Khaldun's Perspective on the Social Contract (*Bai'at*) and Its Implementation in the State System

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Abstract

The social contract is a critical concept in the democratic system brought by the West. This concept agrees with the existence of agreements and the transfer of power from the people to the authorities based on the principle of the general will, in the form of individual freedoms that must be protected and realized. It is then very contrary to the conception of Islamic politics, which has a concept equivalent to a social contract in the form of the Bai'at concept. Therefore, this research objectives were to examine the Bai'at concept put forward by Ibn Khaldun to be a mirror for comparison of the Western social contract; and to see its implementation in the state system. Based on the library research method with a descriptive-analytical approach, it could be concluded that: first, the Western social contract contained three interconnected concepts, namely: society, sovereignty, and liberty. Second, according to Ibn Khaldun, Bai'at was very relevant to be referred to as a social contract with three pieces of evidence: the ummah or society in the position of giving the bai'at; power aimed to maintain the benefit of the ummah; and shari'a which is the agreement value. Third, its implementation in the state system was seen in the appointment of leaders in Islam: the existence of a contract between the leader and the community to benefit the hereafter.

Kata Kunci

*Ibnu Khaldun, Kontrak
Sosial, Bai'at, Syariat*

Abstrak

Kontrak sosial merupakan konsep kunci dalam sistem demokrasi yang dibawa oleh Barat. Di mana konsep ini mengamini adanya perjanjian dan penyerahan kekuasaan dari rakyat kepada

penguasa berdasarkan pada asas kehendak umum, berupa kebebasan setiap individu yang harus dilindungi dan direalisasi. Hal ini kemudian sangat bertentangan dengan konsepsi politik Islam yang memiliki konsep setara dengan kontrak sosial berupa konsep Bai'at. Untuk itu, penelitian ini bertujuan untuk mengkaji konsep Bai'at yang dikemukakan oleh Ibnu Khaldun, agar dapat menjadi kaca perbandingan atas kontrak sosial Barat; dan untuk melihat implementasinya pada sistem kenegaraan. Berdasarkan kajian kepustakaan dengan pendekatan deskriptif analisis, dapat disimpulkan: pertama, kontrak sosial Barat mengandung tiga muatan konsep yang saling terhubung yaitu: society, sovereign, dan liberty. Kedua, Bai'at menurut Ibnu Khaldun sangat relevan untuk disebut sebagai kontrak sosial dengan tiga bukti, yaitu: ummat atau masyarakat berposisi sebagai pihak pemberi Bai'at; kekuasaan yang bertujuan menjaga kemaslahatan ummat; dan syariat yang merupakan nilai kesepakatan. Ketiga, Implementasinya dalam sistem kenegaraan terlihat dalam pengangkatan pemimpin dalam Islam, yaitu dengan adanya akad antara pemimpin dengan masyarakat untuk memperoleh kemaslahatan dunia akhirat.

Introduction

The discussion of the socio-political contract becomes something interesting to discuss. It can be evidenced by many Western figures, such as Thomas Hobbes (1679), John Locke (1704), and Jean Jacques Rousseau (1778),¹ who put forward this concept. The social contract in the West initiates the creation of a sovereign civil society according to legal procedures, based on correspondence between individuals, society, and the state.² This concept then spread throughout the world, along with the westernization of the West, which expanded some nations. It is a manifestation of the hegemony of the Western world over the conception of world politics. However, this concept is not the only one that may be applied to create a sovereign society.

Before the West discovered this social contract concept, Islamic scholars such as al-Mawardi (974 C/1058 C)³ and Ibn Khaldun (1332 C/1406 C) had written it down, although with different terms and values from the West.

The difference in terms and values is more visible when examining more deeply the thoughts of Ibn Khaldun, where he uses the term *bai'at*, which has the content of a social contract by placing the Shari'a values in it. Ibn Khaldun, an expert on Islamic politics, has devoted a lot of experience and knowledge to politics. He focused on several of his works, including *Muqaddimah li Ibni Khaldun*⁴ and *Diwan Muftadi' Fi Tarikh al-'Arabi wa al-Barbari wa Min 'Ashirahum min Dzawi Sya'ni al-Akbari*. On this basis, it was necessary to explore Ibn Khaldun's perspective more deeply about the social contract or allegiance as a mirror of the

¹Shahrough Akhavi, "Sunni Modernist Theories of Social Contract in Contemporary Egypt," *International Journal of Middle East Studies* 35, no. 1 (2003): 23-49.

²David Boucher and Paul Kelly, *The Social Contract and Its Critics: An Overview, The Social Contract from Hobbes to Rawls* (London and New York: Routledge, 2003), 2.

³Rashda Diana, "Al-Mawardi dan Konsep Kenegaraan dalam Islam," *Tsaqafah* 13, no. 1 (2017): 59.

⁴Ibnu Khaldun, *Muqaddimah Ibnu Khaldun* translated by Masturi Irham, Malik Supar, Abidun Zuhri (Jakarta: Pustaka al-Kautsar, 1994).

comparison of social contracts in the West.

As far as the author's search was concerned with previous studies, much research examined Ibn Khaldun. However, heretofore, no researchers have been found discussing the theme of the social contract according to Ibn Khaldun's perspective. Previous researchers focused more on studying the concept of the state,⁵ political and models of power,⁶ historical and sociological concepts,⁷ and the concept of Islamic education, according to Ibn Khaldun.⁸ Therefore, this research attempted to describe Ibn Khaldun's perspective regarding the Islamic social contract and its implementation in the state system.

