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The Impact of the Hisbah System in Protecting the Society Economic Rights

Chraa abderazak

Relizane University, Algeria

Abderazakc

hraa@gmail.com

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Abstract:

Islamic Sharia has been distinguished by numerous features that ensure its superiority and relevance across all times. Among these features is the Hisbah system, an institutional mechanism that originated during the lifetime of the Prophet Muhammad (peace be upon him). The Prophet personally oversaw market activities, preventing deceit and ensuring fairness, and his successors continued to uphold the economic rights of the Muslim community. The Hisbah thus attests to the pioneering nature of Islamic law, in contrast to modern secular systems, which have only recently introduced comparable mechanisms in the form of ministries of commerce and regulatory agencies. These, however, remain largely punitive in nature, focusing on suppressing fraud rather than promoting ethical market behavior.

Accordingly, this study seeks to answer the central question: To what extent does the Hisbah system contribute to the protection of economic rights? The research is divided into two main sections. The first explores the conceptual foundations, origins, and domains of the Hisbah institution, while the second examines its significance in market supervision and its impact on economic stability and justice. Employing both inductive and historical methodologies, the study concludes that the Hisbah represents a coherent and deeply rooted legal framework within Islamic jurisprudence. It has played a crucial role in ensuring justice and safeguarding economic rights, provided that appointments to this office are made prudently to prevent the misuse of authority arising from juristic or political discrepancies.

Keywords: Hisbah System - Economic Rights - Blocking the Means (Sadd Al-Dharai').

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1. Introduction:

Anyone who Contemplates Islamic Jurisprudence will find it Replete with Numerous Mechanisms that Guarantee Citizens all their Social, Economic, and Political Rights. One such Mechanism is the Hisbah System.

1.1. The Research Importance:

The Research is of Great Importance, as it addresses the Mechanism for Protecting Economic Rights, which Envisions the Existence of a Nation or Society without an Economic Aspect. The Importance of the Research can be Summarized in the Following Points:

- Preserving the Economic Side of the Nation and Society through the Hisbah System.
- The Hisbah System is of Great Importance, as it is an Effective Mechanism for Achieving Justice and Prosperity for the Nation.
- The Hisbah System is Part of the Jurisprudential Heritage that abounds in the Islamic Law.

1.2. The Research Objectives:

From what was Previously Stated in the Introduction to the Research; The Research Objectives become Clear, Focused on the Following:

- Highlighting the Nature of the Hisbah System and Explaining its Importance.
- Clarifying the Jurisprudential Basis of Hisbah, and Explaining the Conditions for Appointing the Hisbah Volunteer (The Inquisitor), the Muhtasib.
- Discussing the Impact of Hisbah Mechanisms in Preserving and Protecting the Nation's Economic Aspect.

1.3. The Reasons for Choosing the Topic:

The Reasons for Choosing the Topic "The Impact of Hisbah in Protecting the Society Economic Rights" are Many and Varied, Including Both Objective and Subjective Ones, namely:

A. Objective Reasons:

- The Economic Aspect is a Topic of Interest for Our Country, Algeria, and the Entire World, as Everyone is Rushing to Establish Economic Security for themselves.
- Demonstrating the Jurisprudential Heritage and Demonstrating its Effectiveness and Efficacy in Major Issues, Including the Economic Aspect.
- Providing Practical Solutions to Preserve the Economic Aspect, as it is the Main Pillar of the Progress of Countries and their Prestigious Position.

B. Subjective Reasons:

- Considering my Specialization in Shari'ah and Law, as it Deals with such Issues.
- My Personal Desire is to Complete the Basic Points Covered in the PhD Thesis Topic.
- Teaching the Course on the History of Science and Industry prompted me to Choose the Topic of Hisbah and its Relationship to the Protection of Economic Rights.

