

## HISBAH IN THE VIEW OF IMAM AL-MAWARDI

**Nurizal Ismail**

*Tazkia Islamic University College, Indonesia*

E-mail: nurizal@tazkia.ac.id

**Siti Aisyah**

*Gunadarma University, Indonesia*

E-mail: aisyahdaruss@staff.gunadarma.ac.id

### **ABSTRACT**

*The study aims to determine his views on hisbah in Islam and the relevance of hisbah thought in modern economic practice. Imam Mawardi was one of the earliest scholars who discussed his work other than Abu Ya'la because that is the importance of this study. The method used to achieve this research's objectives is qualitative using literature study and content analysis, which analyzes his thoughts about hisbah from his book entitled al-Ahkam al-Sulthaniyah wa Wilayat al-Diniyah. This study's contribution tries to provide a basic framework of hisbah in Imam Mawardi's view, which can be referred to in implementing hisbah today in a government.*

**Keywords:** Hisbah, Al-Mawardi, Government

### **1. INTRODUCTION**

Hisbah is one of the institutions responsible for morals and morals and upholding the Shari'ah in society since the arrival of Islam in the Arabian Peninsula. This institution plays an essential role in the Islamic government system that safeguards and maintains its public benefit, including its socio-economic life. Fiqh scholars and others have explained in their works the vital role of hisbah in upholding good and prohibiting damage or evil in an Islamic system of government.

Many previous scholars have also written special literature on hisbah, including Yahya bin Umar in *ahkâm al-süq* and Ibn Taymiyyah in *al-hisbah fil Islam*. However, Imam Mawardi, whom many scholars later referred to in studying the history and practice of hisbah in Islamic history. In *al-Ahkam al-Sulthaniyah wa Wilayat al-Diniyah*, he put hisbah in a special discussion that governs the entire state administration. Apart from that, Abu Ya'la al-Farra also discusses hisbah but is limited to the Hambali School of Religion scope.

So it can be said that Imam Mawardi's thoughts about hisbah were an early reference in hisbah study literature. Therefore, this study aims to determine his views on hisbah in Islam and the relevance of hisbah thinking in modern economic practice.

## 2. METHODOLOGY

The research method or research method comes from English. The method comes from the word *methods*, which means the science that explains the method or ways. The word *research* is a translation from English "research," which consists of the words *re* (repeat) and *search* (search, pursue, search, and investigate). So *research* means searching. The logical and systematic steps regarding the search relating to a particular problem are processed, analyzed, conclusions drawn, and a solution is sought. According to Webster's New International dictionary, *research* is a careful and critical investigation of an ingenious investigation's facts and principles to establish something.<sup>1</sup>

---

<sup>1</sup> Moh. Nazir, *Metode Penelitian* (Jakarta: Gia Indonesia, 1998), 15.

## 2.1. Type of Method

The method used in this research is a qualitative approach in the form of library research. According to Gogdan and Guba, a qualitative approach is a research procedure that produces descriptive data (data collected in words, pictures, and not numbers).<sup>2</sup>

While the type of research that researchers use is content analysis, which means a model used to examine data documentation in text, images, symbols, etc. According to Krippendorff, content analysis is not just the content of the message as the object. However, more than that, it is related to newer conceptions of symbolic phenomena in the world of communication.<sup>3</sup> Content analysis is a research technique for making replicable and valid inferences with due regard to the context. As a research technique, content analysis includes specific procedures for processing scientific data to provide knowledge, open new insights, and present facts.<sup>4</sup>

In this study, a qualitative approach was used due to several considerations related to the problem formulation that the author will examine. This study aims to use a qualitative model, in which the researcher wants to know and explain the thoughts of Muslim figures with different scientific backgrounds.

## 2.2. Source of Data

The data sources in this study are primary data, books by early Islamic thinkers, and secondary data, which are additional

---

<sup>2</sup> Lexi J. Moleong, *Metode Penelitian Kualitatif* (Bandung: Remaja Rosda Karya, 2006), 76.

<sup>3</sup> Imam Suprayogo, *Metodologi Penelitian Sosial-Agama* (Bandung: Remaja Rosda Karya, 2001), 71.

