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## HISBAH INSTITUTION AND ITS ROLE IN ENVIRONMENTAL CONSERVATION IN ISLAMIC CIVILIZATION

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### **Abstract**

*Islamic civilization has achieved glorious times through its achievements that have covered many areas of human need. The objectives of this paper are to explain the fundamental knowledges of hisbah, the existence of hisbah institutions in Islamic civilization, and also the roles of hisbah institutions in Islamic civilization, especially in matters that related to the environmental preservation. Hisbah institutions have been established to ensure that all activities of human life are constantly monitored and refined to meet the requirements of Islamic teachings. This study is a qualitative study with content analysis of documents from classic and current books. This article concludes that the presence of this particular institution has made a huge impact in ensuring that the environment is clean and suitable for living. It discovers the principles of amar ma'ruf (command the good) and nahi munkar (forbid the evil) have been successfully implemented through the roles played by this institution.*

*Keywords: Hisbah Institution, Amar Ma'ruf (Command the Good), Nahi Munkar (Forbid the Evil), Environment.*

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## **INTRODUCTION**

The hisbah institution was an institution that has played an important role in Islamic countries and civilizations in the past. Among the roles of the institution is to regulate, maintain and monitor the general well-being of the Muslim community including political, social, economic,

environmental, and individual activities. The role of the institution has been in place since the beginning of Islamic civilization to ensure that society's well-being is protected and monitored parallel with Islamic law guidelines.

Mardzelah Makhsin (2008) explained that the institution of hisbah is an important aspect of the Islamic system of government and governance that has proven successful. It is a system that is evolving in the Muslim community to preserve the public interest. Azrin Ibrahim (2019) said that hisbah aims to lift the civilization and beauty of Islam other than producing humans who are faithful to the commands of Allah SWT and leave behind what He forbids. It automatically helps people to become the best servants and caliphs on this earth.

Bharudin Che Pa, Sanusi Abdul Manaf & Mohd Roslan Mohd Nor (2017) concluded that the role of hisbah is to ensure the main shara' responsibility that is al-amr bi al-ma'ruf wa al-nahyy 'an al-munkar can be implemented smoothly and effectively. When these two elements are carried out, the society will be able to live in peace and harmony. However, if there is no special organisation who is responsible to carry out this trust, the shariah will not be upheld accordingly.

Based on history, Islamic states have been monitoring the public law and order situations and the maintenance of public facilities to protect the individuals against physical injuries in public places. According to Institute of Policy Studies, Pakistan: "The medieval Islamic state developed three institutions of judicial and quasi-judicial nature i.e. qada', (judiciary), mazalim and hisbah or ihtisab. Hisbah or ihtisab was by and large a practical form of the Qur'anic injunctions of dakwah ila al-khayr (call to the good) and amr bi al-ma'ruf wannahi 'an al-munkar (enjoining the doing of all that is ma'ruf and forbidding all that is munkar) (Abdurrahman Raden Aji Haqqi, 2017)

## THE CONCEPT OF AL-HISBAH

The word 'al-hisbah' comes from the verb ihtasaba, yahtasibu, ihtisaban which has several meanings. First, it is to expect a reward from Allah SWT (talab al-ajr). The usage of this meaning is based on the hadith of the Messenger of Allah:

مَنْ صَامَ رَمَضَانَ إِيمَانًا وَاحْتِسَابًا غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ "

"Whoever observes fasts during the month of Ramadan out of sincere faith, and hoping to attain Allah's rewards, then all his past sins will be forgiven." (Sahih al-Bukhari: 38)

The second meaning is to prevent from doing the acts that are prohibited by Islamic law. While the third meaning is derived from the word ihtasaba, yahtasibu is to think about the possibilities by doing calculation and estimation. The fourth meaning of hisbah is derived from the words hasaba, yuhasibu, muhasabah, that is to evaluate oneself or to practice muhasabah (to examine one's conscience). This matter is supported by Adam Drahman & Suhaimi Ab. Rahman (2019) by stating that the principle of hisbah begins with internal supervision known as muhasabat al nafs. It is a supervisory foundation that aims to ensure proper administration and management

The use of this meaning is reflected in the events of the Caliph Umar al-Khattab who has directed Hatib bin Abi Balta'ah to raise the price of his goods or to leave the market. After

they split up, Sayyidina Umar reconsidered his instructions (*hasaba nafsahu*) and went to Hatib's house. Sayyidina Umar later admitted that he had made a mistake and it was up to Hatib to sell his goods as he had promised.