1.4. The Research Issue:

Countries and Organizations compete to Create New Wealth and Revenues that support their Economies, thereby gaining a Prestigious Political Status that guarantees a Prosperous Life for their Citizens. However; This can only be achieved by Preserving and Protecting these

Resources, Controlling Market Management, and everything related to the Economic Aspect. The Predecessors of this Nation, since the Time of the Messenger of Allah (Peace and Blessings be Upon Him), had Effective Mechanisms for Protecting Society's Economic Rights. Through this; The Issue of this Research can be Formulated as Follows: **To What Extent does the Hisbah System contribute to and Preserve the Protection of Society's Economic Rights?**

This Issue leads to the Following Sub-Questions: **What is the Nature of Hisbah? What are the Contemporary Adaptations of the Hisbah System Today? What are the Economic Rights that Fall within the Scope of the Hisbah System? What are the Conditions of the Hisbah Volunteer (The Inquisitor), the Muhtasib, and what are his Duties?**

1.5. The Research Plan:

To Answer the Research Issue stated above; And to Bring together the Parties of this Research; I Decided to Divide the Research Plan into the Following:

- **Chapter I:** Definition of the Hisbah System, its Foundations and its Fields.
  - **Section I:** Definition and Foundation of the Hisbah System.
  - **Section II:** Areas of the Hisbah System.
- **Chapter II:** Explaining the Importance of the Hisbah System on Markets and its Impact on the Economic Aspect.
  - **Section I:** The Importance of the Hisbah System on Markets.
  - **Section II:** The Role of the Hisbah System in the Growth and Maintenance of the Nation's Economic Aspect.

1.6. The Approach Followed:

Given the Specific Nature of the Research; We relied on the Inductive Approach to Establish the Hisbah System and Demonstrate its Importance in Preserving Society's Economic Aspects. We also Occasionally employed the Historical Approach to Identify Distinct Models of the Hisbah System across time periods.

1.7. The Methodology Followed:

As is Customary in the Scientific Research; We have Divided the Research into a Balanced Plan Distributed over Two Chapters, each of which has Two Sections and a Conclusion, in addition to a Set of Results and Recommendations. We also relied on Various Sources and Authentic Books of Jurisprudence to Extract the Scientific Material from their Contents. We also attributed Quranic Verses to the Holy Qur'an, Verified Prophetic Hadiths, and attributed the Information to its Authors in the Margin of Each Independent Page. We also included an Index

of Sources and References Used in the Research. I ask Allah Almighty for Success and Acceptance, for He is the Guardian of that and is Capable of it.

Chapter I: Definition of the Hisbah System, its Foundations and its Fields

The Hisbah System is One of the Mechanisms introduced by the Islamic Law to Protect the Rights of People in Various Areas. Although Some Sources do not refer to it by this term; Its Meaning is the Same. In this Chapter; We will attempt to Delve into the Nature of the Hisbah and its Jurisprudential Foundations.

Section I: Defining the Hisbah System and its Foundations

Branch I: Defining the Hisbah Linguistically:

Scholars have Differed on the Meaning of the Hisbah. Some Believe it is Derived from the Word "Hasbaka", Meaning "to Refrain". Hence, the Muhtasib (Restraint) is Considered to be Sufficient and to Restrain People from Cheating, a Motivator for Good.[1]

Al-Qamoos Al-Muheet "Ocean Dictionary" States: "T[2]o Hold Someone Accountable is to Deny". From this Comes the Word "Al-Muhtasib". It is Said, "I did this for Allah", Meaning, "I Made my Accountable to Allah". It is Also Said, "So-and-So held his Reward to Allah", Meaning, "He Sought Reward and Recompense from Allah".[3]

Branch II: Definition the Hisbah in Terminology:

Ibn Khaldun Defines the Hisbah as: "A Religious Duty that Involves Enjoining Al-Ma'ruf the Good and Forbidding Al-Munkar the Evil, which is an Obligation on those in Charge of the Affairs of Muslims".[4]

Ibn Taymiyyah Defined it as: "It is Enjoining Al-Ma'ruf the Good and Forbidding Al-Munkar the Evil, which is not the Exclusive Purview of Governors, Judges, the Court, and the like". According to Ibn Taymiyyah; The Muhtasib (the Inspector) Enjoins Groups and Congregational Prayers, Truthfulness in Speech, and the Fulfillment of Trusts. He Forbids Al-Munkar the Evil Deeds such as Lying, Betrayal, and Everything that Falls within that, such as Reducing Weights and Measures, Cheating in Industries, Sales, Religions, and the like. Cheating Enters into Sales by Concealing Defects and Deceiving Goods, just as it Enters into Industries.[5]

First: Definition Analysis:

1. **Religious Function:** Any Religious Act is expected to be Rewarded by Allah Almighty. The Person Performing the Hisbah (the Muhtasib) Expects Reward and Recompense from Allah Almighty. The Muhtasib's Work may be Difficult, such as being Faced with the Obstinacy of Some Merchants, attempts to Bribe the Person, or any other Action that

would Prevent him from Performing his Duties to the Best of his Ability. Not Everyone is Equal.