<sup>4</sup> Klaus Krispendoff, *Analisis Isi Pengantar dan Teori Metodologi* (Jakarta: Rajawali Press, 1993), 15.

data or complementary data to primary data, in books, books, and other written works by Islamic scholars.

### **2.3. Collection of Data**

In this study, the authors used document analysis, which is a data collection technique that is not directly aimed at the object of research, but through documents, by collecting documents in the form of books, books, other written works related to the thoughts of previous Islamic figures or scholars.

### **2.4. Data Analysis**

Data analysis is also called data processing and data interpretation. Data analysis is a series of activities for reviewing, grouping, systematizing, interpreting, and verifying data so that a phenomenon has social, academic, and scientific value. Analysis activities are not separate from the series of activities as a whole.<sup>5</sup> So the purpose of this data analysis is to simplify so that it is easy to interpret.<sup>6</sup>

After collecting data related to this study, the author will analyze with a descriptive method, describing and analyzing in-depth based on the data obtained.<sup>7</sup> Whereas for the data analysis steps in this study is the Miles and Huberman analysis model, which consists of data reduction, data presentation, drawing conclusions, which are explained as follows:

#### **2.4.1. Data Reduction**

According to S. Nasution in his book entitled "Naturalistic Research Methods," that reduction is summarizing, selecting

---

<sup>5</sup> Suprayogo, *Metodologi Penelitian Sosial-Agama*, 191.

<sup>6</sup> Hermawan Wasito, *Pengantar Metodologi Penelitian* (Jakarta: PT. Gramedia Pustaka Utama, 1995), 88.

<sup>7</sup> Moleong, *Metode Penelitian Kualitatif*, 11.

main things, focusing on important things, looking for pattern themes so that data is easier to control.<sup>8</sup> Meanwhile, according to Sugiyono, a reduction is summarizing, choosing main things, focusing on essential things, looking for themes and patterns, and removing unnecessary.<sup>9</sup>

Here, data in the form of text documents of books, books, and other written works that have been collected will be selected. The focus is on the themes to be discussed, namely, market mechanisms, prices, and supply and demand factors.

#### **2.4.2. Data Display**

After the data is reduced, it is presented in a short form, a chart, a relationship between categories, or narrative text. According to Miles and Huberman, the presentation of data that is often used in qualitative research is narrative text. It will be easier to understand what happened and plan the following work based on what has been understood by presenting the data.<sup>10</sup>

#### **2.4.3. Conclusion Drawing/Verification**

This conclusion is still a temporary hypothesis and can become a theory is supported by other data. Furthermore, it will change if solid evidence supports it at the next stage of data collection.

### **3. LITERATURE REVIEW**

#### **3.1. Definisi Hisbah**

Hisbah in the language is *Masdar* from *ihtisâb* which means asking for wages or rewards (*thalab al-ajru*), which is expecting rewards from Allah SWT, as in the hadith of the Prophet Muhammad, *man šama ramadhân ĩmânan wa ihtisâban* (asking

---

<sup>8</sup> S. Nasution, *Metode Penelitian Naturalistik Kualitatif* (Bandung: Tarsito, 1992), 129.

<sup>9</sup> Sugiyono, *Memahami Penelitian Kualitatif* (Bandung: CV.Alfabeta, 2008), 338.

<sup>10</sup> *Ibid*, 341.

for rewards for the presence of Allah SWT).<sup>11</sup> Another meaning is counting (*al-hisâb*) as described in Surat *al-An'am*, 96, which means that He raises the morning and makes the night to rest, and (makes) the sun and moon for the reckoning (*husbânan*). That is the provision of Allah the Almighty, the All-Knowing.