The word 'hisbah' that derived from the Arabic word 'hasaba' also means to govern, to count, to examine, to prevent and to detain humans. (Hada, 2010: 35 - 38)

While according to Islamic law, 'al-hisbah' means the practices of the responsible party in reviewing, administering, coordinating and ensuring that all one's work is in accordance with the principles set forth in *al-amr bi al-makruf wa al-nahy 'an al-munkar* (command the good and forbid the evil). (Hada, 2010: 38 -42). This matter is in line with many verses of al-Quran that claim to perform *al-amr bi al-makruf wa al-nahy 'an al-munkar*, and among them is the verse that describe Prophet Muhammad SAW through the word of Allah SWT in Surah al-A'araf: 157:

الَّذِينَ يَتَّبِعُونَ الرَّسُولَ النَّبِيَّ الْأُمِّيَّ الَّذِي يَجِدُونَهُ مَكْتُوبًا عِنْدَهُمْ فِي التَّوْرَةِ وَالْإِنْجِيلِ يَأْمُرُهُمْ بِالْمَعْرُوفِ وَيَنْهَاهُمْ  
عَنِ الْمُنْكَرِ ۚ وَهُمْ الطَّيِّبَاتُ وَيُحَرِّمُ عَلَيْهِمُ الْخَبِيثَاتِ وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَعْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ ۗ فَاَلَّذِينَ  
ءَامَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ وَاتَّبَعُوا النُّورَ الَّذِي أُنزِلَ مَعَهُ ۗ أُولَٰئِكَ هُمُ الْمُفْلِحُونَ

” Those who follow the messenger, the Prophet who can neither read nor write, whom they will find described in the Torah and the Gospel (which are) with them. He will enjoin on them that which is right and forbid them that which is wrong. He will make lawful for them all good things and prohibit for them only the foul; and he will relieve them of their burden and the fetters that they used to wear. Then those who believe in him, and honor him, and help him, and follow the light which is sent down with him: they are the successful.”

In addition, there were some intellectuals who have given some definitions of hisbah, including al-Nasir al-Haq who said hisbah is a complete manifestation of the judicial institution (*qudha*) which is based on the understanding of the tauhid of Allah SWT.

Al-Mawardi defined hisbah as the act of invitation to do *ma'ruf* (goodness) when it is clearly abandoned, and the act of prevention from doing evil when it clearly done. Such definition was also given by Abu Ya'la al-Farra 'and al-Sunami.

Meanwhile, Imam al-Ghazali defined it as a complete expression that included the task of invoking the act of *ma'ruf* and preventing *munkar* (Hada, 2010: 12 -13). Al-Syairazi defined hisbah as an act of commanding good acts, preventing evil acts and improving the life of community.

Ibn Khaldun defined hisbah as the task of inviting in doing the righteous acts and preventing the evil acts (Hada, 2010: 13) In this context, al-Sunami emphasized that the real task of *muhtasib* (the person who performs hisbah) is to invite people to do the righteous acts and prevent them from doing evil acts in order to seek the reward of Allah SWT.

According to the Islamic view, hisbah is every activity of supervision and enforcement as well as practices in upholding the principles of command the good and prevent the evil, whether

against individuals, communities, organizations, religions and countries in order to achieve common good and security (Muhammad Syahir Abu Bakar, Wan Fariza Alyati Wan Zakaria & Kamaruddin Salleh, 2016)

In conclusion, hisbah could be defined as a government institution that delegated to an appointed ruler, but later handed over to a special officer named al-muhtasib who is responsible in regulating activities related to economy, religion, health and urban administration. The purpose of this regulation is to ensure that all activities are conducted in accordance with Islamic law, and will serve to punish those who found guilty (Abdullah Ngah, no date: 12 - 15). Generally, hisbah can be divided into two parts, namely general hisbah and special hisbah. The general hisbah is where every person has a duty to command the good and prevent evil because this duty is the responsibility of all. Meanwhile special hisbah is hisbah which is the duty of a party who is specifically assigned to perform it (Syed Salim bin Syed Shamsuddin, 2018).