2. **Chapter on Enjoining Al-Ma'ruf What is Right and Good:** In Every Matter Called for by the Shari'ah and in which there is Benefit and Reward. Some Jurists Stipulate that the Commanded Action must be Ruled as Obligatory, in which Case the Command becomes Obligatory. This is also the Case with Establishing Prayers, Fasting Ramadan, and Establishing Just Scales, so there is No Deficiency. However, If the Action is Recommended, then Urging it is Recommended and does not rise to the Level of Urging People to do what is Best, but rather what is Best and Most Perfect, and there is no Disagreement Regarding what is Permissible. Accordingly, the Muhtasib must be a Scholar of Jurisprudence and Fiqh so that he knows when he is Commanding Something that is Obligatory, when it is Desirable, and when to Refrain and not interfere.
3. **Forbidding Al-Munkar the Evil:** The Opposite of Enjoining Al-Ma'ruf What is Right and Good. The Muhtasib forbids People and compels them to Desist from Forbidden Acts, Beginning with Reprimands and Warnings. He may also impose Fines, expel them from the Marketplace, or impose any other Punishment he Deems Proportionate to the Act Committed.
4. **Individual Obligation:** Any Duty is Only for the Person who Performs it, and No One Else. Obligations are of Two Types: An Individual Obligation that is Fulfilled and Determined by the Conscience, and a Collective Obligation that is Binding Upon the Entire Nation. If Some Perform it, the Sin is Lifted from the Others, While Everyone is Sinful if they Neglect it. Therefore, Islam Emphasizes the Importance of Enjoining Al-Ma'ruf the Good and Forbidding Al-Munkar the Evil.[6]
5. **The Person in Charge of Muslim Affairs:** This Refers to the Ruler, his Deputy, or whoever he appoints to Oversee the Hisbah System. It is the Ruler's Duty and an Individual Obligation to appoint Someone to Oversee the Hisbah, given the Nation's Need for such a System and to Encourage People to Comply.[7]

✓ Conclusion:

From this, it appears that Hisbah is the Exclusive Domain of the Ruler and Guardian of Affairs. It is an Individual Obligation for him,[8] while for those below him it is Recommended and Desirable. They are Entitled to Guide but not Compel; Otherwise, they will be Considered as Transgressors against the Ruler's Actions. He is Permitted to Punish them so as not to Engulf Chaos, and he can appoint whomever he wishes without any Knowledge or Authority. The Hisbah may exist in Other Terms, but its Content and Scope are the Same, and there is no dispute over the Terminology if the Meaning is Consistent, such as Systems of Oversight, Suppression of Fraud, Consumer Protection, and Others in Different Countries.

Branch III: The Foundation of the Hisbah in the Islamic Law:

We Find in the Original Sources of the Islamic Law, including the Holy Qur'an, the Sunnah of the Prophet, and Consensus, a Clear and Explicit Command Calling for the Establishment of the Hisbah System.

First: From the Holy Qur'an:

- Allah Almighty Said: ﴿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 Orders One to do) and Forbidding Al-Munkar (Polytheism and Disbelief and all that Islam has Forbidden). And it is they who are the Successful﴾.[9]
  This Noble Verse indicates the Existence of a Group of Muslims who Enjoin Al-Ma'ruf the Good and Forbid Al-Munkar the Evil, is a Necessary and Inevitable Requirement for the Growth, Development, and Progress of Society, and for Protecting it from Violations that Cause its Decline. The Foregoing Exemplifies the Essence of the Hisbah and the Reason for its Existence, even if the Matter is Limited to Certain Economic Aspects. Indeed, Enjoining Al-Ma'ruf the Good and Forbidding Al-Munkar the Evil is Comprehensive and Encompasses all Aspects of Life.[10]
- Allah Almighty Said: ﴿Thus We have made you [True Muslims - Real Believers of Islamic Monotheism, True Followers of (Prophet Muhammad Peace and Blessing be Upon Him) and his Sunnah (Legal Ways)], a Wasat (Just) (and the Best) Nation, that You be Witnesses over Mankind and (the Messenger Muhammad Peace and Blessing be Upon Him) be a Witness over You﴾.[11]
  This Noble Verse indicates the Goodness of the Islamic Nation, through which it bears Witness to People. It Encourages them to do what Brings them Good and Benefit, warns them against Harm and keeps them away from it, whether Good or Harm, Immediate or Deferred.
- Allah Almighty Said: ﴿And the Believing Men and Believing Women are Allies of One Another. They Enjoin what is Right and Forbid what is Wrong and Establish Prayer and Give the Zakah and Obey Allah and His Messenger. Those - Allah will have Mercy upon them. Indeed, Allah is Exalted in Might and Wise﴾.[12]
  This Noble Verse indicates that Enjoining Good and Forbidding Evil are Attributes of Believers. One of the Ways to Enjoin Good and Forbid Evil is through the Hisbah System, which is Fundamentally Based on Enjoining Good and Forbidding Evil.