In terms of classical scholars, there is a similarity in the meaning of *hisbah*, namely the ethical or moral institutions concerning *amar ma'ruf* and *nahi munkar*. Abu Ya'la defined *hisbah* as carrying out good orders (*amr bil ma'ruf*) and preventing evil (*nahi munkar*).<sup>12</sup> Ibn Taimiyyah provides a more specific definition that *hisbah* is an institution that orders what is generally known as goodness (*al-ma'ruf*) and prohibits what is commonly known as evil (*al-munkar*) governor, judge, and governor cannot reach their authority or other certain public officials.<sup>13</sup> In addition, Ibn Khaldun and al-Maqrîzi, in their presentations on the function of the Islamic state, defined *hisbah* as a religious department (*wadhîfa dîniyya* for Ibn Khaldun and *Khidma dîniyya* for al-Maqrîzi).<sup>14</sup>

According to contemporary scholars such as Shaikh Wahbah Zuhaili (2011), the term says *Al-hisbah* is a religious institution or position that arises from the obligations of *amar ma'ruf* and *nahi munkar*.<sup>15</sup> Khan (2003) defines *hisbah* as an institution that has existed throughout Islamic history that

---

<sup>11</sup> Muhammad ibn Manzur, *lisanul Arab*, (Beirut, Dar Ihya'al-Turath al-'Arabi, 1988), 866.

<sup>12</sup> Abu Ya'la Muhammad Ibn al-Husayn al-Farra al-Hanbali, *Al-Ahkam al-Shultaniyyah*, (Beirut: Darul Kutub, 1983), 283.

<sup>13</sup> Abdul Azim Isi, *Economic Concept of Ibn Taimiyyah*, (UK: The Islamic Foundation, 1996), 187.

<sup>14</sup> Yassine Essid, *A Critique of the Origin of Islamic Economic Thought* (Leiden: E.J. Brill, 1995), 118.

<sup>15</sup> Wahbah Zuhaili, *Fiqh Islam Wa Adillatuhu*, Jilid 8 (Jakarta: Gema Insani Press, 2011), 383.

applies appropriately and prevents inappropriate Islamic Shari'ah.<sup>16</sup> According to Ash-Shiddieqy (1997), hisbah is a personal obligation (*fardhu 'ain*) submitted to the authority or government.<sup>17</sup> The definition of Ash-Shiddieqy seems to emphasize the aspect of hisbah actors where being *fardhu 'ain* for *muhtasibah* is a person appointed by the government to do *amar ma'ruf* and *nahi munkar* in government authority. At the same time, other than *muhtasib*, it only becomes *fardhu kifayah*.<sup>18</sup>

From the definition explained, it can be concluded that hisbah is a religious institution carried out by the government related to public ethics that maintains good behavior and prohibits bad behavior.

### 3.2. Hisbah in the Islamic History

In the history of Islam, the task of hisbah itself has been carried out by the Prophet Muhammad, and he has also delegated to his companions such as 'Atab bin Asyad, 'Ali Mu'adz, and Abu Musa.<sup>19</sup> It was narrated from Abu Hurairah that the Messenger of Allah passed by a man who was selling food. Then the Messenger of Allah asked him, "How do you sell?" the man tells how he sells. The Messenger of Allah received a revelation that he ordered the man to put his hand in the food. The man put his hand in the food. Once inserted, his hands became wet. Then the Messenger of Allah (SAW) said, "None of

---

<sup>16</sup> Muhammad Akram Khan, *Islamic Economics and Finance: A Glossary*, edisi kedua, (London & New York: Routledge, 2003), 76.

<sup>17</sup> Tengku Muhammad Hasbi ash shiddieqy, (*peradilan dan hukum acara islam*, (Semarang: PT. Pustaka Rizki Putra,1997).

<sup>18</sup> Imam Mawardi, *Ahkam Sulthaniyah*, (Jakarta: Qisti Press, 2014), 406.

<sup>19</sup> Ikhwan Hamdani, *Sistem Pasar dan Pengawasan Ekonomi (Hisbah) dalam Perspektif Ekonomi Islam*, (Jakarta: Nur Insani, 2003), 100.

my Ummah are those who cheat."<sup>20</sup> What he did was a form of hisbah activity, especially in the market. It is also narrated that the Messenger of Allah once represented hisbah to other people, namely to Sa'id bin Al 'Ash bin Umayyah as the guardian of the Mecca market, as he also appointed Umar bin Khattab RA as the guardian of the Medina market. So that hisbah has not become a government institution at the time of the Prophet Muhammad. However, his role was directly carried out by him and his companions whom he appointed to perform the role of muhtasib.

