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## HISBAH: A VIBRANT ISLAMIC LEGAL TOOL FOR SOCIO-POLITICAL ORDERLINESS

Dr. Abdullateef Adekunle Owoade\*

Mohammed Bashir Badr \*\*

### ABSTRACT

*This paper examines the viability of the institution of Hisbah as a tool for achieving social and political orderliness. The importance of social and political orderliness in any society or to any government irrespective of its type cannot be over emphasized. Social and political stability are rudiments for societal integration, peaceful co-existence and tranquility. The impacts of Hisbah in the pristine Islamic state established in Madinah accounted for the social integration, political stability, corruption-free economic system and security which parachuted the state to an elevated position amongst others and a force to reckon with. The impacts of the institution in the contemporary Muslim countries are tremendous which also underline the social and political orderliness therein. This work therefore examines the viability of the institution as a tool for social and political modeling in the society. Although, some northern states in Nigeria make provision for hisbah police without prejudice to the functions of the conventional police, this accounted for the reduction in immorality and criminality.*

### I. Introduction

MAN FROM TIME immemorial has lived and has continued to exist as a social animal. Despite the natural differences i

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background, perspectives, ideologies and philosophy, the social structure of the society remains intact. Admittedly, these differences sometimes constitute great deal of threat to unity and peaceful co-existence in some society. However man has been able to deal with all of these scientifically over the years.

Islam being a religion and a code of life has identified certain principles and procedures for the attainment of peace, unity, orderliness and justice in order to meet the demands and aspirations of every rational individual. In other words, Islamic law prioritizes social and political orderliness; hence, the establishment and institutionalization of enabling mechanism for its actualisation. The establishment of Islamic state in *Madinah* was to enable proper administration of the ordinances of Allah. Similarly, the independence of the Judiciary during the reign of Umar was to advance and facilitate Justice devoid of any blemish. The creation of the military force and other enforcement agencies was to ensure adequate protection of the state from external and internal threat respectively.

Meanwhile, social and political orderliness has become a lost treasury which the world is longing for. The rates of social and political unrest across the middle-east, Africa, Asia and Europe today testify to the deficiency of peace and amity in the World. These problems are neither due to the absence of enforcement agencies in the world nor due to the unavailability of modern apparatus and technology to match the rate of violence and criminality. Hence, the cause of social and political instability despite the sophisticated advancement in technology remains a million-dollar question begging for answer.

This article therefore focuses on the role and significance of the *Hisbah* institution in the social and political orderliness as captioned in the title of this paper. The institution as observed in many Muslim states where it is being adopted has played significant role in integrating the society. Hence, the impacts and vibrant role of

the institution in anchoring social stability and political orderliness would be the centre of discussion in this paper.

## II. Conceptualization and Historical Evolution of Hisbah

The term *Hisbah* has enjoyed enormous patronage by both classical and contemporary scholars as there is plethora of literatures available in which scholars have examined it. Lexically, the term in Arabic means 'hope'<sup>1</sup> and is derived from the root word '*Ihtisaba*', '*yahtasibu*' and '*Ihtisaban*'<sup>2</sup>, which denotes several meanings in Arabic lexicography. Literally the term *Hisbah* is derived from the root word: *Ihtisab yahtasibu, Ihtisaban*, which carries a number of meanings.<sup>3</sup> The term *hisbah* can also be derived from the root word *hasaba, yuhasibu, muhasabah*, which in this case means self-evaluation.<sup>4</sup> Furthermore, according to Ahmad Che Ya'kob, 'the term *Hisbah* means *al-hisab*, which denotes administration or management'.<sup>5</sup>

Technically, *Hisbah* connotes the state institution to promote the proper conducts and to avoid all types of misdeeds or offences.<sup>6</sup> Technically, majority of the medieval Islamic jurists generally opined that the concept of *Hisbah* actually refers to the act of enjoining good and forbidding evil (*al-amr bi al-ma'ruf wa al-nahy an al-munkar*). In fact, it is generally a collective responsibility on all Muslims as

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<sup>1</sup> Fauzan Saleh, *The Institution of Hisbah: Its Roles in Nurturing Fair and Just Economic System in Islam*, paper presented at the National Conference on Islamic Economics 2009 on 10<sup>th</sup> -11<sup>th</sup> February 2009.