Biography of Ibn Khaldun

Ibn Khaldun's full name was Waliyuddin Abdurrahman ibn Muhammad ibn Muhammad ibn Muhammad ibn al-Hasan ibn Jabir ibn Muhammad ibn Muhammad ibn Abdurrahman ibn Khaldun. He was born in Tunisia on Ramadhan 1,732 H/May 27, 1332 C. Ibn Hazm said that Ibn Khaldun was a descendant of one of the oldest Arab tribes in Yemen.⁹ His grandfather Khaldun migrated from his homeland to Andalusia in the early days

of Andalusia's liberation and later settled there. However, due to the political and power upheaval that occurred in Andalusia at the beginning of the 7th century H, Banu Khaldun emigrated back to Tunisia.¹⁰ Ibn Khaldun was an intelligent young man with high ambitions, so his education in his youth was spent studying with prominent scholars. He started his education with his father by studying the Qur'an and memorizing it, then studying Hadith, Maliki Fiqh, Linguistics, Literature, Mantiq, and Philosophy with scholars in Tunisia. One of the most influential teachers of Ibn Khaldun's thought pattern was Muhammad bin Ibrahim al-Abali.¹¹

Furthermore, when Ibn Khaldun was 18 years old, he moved to Magrib (Morocco) due to the plague that hit Tunisia, Italy, and all of mainland Europe. It later made his parents and most of his teachers pass away. This condition forced him and his family to follow the teacher and the majority of the *ummah* who survived the plague by moving to Fez, one of the cities in Morocco.¹² In Fez city, Ibn Khaldun completed his education with teachers who survived the plague, which simultaneously became a new chapter of his political and state life.

Morocco has become a new chapter of Ibn Khaldun's political arena, filled with intrigues and ambitions for power. It was due to the condition of North Africa and its surroundings which were in a phase of political upheaval, and the ambition of wealth and power in every element of society.¹³ Beginning with joining Ibn al-Hasan's caravan, he joined Ibn Tafrakin in Tunisia and got a position as a private secretary.¹⁴ After that, he joined Sultan Bougie

⁵Samsul Nizar, "Konsep Negara dalam Pemikiran Politik Ibnu Khaldun," *Demokrasi* 2, no. 1 (2003): 95-108; Hanna Widayani, "Konsep Pemerintahan Islam dalam Pandangan Ibnu Khaldun (Analisis Terhadap Teori 'Ashabiyyah)," *Jurnal Manthiq* 3, no. 2 (2018): 8-20.

⁶Mansur, "Model Kekuasaan Politik Ibnu Khaldun (Sebuah Pelajaran Berharga Bagi Bangsa Indonesia)," *Unisia* 30, no. 66 (2007): 377-383; Kamaruddin, "Pemikiran Politik Ibnu Khaldun dan Pembentukan Teori Sosiologi Politik," *Jurnal Ilmu Agama: Mengkaji Doktrin, Pemikiran, dan Fenomena Agama* 16, no. 2 (2015): 66-80.

⁷Abdurrahman Kasdi, "Pemikiran Ibnu Khaldun dalam Perspektif Sosiologi dan Filsafat Sejarah," *Fikrah* 2, no. 1 (2014): 291-307; Bethari Widiya Hardanti, "Tiga Fase Sejarah Berdasarkan Pemikiran Ibnu Khaldun dalam Sejarah Indonesia," *Historiography: Journal of Indonesian History and Education* 1, no. 2 (2021): 178-192, <http://journal2.um.ac.id/index.php/JDS/article/view/22143>.

⁸Siti Rohmah, "Pemikiran Ibnu Khaldun Tentang Pendidikan Islam," *Misykat al-Anwar* 2 (2017): 303-311, <http://fai-umj.ac.id/jurnal/index.php/MaA16/article/view/26>.

⁹Muhammad Abdullah Enan, *Biografi Ibnu Khaldun* (Jakarta: Zaman, 2013), 15.

¹⁰al-Jailani bin al-Tauhami Miftah, *Falsafah al-Insan 'Inda Ibni Khaldun* (Beirut: Dâr al-Kutub al-Ilmiyyah, 1971), 16.

¹¹Sayid Farîd al-'Atas, *Ibnu Khaldun* (Beirut: Markâzu Numâ'i lil Buhûts wa al-Dirâsât, 2013), 28.

¹²Muhammad Abdullah 'Anan, *Ibnu Khaldun Hayâtuhu Wa Turâsuhu al-Fikr* (Kairo: Dâr al-Kutub wa al-Wasâiq al-Qaumiyah, 2006), 23.

¹³Miftah, *Falsafah al-Insan 'Inda Ibni Khaldun*, 19.

¹⁴Muhammad Fuzukhi, *Al-Fikr al-Arabi* (Beirut: Dâr ilm lil

and stayed with him until a summons came from Sultan Abu Enan, who then gave him the position of the Council of Ulama.¹⁵ This political situation continued so that it was recorded in the book of *al-Fikr al-Arabi* that there were at least three nations to which Ibn Khaldun devoted himself as a political practitioner. The first was the Bani Marin in Fez (Morocco), the second was Banu Abdul 'Iwad in Tlemcen, and the third was Bani Ahmar in Granada.¹⁶

After going through a phase of political life full of intrigues of power, finally, Ibn Khaldun began to resign from politics slowly. Then, he continued his scientific career as a lecturer who filled out studies at the al-Azhar Mosque. He also briefly held the head of the Maliki school of the madrasa and became *qadhi* of the Maliki school.¹⁷ His reluctance not to get involved in political intrigue was so strong that he rejected political office offered to him by the leaders of the time and returned to the city of Egypt and taught as a lecturer until he died in 1406 C in Cairo at the age of 74 years.¹⁸