Furthermore, the khulafa al-Rashidun had practiced hisbah during his leadership. During Khulafa al-Rashidun, he followed what the Prophet had done in practice; only during the Caliph Umar bin Khattab, there was an institution of hisbah. Umar bin Khattab formed Diwan al-Hisbah for the first time and appointed Sa'ib bin Yazid and Abdullah bin Utbah as muhtasib in Medina. He is also the direct muhtasib on market conditions and situations to prevent fraudulent practices, patrolling at night to inspect the condition of the Muslims, dealing with perpetrators of injustice and irregularities, arresting and punishing criminals. However, the use of this term was only known during the Abbasid reign.<sup>21</sup> Furthermore, when Usman bin Affan (23-35 H/644-656 AD) became caliph, he appointed al-Harith bin al-'As as muhtasib. At the time of Ali bin Abi Talib (35-40 H/656-661 AD), besides he carrying out the task, Ali also appointed 'Awrad bin Sa'd as muhtasib.<sup>22</sup>

---

<sup>20</sup> Abu Abdullah Muhammad bin Yazid bin Majah. *Sunan Ibnu Majah*. Terj. Abdullah Shonhaji. Semarang CV. Asy-Syifa, 582.

<sup>21</sup> Wahbah Zuhaili, *Fiqh Islam Wa Adillatuhu*, Jilid 8, 384.

<sup>22</sup> Auni bin Haji Abdullah. *Hisbah dan Pentadbiran Negara*, Cet. 1 (Kuala Lumpur: IKDAS, 2000), 19.



In the time of Daulah Umayyah, the institution of al-hisbah was regarded as *Nidzam al Qadai* (organisasi kehakiman).<sup>23</sup> At the time of Abbasid Daulah, the caliph Abu Ja'far Al-Mansur appointed Abu Zakariya, Yahya bin Abdullah occupied the position of muhtasib in Baghdad and its markets. He oppressed the sMâl l people to get great anger from the caliph and was finally sentenced to death. When Abu Sa'id Al-Isthakhri held hisbah in the caliphate of Al-Qadir Billah, he once burned four games because the place had been used for things that were not meaningful. The hisbah institution is part of the state administration system in Islamic history that continued to develop during the time of the Prophet Muhammad until the time of the Ottoman Islamic caliphate.

### 3.3. Previous Literature

The study of al-Hisbah has become an essential object of discussion in the literature related to the role of the state in public ethics related to amar ma'ruf and nahi munkar. Halim (2011) hisbah function is a function that cannot be removed from the structure of Islamic government, especially in its law enforcement system.<sup>24</sup> Rozi (2011), from the results of his study, explains that the function of hisbah refers to a practice in Islamic history divided into two, namely general functions, namely amar ma'ruf and nahi munkar, and special functions, namely market supervision.<sup>25</sup> In particular, several studies state that the role of

---

<sup>23</sup> Muhammad Nur. 'Pemerintahan Islam Masa Daulat Bani Umayyah (Pembentukan, Kemajuan dan Kemunduran).' *Jurnal Pusaka*, Vol. 3, No.1, 2015, 121.

<sup>24</sup> Marah im. "Eksistensi Wilayahul Hisbah dalam Pemerintahan Islam." *Jurnal Ilmiah Islam Futura*, 10(2), 2011. 65-81.

<sup>25</sup> Fahrur Rozi. "Hisbah dalam Islam." *Jurnal Kajian Keislaman dan Pendidikan*, 10 (1), 2011, 2-11.

hisbah is significant in the Islamic economic system, especially regarding market mechanisms such as Furqani (2003)<sup>26</sup>, Kusumawati (2015)<sup>27</sup>, Hamid, and Al-Muddatstsir (2019).<sup>28</sup>

## 4. HISBAH IN THE VIEW OF IMAM MAWARDI

### 4.1. Brief Biography

His full name is Abu Hasan Ali bin Muhammad al-Mawardi. The term 'mawardi' is associated with the work of his family, who are experts in making *mā' ul waradi* (rose water) and selling.<sup>29</sup> In the city of Basrah, he was born in the year 364 H/972 AD. Early childhood education until adolescence was carried out in Basrah; among his teachers were Abu Qasim al-Shaimari and al-Isyhfirayini, experts in the Shafi'i school of jurisprudence. During the Abbasid Caliphate, al-Qādir billah of the Shafi'i school was fairly dominant.<sup>30</sup>