<sup>2</sup> Dictionary, available at: <https://islamicbanker.com/dictionary> (last visited on October 31, 2017).

<sup>3</sup> Ssuna .S. and others, "Wilayat al Hisbah: A Means to Achieve Justice and Maintain High Ethical Standards in Societies" 6(4) *MJSS* 201 (2015).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Id.* at 201.

<sup>6</sup> Fauzan Saleh, "The Institution of Hisbah: Its Roles in Nurturing a Fair and Just Economic System in Islam." Available at: <http://fasleh2010.blogspot.co.ke/2010/08/institution-of-hisbah.html?m=1>, (last visited on 20<sup>th</sup> March, 2017).

prescribed in the Holy Quran.<sup>7</sup> Contextually, Al-Juwaini opined that the whole parts of the Shari'ah principles are rooted from the duties of enjoining good and forbidding evil.<sup>8</sup> Similarly, according to Ibn Taymiyah, he also emphasized that 'the most apex achievement in executing the public duties of Islamic institutions are to uphold goodness and get rid of evil'. Ibn Taymiyah attempted a definition of the term *Hisbah* as "enjoining good and forbidding evil", hence this definition actually visualized the whole Islamic -oriented institutions, as well as the public institutions inclusively in order to accomplish such duties. Hence, it can be observed thoroughly that this kind of responsibility does not merely lie on the *muhtasib per se*, but rather to the whole individual Muslim as a whole.<sup>9</sup>

The knowledge on *Hisbah* has received special attention from Islamic scholars by instigating ideas and thoughts about *Hisbah* in the form of academic articles. These academic works have been appreciated and responded to in the form of implementation. *Hisbah* is a horde of knowledge created from an Islamic perspective and paradigm. Knowledge on *Hisbah* has been put in book form and has appeared in academic articles. Some of the discussions on this topic are found in literatures such as *al-Hisbah fi al-Islam* by Ibrahim Dasuqi al-Shihawi, *Ahkam al-Sultaniyah* by Imam al-Mawardi, *Nihayah al-Rutba fi Talab al Hisbah* by Ibn Bassam, *Ma'alim fi al-Qurbah fi Ahkam al-Hisbah* by Ibn al-Ukhuwwah and numerous other classic works.<sup>10</sup> Basically, Al-Juwaini opined that the whole parts of the

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<sup>7</sup> Surah Al Imran 3:104 . Dr. Muhammad Taqi-ud-Din al-Hilali and Dr. Muhammad Muhsin Khan; *The Noble Qur'an English Translation of the Meaning and Commentary*. (King Fahd Complex, Madinah).

<sup>8</sup> Mohd Ab Malek bin Md Shah and others, "The Institution of Hisbah: In the Purview of Its Significances and Development", 1(2) *GJBSSR* 387 (2015).

<sup>9</sup> *Id.* at 388.

<sup>10</sup> Azrin Ibrahim, "Accountability (Hisbah) in Islamic Management: The Philosophy and Ethics behind Its Implementation" 5(8) *IJHSCC* 184 (2015).

Shari'ah principles are rooted from the duties of enjoining good and forbidding evil.<sup>11</sup>

However, some Jurists like Ahmad Che Ya'kob, have defined *Hisbah* as a government institution in which power is delegated to an individual known as al *muhtasib* giving them the responsibility to monitor the economic, religious, social activities, hygiene and, other municipal affairs of a given setting. The objective of this administrative obligation is to guarantee that the above activities do not contradict with the Islamic law besides implementing punishment to those who contravened it.<sup>12</sup>

Similarly, *Hisbah* is the institution that oversees commanding good and prohibiting evil and *Hisba* as an activity, i.e. commanding good and prohibiting evil. The first sense may be qualified by adding board or commission "*Wilayatul Hisbah*." Formerly, the institution consists mainly of activities and fewer officials, or only one who does the "*Hisbah*" in almost every aspect. He is the *Muhtasib*.

This institution is responsible for the duty of commanding good and eradicating evil. The terminology in its technical connotation emerged in the late first *Hijra* century. The activity however, was practiced by the Prophet SAW, the four Caliphs and the early Umayyad Caliphs. The main concern of the *Hisba* is the enforcement of Allah's rights. Rights are divided into three, *viz* Rights of Allah, Rights of Individuals and the combination of the two.

