CONSUMER AND CONSUMERISM: IN THE PURVIEW OF ISLAMIC PROTECTION

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Legally speaking, the institution of hisbah has proved its significances, as well as the implications as a medium of the enforcement units in Islam. The genuine concept of hisbah is aimed at enjoining good and forbidding evil which refers to the administrative affairs of the Islamic organizational system accordingly. This institution has been evolved progressively in terms of the organizational structures or even to the basic scope of the duties of the appointed officers. It has been recorded that during the Islamic medieval era, the institution of hisbah has developed excellently and recognized as a blessing to the Muslim Ummah.

Thus, this paper is aimed at discussing the elements of hisbah and its scope with regards to the contemporaneous atmosphere; namely ombudsman within the ambit of the modern world. Generally, it can be understood that the main concept and nature of hisbah is pertaining to the religious obligation which is aimed at striving towards righteousness and fighting against the evilness in accordance with the Islamic faith. Hence, in respect with these duties, there are numerous verses in the Holy Quran, as well narrated Hadith which vehemently emphasized its significances, inner alia, by virtue of Surah Al-Maidah verse 87 – 88, Allah said:

"O ye who believe! Make not unlawful the good things which God hath made lawful for you, but commit no excess; for God loveth not those given to excess".

"Eat of the things which God hath provided for you, lawful and good; but fear God, in Whom ye believe."

Islam as a complete religion covers many aspects of consumer protection. In fact, Islam provides detailed rules of commercial conduct. The Holy Quran stresses the need for integrity and honesty in commerce; for example:

"O my people give full measure and weight justly, and defraud not men of their things, and act not corruptly".

(Al-Baqarah: 85 – 86)

"Surely, whoever deceives in business transactions is not (or does not behave like) one of us"

(Hadith)

Likewise, Allah has enjoined Muslims to urge people towards upholding the principles of righteousness and in the meantime, to refrain ourselves from committing wrongful deeds, as what has been affirmed in the gist of Surah Ali-Imran: 104:

"Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity."

In the history of Islam, consumer protection can be traced to the function of hisbah system. Rasulullah himself has been described as the first muhtasib in Muslim history. This institution was set up to ensure that individual, government official and traders honoured the moral and legal injunctions of Islam. This institution was initially introduced under the concept of *'Al-amr bil ma'ruf wa nahi an al-munkar (to enjoin the right and forbid the evil). In relation to this matter, hisbah system was concerned with social, religious and economic morality.* Under the system, al-Muhtasib (market controller) appointed by the caliph. His function is to supervise trading and the market place. He investigates shops and streets, tests weights and measures, control prices, cleanliness and quality. He will also investigate complaints against (cont) unscrupulous traders. Apart from that, the concept of halal and haram in Islam provides a clear guideline of what can and cannot be done in business transactions. In fact, the principles of prohibition of riba' (usury) and gharar (uncertainty) in business transactions verily protect consumers from being victimized by traders. In conjunction with this, such honest and upright traders in Islam will not place material progress and profit making above his duty to Allah. Hence, by analyzing critically these aforesaid arguments, it can be concluded that the concept of hisbah is meticulously being materialized, as well as to be institutionalized for the purpose of the Muslim Ummah as a whole. Moreover, as it is well-regarded as fardhu kifayah (collective responsibility) however, to a certain extent, this kind of obligation could also turn to be as individual responsibility for particular situations, by considering to its necessity and circumstances accordingly.