His career became a well-known judge (*qadhi*) (because he often moved) and whose career peaked after he settled back in Baghdad, namely becoming a supreme judge (Qadi al-Qudat), adviser to the king or caliph in the field of religion (Islamic law). In addition, he is also famous as an ambassador for diplomacy in the Bani Buwaih government and, on the other hand, as a diplomatic ambassador for the Abbasid State during the Caliph Qaim Biamrillah.<sup>31</sup>

---

<sup>26</sup> Hafas Furqani. "Institusi Hisbah: Model Pengawasan dalam Sistem Ekonomi Islam." *ISEFID Review*, 2 (1), 2003. 36-50.

<sup>27</sup> Zaidah Kusumawati. "Peran Hisbah dalam Mekanisme Pasar Islami." *Islamic Economics Journal*, 1 (2), 2015. 245-259.

<sup>28</sup> Abdul Hamid dan Uun Dwi al- Muddatstsir. "Peran Lembaga Wilayahul Hisbah dalam Sistem Perekonomian Islam." *LENTERA: Indonesian Journal of Multidisciplinary Islamic Studies*, 1 (2), 2019. 101-112.

<sup>29</sup> Imam Mawardi, *Ahkam Sulthaniyah*, 5.

<sup>30</sup> *Ibid.*

<sup>31</sup> Imam Mawardi, *Ahkam Sulthaniyah*, 5.

His writings are 12 pieces related to religious, social, political, language, and ethical issues. They are *al-hawi al-akbar*, *al-Iqna*, *al-ahkām al-Sulthaniyyah*, *nasihat al-Mulk*, and *adab al-Dunya wal Din*. In the year 450 H or 1059 AD, Abu Hasan Ali bin Muhammad bin Habib al-Mawardi al-Bashri died in Baghdad.

#### 4.2. Hisbah: Definition and Its Scope

Hisbah, according to him, is to command good if it is proven that much good is left behind and prevent evil if much evil is done.<sup>32</sup> The definition of hisbah refers to Surah al-Imrân, 104:

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ  
بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ  
الْمُفْلِحُونَ

*“And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be successful.”*

The definition of Imam Mawardi's hisbah is a general understanding, not only related to market regulations so that the discussion of hisbah covers two things: commanding goodness (*ma'rûf*) and forbidding from evil (*munkar*). Commanding goodness to be divided into three according to him, which relates to goodness related to the rights of Allah, humans, and a combination of the two.<sup>33</sup> The first explanation about amar ma'ruf is related to the rights of Allah, humans, and the combination of

---

<sup>32</sup> Marah im. 'Eksistensi Wilayahul Hisbah dalam Sistem Pemerintahan Islam.' *Jurnal Ilmiah Islam Futura*, 10(2), 65-81.

<sup>33</sup> Imam Mawardi, *Ahkam Sulthaniyah*, 410.

the rights of Allah and humans. Commands related to Allah's rights, for example, Imam Mawardi gave an example of Friday prayers in congregation, if the number of people who pray congregational prayers in a populated place then the muhtasib, in this case, validates it. However, if it does not match, the number is not ideal. For example, not more than forty people, then there are four solution conditions in table 1.<sup>34</sup>

**Table 1. Four Condition on Total of Unideal Inhabitant for Shalat Jum'at in Jama'ah**

No	Condition	Action
1.	There is an agreement between the muhtasib and the community that the unideal amount is valid for performing Friday prayers.	Muhtasib ordered them to hold Friday prayers in jama'ah, and for those who left, there was a ta'zir
2.	There is an agreement between the muhtasib and the community that the unideal amount is invalid for performing Friday prayers.	Muhtasib did not order them to hold Friday prayers in jama'ah
3.	There is a difference of opinion between the muhtasib and the community, where the community says it is valid with this amount, and the muthasib does	Muhtasib must not oppose the holding of Friday prayers in jama'ah carried out by the community

---

<sup>34</sup> Ibid, 410-411.

	not agree with it.	
4.	There is a difference of opinion between the muhtasib and the community, where the muhtasib said it was legal with that amount, while the community said it was not legal.	<ol style="list-style-type: none"> <li>1. Muhtasib is allowed to order people to pray Friday in jama'ah;</li> <li>2. Muhtasib is not allowed to order people to pray Friday in jama'ah.</li> </ol>

Source: *kitab Ahkam Sulthaniyah*, p. 411.