Historically, *Hisbah* evolved as a principle during the period of the Messenger of Allah derived from the ordinances of the glorious Qur'an. The institution constituted one of the factors that underscore the unique status of Islamic states among others. During this period, the task of promoting virtues and prevention of wrongs was a general responsible shouldered by all and sundry. This is

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<sup>11</sup> *Supra* note 8.

<sup>12</sup> *Supra* note 3 at 202.

informed by the direct effects of the ordinance of Allah and the exotic exhortations from the Prophet. It is believed that the principles of *Hisbah* are enshrined in the slogan "*al-Amr bil-Ma'ruf wa al-Nahiy 'an al-Munkar* (enjoining what is good and forbidding what is evil). Allah says;

Let there arise out of you a group of people inviting to all that is good (Islam), enjoining Al ma'ruf (i.e. Islamic monotheism and all that Islam has ordained); and forbids them from Al munkar (i.e. disbelief, polytheism of all kinds and all that Islam has forbidden). And it is they who are successful.<sup>13</sup> Similarly, the Sunnah of the prophet further emphasized the essence of *Hisbah* in Islam. Allah's Messenger (May the peace and blessings of Allah be upon him) said: *Whoever among you sees an act of wrong should change it with his hand. If he is unable to do so, then he should change it with his tongue. If he is not able to do so, then with his heart, and this is the weakest of faith.*<sup>14</sup>

Furthermore, Al-Tabari has explained the wisdom as regards the revelation of *Surah Al-Mutaffifin*<sup>15</sup>. It has been reported that once, the Prophet has made a visit to a market and found that there were plenty of deceptions committed by the traders for the sake of getting profit deceitfully. In addition, during the Prophet's lifetime, he has appointed Sa'id bin Sa'id bin al-As to supervise the markets.<sup>16</sup>

*Hisbah* blossomed continuously during the period of Khulafa' Ar-Rashiddun<sup>17</sup> whereby it has been reported that Umar al-Khattab has once penalized a trader who has cheated in the business. Moreover, he also assigned al-Sa'id bin Yazid and 'Abd Allah bin

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<sup>13</sup> *Supra* note 8.

<sup>14</sup> Hadith no. 34, Jamal al-din M. Z, *Commentary on the Forty Hadith of al-Nawawi*, 984 (Vol. 1 & Vol. 2, Al Basheer Publications and Translations).

<sup>15</sup> Surah 83. The Holy Quran.

<sup>16</sup> Ibn Abd al-Barr al-Qurtubi, *al-Isti'ab fi Ma'rifat al-Ashab*, 285. (printed at the end note of Ibn Hajar al-Asqalani, *al-Isabah fi Tamyiz al-Sahabah*).

<sup>17</sup> Four rightly guided khalifah -Abubakar bnQuhafa, Umar bin Khattab, Uthman bin Affan, and Ali ibn Abi Talib.

'Utbah bin Mas'ud with the duties to take charge of the business places at Madinah. In addition, it was also reported that al-Harith bin al-Hakam was appointed by Uthman bin 'Affan to become an enforcement officer at Madinah in supervising the business activities accordingly.<sup>18</sup> During that period, the appointed officers are assigned to maintain the activities of transaction at markets were known as *amil ala-suq*. Besides, the term *'arif* refers to the officer which their scope of duty is similarly equated to the earlier one. Later, changes were made pertaining to other appointed officers like zakat collector and district governors.<sup>19</sup>

Similarly, during the Umayyad dynasty, the leaders devoted great emphasis towards the effectiveness of this institution. Furthermore, the roles of the *muhtasib* were extended in order to ensure that the administrative system runs smoothly and in accordance with the Islamic principles.<sup>20</sup> During the time of *Khulafa'ur-Rashidun*, Abubakr fought those who apostated after the demise of the prophet SAW till he brought them back to Islam; he also forcibly collected Zakat from those who refused to give it out. He likewise fought those who claimed prophet-hood and also banished some homosexuals from Madinah.<sup>21</sup>

The position of *Muhtasib* evolved over the years under the Abbasid Caliphate from just controlling weights and measures, preventing monopoly, and enjoining what is good and forbidding what is evil, to supervising cleanliness of markets and mosques and controlling civil servants to comply with the rules. This also included the supervision of the *muazzins* (callers to Prayers) to comply with the Prayer times. The *Muhtasib's* jurisdiction expanded to monitor the judges to ensure punctuality and diligence in works.

