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TABLE OF CONTENT

THE SIGNIFICANCE OF THE HISBAH'S SYSTEM IN EMPOWERING THE MOSQUE'S JURISDICTION

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ABSTRACT

In Islam, there is a requirement that needs to be completed by its followers known as Hisbah which means the calling of doing good deeds (amar ma'ruf, nahi munkar), and prohibiting forbidden deeds and fixing social breakdowns. Hisbah covers two responsibilities which are first, the responsibility to implement ma'ruf and secondly, the responsibility to stop the acts of munkar. These two responsibilities have been further divided into three categories which are responsibilities directly related to the rights of Allah SWT, responsibilities that are directly related to the rights of human beings and finally, the responsibilities related to the rights of Allah SWT and human beings. The purposes of these responsibilities are to deter any munkar related matters such as treachery, invasions, negligence, ruthless acts and similar conduct. Therefore, Islam has laid the foundations that need to be learned and understood by each individual in the matters of worship (ibadah) and human activities (muamalah). These matters need to be thoroughly learned through the basic foundation laid by the previous ulama and transformed with the new discoveries that are based on the principles of Islamic laws. There are various methods of hisbah that can be highlighted in the manners of hikmah, some examples are through the sharing of advice, tazkirah , irshad, qudwah, qiyadah, tawsiyyah and islah. The concept of hisbah is very relevant to be applied for welfare and justice especially in uniting the ummah and enhancing the understanding of Islam among the society. Therefore, the purpose of this study is to declare the relevance of the concept of hisbah to the current era especially in empowering the mosque as was practised during the golden age of Islam. The structure of the mosque's organization needs to be reevaluated to ensure that it is capable of performing its duty as one of the hisbah institutions in Malaysia.

1. Introduction

The practice of *hisbah* has existed since the era of Rasulullah SAW. It was parallel with the establishment of the first Islamic country, Medina, which was recorded as part of the world history. The

word *hisbah* means an act of performing *amar ma'ruf* and preventing *munkar*. The act of doing good deeds needs to be implemented especially when it is evident that the community is starting to neglect performing them, whereas the preventions of forbidden deeds need to be enforced when the community is witnessed to practise bad conduct in broad daylight. One of the evidence (*dalil*) that explains the concept of hisbah:

> *" And let there be [arising] from you a nation inviting [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful."*
>
> *(Surah ali-Imran 2: 104)*

The institution of hisbah has been practiced in order to ensure that the implementation of hisbah can be well accomplished. The institution of hisbah is a religious institution that is responsible for supervising and ensuring that the community will practice performing good deeds and avoid commiting sins at all cost. The implementation of *amar ma'ruf nahi munkar* covers all aspects of society which includes the political, economic and social aspects. This needs to be attained in order to secure the benefit or *kemaslahatan* of the community thus preventing any incoming damage to the society.

2. Literature Review Related to the Hisbah Institution

Al-amil ala al-suq or the market supervisor was a name given by Rasulullah SAW to the people in charge of implementing the *hisbah* system. They were responsible in supervising the processes of trades, determining the weights and measurements used in business transactions. Sa'id bin Sa'id bin al-'As was one of the market supervisors who was appointed by Rasulullah SAW to work in Mecca while Saidina Umar al-Khattab used to be one of the market supervisors in Medina.

After the passing of Rasulullah SAW, the hisbah institution was proceeded by the Khulafa al-Rasyidin. The work related to hisbah was attended by the vicegerent (*khalifah*) with the help of some appointed assistants in order to ensure that the process of hisbah went efficiently managed. However, the institution of hisbah was separated from other institutions during the reign of Abbasiyah around the year of *157 Hijrah*. The segregation had given more space to the hisbah enforcers to administer the institution more effectively with the help of hisbah assistants known as '*arif*' and '*amin*'.

The *hisbah* enforcers or al-muhtasib needed to possess specific requirements in order to ensure that they can successfully perform the given tasks. A few needed criteria in being the hisbah enforcers include being sincere (*ikhlas*), fair, knowledgeable, wise and patient. The al-Muhtasib were responsible for supervising:

> i)The fulfilment of the rights of Allah such as the punctuality of the community in performing the solah (prayers), the management of Islamic organization, Eid and the maintenance of the mosque.
> ii) Human rights such as matters of community affairs;

[1] Sharifah Hayaati Syed Ismail, Integriti Amalan Murni Tuntutan Islam, http://www2.bharian.com.my/articles/IntegritiamalanmurnituntutanIslam/Article/cetak

[2] Zulfaqar bin Mamat (2010), Institusi Hisbah dan Peranannya Dalam Mengawal Kegiatan Ekonomi Negara Islam, Jurnal Mualamat, www.academia.edu

[3] Amalina Abdullah (2010), Harking Back to Hisbah, http://www.mia.org.my/at/at/2010/04/04.pdf.

iii) The welfare of the city such as taking care of the roads and providing lighting along the roads and preventing construction activities that may damage the welfare and belongings of the community.