So, it can be understood that the command to pray to the public is one of the muhtasib's duties to remind him of Allah's rights to humans. He said, "As for what some people do, such as delaying prayer until the time is up, then the muhtasib has the right to remind that person, order him to pray, and observe his answer. If he says, "I left it because I forgot," the muhtasib encourages him to pray after remembering, without dropping ta'zir on him. If he says, "I left him because I was lazy," the muhtasib drops him ta'zir and orders him to pray forcefully.<sup>35</sup>

The hisbah related to human rights is divided into two, namely general and specific. Imam Mawardi gave an example of a common one like an area where the water source is not functioning, or the border wall is collapsing, or the area is visited by poor travelers and the residents of the area refuse to help them; If there is a supply of funds in Baitul Mâl the muhtasib may not order something that causes harm to them, for example ordering them to repair the water source, rebuild the border wall, and help travelers who pass through them because all these

---

<sup>35</sup> Imam Mawardi, *Ahkam Sulthaniyah*, 413.

things are the responsibility of the Baitul Mâl .<sup>36</sup> Nevertheless, if there are not enough funds in the Baitul Mâl , the muhtasib has the right to order them (people who can afford them). Rebuild border walls, renovate water sources, and help travelers.<sup>37</sup> If the capable person refuses, then the muhtasib should not happen.<sup>38</sup>

As for specific matters, such as handling deferred rights and delays in paying debts, the muhtasib is justified in having the right to order people who have money to issue these rights immediately. If he is asked for help by the right owner, muthasib is not justified in detaining the person due to delaying the fulfillment of his rights or paying his debt.<sup>39</sup> So it can be said that hisbah related to specific human rights is more visible in the aspects of *muaMâl at* rather than *ibâdah makhdah*.

Third, the combination of God's and human rights, for example, he gave an example of an order to parents to marry off alone girls to men who are equivalence degree if they ask for it and oblige women to carry out the provisions of the iddah, if they are divorced. The muhtasib is allowed to give ta' zir for women who do not want to undergo iddah by not giving ta'zir to parents who do not marry their girls.<sup>40</sup>

Regarding the prohibition of doing munkar, it is also divided into three parts: those related to Allah's rights, humans, and a combination of the two. Concerning the rights of Allah, he divides them into three, namely those related to worship affairs, haram matters, and muaMâl at affairs.<sup>41</sup> He gave examples related to the munkar of worship, such as people who intend to

---

<sup>36</sup> Ibid, 414.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid, 415.

<sup>40</sup> Ibid, 416.

<sup>41</sup> Ibid, 417.

do worship in ways that are not in accordance with the Shari'a, for example, praying aloud (*Dzahriyyah*) in prayers that should be done in a low voice (*sirriyah*), then the muhtasib has the right to prohibit it and give ta'zir to them.<sup>42</sup>

As for the munkar related to haram things, the muhtasib has the right to prevent people from approaching suspicious places and make people accused of being unkind.<sup>43</sup> Lastly, related to munkar in the muaMâl at aspect, such as usury and buying and selling, is not legal, and the Shari'ah prohibits. However, both parties agree to do it, and then the muhtasib is allowed to prevent it and give ta'zir to them.<sup>44</sup> Others become muhtasib's concentration in muaMâl at aspects regarding size and scales. For example, suppose the muhtasib doubts the correctness of the scales and measurements in the market. In that case, he is allowed to test them, and if the results of the test are in accordance with the prevailing rates between them and they do not lead to anything except in this way, the test is a preventive measure.<sup>45</sup> If they do mu'aMâl at in such a way and the measure or scale is not the same as general, then the muhtasib is obliged to forbid it for two reasons: it deviates and cheats from what is in effect.<sup>46</sup>

Furthermore, related to human rights, he gave an example of the rights of the employer-employee relationship. According to him, if an employer acts unjustly against his workers by reducing his salary or adding to his work, the employer is prohibited from acting in this way. The prohibition against him depends on the condition.<sup>47</sup> Meanwhile, if the worker does not fulfill the rights of

---

<sup>42</sup> Ibid, 417-418.