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<sup>18</sup> *Supra* note 8 at 389.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Id.* at 388.

<sup>21</sup> Barkindo, I., 'The Role of the Institution of Hisba in the Shari'ah Implementing States in Northern Nigeria', 65 (LL.M Thesis, Ahmadu Bello University, Zaria).

### III. The Institution of Hisbah in the Past and Present

There is no gainsaying in the fact that the institution of *Hisbah* is established purposely to actualizing the object of Islamic Law and anchored on the principles of the Shari'ah which are captured in the slogan *amr bil ma'ruf wa nahyu an il munkar* (commanding virtues and prohibiting vices). The institution which serves the duties of maintaining decorum and peaceful co-existence in the socio-political affairs of members of the society has excelled in the past particularly during the pristine period of Islamic state in Madinah and other provinces.

Similarly, the impacts of the institution could be perceived and felt in some part of the Muslim countries where Islam is recognized as a state religion such as Saudi Arabia, Lebanon, Syria, Iraq, Pakistan, Jordan, Bangladesh, Egypt etc., prior to the rise of Arab spring in December 17, 2010 in Tunisia.<sup>22</sup> The social and political stability in these countries were second to none as the institution actively protects the Islamic values through its activities. Although, there were constant threats from the outside due to the spites and hatred of the Western blocs, the internal security of these states were adequately guaranteed. It is instructive to take a short excursion to social and political setting of the Arabian society prior to the advent of Islam and the reforms introduced thereafter. With this, the path would be clear as to the vibrancy of hisbah as a social and political transformer and stabilizer.

The period before the advent of Islam is regarded as the *Jahiliyyah* period due to the barbaric social, political, economic and religious practices of the Arabs. Prior to the advent of Islam in the Arabian peninsular, the socio-economic and political affairs of the Arab was characterized with so much malpractices and abnormalities such as unjust war, killing of female children,

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<sup>22</sup> Available at: <http://www.amnesty.org/en/latest/campaigns/2016/01/arab-spring-five-years-on/> (last visited on March 22, 2017).

discrimination, adultery, gambling, intoxicants, slavery, usury, usurpation of land to mention but few. However, Islam with its reformation was able to eradicate these dastardly acts.

In the light of this, it is imperative to examine the social and political posture of the Arabians prior to the advent of the Islam in order to have a clearer grasp of the reforms introduced to eradicate these social and political challenges. Importantly, this will give a clearer picture of the viability of the institution of hisbah in repositioning the social and political of any society.

#### IV. The Socio -Political Structure of the Arabs before Islam

The political system in the Peninsula before Islam's advent was tribal with the chieftain as the highest and most absolute authority. Hundreds of tribes were present in the region and the relationships between them were very hostile. Wars broke between them not only out of economic necessity but also out of tribal allegiance among tribe members and competition among different tribes. Tribes on the trade ways plundered on trade caravans or required them to pay tribute on passing.

The lack of unity among the different tribes and the absence of central authority in the Arabian Peninsula made it a prey to powerful nations around, like the Persian Empire (northeast), the Roman (northwest), and the Ethiopian (southwest).<sup>23</sup> These surrounding empires occupied the neighbouring parts of the Arab world and threatened the rest. Truce was obtained at the high price of subservience to these empires, a matter that increased dissent between the tribes inside the peninsula, for the dominating empires often fed that dissent. The Arabs needed some force to stabilize the political situation in the Peninsula and outside of it to the north and

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<sup>23</sup>Al-Kattan, Manna', *Tareekh al-Tushree' al-Islami (The History of Islamic Legislation)* (Al-Ma'arif Library for Publication and Distribution, Riyadh, 1996).

to unite them under a single flag. Islam became such force in the 7th century AD.<sup>24</sup>

Similarly, the social and civil pattern of life of the Arabs was characteristically a mixture of virtues and vices. The ancient Arabs had more vices than virtues for cultural traits. Among their positive traits they had hospitality, generosity, warmth and charity. The Arabs were extremely generous with guests and would sacrifice their best animals for hosting them. They would warmly greet an approaching visitor or even a passer-by, shake hands with acquaintances, embrace closer relatives and bless a sneezing person. They would respect their elderly and avoid gazing at women passing by on the roads. They would protect a person that seeks sanctuary in their tribal boundaries or private homes and defend him sometimes at the cost of their own lives.