Second: From the Prophetic Sunnah**:**

- The Messenger of Allah (may Allah Bless Him and Grant Him Peace) Said: "Whoever among You sees an Evil, let him Change it with his Hand, and if he is Unable, then with

his Tongue. If he Cannot, then it is in his Heart. This is the Weakest of Faith".[13] The Noble Prophetic Hadith indicates the Necessity of Changing Evil by all Means Possible. The Hisbah is the Act of Enjoining Good and Forbidding Evil.

- The Messenger of Allah (may Allah Bless Him and Grant Him Peace) Said: "The Religion is the Advice, the Companions said: For whom, O Messenger of Allah? He Said: To Allah, to His Book Qur'an, to His Messenger, and to the Imams and Common Muslims". The Noble Prophetic Hadith indicates the Importance of Giving the Advice, including the Hisbah, which is Enjoining Good and Forbidding Evil.
- The Messenger of Allah (may Allah Bless Him and Grant Him Peace) appointed Saeed bin Al-Aas (may Allah be pleased with him) over the Market of Mecca, so that Life could be Managed according to an Islamic Legal Method.[14]

Third: The Consensus:

The Scholars Unanimously Agree on the Obligation to Enjoin Good and Forbid Evil, and it is Considered a Distinct Contract in the Islamic Law. This Consensus was Conveyed by Imam Al-Nawawi, Ibn Taymiyyah, Ibn Al-Qayyim, and Others, who also Agreed on the Obligation of the Hisbah (Commitment to Religious Duty) for those Able to Do So.[15]

The Hisbah Derives its Foundations and Functions from the Islamic Law. Allah Almighty Has Called upon us to Appoint a Guardian who is Entrusted with Implementing the Teachings of the Islamic Law and Calling People to Allah, Representing the Guardianship of Religion and Worldly Governance. From this Perspective, the Hisbah is Designed to Ensure that the Rights of People are Upheld in all Aspects, including the Economic Aspect.

Section II: Areas of the Hisbah System

The Hisbah, which Involves Enjoining Good and Forbidding Evil, Guarantees the Rights of the Islamic Community in Various Economic and Social Spheres, through Morals, Public Etiquette, Security, and Other Aspects. Everyone Contributes to the Best of their Ability. Encouraging Good and Forbidding Evil, and the Hisbah, Prevents Chaos, Discord, and Conflicts that may be Caused by some through Unjust and Aggressive Actions. Accordingly, the Areas of the Hisbah are Numerous and Varied, Encompassing Every Matter and Affair Called for by the Islamic Law, whether by Purpose or Means. However, it is Imperative that those Appointed by the Ruler in a Specific Area, such as Monitoring Markets and Construction,[16] be Qualified and Knowledgeable. He may also Monitor the Hisbah Officials Regarding Matters of Prayer, their Timings, and the Call to Prayer. He may seek the Assistance of the Guardian of War, the Ruler, and any Designated Authority.

The Jurists Stipulated that the Candidate must be Knowledgeable in the Islamic Law, Steadfast in the Truth, and Knowledgeable in Resolving Problems, so that he Can Perform the

Task to the Fullest Extent Possible. This System has, of Course, Adapted to the Changing Times, and its Methods have Changed with the Changing Eras, but it has Never Departed from its Core and Legal Conception at its Core.[17]