2.1 The Functions and Tasks of the Institution of Hisbah.

It is publicly known that among the functions of the institution of hisbah is to ensure that the goal of *maslahat* is to be reached and any damages occurred needed to be eliminated from the people's daily lives. Mohd Parid Sheikh Ahmad dan Mohd Azmi Omar (1991) had stated that Imam al-Mawardi had proposed a few examples regarding the related rights within the institution of *hisbah*:

i) Any matters related to the rights Allah SWT: ensuring the *ma'ruf* matters in the rights of Allah SWT are being implemented in all types of worship (*ibadah*) such as prayers or *salah*, fasting, paying the alms, performing *hajj* and any other types of worship (*ibadah*) by the community members at the place where the *al-muhtasib* was in charge.

Whereas, from the view of worship (*ibadah*), prohibiting the *munkar* matters in relation to Allah SWT's rights will be reprimanding followers who choose not to fast on purpose and Muslims who refuse to perform prayers. From the view of human activities (*muamalah*), the muhtasib possesses the right to prohibit the acts of adultery, *riba* (*usury*) and treachery in business transactions. The prohibition of the *munkar* acts to Allah also include the prohibition of exhibiting liquors and tools of entertainment.

ii) Matters that are related to the rights of humans: *Amar ma'ruf* in terms of the rights of humans cover the general and the specific rights. An example of general public rights is when there are scarce water sources. Whereas the specific rights will be like the failure of an individual in paying his debt on time. At the same time, *munkar* matters which are related to the human rights involved all the matters that affect the community. Any *munkar* matters that are related to the human rights cover all the matters that are happening between members of the society. Any matters that may cause difficulties and may cause harm to people need to be intervened by the *muhtasib*. The examples of these situations are performing the acts that might hurt the neighbours and being dishonest in any transactions by any member of the community.

iii) The matters related to equal rights: For this matter, the *muhtasib* has the right to ask the '*wali*' (guardian) of the bride, to marry the bride with the man of the same or equal status and ensure that women in *iddah* period to abide by the rules of *iddah*. The *munkar* matter in these circumstances includes reminding the imam not to perform prayers in such a lengthy duration that may cause distress to the *makmum*. Besides, a muhtasib also has the power to disallow animal owners to overburden their animals with heavy tasks.

3. The Methods of Hisbah

Literally, *hisbah* means *ihtisab*, which means being meticulous, to administrate, to see, to prevent or to stop. Figuratively, *hisbah* means to implement the religious duty that is to call people to perform *ma'aruf* (good deeds) if the practice is being neglected and to prohibit the obvious acts of *munkar* (forbidden deeds), if people are acting upon it (Abi al-Hassan bin Muhammad al-Mawardi).

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[4] Op.cit, Zulfaqar Bin Mamat, ms. 116.

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The mosque can also be used as one of the institutions that play the roles of justice seekers, eliminating the practices of forbidden deeds that clearly transgress the aqidah and the beliefs of the Ahlul Sunnah Wal Jama'ah followers. The appointed mosque officers need to be those who are really well-trained and capable in terms of their knowledge and expertise. The appointed officers cannot take any impulsive actions without doing sufficient research on the matter. The officers can only take action in sentencing the crime doers when there are proofs of the offense committed and no elements of vagueness found in the case.

Besides that, the appointed officers need to always remind themselves that their intention (*niat*) in every action should be solely based on serving Allah SWT. They cannot have the intentions of mocking, embarrassing or degrading others. This is an important element in order to ease others in accepting the calling of Allah and to gain cooperation from the society members.

3.1 The Hikmah and Advice Methods.

Al-Jarjani explains that the meaning of al-hikmah could be simplified as the strength of intellectuality. According to Kamus Dewan, the meaning of al-hikmah equals to wisdom and ingenuity. The skill of debating and having the ability to provide true and precise explanations based on the proofs that can be found from the al-Quran and Sunnah is essential.

Whereas *al-maw'izah al-hasanah* means advice or meaningful lessons that can be related to events happening in life, which can be seen as life lessons. *Al-maw'izah al-hasanah* or good advice and lessons are the methods which can be easily accepted by the hearts and souls which are delivered using the hikmah (wisdom) approach. The responsible party could deliver the advice and guidance in private and in different phases according to the issues or situations.

3.2. The Al-Targhib (Encouragement) and Al-Tarhib (Threats) Methods.

Al-targhib and *al-tarhib* mean that a person grants wishes or commands, accepting the truth and stands only by the truth. *Al-tarhib* refers to matters that could scare and warn a person for not granting wishes or commands and rejecting the truth (Abd. Karim Zaydan:1987). The purpose of *al-targhib* is to gain Allah SWT's blessings by pleasing Him. By doing so, the followers will gain His blessings and favours in this world and the hereafter. Whereas al-tahrib is a situation where the followers fear the wrath of Allah SWT and His punishments in this world and the hereafter.