Ibn Khaldun's works are still being studied in the Western and Eastern worlds. His intelligence in writing history and the field of sociology made him a very influential Islamic sociologist in the 14th C. Among his important works, *al-Ta'rif bi Ibn Khaldun*, *Muqaddimah*, *Lubab al-Muhassal fi ushul ad-Din*, *Muhassal Afkar al-Mutaqadimin wa al-Muta'akhirin*, *Al-Ibar wa Diwanul Mubtada' awil Khabar fi Ayyamil Arab wal 'Ajam wal Barbar wa Min 'Asharahum min Dzawis Sulthan al-Akbar*.¹⁹ The existence of this work has become a significant contribution to the world of sociology and Islamic politics, as well as the primary reference in studying the social

contract concept or *bai'at* in Ibn Khaldun's thought. Nevertheless, before discussing this, the authors attempted to explain the West's social contract.

Social Contract in the West

Etymologically, the social contract is a combination of two syllables in English, namely the word *social* and *contract*. Social comes from the Latin word *socialis*,²⁰ which means *allies, confederates, or united*. In addition, social is also interpreted as a pleasant friendship with colleagues by interacting with individuals or groups.²¹ Meanwhile, the word *contract* comes from the ancient French language, namely *contracter*, which is absorbed from Latin to *contractus*.²² Both have meanings, draw or summarize, bid, make an agreement, and are more clearly interpreted as a binding agreement between two or more people.²³ Thus, it can be understood that a social contract is an agreement or a combination of correspondence between one or more people.

Meanwhile, in terms of terminology, a social contract can be interpreted as an agreement between community members or between the community and the ruler (king) related to their respective rights and obligations.²⁴ The study of philosophy is interpreted as the legal basis for legal and political law, creating an obligation.²⁵ The explanations of experts regarding social contracts are relatively different from one another. Thomas Hobbes explained that the social contract is the transfer of power from the people to the rulers in the form of an agreement on "*alienation*"

Malayin, 1983), 691.

¹⁵Abdullah Enan, *Biografi Ibnu Khaldun*, 33-37.

¹⁶Fuzukhi, *Al-Fikr al-Arabi*, 692.

¹⁷Anan, *Ibnu Khaldun Hayatuhu Wa Turasuh al-Fikr*, 62-78.

¹⁸Khalil Syarfuddin, *Ibnu Khaldun* (Kairo: Dâr wa Maktabah al-Hilâl, 1995), 40.

¹⁹Khaldun, *Mukaddimah Ibnu Khaldun*, xiv.

²⁰socialis "https://www.etymonline.com/2/9/22.

²¹social "Merriam-Webster.Com Dictionary, https://www.merriam-webster.com/dictionary/9/2/22.

²²contractus "https://www.etymonline.com/9/2/22.

²³Contract "Merriam-Webster.Com Dictionary, https://www.merriam-webster.com/dictionary/9/2/22.

²⁴contract social "https://dictionary.cambridge.org/dictionary/english/9/2/22.

²⁵Simon Blackburn, "A Dictionary of Philosophy" (Oxford: Oxford University Press, 2016).

social contract theory.²⁶ The agreement put forward by Hobbes still looks biased because, at first glance, he only explains that it is people who give up power. He does not mention it in detail and without limits. However, on other occasions, he seems to limit the social contract only to the people and not to the rulers because he understands that the ruler is the holder of total authority.²⁷ Therefore, it is clearly understood that the social contract proposed by Hobbes is a contract that glorifies the power of absolutism. The ruler's non-attachment can prove it to any contract with society; then, arises the obligation that every society must obey its ruler, no matter how bad the decision and behavior of the ruler.²⁸

Slightly different from Hobbes's definition, John Locke defines the social contract as the "agency" social contract theory. The ruler's power is only a loan from the community, not a complete surrender from the community.²⁹ Maegan Nation said that the social contract initiated by Jhon Locke is the community's agreement, which then forms an institution or state to protect fundamental human rights and promote goodness.³⁰ If, in the beginning, Hobbes interprets the social contract as a society surrendering all its affairs to the ruler, Locke is friendly in describing it by calling it the consent of the society in forming a state. The society also has the right not to hand over its affairs to rulers who do not fulfill the agreement and are incompetent. It shows the dimension of rejection. Locke opposed the absolutism of rulers promoted by Hobbes.³¹

²⁶Jean Hampton, *Hobbes and the Social Contract Tradition* (New York: Cambridge University Press, 1995), 3.

²⁷ *Ibid.*, 103.

²⁸Manzoor Elahi, "Summary of Social Contract Theory by Hobbes, Locke, and Rousseau," *SSRN Electronic Journal*, no. April 2013 (2014): 2.

²⁹Jean Hampton, *Hobbes and the Social Contract Tradition*, 3.

³⁰Maegan Nation, "Locke's Social Contract: Is It Legitimate," *cla journal* 7, no. 2019 (1986): 85.

³¹Elahi, "Summary of Social Contract Theory by Hobbes, Locke, and Rousseau," 7.