Among them; The Governor of the Hisbah Orders the Meeting and Congregational Prayers, the Fulfillment of Trusts, Honesty and Sincerity in Words and Deeds, and Prohibits Betrayal, Cheating in Measures and Weights, and Prohibits Fraud in Industries and Sales, and Inspects the Conditions of Measures and Weights, and the Conditions of Craftsmen who make Foods, Clothes and Machines. The Governor of the Hisbah Forbids Craftsmen from Manufacturing anything Forbidden at all, such as Musical Instruments and Silk Clothing for Men. He also Forbids the Use of any Type of Intoxicant, and Prohibits any Craftsman from Engaging in Fraud in his Trade, and Forbids him from Corrupting or Changing People's Money. He also has the right to Forbid Making Money into a Commodity, as this would bring Corruption to People, the Extent of which Only Allah Knows. Rather; It is Obligatory for Money to be Capital that can be Traded, not Traded. If the Ruler Forbids a Coin or Currency, he Forbids it from Being Mixed with Anything he has Permitted to be Traded.[18]

The Prophet Muhammad (Peace and Blessings be Upon Him) used to Take Full Account of his Workers, and he would hold them Accountable for what they Received and what they Spent. It was Reported in the Two Sahihs on the Authority of Abu Humayd Al-Sa'idi that the Prophet (Peace and Blessings be Upon Him) Appointed a Man from the Azd Tribe Called ibn Al-Lutbiyyah to Collect the Alms. When he Returned, he Called him to Account and he Said; This is for You and this was Given to me. The Prophet (Peace and Blessings be Upon Him) Said: "What is the Matter with a Man whom We Appoint to Do a Job for which Allah has Entrusted Us, and he says; This is for You and this was Given to me; Why doesn't he stay in his Father's and Mother's House and see if any Gifts are Given to him or not? By the One in Whose Hand is My Soul, if We Appoint a Man to Do a Job for which Allah has Entrusted Us, and he Steals Something from it, he will Come on the Day of Resurrection Carrying it on his Neck. If it is a Camel, it will Roar, if it is a Cow, it will Moo, and if it is a Sheep, it will Bleat, then He Raised his Hands to the Sky and Said: O Allah, have I Conveyed the Message? He Said it Two or Three Times".[19]

Chapter II: Explaining the Importance of the Hisbah System on Markets and its Impact on the Economic Aspect

We Mentioned that the Hisbah means Enjoining Good and Forbidding Evil. Therefore; The Hisbah advocates for Every Action or Deed that the Hisbah Officer deems to be Good and Beneficial, and Warns against Every Practice that he deems to be Unjust or Transgressive. All Muslims share in this, while Respecting those Appointed by the Ruler based on their Knowledge, Deeds, and Morals.

Section I: The Importance of the Hisbah System on Markets

The Hisbah Plays a Crucial Role in Regulating the Market and Preventing Transgressions and Violations. How Could it not? It is the Place of Buying and Selling, and People acquire their Needs through it. It is no Secret that Preserving Wealth is One of the Objectives of the Islamic Law, which Came to Protect it and Prevent Transgression against it. The Hisbah Guarantees this, as Previously Mentioned. The Nation's Economic Side is Strengthened if Markets are Organized on Healthy and Strong Foundations, such as Achieving Justice, Prohibiting Usury, Preventing Fraud and Deception, and Preventing Ignorance and Uncertainty, etc.[20] If the Markets are Established on these Principles, and there are those who Ensure their Implementation, the Nation's Economic Side is Preserved. The Contemporary Era is Pressing for the Return of the Hisbah (the Islamic Law) to Ensure that Rights are Upheld, most of which have been Lost. People have Deliberately and Ignorantly Transgressed Allah's Limits. In this Regard; Allah Almighty has Warned against this, as Verses Warn against it in Numerous Places, including His Statement: ﴿Woe to those who give less [than due]; Who, when they take a measure from people, take in full. But if they give by measure or by weight to them, they cause loss﴾. And Allah Almighty Said: ﴿Allāh loves not one who is a habitually Sinful Deceiver﴾. And Allah Almighty Also Said: ﴿and that Allāh does not guide the Plan of Betrayers﴾. Allah Almighty Said: ﴿O you who have believed, do not consume one another's Wealth Unjustly but only [in Lawful] Business by mutual consent﴾.

