

Exploring *Hisbah* as a supervisory mechanism for promoting *Sharia* compliance in modern business contexts

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ABSTRACT

Purpose — *The primary goal of this study is to investigate how the supervisory role of Hisbah in Islam can effectively enhance the adherence of modern business individuals to Sharia principles.*

Method — *This qualitative research utilizes a descriptive-analytical approach to examine the role of Hisbah in enhancing Sharia compliance among modern business practitioners. The data, obtained from various books and journals, is collected, processed, and analyzed to derive conclusions regarding the effectiveness of Hisbah in promoting adherence to Sharia principles in contemporary business settings.*

Result — *By implementing internal Hisbah through the utilization of muraqabah and muhasabah tools, a culture of Sharia compliance can be established. Simultaneously, external Hisbah parties, such as authoritative institutions or government entities, can play a crucial role in strengthening control and supervision. This combined effort ensures that the enforcement of Sharia principles remains objective, independent, and practical. The establishment of a robust and synergistic supervisory mechanism between internal and external Hisbah, involving government authoritative institutions, can substantially contribute to achieving Sharia compliance among modern business practitioners.*

Contribution — *This research makes a valuable contribution to the academic realm by enriching our understanding of the concept of Hisbah and its implications for Sharia compliance. It serves as an initial stimulus for future research endeavors, particularly focusing on the effectiveness of external Hisbah institutions in fulfilling their supervisory roles within modern business contexts. This research paves the way for further exploration and investigation into the topic, fostering a deeper understanding of how external Hisbah entities can effectively contribute to promoting Sharia compliance in contemporary business practices.*

Keywords: *hisbah, sharia compliance, modern business*



INTRODUCTION

As modern business practices become more intricate and challenging, the importance of *Sharia* compliance has gained prominence. Integrating *Sharia* principles into daily business operations has become a pressing concern for business professionals. In this context, *Hisbah*, deeply rooted in Islamic tradition, presents a holistic and all-encompassing approach to ensuring adherence to *Sharia* principles. By implementing monitoring and enforcement mechanisms, *Hisbah* can play a crucial role in cultivating a business environment that aligns more closely with Islamic values. The application of *Hisbah* offers a comprehensive solution to the complex task of fostering *Sharia* compliance within modern business practices.

Islam, with its all-encompassing teachings, emphasizes the universality of Islamic law, applicable to all aspects of human life across time and place (Mudassir & Gunawan, 2017). Islam serves as a comprehensive guide for both material and spiritual aspects of human existence. This includes economic matters, wherein Islam advocates for achieving "*Al-falah*" as the ultimate goal (Aqbar et al., 2020). In the context of Islamic economics, the concept of *Al-falah* refers to the attainment of success and fulfillment in this world and the hereafter, by adhering to the principles of *Sharia* (Nasrulloh, 2021). *Al-falah* represents true happiness, encompassing both material and spiritual well-being, as well as prosperity in both worldly and eternal realms. The term "*Al-falah*" originates from the Arabic language, meaning "success" (Syamsuri et al., 2022). It signifies glory and victory, not only in terms of worldly achievements, but also in living a life of spiritual significance. *Al-falah*, as mentioned in the Qur'an, implies long-lasting success in both the present life and the afterlife, highlighting the prioritization of spiritual aspects over material ones. In the context of Islamic economics, *Al-falah* encompasses a multidimensional concept, impacting individual and collective behavior. It underscores the importance of sustainable economic prosperity by adhering to *Sharia* principles.

In Islamic economic activities, adherence to *Sharia* principles is fundamental to attaining *Al-falah*. True happiness, prosperity, glory, and victory in both material and spiritual aspects of life, both in this world and the hereafter, can only be achieved when individuals involved in economic activities uphold the principles of *Sharia*. Failure to comply with *Sharia* principles and teachings not only hinders the realization of such happiness and success but also leads to business practices that are incompatible with Islamic values. Examples of such practices include usury (*riba*), gambling (*maysir*), uncertainty (*gharar*), and other unlawful activities prohibited in Islam. It is through the adherence to *Sharia* principles

that economic activities can align with the teachings of Islam and contribute to the achievement of *Al-falah*.

