

Legal Status of Subagent in Subagency: A Comparative Study

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Abstract

If under the circumstances, it appears that the agent has authority to employ the sub agent for his principal, expressed or implied, then the fundamental question is whether the sub agent is the agent of the principal and is directly responsible to him or he is the agent of the original agent and only is responsible to him for his conduct. If the principal express determine that the agent has authority to employ the subagent for his own or the principal, then the agent must flow his opinion; But when that authority is absolutely, there are many different view. In Islamic Law (Fiqh), the famous view of jurists is that the subagent is the agent of principal. However, in French and Common Law, in this situation the subagent is the principal's agent. If the subagent was the agent of principal there is no relation between him and original agent and the original agent is not responsible to principal for the acts of the sub-agent; but if he was the agent of original agent, there is legal relation between them.

Keywords: Delegation; Multiplicity of Agents; Subagency; Subagent.

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