The Messenger of Allah (Peace and Blessings be Upon Him), as Mentioned in Sahih Muslim, on the Authority of Abu Hurairah (may Allah be pleased with him), said that the Messenger of Allah (Peace and Blessings be Upon Him) passed by a Pile of Food, Put His Hand into it and His Fingers became Wet. He said: What is this; O Owner of the Food? He replied: The Rain Fell on it, O Messenger of Allah. He Said: “Why didn’t you put it on Top of the Food so that the People Could see it? Whoever Deceives Us is not One of Us”. In Another Narration: “Whoever Deceives Me is not One of Me”.[21]

All of the Above Demonstrates Sharia's Commitment to Regulating the Market, Preventing Rights from being Lost and Trusts from being Evaded. **The Roles of the Hisbah in the Markets can be Explained as Follows:**

- **Ensuring that Transactions and Contracts are Concluded in Accordance with the Correct Islamic Sharia:** The Islamic Sharia Law has Codified Transactions and Contracts, Defining the Pillars and Conditions of each Contract to Guarantee the Rights of Contracting Parties. This Role is Considered the Most Important and Wisest Function of the Muhtasib, which is to Ensure that Contracts are Concluded in Accordance with the Islamic Sharia Law. Those who are not Proficient in or Unaware of what is Permissible and what is Forbidden in Sales should Appoint Someone else to Act as their

Representative, so that they do not Consume Usury and what is Forbidden, Intentionally or out of Ignorance. The Muhtasib was Responsible for Ensuring all of this. Omar ibn Al-Khattab (may Allah be pleased with him) Appointed Muhtasibs, the Hisbah Officers, including Al-Shifa' bint Abdullah Al-Qurashiyya. She would Patrol the Market, Adjudicate Sales Cases, Issue Rulings, and Impose Disciplinary Punishments. The Muhtasib may Prevent those who Intentionally Cheat from Entering the Market, as a Discretionary Measure, and Force People to Appoint Someone else to Represent them. This Applies to those who do not Understand what is Permissible and what is Forbidden in Sales.

- **Suppressing Fraud:** This is Achieved by Appointing Inspectors to Monitor the Commercial Activities and Related Matters, ensuring that the Goods Sold are not Prohibited or Tainted with Defects that are not Detected by the Public. This also includes Monitoring the Scales Used in Weighing and other Transactions. The Fraud is also included in Sales, such as Concealing Defects and Deceiving Goods and Commodities, such as Making the Appearance of the Sold Item Better than its Actual Contents, as the Prophet (Peace and Blessings be Upon Him) Observed and Denounced. It is also included in Industries, such as those who Make Food, such as Baking, Cooking, and other Products. It also Applies to those who Make Clothing, such as Weavers, Tailors, and the like, or those who Engage in other Industries. They must be Prohibited from Fraud, Betrayal, and Concealment. These include the Chemists who Adulterate Coins, Jewelry, Perfume, and other Goods.
- **Preventing Hoarding and Monopolization:** The Islamic Law Forbids Monopolization and has Prescribed a Penalty for it, based on the Hadith of the Messenger of Allah (Peace and Blessings be Upon Him), Who Said: “No One The Monopolist Except a Sinner”. The Hoarder and the Monopolist is Someone who Deliberately Buys the Food People Need, then Withholds it, intending to Raise Prices for them. He is Unjust to the Buyers. Therefore; The Ruler has the Right to Compel People to Sell their Food at Fair Market Value when People are in Need of it. This is the Job of the Muhtasib (the Inspector) to Monitor those who Hoard or Cause Food Scarcity, either by Acquiring more than they Need or by Creating Propaganda and Discord, Leading People to Rush to Buy Certain Goods, Fearing Scarcity and Shortages. This is what is Happening Today.[22]
- **Price Control:** This Issue was Discussed during the Era of the Messenger of Allah (Peace and Blessings be Upon Him). Anas (may Allah be pleased with him) Narrated that Prices Rose during the Era of the Messenger of Allah (Peace and Blessings be Upon Him). They said: O Messenger of Allah, why don’t You Set Prices? He Said: “Allah is the Withholder and Expander, the Provider and Setter of prices. I hope to meet Allah without anyone Seeking Redress for any Wrong I have done to him, whether in Blood or Money”. Abu Dawud and Al-Tirmidhi Narrated it and authenticated it. If People Sell their Goods

in the Usual Manner without any Wrongdoing on their Part, and the Price Rises, either due to Scarcity or Abundance, then the Matter is up to Allah. Forcing People to sell at a Specific Price is Unjust Coercion;[23] This is One View. As for the Second View; For Example, if the Owners of Goods Refuse to Sell them, Despite People's Need for them, Except for an Increase over the Usual Value, then they must Sell them at the Same Value.[24]

During the Era of Omar ibn Al-Khattab (may Allah be pleased with him), he Set Prices for Some Goods to Prevent the Monopolists who Exploited the Scarcity of Goods, and to Force People to Buy them at the Price they Wanted.