But the ancient Arabs had notorious vices as well. Debauchery, violence, tribalism and superstition are some such vices. The rich, in particular, kept themselves recklessly entertained at night with drinking and attending to slave girls singing and dancing. They drank, gambled and fornicated. On the tribal level, the Arabs fought and plundered other tribes and traders' caravans. They would kill men in such attacks, enslave younger boys and women and collect spoils. Wars were also waged for other reasons beside the economic. Tribal feuds and rivalries based on the tribe's name and status were other reasons for such wars. Serial wars of revenge over a single killing not only of a human being but sometimes of an animal would last for years. One such war, called "al-Basoos War," extended on and off over the span of forty years.<sup>25</sup> Irrational attitudes could also be detected in the ancient Arabs superstitious ways of thinking. Important decisions were made or

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<sup>24</sup> Ebtisam Sadiq, "Islam and Human Life: Beyond Ancient Needs", 1 JBI 14-15 (2014).

<sup>25</sup> Ali, Jawad "Al-Mufusulfe Tareekh al-Arab Qubl al-Islam (The Detailed in Arab History before Islam)", 10 Alexandria, Egypt: General Organization of the Alexandria Library (1993).

altered on such basis. A traveler would cancel a journey for a bad omen if an owl would be seen to cross his path on the day of travel.<sup>26</sup>

The foregoing portrays the Arabs' social structure as one devoid of sanity, respect, honour, dignity, and chastity. It is one which epitomized lustfulness and indignity. Also, the political structure is disorganized characterized with incessant internal and external violence. The lack of a centralized authority informed the unending violence amongst the various tribes. Hence, amicably settlement of dispute was impossible in the Arabian society. Subjugation, discrimination, injustice, and lack of peaceful co-existence are main attribute of the Arab's political structure prior to the advent of Islam.

#### **V. The Instrumentality of Hisbah in the Transformation of the Arabian Society**

Islam through the instrumentality of its principles and ordinances of the Shari'ah was able to transform and refine the Arabs social, economic, religious and political culture from crude to awesome one. The Arabs which was once a prey to neighbouring nations later became a model for the world. This was achievement was possible as a result of faith which fundamentally transformed the internal and external disposition of the Arabs. This transformation was anchored in two phases; the Makkah phase and Madinah phase. At Makkah, concentration was centred on faith and morals for almost thirteen years in Makkah before proceeding to Madinah. Islam implemented moral values necessary for a good earthly existence and an ultimate return to heaven. This is not to say that Islam totally negated cultural values of the past. It did approve of and retain positive moral traits available in the culture like

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<sup>26</sup> *Supra* note 25.

generosity towards guests, warmth in human relationships, respect for the elderly and support for a person in need<sup>27</sup>

Although the al-Madinah phase is a legislative period in the history of the Faith, other forms of worship were simultaneously introduced. The next three pillars of Islam were established. These are the *zakat* (paying an annual percentage of one's fortune to the poor), Fasting during a specified month of the year (*Ramadan*), and the *Hajj* ritual (performing a pilgrimage once in a life time, during a specified period of time, to the holy lands around Mecca and to the holy mosque). Legislation covered every aspect of human life including economic order, social matters, health conditions, and family relationships.

This phase witnessed the emergence of an Islamic state in Madinah and subsequent enactment of a charter to regulate the conducts and inter relationship between the Muslims and non-Muslims. The *Hisbah* institution became imperative in a swift reaction to the enforcement of all laws and regulations guiding the actions, inactions, interaction and reactions of all citizen of the state. The principle which informed the establishment of the institution is captured in the Qur'an as thus;

Let there arise out of you a group of people inviting to all that is good (Islam), enjoining Al ma'ruf (i.e. Islamic monotheism and all that Islam has ordained); and forbids them from Al munkar (i.e. disbelief, polytheism of all kinds and all that Islam has forbidden). And it is they who are successful<sup>28</sup>

The above verse was further consolidated by the saying of the prophet thus;

Whoever among you sees an act of wrong should change it with his hand. If he is unable to do so, then he should change it with

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<sup>27</sup>Al-Kattan, Manna', *Tareekh al-Tushree' al-Islami -The History of Islamic Legislation*, 47-48 (al-Tab'ah 5. Qahirah : Maktabah Wahbah, 2001).