Locke also provides a different style from the previous social contract by bringing up the concept of a formal community contract and an agreed government contract. It aims to prevent unlimited and absolute government.³²

Another definition comes from Jean Jacques Rousseau. He explains that the social contract is a process of handing over individual rights to the community in a complete form so that each individual has equal rights without any privileges among others, which then the community or institution rewards for the delivery by guaranteeing the security and comfort of the individual or society.³³ The social contract that Rousseau agrees with is rooted in the argument that humans are free creatures, but to stabilize that freedom, the concept of a general will is raised, accommodating and providing freedom to every individual in society.³⁴ Based on the definition expressed by Rousseau, it can be seen that the dimension of the social contract, which more accommodates the freedom of each individual based on the general will, no doubt his opinion became one of the crucial points in the revolutionary movement in France and America.³⁵ The surrender of society is also a discussion in Rousseau's social contract, where the *impact* of the surrender is a guarantee of security for every individual involved in the contract. If this does not happen, then the result will be inequality of individual rights which ends in human tyranny.³⁶

Differences of opinion that occur on the definition of a social contract by Manzour Elahi are explained because of the different ambitions of the social contract. Hobbes starts his definition of the social contract with the

³²Ernest Barker, *Social Contract Essay By Locke, Hume, and Rousseau* (New York: Oxford University Press, 1962), xxiv.

³³Jean Jacques Rousseau, *Kontrak Sosial*, translated by Sumardjo (Jakarta: Airlangga, 1989), 14-16.

³⁴*Ibid.*, 18.

³⁵Elahi, "Summary of Social Contract Theory by Hobbes, Locke, and Rousseau," 6.

³⁶Rousseau, *Kontrak Sosial*, 15.

assumption that the natural human *state of nature* is in chaos, so it requires a unique tool to change the direction of human life in a better direction. In contrast to Hobbes, Locke started his description of the social contract based on his assumption that humans in their natural state are peaceful creatures, even though that condition was the golden era of humans. However, in line with it, he saw the need for a concept to maintain and stabilize these conditions. Meanwhile, Rousseau differs from the two by calling humans in their natural condition free creatures. Besides, a general will is formed to ensure that another individual does not violate freedom, which is the basis of the social contract.³⁷

Hence, the existence of a social contract in the modern-society system in the West is the basic principle of their social life. It is as Rousseau describes with the social contract as the basis of society. For Rousseau, the condition for creating equality in people's lives is that the social contract is well understood.³⁸ This opinion is clarified by A. Suhelmi when he describes how the social contract is the basis for modern society if it is drawn in the context of the state. Furthermore, state sovereignty is a product of the primary agreement process in society. It is not *taken for granted*, so politics is interpreted as entirely secular.³⁹ Then, the world must be ruled by laws based on nature which contain universal justice. Furthermore, state sovereignty comes from the people, so there must be guarantees for individual rights in society.⁴⁰ In this way, it is understood that the social contract is an identity in the concept of modern Western society in all elements of

life in which the people's agreement forms the pattern of power and legal direction of a country.

The pattern of power and legal direction formed by the social contract has several concepts interconnected with *society*, *sovereignty*, and *liberty*. *First*, society is one of the terms that cannot be separated in the study of social contracts because it is the embodiment of a group of people who pursue their priority interests, "*Society is a group of human beings cooperating in the pursuit of several of their mayor interest, in variably including self-maintenance and self-perpetuation.*"⁴¹ The background of this human movement is an ambition to achieve material or non-material success, with more pragmatic based on the elements of interest to be achieved in a community. That way, it can be understood that the reasons for interest determine the individual's attitude towards the group (*society*); if the individual is not in line with the group, then he has the right to leave it. In addition, three things must be considered to achieve a good society: the *social population*, interactive standards of behavior to fulfill their interests (*standards of the interactive population*), and *cultural values*.⁴² Agreement from the community on these three things will form a natural contract that can be accepted by all individuals, which is then expected to guarantee human welfare.

Second, sovereign in the sovereignty social contract or supreme power is in the hands of the people. Rousseau argues that society is sovereign and individual citizens are members of sovereignty.⁴³ The social contract generally agrees on a democratic government system with various elements of government in it.

³⁷Elahi, "Summary of Social Contract Theory by Hobbes, Locke, and Rousseau," 7.

³⁸Rousseau, *Kontrak Sosial*, 16.

³⁹Titus Hjelm, *The Oxford Handbook of Secularism, Religion, State and Society*, vol. 48, 2020, 16.

⁴⁰Ahmad Suhelmi, *Pemikiran Politik Barat; Kajian Sejarah Perkembangan Pemikiran Negara, Masyarakat dan Kekuasaan* (Jakarta: Gramedia Pustaka, 2007), 297.

⁴¹Elly M Setiadi, *Ilmu Sosial dan Budaya Dasar* (Jakarta: kencana, 2006), 80.

⁴²*Ibid.*, 207.

⁴³Jean Jacques Rousseau, "The Social Contract," *The Two Narratives of Political Economy*, no. December 2010 (2011): 87–94.

The community has a full role in creating laws and regulations because the community has sovereignty and interests. The community also regulates the enforcement and implementation of laws, where the community selects and appoints groups or individuals from them to carry out the law.⁴⁴ Then, this process is called perfect democracy.

Third, liberty or freedom is a must for every individual. Rousseau considers that the freedom of each individual is a natural form of a human being because every human being is born free without being bound by anything.⁴⁵ Even on several occasions, as written by Christopher Betts, the state of freedom must be imposed on each individual, where this condition will produce and bring humans free from the insecurity of living outside society, along with the freedom to act within limits determined by social life or social contract.⁴⁶ A free society is governed by a common will that is mutually agreed upon. However, the approval process for the general will undoubtedly go through a long process, where there are two or more conflicting opinions. In this case, the majority will or majority vote becomes the authentic determinant and must be obeyed.⁴⁷ In the social contract, minority opinion is only a tiny whisper; like it or not, minority voices must follow the general will initiated by majority opinion because their vote assumes the unanimity of the people.⁴⁸ The freedom value put forward by the social contract also affects all values in people's lives,

⁴⁴Ernest Barker, *Social Contract Essay By Locke, Hume, and Rousseau*, xxvi.