In Our Time; There are Many Cases of Monopoly, Both Old and Modern. The Well-Known Old Method is to Buy a Commodity during times of Abundance, store it until its Price rises and then Sell it. As for the Modern Method; It is to Launch Advertisements about the Scarcity of Goods, so People rush to Buy them, even if the Price remains the Same thanks to Subsidies or the Like. However; People are Struck with Panic and Anxiety, on the One Hand, and on the Other Hand, the Speed of the Product's Turnover is Considered a Great Benefit to it. I Believe that such Issues and Cases should be taken into Consideration. The Goal of the Hisbah is to Prevent Encroachment and Injustice in all its Forms, and this is Done by those in Charge of the Markets, through the Directorates of Trade and Fraud Control.

- **Monitoring the Quality of Goods and Services:** One of the Duties of the Muhtasib is to Monitor the Quality of Goods and Services Offered, Conducting Ongoing Monitoring. Due to the Advancement of Technology; The Fraud has Increased and its Forms have Multiplied beyond Imagination. The Muhtasib must Warn about the Safety and Quality of the Product to Avoid Harming the Customer, as Many are Victims of Fraudulent Goods. They may See a Certain Style and Shape in the Showroom or on the Outside, but upon Receipt and Contracting, they are Surprised to Discover a Defect in the Goods. The Muhtasib must Stand Guard to Prevent these Violations. The Transactions must raise their Concerns with the Muhtasib. If the Contractual Terms are not Considered Degrading, the Muhtasib must Obtain the Data and Information of the Customer and the Producer, Ensuring the Rights of the Contracting Parties should there be a Need to Refer to Information Contained in the Contract. When I speak about the Quality of Goods; I Speak the Same Way about Services, which are Becoming more Widespread. They must be Regulated. Some Services have not yet been Regulated. Therefore; There are Emerging Issues. For example; The Delivery Person Refuses to Open the Package or Product and does not allow it to be Inspected. However; The Package arrives to the Customer, and after Opening it, they Discover that it does not Conform to what was agreed upon. The Producer refuses to Return or Repair the Item due to a Transport or

Opening Error, or the Defect is Attributable to the Product itself. Here; The Muhtasib must be Aware of all New Developments in this Field.

- **Regulating the Market and Preventing Chaos:** The Muhtasib was Responsible for Regulating the Market by Ensuring the Entry of Goods and their Display Areas, and also Preventing Standing in the Sales Areas. He arranged the Goods in the Market by Type to Facilitate the Buying and Selling Process. The More Efficient the Muhtasib was in Regulating the Market, the More Attractive the Market was to Merchants and Dealers. All of this was Done to Ensure the Availability of Goods and to Expedite the Fulfillment of People's Needs.
- **Monitoring Crafts and Industries:** This is Achieved by Applying Production and Manufacturing Standards in Accordance with the Known Customs and Practices of the Craftspeople. The Muhtasib Monitors the Scales, Weighs the Product, and Verifies its Manufacturing Method and Storage Location. He also Verifies the Quality of the Product, Ensuring Justice and Preventing Injustice and Transgression.

Section II: The Role of the Hisbah System in the Growth and Maintenance of the Nation's Economic Aspect

Islam Considers Money as the Foundation of this World and the Hereafter. Allah the Almighty Said: ﴿And do not give the weak-minded your property, which Allāh Has made a Means of Sustenance for you﴾. Allah has made Money a Means of Support for you; that is, by it you Sustain and Thrive. Were you to Waste it, you would be Lost. It is as if it, in and of itself, is your Sustainment and Prosperity. Indeed; With Money; Worldly Matters are Sustained. This is Clear and Beyond Dispute, as Money is the Backbone of Life.[25]

Money and its Preservation are among the Major Objectives of the Islamic Law and One of the Five Universals. The Islamic Law Urges its Preservation from Both Existential and Non-Existent Perspectives. From the Existential Perspective; It Encourages Earning, Working, Increasing, and Investing Wealth. From the Non-Existent Perspective; It Prohibits Extravagance and Wastefulness in Consumption[26] and its Circulation in Ways other than those Permitted by the Islamic Law.