## HISBAH INSTITUTION IN ISLAMIC CIVILIZATION

History showed clearly that the existence of the hisbah institution went hand in hand with the development of Islam itself. This is because Islam is a religion that encourages people to do good deeds and prevent them from doing evil that can harm people. The practice of hisbah was clearly demonstrated in the time of the Prophet Muhammad SAW where there were some hadiths that show the conduct of hisbah. Among the hadiths is the hadith that narrated by Abu Sai'd al-Khudri RA: I heard the Prophet Muhammad SAW says:

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ وَذَلِكَ أَضْعَفُ الْإِيمَانِ "

“He who amongst you sees something abominable should modify it with the help of his hand; and if he has not strength enough to do it, then he should do it with his tongue, and if he has not strength enough to do it, (even) then he should (abhor it) from his heart, and that is the least of faith.” (Sahih Muslim: 49)

At that time, the person who performed the task of hisbah called a market officer (al-amil ala al-suq) and a market supervisor (sahib al-suq) who was responsible for supervising business affairs, setting weights and measures, and monitoring business affairs. Said bin Said bin al-As was appointed as the supervisor of the market in Mecca, while Saidina Umar al-Khattab held the same position in Medina (Abdul Hasib Radwan, 1990: 38) According to Auni Abdullah (2000), in the time of Rasulullah SAW also when it is found that the community does not give commitment, action will be taken such as providing guidance and reprimands, giving advice by imposing threats. While the act of using force, that is, such as whipping, is punishable by takzir, depending on the levels of wrongdoing committed.

After Prophet Muhammad's death, hisbah's task continued by the Khulafa al-Rashidin. Most of them had done this task on their own, besides appointing some helpers to ensure this task performed well and smoothly (Rashad Abbas Ma'tuq, 1982: 127). It has been reported that Saidina Umar al-Khattab himself supervised business activities in a market, and once he hit a seller on the sidewalk who disrupted the traffic. He also poured away milk on sale that was mixed with water. In addition, he also hit the owner of an animal that carried too much load

that caused torture to the animal. On the other hand, Saidina Uthman was also reported to have focused on public facilities and markets. In addition, Saidina Ali once advised the sellers to fear Allah SWT, and that sellers must provide adequate weights and measures, improve business performance, and monitor market conditions (Abdul Hasib Radwan, 1990: 139).

It was reported that Saidina Umar RA appointed al-Sa'ib bin Yazid with Abdullah bin Utbah as the rulers of the Medina market, and he also appointed women as his assistants where Sayyidah al-Syifa and Sayyidah Samra' binti Nuhaik were assigned to oversee the Medina market. (Alias Azhar, 2018: 57 - 68)

In the time of the Bani Umayyad government, the hisbah institution was still under the government. It was growing in line with the demands of society at that time. There were also assistants appointed to provide assistances in the supervision of the market and to monitor the morale of the community.

During the reign of the Bani Abbasid government, the title of al-muhtasib was used for the first time, and the hisbah institution was separated from other institutions at that time. This fact provided the opportunity and space for the al-muhtasib to administer this institution holistically and comprehensively (Siham Mustafa Abu Zayd, 1986: 62), in addition got help from the assistants called 'arif' (the wise) and 'amin' (the truthful). Caliph Abu Jaafar al-Mansur appointed Abu Zakaria Yahya bin Abdullah as the head of the al-muhtasib during his rule (Zulfaqar Mamat, 2010: 115)

Therefore, the hisbah institution has played significant and important roles in Islamic civilization in ensuring that all aspects of human life are implemented in accordance with Islamic law.

## **ROLE OF HISBAH INSTITUTION IN ENVIRONMENTAL CONSERVATION**

In the history of the implementation of hisbah, there were basic things that need to be emphasized and prioritized. These things were al-muhtasib, al-muhtasab 'alaih, al-muhtasab fih and al-ihtisab. In other words, to make the supervision a hisbah, all the four things need to be present in the process. It is also named 'the pillar of hisbah' in Arabic (al-Ghazali, 1984: 29). According to Azrin Ibrahim (2018) all these four pillars are crucial to ensure that the hisbah institution is implemented according to the laws or rules outlined in Islam.