<sup>28</sup> *Supra* note 8.

his tongue. If he is not able to do so, then with his heart and this is the weakest of faith.<sup>29</sup>

During the lifetime of the prophet, he personally discharged the duties of a *muhtasib* and as well appointed people to carry out this function. This implies the importance of the institution to the development of the state. During this period, the economic activity was in good shape. Also, there was social security and political stability in the Islamic state and its provinces. The impacts of *Hisbah* underscore the awe-inspiring nature of the Islamic states amongst the comity of nation.

The rightly guided caliphs also consolidated on the laudable legacies of the prophet. The institution was further reinforced with its scope widened. It was eventually institutionalized during the reign of the Umar ibn al-Khattab. This contributed to the excellent achievement of the second *khalifat* regime.<sup>30</sup> Caliph 'Umar often checked on Muslim affairs and obtained information about them through an in person survey. He entered the markets and strived to solve any conflicts that occurred during his time. He even aspired to explore all the Islamic territories to obtain a view of his people through his own eyes. He also stated that:

If I'm being able to live for a long time, I will go and explore all the Islamic territories by myself to view on my people. I know that they have various needs that cannot be fulfilled without my presence. Only that the problem did not reach to me, whether the governor failed to contact me. I go to Syam and stayed there for two months. And then I go to Jazirah and been there for two months. And then I go to Egypt, Kufah and Basrah, and each place I stayed for two months. I hope that my effort can be regarded as a good effort by Allah.<sup>31</sup>

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<sup>29</sup> *Supra* note 15.

<sup>30</sup> Sharifah H.I and Asmak A. "Effective Governance in the Era of Caliphate Umar Ibn Al-Khattab (634-644 AH)" 18 *EJSS* 620 (2011).

<sup>31</sup> *Ibid*,

The institution of *Hisbah* also played significant role during the political leadership of the Ummayyad, Abassids, Ottoman etc. Caliph Abu Ja'far al-Mansur. In an attempt to facilitate the affairs of the *Muhtasib* and in regulation of the society, al-Mansur moved the markets of Baghdad and the eastern city into remote, specialized areas, away from the centre of the city and its public offices. Therefore, markets were moved to Bab al- Karkh and Bab al-Sha'ir. Al-Mansur also appointed *Muhtasibs* to control and monitor these markets and report any irregularities.<sup>32</sup>

Similarly, during the Fatimiyyah period, the importance of the institution of *Hisbah* has become more obvious in terms of enforcing the prescribed rules and regulations. In fact, *muhtasib* is not merely investigating business places and determining the proper weights and measurements but also ensuring that there must not be overloaded items being carried out by the traders. In addition, the scope of *Muhtasib's* duties was also extended due to the fact that they also are responsible in maintaining the morality of the subjects so that the members could live peacefully in the society. Later, enforcement officers' institutions like police force have been set up in order to impose upon, together with enforcing the prescribed penalties among the wrongdoers.<sup>33</sup>

#### **VI. Hisbah as a Vibrant Tool for Socio - Political Orderliness in the Contemporary Muslim World**

According to a recent research, there are about 50 Muslim majority countries in the world.<sup>34</sup> Most of these Muslim dominated

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<sup>32</sup> Ragheb Elsergany, 'Hisbah in the Islamic Administrative System.' Available at: <http://hisbah.in.the.Islamic.administrative.system/islamstory.com/en/node/27466> (Visited on 12<sup>th</sup> November, 2016).

<sup>33</sup> *Ibid.*

<sup>34</sup> Drew Desilver & David Masc, "World's Muslim population more widespread than you might think" Available at <http://www.pewresearch.org/fact-tank/2017/01/31/worlds-muslim-population-more-widespread-than-you-might-think/> (last visited on March 22, 2017).

countries have established institutions charged with the responsibility of *Hisbah* found in the defunct Islamic state. For instance, a similitude of *Hisbah* institution established in Saudi Arabia is tagged the Committee for the propagation of virtue and prevention of vice.<sup>35</sup> This committee has contributed immensely to the growth in the socio-economic and political decorum which the kingdom is known for over the years.