⁴⁵Christopher Bertram, *Routledge Philosophy GuideBook to Rousseau and the Social Contract*, *Routledge Philosophy GuideBook to Rousseau and the Social Contract* (London and New York: Routledge, 2004), 42.

⁴⁶Christopher Betts, *Oxford World's Classics Jean Jacques Rousseau Discourse on Political Economy and The Social Contract*, *Electronic Commerce Research*, vol. 5 (New York: Oxford University Press, 2005), xx.

⁴⁷Bertram, *Routledge Philos. Guideb. to Rousseau Soc. Contract*, 120.

⁴⁸Betts, *Oxford World's Classics Jean Jacques Rousseau Discourse on Political Economy and The Social Contract*, 5: 54.

religion, and good and bad values. All of them must be agreed upon by the general will.⁴⁹

***Bai'at* as a Social Contract According to Ibn Khaldun**

The actual social contract was not born in the West. Before the Western political philosophers put forward the concept, the Islamic world had introduced a concept that explicitly discussed the social contract between leaders and society. In Islam, this concept is called *bai'at*, which is the process of the pledge of *bai'at* with an agreement dimension between Muslims and their leaders. This incident first appeared as depicted in the first and second *bai'at al-aqabah* between the Medina people and the Prophet,⁵⁰ which started the process of statehood in Medina led by the Prophet.

Etymologically, *ba'iat* comes from Arabic, whose root is ب ي ع and the word is بيعة the *isim marrah* form of the word باع which means to give an agreement to receive a mandate or succession. It can also be interpreted as obedience.⁵¹ However, if examined again, the word بيعة has the same root as the word بيع which means buying and selling. In the *Lisan Arab* dictionary, Ibn Manzur writes that *bai'at* and *baiy'* (buying and selling) have the same concept in the form of two parties agreeing. In his study, in *bai'at*, there was an agreement between the community or the *ummah* with its leader or caliph. Meanwhile, in *baiy'*, there is a dimension of agreement between the seller and the buyer.⁵² Agreements in buying and selling are referred to as contracts or *ijab qabul*, the first pillars of buying and selling (*baiy'*). *Ijab*

⁴⁹Boucher and Kelly, *The Social Contract and Its Critics: An Overview*, 12.

⁵⁰Syihabuddin Abi Abdillah Yaquti ibn Abdullah, *Mu'jam al-Buldan*, Jilid V (Beirut: Dâr al-Sadr, 1977), 83.

⁵¹Ahmad Mukhtar Abdul Hamid Umar, *Mu'jam al-Lughah al-Arabiah al-Muâshirah* (Âlim al-Kutub, 2008), 273.

⁵²Muhammad bin Makram bin Ali Abu fadhl Jamaluddin Ibnu Manzur al-Anshari al-Rufi'i al-Ifriki, *Lisaânul Arab* (Beirut: Dâr al-Shâdir, n.d.), 25.

qabul is said to be valid if it shows willingness or pleasure between the two parties without bringing harm to both sides.⁵³ It is also shown by *bai'at* as a form of community willingness to hand over their affairs to the leader accompanied by obedience to the leader, with the leader then guaranteeing justice and benefit both in religious and worldly life.⁵⁴ In this way, the harmony of meaning between *bai'at* and *baiy'* is seen in language, where both do not want an injustice between the two parties who agree.

Meanwhile, in terms of terminology, Ibn Khaldun wrote that the concept of *bai'at* is a form of contract between the community and the leader. *Bai'at* is a pledge of loyalty or a contract of a person or group of people who give the surrender of their affairs of the Muslims to the leader, accompanied by a sense of not wanting to seize power in the slightest.⁵⁵ Ibn Khaldun gave a new dimension in the definition of *bai'at*, later referred to as the description of the social contract. He said that *bai'at* was a contract between the leader and the community, which later became a condition for maintaining state affairs.⁵⁶ Ibn Khaldun also explained that the consequences of the pledge did not only apply to those who took *bai'at* but also to those who got *bai'at* such as leaders or caliphs, in the form of an oath known as *Aiman al-bai'ah* (oath of office).⁵⁷ It is interesting to observe Ibn Khaldun's definition, where he mentions the term contract as another meaning than *bai'at* and then accompanied by the term oath of office for a leader. The terms of contract and oath of office mentioned by Ibn Khaldun later

became the hallmark of his elaboration related to *bai'at*, where he gave a different dimension to the conception of the contract between the people and the ruler.

However, long before Ibn Khaldun's explanation, al-Mawardi also explained the *bai'at* in his book, *al-Ahkam al-Sulthaniyah*, which needed to be explained. The book explains that *bai'at* is a process of taking support and loyalty from *ahl al-halli wa ahl al-aqdi*. He asserts that there is no value in the agreement of an imam or caliph if the majority of the *ummah* does not support and voluntarily pledge allegiance to their leader.⁵⁸ Al-Mawardi begins his definition by explaining the role of *ahl al-halli wa ahl al-aqdi*, who must be in harmony and fully support the caliphate, later quoted by Munawir Syazali as a form of a voluntary agreement process between the two parties.⁵⁹ This voluntary agreement then plays an important position in the ongoing process of the state work program. The *support and oath of allegiance of the ummah* are always considered in changing power. Mawardi also explains that this pledge of allegiance applies to people who take *bai'at* and to leaders who must be responsible for providing justice in every community affair.⁶⁰ Furthermore, in al-Mawardi's definition, there is at least a central point that a caliph or leader will not be able to carry out his power if the contract between himself and the community does not occur. Thus, it is known that *bai'at* has a value that determines the role of the leader or ruler after or before receiving *bai'at* because *bai'at* is a form of pledge and oath of loyalty of the people to the ruler.