<sup>43</sup> Ibid, 421.

<sup>44</sup> Ibid, 426.

<sup>45</sup> Ibid, 421.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid, 430.

his employer by reducing his work and asking for a salary increase, the muhtasib has the right to prevent both of them when it brings problems.<sup>48</sup>

In the combination of the rights of Allah and humans, he exemplified that if one of the imams of a public mosque extends his prayer until the weak people are unable to do it. Those who have a need stop praying, the muhtasib prevents the imam from doing it as the Messenger of Allah (saw) once prevented Muaz bin Jabal RA from extending the prayer while believing in his people, the Messenger of Allah said: "O Muaz, do you want to make people hate prayer (by lengthening it)?"<sup>49</sup>

So, from his explanation, his view of hisbah exists because it is related to the rights of Allah, humans, and a combination of the two, by instructing humans to make it happen as a good thing and forbidding it when indulging in these rights. After all, it has an impact on damage. The hisbah conception is the basic framework in developing the hisbah system, which covers a broad dimension related to human ethics based on the Shari'a of Allah SWT.

#### **4.3. Hisbah's Mawardi in the Contemporary Times**

Imam Mawardi's hisbah conception in his book *al-Ahkam al-Sulthaniyah wa Wilayat al-Diniyah* appears to be applied only to the economic domain in general. In particular, in some countries or regions, it has been implemented with two aspects of hisbah, namely ordering the good and preventing the evil. For example, Saudi Arabia is the only Muslim country that still retains most of the hisbah's role. The hisbah institution in Saudi

---

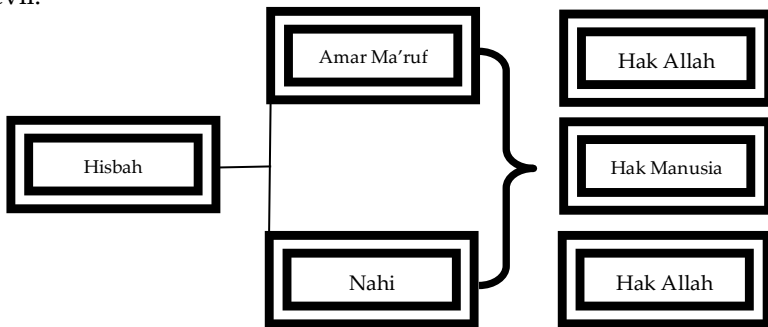
<sup>48</sup> Ibid.

<sup>49</sup> Ibid, 432.



Arabia is a judicial institution authorized to examine cases related to market behavior, such as scale deviations or fraud in buying and selling transactions.<sup>50</sup>It is Saudi, and the role of hisbah focuses on the aspect of a market economy.

There has been a shift in the terms and scope of hisbah nowadays, which only focuses on economic and trade aspects in general. Especially concerning the rights of Allah, which are religious, it is left to each Muslim to carry them out, not the state. The role of providing memories related to the rights of God and humans in the aspect of worship becomes *fardhu kifayah* for each individual to advise to do good and remind his brother if he does evil.



**Figure 1. Basic Framework of Hisbah's Mawardi**

#### 4. CONCLUSION

Hisbah literature has explained by definition that hisbah is a religious institution that covers all aspects of human life related to morals of *amar ma'ruf* and *nahi munkar*, which includes the rights of Allah, human rights, and the rights of Allah and humans. In Islamic history, the supervision of hisbah covers

---

<sup>50</sup> Negara-Negara Islam Terapkan Polisi Syariat, diakses dari <https://republika.co.id/berita/qknmuq320/negaranegara-islam-terapkan-polisi-syariat-ada-indonesia>, 20 Desember 2020.

aspects of worship and mu'aMâl at in which the state plays a vital role.