Over Long Periods; The Hisbah has played an Effective Role in Ensuring the Economic and Financial Rights of the Islamic Nation, and is Considered a Sophisticated Model Unparalleled in the History. The Hisbah Guarantees the Rights of all Stakeholders and Contractors, and Prevents the Exploitation of the Poor and Needy through Various Forms of Exploitation, whether through Monopoly or Price-Gouging. Or the Jurisprudence of Transactions; by Annulling the Contract in the Event of a Defective Subject. From this; Everyone is Guaranteed their Rights, and no One is Exploited. This Leads to Work and Increased Production, while Ensuring Product Quality. Everyone Works. All the Factors of the

Production Process are Available, starting from the Producer to the Consumer throughout the Product's Life Cycle, which is Known Today. All of this is a Product of the Hisbah System, which takes its Principles from the Fundamentals of the Islamic Law, by Achieving Justice, Preventing Injustice and Transgression in all its Forms, and Closing off its Means (Blocking the Means).

Thanks to the Multifaceted and Comprehensive Nature of the Hisbah; It has Contributed to Creating an Optimal Economic Environment with Safeguarded Consequences and Fair Aspects. No Oppressor or Transgressor exists in a Stable and Just Economic Environment, Contributing to the Prosperity of Markets in the Islamic World.

By Providing a Stable and Fair Economic Environment; Everyone is Encouraged to Work, Invest, and Produce. This is Achieved by Ensuring that Everyone knows their Rights are Protected and Safeguarded. This Contributes to the Nation's Prosperity and Well-Being. Thanks to the Economic Aspect, the Nation remains at a High Level on all Levels, especially Political, Cultural, and Social.

The Role Played by the Hisbah, and the Excellent Results Achieved through it, deserve to be Implemented across all Official Bodies, Ensuring the Rights of Stakeholders and Enhancing Productivity and Sustainability. Although the Majority of the Implementation has been Implemented; The Application of the Islamic Financial Rules remains.

4. CONCLUSION

After Presenting the Research, the Most Important Points Reached Can be Mentioned:

- The Hisbah is a Religious Duty that Involves Enjoining Good and Forbidding Evil, an Obligation Imposed on those in Charge of Muslim Affairs. The Nation Cannot do without the Hisbah to Safeguard Rights and Ward off Evil.
- The Hisbah is a Legitimate Duty that derives its Foundation from the Book of Allah, the Holy Qur’an, and the Sunnah of His Messenger (May Allah Bless him and Grant Him Peace), and from the Consensus of the Scholars of the Nation, and from the Actions of the Companions (may Allah be pleased with them all).
- The Hisbah Encompasses a Wide Variety of Areas, including Religious Rituals, Commercial Activities, and all Contractual and Manufacturing Activities. The Ruler Appoints those he Deems Qualified for this Position, provided they Possess Knowledge of Jurisprudence, Morals, and Etiquette, and are Protected by his Authority.
- The Hisbah has Multiple Functions, including Ensuring that Transactions are Conducted in Accordance with the Islamic Law, Preventing Monopoly, Setting Pricing

Requirements, Ensuring Quality, Suppressing Fraud, Regulating the Market and Preventing Chaos, and Monitoring Industries and Crafts.

- ❖ The Hisbah Contributes to the Preservation and Development of the Islamic Nation's Economy by Creating Stable and Fair Markets where Rights are Guaranteed and all Forms of Transgression are Prohibited. The Hisbah Generates Goods and Products, having been Prepared with Meticulous Work, Honesty, Rigor, and Quality.

Results and Recommendations:

The Study recommends the Following Points, which We Believe should be taken into Consideration and Presented to the Relevant Authorities for Implementation:

- ✓ Benefit from and Activate the Hisbah System, particularly with Regard to the Jurisprudential Aspect. Many Contracting Parties are Ignorant of Sharia Rulings, such as the Sale of Gold and Silver.
- ✓ Study of the Hisbah from all Economic and Cultural Aspects and its Impact on the Social Aspect.
- ✓ Assign Students in-depth Aspects of the Hisbah System, such as Consumer Protection, illegal Speculation, and Quality.
- ✓ Holding Periodic Conferences and Forums to Study and Research how to Benefit from and Activate the Hisbah System.
- ✓ Highlighting Our Nation's Jurisprudential, Historical, and Islamic Heritage by Publishing and Classifying Papers in Various Fields, such as Jurisprudential, Economic, Social, and Other Fields.

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