⁵³Shobirin, "Jual Beli dalam Pandangan Islam," *BISNIS : Jurnal Bisnis dan Manajemen Islam* 3, no. 2 (2016): 247.

⁵⁴Khaldun, *Mukaddimah Ibnu Khaldun*, 374.

⁵⁵Ibid., 372.

⁵⁶Ibnu Khaldun, *Diwan Muhtadi' Fi Tarikh al-'Arabi Wa al-Barbari Wa Min Ashirahum Min Dzawi Sya'ni al-Akbari* (Beirut: Bait al-Afkâr al-Dauliyah, 1988), 107.

⁵⁷Khaldun, *Mukaddimah Ibnu Khaldun*, 372.

⁵⁸Ibnu al-Hasan Ali Muhammad bin Habib al-Mawardi, *Al-Ahkam al-Sulthaniyah* (Kuwait: Maktabah Dâr Ibnu Kutaibah, 1989), 22.

⁵⁹Munawir Syadzali, *Islam dan Tata Negara: Ajaran, Sejarah dan Pemikiran* (Jakarta: UI-Press, 1993), 67.

⁶⁰M Shoheh, "Al-Mawardi dan Teorinya Tentang Kontrak Sosial," *Realita* 1, no. 1 (2004), <http://180.250.162.219/index.php/realita/article/view/16>.

Based on the description above, it can be seen that there is a difference between the *bai'at* proposed by al-Mawardi and Ibn Khaldun. This difference can be seen in the contract, which al-Mawardi interprets as a voluntary agreement from *Ahl al-halli wa ahl al-aqdi* to the leader. Meanwhile, Ibn Khaldun's definition describes *bai'at* as a contract and pledge of loyalty from the community to its leader. These differences are not contradictory but complementary. Ibn Khaldun calls it a pledge of loyalty or a community contract as a manifestation of respect and obedience to the leader. The leader gives a pledge of office to the community. In comparison, long before Ibn Khaldun, al-Mawardi also writes about the same theme by stressing the urgency of *bai'at* as a voluntary agreement between the leader and the leader trying to fulfill his responsibility for the society's welfare. Thus, *bai'at* does not only talk about agreements but the consequences of obedience and being pleased with the leader in running the state wheel based on the Shari'a.

Ibn Khaldun's description of *bai'at* is a constitutional idea that connects the leader and the *ummah*. The occurrence of *bai'at* becomes a symbol of the pledge or contract between the leader and the community.⁶¹ It then becomes interesting that the contract agreed to as a contract has the same concept as the contract that occurs in buying and selling. The nuances of agreement and willingness between the two parties are the basis of the contract written by Ibn Khaldun.⁶² Ibrahim Jindan then gives a different response in which he states that *bai'at* is not only a matter of two parties between the leader and the community, but more than that, scholars, experts, and those who have competence in the *bai'at* process are also an important part of

the agreement.⁶³ Ibn Khaldun's description and Jindan's opinion have a meeting point. Jindan only adds his description that scholars and experts also have involvement in the process of *bai'at*. Hamzah Khaeriyah concludes that the dimensions of the contract put forward by Ibn Khaldun describe the concept of *bai'at* in the form of three essential pillars. The *first* is the party that gives *bai'at*, the *ummah*. The *second* parties who accept the pledge are the caliph or the imam. The *third* is that values of allegiance are the embodiment of the Shari'a.⁶⁴ It later became the basis that *bai'at* is a description of the social contract in Islam, which is more comprehensive than the Western social contract. A more in-depth explanation of these three things is as follows:

First, the *ummah* or society is essential in the process of *bai'at*. The *ummah* is in the position of giving *bai'at* to its leader. The importance of the *ummah's* roles in the discussion of state administration has led many scholars to try to define it, among them, Raghīb al-Isfahani, who describes the *ummah* as a group of people who are connected based on beliefs within the same scope, whether in the form of humans or other creatures.⁶⁵ Then, the *ummah* can also be interpreted as a small entity in the congregation that later becomes one of the founding members of the congregation. This entity has a close relationship and solid feelings to establish a union. Muhammad Abduh expressed this opinion.⁶⁶ This opinion then tends to be similar to that of Ibn Khaldun, who calls it *ashabiyah* group or tribe, where it

⁶³Khalid Ibrahim Jindan, *Teori Politik Islam: Telaah Kritis Ibnu Taimiyah Tentang Pemerintahan Islam* (Surabaya: Risalah Gusti, 1999), 95.

⁶⁴Hamzah Khaeriyah, "Baiat dan Perilaku Beragama," *TASAMUH: Jurnal Studi Islam* 9, no. 1 (2017): 291-316, <https://e-jurnal.iainsorong.ac.id/index.php/Tasamuh/article/view/215>.

⁶⁵Raghīb al-Asfahani, *Al-Mufradat Fi Gharibil al-Fadzil Qur'an* (Damaskus: Dâr al-Qalam, 1412), 86.

⁶⁶Muhammad Rasyid Ridhâ and Muhammad 'Abduh, *Tafsîr al-Manâr* (Mesir: Mansâ al-Manâr, 1338), vol. 4, 30.

⁶¹Ibnu Khaldun, *Diwan Muftadi' Fi Tarikh al-Arabi Wa al-Barbari Wa Min 'Ashirahum Min Dzawi Sya'ni al-Akbari*, 107.

⁶²Khaldun, *Mukaddimah Ibnu Khaldun*, 340.

has a role in moving the state and becomes an essential element in the formation of a state.⁶⁷ Based on several opinions, it can be analyzed that a strong feeling (*aqidah Islamiyah*) to unite will strengthen and become the basis for the establishment of the congregation or the state.