According to Imam al-Mawardi, the field of duty of the hisbah institution could be seen in the following items: (Mohd Parid, 1991: 436)

- i. Matters related to the rights of Allah SWT.
- ii. Matters related to the human rights.
- iii. Matters related to the collective rights.

Al-muhtasib was the title given to the trustee who was responsible in performing the duties of amr bi al-ma'ruf (commanding the good acts) and nahyu `an al-munkar (forbidding evil acts). The task is divided into 3 categories, namely, those matters that involved Allah's rights, human rights and involved both rights of Allah SWT and human rights (Azrin, 2014: 27) Thus, all of these tasks can be divided into four scopes or sections: (Mohd Parid, 1991: 436)

- i. To regulate economic activities
- ii. To monitor worship acts and matters that are against the law of religion
- iii. To observe the health and supervising of medical industry
- iv. To oversee the urban administration and maintaining the peace of the city

The focus of al-muhtasib's field of work related to environmental conservation falls into the fourth section. In this particular section, the tasks of al-muhtasib can be divided into 3 scopes:

- i. To maintain the comfort and smoothness of public facilities. Al-muhtasib needs to ensure that public facilities such as clean water supply, malls, public buildings, mosques and so on are always in good condition and workable. Al-muhtasib also has the right to seek financial assistance from the Treasury Department for improving all the public facilities. In the absence of any fundings, al-muhtasib may raise funds from public donations with the prior approval from the government.
- ii. To resolve disputes between neighborhoods on minor matters that do not involve legal interpretation. Otherwise, the case will be taken to court to be settled by qadhi. The task of al-muhtasib is to resolve minor disputes that are clearly happened, such as problems of constructing a building or installing roof of a house that enters a neighboring land and the like. When a complaint is made to al-muhtasib, he should order the building or roof of the house to be removed. In the event of conflict of law, al-muhtasib must bring the case to court. If a tree's branches or roots enter a neighbor's area, al-muhtasib cannot remove or take it off because it is not the neighbor's fault. Neighbors also cannot complain about the discomfort caused by smoke coming out from their neighbors' kitchens, as well as the discomfort caused by an industry or work that legally valid.
- iii. To monitor the peace of public. The scope of this work includes cases of providing alimony to family members, attempts to delay repayment of debt by capable persons, acceptance of will and practice of wadi`ah (empowerment to someone for keeping the owner's property), marriage of widows, care of slaves, rules of the market, supervision of boaters and kindergarten teachers.

According to Abdul Malek A. al-Sayed, al-muhtasib was also responsible for protecting the burial ground from being used as a drinking place or as a place for business activities. All members of a community were also responsible for maintaining boundaries between genders on the streets and in the public baths. The pool must always be covered and kept clean (Abdul Malek, 1995: 160).

In addition, al-muhtasib also played a role in ensuring that no beggar come to ask for alms in the mosque on Friday and Sunday. Al-muhtasib also must ensure that no animals roam around the entrances of mosques and churches as their impurities could pollute the cleanliness of the places, and cause discomfort of those who come to perform worships (Abdul Malek, 1995: 161). All of these tasks underscore the importance of al-muhtasib's roles in ensuring good environmental sustainability for all people, as they visit places of worship, public places, and so on.

Other than that, al-muhtasib also played a role in ensuring that those who involved in the affairs of the market were honest in all matters of their dealings and businesses. For example; the milk to be sold not to be mixed with water in order to get more profit. The milk must be clean and pure. Besides that, the vegetables to be sold should also be cleaned first in the river or flowing water before being displayed for sale (Abdul Malek, 1995: 160). This kind of role proves that Islam emphasizes a clean environment, as al-muhtasib must enforce hygiene aspects in surrounding areas to the point of business transactions in the market. In this way, the sellers and the buyers will be honest and at the same time also preserving the environmental sustainability.

Moreover, al-muhtasib must also enforce the sale of oil in pure condition and it should not be sold near the places of worship. This is to ensure that there are no dirt and impurities in public places such as markets, shopping malls and so on. Al-muhtasib is also responsible for ensuring that livestock and farm animals are slaughtered only in the market. The sellers of livestock also must ensure that their livestock do not roam the road and does not hinder traffic and the public (Abdul Malek, 1995: 160). This role is to avoid fraud and dishonesty in the transactions, as well as to enforce environmental conservation to ensure a clean and comfortable environment.