Currently, the role of hisbah by the state is generally still carried out, especially in the economic field related to market supervision (muaMâl at aspect). There was a shift in the terms and scope of hisbah where worship was only the personal responsibility of Muslims in its implementation. The importance of re-purifying the term hisbah in a place with current conditions to provide benefits to humans. The basic framework of hisbah that Imam Mawardi has conceptualized is still very relevant to current conditions.

## REFERENCE

- Al-Hanbali, Abu Ya'la Muhammad Ibn al-Husayn al-Farra. (1983). *Al-Ahkam al-Shultaniyyah*. Beirut: Darul Kutub.
- Al-Mash, Badr Abdurrazaq. (1995). *Manhaj Da'wah Hasan al-Banna*. Terj. Abu Zaid. Solo: Citra Islami Press.
- Ash shiddieqy, Tengku Muhammad Hasbi. 1997. *peradilan dan hukum acara islam*. Semarang: PT. Pustaka Rizki Putra.
- Bachtiar, Wardi. (1999). *Metode Penelitian Dakwah*. Jakarta: Logos Wacana
- Diana, Rasdha.'Al-Mawardi dan Konsep Kenegaraan Islam.' *Tsaqafah: Jurnal Peradaban Islam*, Vol. 13, No. 1, Mei 2017, 157-176.
- Essid, Yassine. (1995). *A Critique of the Origin of Islamic Economic Thought*. Leiden: E.J. Brill.
- Haji Abdullah, Auni bin. (2000). *Hisbah dan Pentadbiran Negara*, Cet. 1. Kuala Lumpur: IKDAS.
- Halim, Marah. 'Eksistensi Wilayahul Hisbah dalam Sistem Pemerintahan Islam.' *Jurnal Ilmiah Islam Futura*, 10(2), 65-81.

- Hamdani, Ikhwan. (2003). *Sistem Pasar dan Pengawasan Ekonomi (Hisbah) dalam Perspektif Ekonomi Islam*. Jakarta: Nur Insani.
- Hamidi, Lutfi A. (1996). *Penguasa dan Kekuasaan: Pemikiran Politik alMawardi*. Yogyakarta: UIN SUKA.
- Hasan, M. Iqbal. (2002). *Pokok-Pokok Metodologi Penelitian dan Aplikasinya*. Jakarta: Ghalia Indonesia.
- Ibnu Majah, Abu Abdullah Muhammad bin Yazid. *Sunan Ibnu Majah*. Terj. Abdullah Shonhaji. Semarang CV. Asy-Syifa.
- Ishali, Abdul Azim. (1996). *Economic Concept of Ibn Taimiyah*. UK: The Islamic Foundation.
- Khan, Muhammad Akram. (2003). *Islamic Economics and Finance: A Glossary*, edisi kedua. London & New York: Routledge.
- Krispendoff, Klaus. (1993). *Analisis Isi Pengantar dan Teori Metodologi*. Jakarta: Rajawali Press.
- Manzur, Muhammad ibn. (1988). *lisanul Arab*. Beirut, Dar Ihya'al-Turath al-'Arabi.
- Mawardi, Imam. (2014). *Ahkam Sulthaniyah*. Jakarta: Qisti Press.
- Moleong, Lexi J. (2006). *Metode Penelitian Kualitatif*. Bandung: Remaja Rosda Karya.
- Nur, Muhammad. (2015). 'Pemerintahan Islam Masa Daulat Bani Umayyah (Pembentukan, Kemajuan dan Kemunduran).' *Jurnal Pusaka*, Vol. 3, No.1.
- Nasution, S. (1992). *Metode Penelitian Naturalistik Kualitatif*. Bandung: Tarsito.
- Nazir, Moh. (1998). *Metode Penelitian*. Jakarta: Ghalia Indonesia.
- Suprayogo, Imam. (2001). *Metodologi Penelitian Sosial-Agama*. Bandung: Remaja Rosda Karya.
- Sugiyono, (2008). *Memahami Penelitian Kualitatif*. Bandung: CV.Afabeta.
- Wasito, Hermawan. (1995). *Pengantar Metodologi Penelitian* (Jakarta: PT. Gramedia Pustaka Utama).

Zuhaili, Wahbah. (2011). *Fiqih Islam Wa Adillatuhu*, Jilid 8. Jakarta:  
Gema Insani Press.