The second is power. In Islam, power aims to maintain the benefit of the *ummah* in religious life and worldly affairs.⁶⁸ The power present among Muslims is not based on the principle of secularism that separates the elements of religion and the state as agreed by the West and some liberal Muslim scholars such as al-Asmawi and an-Naim.⁶⁹ However, in Islam, the power is based on the Shari'a sourced from the Qur'an and Hadith.⁷⁰ Furthermore, Ibn Khaldun says that power and politics are the responsibility and mandate of Allah in the context of implementing Allah's laws and regulations (*shari'a*). The implementation of the Shari'a in power will bring benefits to human life. The Shari'a will limit power so as not to do wrong things and drown in the world's pleasures.⁷¹ The presence of *shari'a* is the basis for an attitude of power with the point of justice, which includes deliberation, equality of rights, freedom, and tolerance.⁷² In this way, the power born and developed with the Shari'a is the ideal and universal power. The power with the equivalent of the Shari'a will result in a law that is fair and not unjust to every individual because the Shari'a, which is God's law, is revealed according to human nature.⁷³ Thus, the Islamic power system and

its laws are universal and can be accepted by all humans.⁷⁴

Ibn Khaldun explains that power is often referred to as *imamah* and caliphate, then a leader is called an *imam* or caliph. This mention is not only a meaningless term, but it has a philosophical dimension full of meaning. Ibn Khaldun explained that when he is called an imam as a leader, the concept of *Imamah* is identified with the practice of praying in the congregation where there is an imam who leads in front. All of his movements become role models. Meanwhile, the mention of the leader in the concept of the caliphate is due to his position as a substitute for the Prophet or referred to as the Caliph of the Prophet.⁷⁵ The existence of two etymologically different terms is not interpreted in a dichotomy. These terms have the same relationship as a commitment to upholding *shari'a* law. Based on the description above, it is then understood that the dimensions of *shari'a* are the determinants of the continuity of power and how much commitment by the rulers in carrying out *shari'a* in state administrative matters determines the lasting power of a power. Ibn Khaldun writes that the *shari'a* will maintain unity, avoid conflicts, and ensure security for each individual.⁷⁶ This statement then becomes an essential basis for leaders to get *bai'at* voluntarily from the *ummah* who submits their affairs to the leader.

Third, *shari'a*, from the beginning, the explanation of the concept of *bai'at* related to *shari'a* has always been a term that is often discussed. *Shari'a* is an essential element in forming the character of the *ummah* and becomes the basic foundation of power in Islam. Ibn Khaldun describes his opinion regarding the dimensions of *shari'a* in social life, "Indeed, all *shari'a* law must have goals

⁶⁷Khaldun, *Mukaddimah Ibnu Khaldun*, ix.

⁶⁸Ibid., 374.

⁶⁹See al-Asmawi's view on the concept of an Islamic state in his book *Al-Siyasah al-Islamiyah* and see also the views of an-Naim in his book *Islam and Secular State*.

⁷⁰Ali Muhammad al-Shallabi, *Negara Islam Modern Menuju Baldatun Thayyibatun Wa Rabbun Ghafur* (Jakarta Timur: Pustaka al-Kautsar, 2017), 35.

⁷¹Khaldun, *Mukaddimah Ibnu Khaldun*, 341.

⁷²Al-Shallabi, *Negara Islam Modern Menuju Baldatun Thayyibatun Wa Rabbun Ghafur*, 36

⁷³Syed Muhammad Naquib al-Attas, *Prolegomena to the Metaphysics of Islam* (Kuala Lumpur: ISTAC, 1995), 52.

⁷⁴Khaldun, *Mukaddimah Ibnu Khaldun*, 348.

⁷⁵Ibid., 338.

⁷⁶Ibid., 346.

and wisdom contained in it, and because of this, shari'a is also revealed".⁷⁷ Shari'a law certainly has a purpose and wisdom to bring prosperity and justice to humans. The existence of the shari'a is a form of God's love for human life. The practice of the Shari'a in life is a tangible form of surrender to Allah. It is what Syed Naquib al-Attas then meant 'submission to god's will means also obedience to his law'.⁷⁸ Surrendering oneself completely to Allah is not only by speaking or believing in the soul. However, it must also be accompanied by practice and submission to the laws and regulations of God, which in this case is embodied in Islamic law. Hence, there is no reason for a Muslim to reject the shari'a as the foundation of the state and the social order of life. It is a form of faithful servitude and embodies human nature.

In addition, shari'a law brings prosperity which is not contradictory to the provisions of natural law. Ibn Khaldun writes that the shari'a would never conflict with the laws of Nature because shari'a has the characteristics of guarding, protecting, and avoiding conflicts.⁷⁹ The dimension of shari'a law does not only focus on state affairs but is much broader than that. Shari'a can be present in the minor joints of human life.⁸⁰ The constitution of power that can maintain consistency with the shari'a will be able to survive and develop following changes and technological advances. The shari'a can meet civil society's various needs and demands at all times and places.⁸¹ Al-Shallabi explains that the purpose of the shari'a is to make people happy, improve themselves, and facilitate all their affairs in every difficulty they face. All of them are contained in the

⁷⁷Ibid.

⁷⁸Syed Muhammad Naquib al-Attas, *Prolegomena to the Metaphysics of Islam*, 52.

⁷⁹Khaldun, *Mukaddimah Ibnu Khaldun*, 346.

⁸⁰Al-Shallabi, *Negara Islam Modern Menuju Baldatun Thayyibatun Wa Rabbun Ghafur*, 240.

⁸¹Ibid.