In Islam, a particular behaviour is considered aberrant if it transgresses against what is permitted by religion and customs and falls under the types of behaviour that are considered reprehensible and therefore forbidden. Following this concept and its religious essence, the religious police institution was set up to be one of the means of social control. Accordingly, among the functions of this organization is to contribute towards preventing the aberrant or liberated personality through religious education, guiding the individual to acquire commendable qualities and manners, and placing obstacles that will hinder criminal tendencies which are manifested in the behaviour of some members of the society or some expatriates<sup>36</sup>

The establishment of this institution is not motivated by a mistrust of the behaviour of members of society, but is for ensuring social security and protecting people from those who have deviated from the beliefs and values and standards of society regardless of the extent of such a deviation.

Social studies conducted in the Kingdom have proved that 70% of moral violations were apprehended by the religious police and not by the regular state police. This shows the importance of this type of societal police for enforcing social control to protect society, especially in a vast country like Saudi Arabia where expatriates from

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<sup>35</sup> Ibrahim Al-Juwair, *Religious Police: A Social Reform Institution in Saudi Arabia* 41 (Ghainaa Publications, 1<sup>st</sup> edn., 2008).

<sup>36</sup> Saad A. and Abdul Lateef G., *Religious Police in Saudi Arabia* 74 (Ghainaa Publications, Riyadh, 2008).

more than 135 nationalities work. These expatriates have their own customs, mores, traditions, values, and beliefs which should not overstep the general moral fabric that preserves Muslim Saudi society.<sup>37</sup> Consequently, the kingdom has enjoyed and is still benefitting the fruit of this institution in all ramifications. For instance, the kingdom enjoys a durable security and the prevalence of peace and tranquillity all over the Kingdom, which is a blessing felt and cherished by Saudis.

The contribution of the institution to the political stability and orderliness in Saudi Arabia cannot be over emphasized. Although, some Muslims countries are currently undergoing political turbulence, report has shown that these crises are not unconnected with the interference and influence of the Western powers. Prior to these political crises, the Arab nations such as Libya, Syria, Egypt, Tunisia and others are centre of peace and tranquillity which other countries look up to.

The institution of *Hisbah* through its roles of enforcing justice, uprightness and modesty has contributed largely to the peace and orderliness which characterized the Arab nations. An American female reporter, Helesian Stansbery, who is syndicated in over 250 newspapers, worked in the area of journalism and broadcasting for over 20 years, and visited numerous Muslim countries had this to say at the end of one of her visits to a Muslim country:

The Arab-Islamic society is wholesome and healthy. This society must continue to protect its traditions that restrict both its males and females to a certain and reasonable degree. This society definitely differs from the European and American societies. The Arab-Islamic society has its own traditions that impose certain restrictions and limitations on women and give special respect and status to parents... First and foremost, the most strict restrictions and limitations are on absolute sexual freedom that truly threatens both

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<sup>37</sup>*Id.* at 60.

the society and the family in Europe and the United States of America. Therefore, the restrictions that are imposed by the Arab-Islamic society are valid and beneficial as well. I strongly recommend that you adhere to your traditions and code of ethics. Forbid coeducation. Restrict female freedom, or rather, return back to the full 'purdah' (veiling) practices. Truly this is better for you than the sexual freedom of Europe and the United States of America. Forbid coeducation because we have suffered from it in the USA. The American society has become sophisticated, full of all forms and terms of sexual freedom. The victims of sexual freedom and coeducation are filling the prisons, sidewalks, bars, taverns and whorehouses. The (false) freedom that we have granted to our young females and daughters has turned them to drugs, crime and white slavery. Coeducation, sexual freedom and all other types of "freedom" in the European and American societies have threatened the family and shaken moral values and ethics.<sup>38</sup>