According to Abdul Malek A. Al-Sayed, in areas where there is a majority of Muslims, al-muhtasib also plays a role in ensuring that Friday prayers are performed accordingly in the right manner. Mosques maintenance works are also under the supervision of al-muhtasib. The practice of drinking alcohol must be prevented, and musical instruments must be prohibited from use at prayer times (Abdul Malek, 1995: 160).

Therefore, al-muhtasib must have certain qualifications to ensure that the assigned tasks are performed as efficiently as possible. Among the criteria to be met are sincere, fair, knowledgeable, wise and patient (Mohd Miqdad, 2016: 67).

If a al-muhtasab 'alaih was the accused party or the one who abandoned the good act or wrongdoer, this person will be penalized based on the mistakes made with no exceptions or privileges whether nearby or distant relatives, government officials, judges or professionals. No one is exempted from the punishment when it involves human relationships (Azrin, 2014: 34).

Al-muhtasab fih was the authority of al-muhtasib or something that is in the target area of al-hisbah. It involves two goals, namely, to command good acts and to prevent evil acts. It also encompasses three important elements: the rights of Allah SWT, the rights of human and the rights of both parties; the rights of Allah SWT and the rights of human (Azrin, 2014: 34).

Al-ihtisab was a form of action taken against those who involved in the hisbah. This action was not as easy as a judge sentences an offender on any wrongdoings, as al-ihtisab requires gradual methods and strategies. It starts with simple actions as advice, penalty and then followed with heavy forms of punishments such as whipping and so on. These punishments intended to change the attitude of the offender whether they are aware of their guilt and could receive awareness and consciousness or otherwise. The ultimate purpose of al-ithisab is to make people aware that every wrongdoing they make will receive retaliation not only in the world but also in the hereafter (Azrin, 2014: 35).

According to Huda Abdul Ghafur Amin, the hisbah institution also played a role in ensuring the preservation of the environment as it is involved in preventing evil acts and wrongdoings. She divided the roles of al-hisbah in environmental conservation including the

aspect of economy, health, community, and environment beautification (Huda Abdul Ghafur Amin, 2010: 187). In addition, the hisbah institution also played a role in protecting and managing the environment from any elements that may cause pollution and damage to the air, water, nutrition, medicine, noise, waste and the development of deserts (Huda Abdul Ghafur Amin, 2010: 227).

Based on the roles of the hisbah institution and the duties of the al-muhtasib, it is evident that Islam gives serious attention to the elements of environmental conservation in order to provide comfort and convenience to the people of a city. Strict and systematic enforcements could assist the development of Islamic municipalities and countries that is in line with the environmental conservation.

## **THE REALITY OF HISBAH INSTITUTION NOWADAYS**

The hisbah institution is the responsible party in implementing the demands of the principles of amar ma'ruf (command the good) and nahi munkar (forbid the evil). However, in this age of globalization and modernization, there are various current challenges that need to be faced by the hisbah institution which can inhibit and interfere with the task of the Muhtasib to fulfill their responsibilities perfectly. Various efforts need to be made in order to restore the roles of the hisbah institution since the roles are not only to monitor external errors, but also to overcome the errors that are related to the spiritual, behaviour, and moral aspects of society. Therefore, the hisbah institution needs to develop and evolve in line with the changing times. Thus, the implementation of hisbah in current time could be modified and updated according to the suitability of the times based on the teachings and religious values that will give good results in this world and the hereafter.

## **CONCLUSION**

Hisbah is an element of supervision that is fundamental to human life, especially to the preservation of the environment for the benefit of the general community. It has its own role to ensure that the environment is always in the best condition for the benefit of all parties. The al-hisbah institution had been functioning in for the sake of protecting the environment in past Islamic civilization. Awareness of the society at that time was enhanced so that the community members could play their roles in reducing the damage and pollution of the environment. The roles of the al-hisbah institution were in line with the requirements of the al-Maqasid al-Syariah (objectives of Islamic law) namely; to protect the religion (hifz al-din), to protect the life (hifz al-nafs), to protect the mind (hifz al-aql), to protect the lineage/dignity (hifz al-nasl/al-muruah) and to protect the property (hifz al-mal). Thus the peace of mind, the balance of thoughts and the survival of future generations will be obtained through the preservation of the environment from contaminated elements.

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