4. Findings

4.1 Mosque as the Institution of Hisbah

The current Islamic community is only seeing the hollow impression of the real functions of mosques. They tend to view the mosque as a place to perform certain specific worship (*ibadah*) such as Jumaah prayers, tarawih prayers and as a place to celebrate Islamic ceremonies such as nikah (marriage solemnization) which fills the space of the mosque with relatives of the bride and groom. Muslim communities should realize that the role of the mosque as a risalah (development centre) of Islam is crucial. The structure of the mosque itself is seen as a place of worship. The structure of mosque should not only reflect a place of worship where only specific forms of worship (*ibadah*) can be performed, it should also play a vital role in society where the roles of a mosque are expanded and become more influential in the community.

A mosque is an institution for worship (*ibadah*) which should expand in parallel with the mainstream and need to be updated with the movement of the current era. A mosque should also play a role in the lives of Muslim societies as the institution that builds and moulds the progress of the ummah. To enliven the mosque is the dutiy and responsibility that are closely related to the concept of the creation of mankind in order to implement *amar ma'ruf and nahi munkar*.

Allah S.W.T said:

إِنَّمَا يَعْمُرُ مَسَاجِدَ اللَّهِ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَأَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ وَلَمْ يَخْشَ إِلَّا اللَّهَ ۖ فَعَسَىٰ أُولَٰئِكَ أَن يَكُونُوا مِنَ الْمُهْتَدِينَ

"The mosques of Allah are only to be maintained by those who believe in Allah and the Last Day and establish prayer and give zakah and do not fear except Allah, for it is expected that those will be of the [rightly] guided." (Taubah: 18)

To build and enliven the mosques are among a few *afdal* (better) ways to bring oneself closer to Allah with sincerity (*ikhlas*) to serve Allah without having any arrogance (*riya'*) and wanting to show off to others the good deeds that one has completed.

5. Discussion
5.1 The Jurisdiction and Roles of the Mosque.

The word mosque, Masjid, is derived from the Arabic word sajada which means the place of *sujood*. Technically, *sujood* is the act of placing one's forehead on the ground.

Figuratively, if we were to sujood to Allah, *sujood* means to 'worship' whereas in other matters asides from God, *sujood* also means being respectful to something that is highly regarded. Whereas the word *sajadah* is derived from the word *sajjadatun* which means the place that is frequently used to perform *sujood*. This often refers to a piece of cloth, carpet or sejadah that is made specifically for the purpose of being used as a praying mat. As for the word "mosque" or *masjidun*, it includes general and specific meanings. The general meaning of the mosque is all places that are used to perform *sujood*. Rasulullah SAW had mentioned before that 'God has created this world as a mosque'. Whereas the specific meaning of mosque is a place or building built for the specific purpose of performing worship (*ibadah*), especially the congregational prayers (al-Dawamy: 2008).

In the history of Islam, the Muslim community was very closely related and had a close relationship with the mosque within their vicinities. Islam does not limit its followers to only perform their daily prayers or any other specific worship (*ibadah*) at the mosque. Rasulullah S.A.W wanted mosques to play positive and dynamic roles pertaining to the holy goals by providing services especially to the Muslim communities and indirectly to the non-Muslim communities. Conceptually, a mosque is also being referred to as the Home of Allah (*Baitullah*) and also as the home of the community (*Bait al-jamik*). It can be seen in the history that the mosques during the era of Rasullullah SAW possessed many functions which included:

1. A place to perform worship (ibadah) and prayers (salah).
2. A place for discussions and meetings (musyawarah).
3. A place for the communities to file complaints and seek justice.
4. A place for the meetings of the entrepreneurs and to start the operations of businesses.
(Ibn Kathir, 2002; Ibn Hisyam, 1995; al-Mabarkafuri, 1994)

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Among Rasulullah SAW's purposes of building mosques was as a strategy to develop the Islamic community in Medina. The seven strategies for developing the Madani Community in Medina were: (al-Dawamy: 2008)

1. To build mosques.
2. To create the bonding in the Muslim community.
3. To sign an agreement with the non-Muslim community.
4. To develop the Syura political system.
5. To implement the economic system.
6. To develop an elite community.
7. To implement the teaching of Islam as the value system in the Islamic community.

The moment when Rasulullah SAW was building the mosque in Madinah, the mosque was not solely seen as a place for the Muslims to perform their prayers or salah, it had also been regarded as the community's mobilization centre in order to create the Madani community in Medina (Ibrahim Hasan: 1996).

The tradition of building a multifunctional mosque can bring considerable benefits to the community. The main function of the mosque is to lead the community to strive for perfection in the forms of individual, family, community and country. Besides that, the mosque is a place to seek knowledge. A mosque is also a place for welfare, giving a helping hand to those in need of financial assistance and offering help in seeking spiritual and physical knowledge.

6. Conclusion

In conclusion, a mosque is highly influential in shaping the syahsiah (well being) of the Muslim community to become an eminent community if the mosque replicates the roles and functions of the mosques operating during the era of Rasulullah SAW. A mosque should be treated or upgraded to a *hisbah* entity in order to upgrade the process of *Amar Ma'ruf Nahi Munkar*, which is in parallel with the calling of Islam to nurture an Islamic community that possesses good *syahsiah* via the mosque.

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