There is no gainsaying in the fact that *Hisbah* as demonstrated in the pristine Islamic state and the current Muslim nations where provisions are made for it has been largely instrumental to the promotion and preservation of Islamic values entrenched in the Shari'ah. The impacts of the institution in the monitoring and evaluation of both individual and organisation's activities has metamorphosed into social and political orderliness without prejudice to the recent political challenges. The current Arab spring in some part of the middle-east can be described as the outcome of the conspiracy of the world powers and hatred for Islam at large. Research has shown that many of the terrorist groups implanted in the Arab countries are creation of the western countries aimed at dislodging the peace and tranquillity therein. The political unrests are also direct consequences of the superimposition of democratic

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<sup>38</sup>Abdul-Rahman Al-Sheha, "Women in Islam & Refutation of some Common Misconceptions", available at: <http://www.islamland.org>. (last visited on March 22, 2017).

system of government on the Arab nations where monarchical system of administration has been established for years.

Similarly, the impacts of the *Hisbah* police underscore the social, economic and political decorum experienced in the defunct Northern region. The political system in the north was centralised and well organised while the social and economic system was monitored through government policies and agencies. The system of administration in the north has religious undertone which informed its simplicity. The government under the leadership of the Emir established various enforcement outlets to facilitate the payment of (zakat) *jizya*, maintenance of public safety, enforcement of laws, prohibition of vices, promotion of virtues, dispute resolution, some of these agencies include, the prisons, the *Muhtasib*, the Ulama' and the *Dogarai*(palace police of the Emirs).<sup>39</sup>

Abdullahi b. Fodio, (Shehu's brother) supported the Shehu all the way through (from preaching, prosecuting the *Jihad* and consolidating the Caliphate) and was responsible for making or writing many Guides and Manuals for the new state; the many *Diya'*atwritten were by him. He also wrote the *Diya'ul-Ihtisabor* the Guide for the *Hisba* activities which serve as a guide for the apparatus of the state in law enforcement.<sup>40</sup>

Currently, some northern states have reintroduced Shari'ah enforcement agencies similar to what was obtained in the defunct Sokoto caliphate. The respective Shari'ah implementing states established several bodies primarily to serve or support the application of Shari'ah in the states. The bodies established include the various Shari'ah Commissions, Zakkah Commissions, Anti-Corruption Commissions, Sharia Implementation Advisory Commissions, Shura Councils, A *Daidaita*Sahu, *Zauren- Sulhu*and

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<sup>39</sup> *Supra* note 22 at 73.

<sup>40</sup>*Ibid.*

*Hisbah* Commissions.<sup>41</sup> The rationale for the reintroduction of the *Hisbah* institution in part of the country is to bring back the glamour and tranquillity which are derivative of the institution. Invariably, the social and political developments in the northern states are derivative of *Hisbah* institution.

## VII. Conclusion

The foregoing analysis illustrates the instrumentality of the institution of *Hisbah* in the socio-economic political and religious stability in pristine Islamic and contemporary Muslim states respectively. The literal and technical meaning of the concepts espoused the importance of virtues against vices. The natural instincts of every individual and the golf of differences in perspectives and ideas occasion social conflicts, economic oppression and unhealthy political rivalry. Hence, the establishment of a framework for the regulation and supervision of human excess through the instrument of enforcement agencies became imperative. Meanwhile, the institution of *hisbah* discharges supervisory functions in an Islamic state by ensuring appreciable compliance with the ordinances of Allah which regulates social and political affairs in a bid to achieving the general objectives of the Shari'ah.

This paper has showcased the viability and potentiality of the institution of *Hisbah* in achieving the desired social and political orderliness. Reference was made to the impact of Islam in the transformation of Arabs from crude to valuable substance. The Arabian peninsular which was an epi-centre of all form of social atrocities, immoralities, unhealthy rivalry was transformed upon the

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<sup>41</sup>Kolo, M.A. *The Economic Dimensions of Sharia in Northern Nigeria: Case Studies: Borno and Yobe*. (Paper presented at the 5th In-house Forum on Sharia information and Documentation Project (SIDOP) organized by Development Research and Projects Centre) held at the Nassarawa Guest Palace, Kano on 29th May, 2004) unpublished, available at [www.boelnigeria.com](http://www.boelnigeria.com) (Visited on 12<sup>th</sup> November, 2016).

advent of Islam through its structured systems one of which is the institution of *Hisbah*. Similarly, the social and political decorum felt in most Muslim societies and countries at large epitomized the impact and viability of the institution in bringing social and political objectives of a state.

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