Qur'an.⁸² In line with the description above, it can be understood that the contract between the leader and the *ummah* is undoubtedly based on the principles of the shari'a, as the object of the contract agreement between the party giving the *bai'at* and the one receiving the *bai'at*.

Implementation of Bai'at in the State System

Ibn Khaldun explains that *bai'at* can be implemented in the appointment of a leader. Appointment of leaders is an obligation of every society based on the argument of the consensus of friends and *tabi'in*.⁸³ The process of appointing this leader seeks to prevent humans from judging each other and being primitive, which is far from human nature. The embodiment of a leader who has pledged *bai'at* is a caliph for the *ummah*, who has a position as a substitute for the apostle's task in overseeing the Islamic *ummah's* affairs. It became the basis for the appointment of the caliph at the time of the death of the Prophet, where Abu Bakr al-Ṣiddiq was appointed as caliph and was sworn in by Muslims both from the *Anṣar* and *Muhajirin* groups. This event also marked the connection and relationship between *bai'at* and the appointment of leaders as an effort so that humans do not fall into the jungle law at all times.⁸⁴

Bai'at is performed by shaking hands. Therefore, Ibn Khaldun explains that *bai'at* is done by putting their hands on his to pledge *bai'at*.⁸⁵ This process is similar to the contract process in buying and selling between the seller and the buyer. In the buying and selling process, contract points become harmonious and cannot be abandoned. In addition, the

⁸²Ibid., 241.

⁸³Khaldun, *Mukaddimah Ibnu Khaldun*, 339.

⁸⁴Ibid.

⁸⁵Ibn Khaldun, *Diwan Muḩtadi' Fi Tariḩh al-'Arabi Wa al-Barbari Wa Min 'Ashirahum Min Dzawi Sya'ni al-Akbari*, 107.

nature of this contract is binding and mutually beneficial between the two parties and is not oppressive to one party. In line with this, *bai'at* also has points that are not much different from contracts that occur in buying and selling. The dimension of the agreement between the leader and the community is called the pledge of *bai'at*, which is carried out based on pleasure or a sense of volunteering to obey and be responsible for each trust. Ibn Khaldun later referred to it as the pledge accepted by the Shari'ah.⁸⁶ Then, it is considered a social contract process that occurs in the context of an Islamic state.

Bai'at is also synonymous with the process of delegating power. It is illustrated by the incident of Abu Bakr al-Ṣidiq, who appointed Umar Bin Khattab in front of the other companions to be his successor as leader of the Muslims. Umar bin Khattab did the same thing by delegating power to Ustman bin 'Affan.⁸⁷ However, the delegation made by Umar was determined through the deliberation of the friends who gathered to discuss which of them would replace the caliph. In this way, the process of devolution of power that occurred during the companions' time was valid because it was through the process of *ijmak*, and also people carried out *bai'at* to the caliphs. The consequences of this *bai'at* then take the form of obedience and submission to the leader or caliph.⁸⁸

The two descriptions above provided a clear picture of the position of *bai'at* as the basis for community or *ummah* support to its leaders. However, Ibn Khaldun also explains that the leaders had an agreement born of *bai'at*, called the oath of office of *Aiman al-bai'ah*.⁸⁹ Leaders are obliged and responsible for the affairs of

each community, be fair and not unjust, and have a *wasathiyah* (intermediary) attitude in responding to differences. Moreover, leaders must be able to commit to upholding Islamic law because power in Islam is under the auspices of the caliphate, which is based on religious law from the Qur'an and hadith.⁹⁰

Conclusion

Based on the various explanations above, the following conclusions can be drawn: *First*, the discussion of the socio-political contract was fascinating to be studied more deeply because many Western figures have discussed it, such as Thomas Hobbes (1679), John Locke (1704), and Jean Jacques Rousseau (1778). However, long before the West discovered this concept, Islamic scholars such as Ibn Khaldun (1332 C/1406 C) had written it down although with different terms and values, namely with the term *bai'at* and placing the Shari'a values in it.

Second, the concept of *bai'at* can be equated with a social contract for several reasons: First, the existence of the *ummah* or society in the position of giving *bai'at* to its leader is commensurate with the term society in the Western social contract, which assumes a position as a group that hands over power to the leader. Second is the power that aims to maintain the benefit of the *ummah* in religious life and worldly affairs. It is also in line with the term sovereign or sovereignty in the Western social contract, although the two have different values. Third, the existence of shari'a which is an essential element in the formation of law in the country and is a value agreed upon by the community and leaders, so power in Islam must be based on it. Meanwhile, in the West, they do not have noble values such as the shari'a. They only use the value of liberty, which must be agreed upon, not dependent on

⁸⁶Khaldun, *Mukaddimah Ibnu Khaldun*, 372.

⁸⁷Ibnu Khaldun, *Diwan Muhtadi' Fi Tarikh al-Arabi Wa al-Barbari Wa Min 'Ashirahum Min Dzawi Sya'ni al-Akbari*, 107.

⁸⁸Khaldun, *Mukaddimah Ibnu Khaldun*, 375.

⁸⁹Ibid., 372.

⁹⁰Ibid., 421.

certain norms or religions.

Third, the implementation of allegiance in the state system is seen in the appointment of a leader or caliph in Islam: the existence of an agreement between the community and the leader. The dimension of the agreement between the leader and the community is called the pledge of loyalty which is carried out based on pleasure or a sense of volunteering to obey and be responsible for each mandate. Then, the leaders are obliged to carry out the shari'a, be responsible for the affairs of the community, be fair, not unjust and have a middle attitude in responding to differences. It distinguishes *bai'at* and the Western social contract.

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