On the other hand, globalization necessitates a freer flow of information, products, and ideas throughout the world. Like it or not, we have to admit that this fact often results in the penetration of values and culture that are not in line with *Sharia* principles. Modern business people are required to deal with cultural influences such as consumerism, hedonism, and business practices that may conflict with *Sharia* principles. To continue to survive and progress, adaptation efforts by continuing to maintain identity and adherence to *Sharia* must be carried out accompanied by continuous creativity.

Developments and advances in science and technology in the modern world have also changed how businesses are run, such as e-commerce, fintech, and blockchain which affect various aspects of business including financial transactions, marketing, and data management. Even though this technological advancement provides efficiency and convenience, technology also brings problems and challenges for business people related to *Sharia* compliance, namely the use of interest in digital transactions or *gharar* in innovative business models.

In Islamic economics, it is known that *Hisbah* as a supervisory function that refers to the responsibility to oversee the application of *Sharia* principles in Muslim societies. With proper understanding and application *Hisbah* In carrying out modern business practices, *Sharia* compliance of business people is expected to avoid all deviations in behavior and business activities that are not following Islamic values.

Hisbah is an institution that holds a significant role within the Islamic oversight system ([Makhsin, 2008](#)). Historically, *Hisbah* has demonstrated its effectiveness in fulfilling its supervisory function within the governance structure established during the time of Prophet Muhammad. The *Hisbah* system has evolved within Islamic societies as a mechanism designed to safeguard the public interest. Its primary purpose is to ensure that ethical and just practices are maintained for the benefit of society as a whole.

It was discovered that the *Hisbah* supervisory system in the Islamic economy serves as an evaluator of economic activities, ensuring their adherence to Islamic law ([Noviyanti, 2017](#)). *Hisbah* actively prohibits practices such as *riba* (usury) and *ihtikar* (hoarding), while also monitoring and supervising price-setting processes. [Ibrahim et al. \(2018\)](#) reveals that the formation of *Hisbah* is rooted in the understanding of "*amar ma'ruf nahi munkar*" (enjoining good and forbidding evil), which serves as the foundation for implementing *Hisbah* in Islamic

management. The study emphasizes the crucial role of *Hisbah*'s supervisory function in establishing and fostering Islamic management practices that are in accordance with contemporary needs and requirements.

The previous research findings highlight the importance of exploring the concept of *Hisbah* and its functions within Islam. While there have been discussions on this topic, further in-depth studies are needed, particularly in light of the challenges faced by business professionals in the current era of globalization. These challenges necessitate a deeper understanding of how *Hisbah*, with its supervisory function, can effectively enhance *Sharia* compliance among modern business practitioners. Therefore, the objective of this study is to analyze and examine the role of *Hisbah* in promoting and increasing *Sharia* compliance among business individuals in contemporary business settings. By conducting this analysis, a more comprehensive understanding of the impact and effectiveness of *Hisbah* can be obtained, aiding in the development of strategies and approaches to ensure *Sharia* compliance in modern business practices.

METHOD

This research employs a qualitative approach to gain a comprehensive understanding of the subject matter through an inductive thinking process (Wahyudin, 2017). The chosen methodology for this study is analytical descriptive (Zakariah et al., 2020), which aims to provide a descriptive overview of the object of study by utilizing data or samples. In this case, the research focuses on books and journals that discuss the concept of *Hisbah* and its role as a supervisory instrument in Islam. The gathered data is subsequently processed and analyzed to draw conclusions that address the research question (Sugiyono, 2009): How does *Hisbah* contribute to increasing the *Sharia* compliance of business people in modern business? Through this approach, the research aims to offer insights and findings that shed light on the effectiveness of *Hisbah* in promoting *Sharia* compliance among contemporary business practitioners.

RESULT AND DISCUSSION

What is *Hisbah*?

The term "*Hisbah*" originates from the Arabic word "*ha-sa-ba*" and encompasses various meanings, including calculating, estimating, thinking, and views (Djakfar, 2009). It signifies performing a task with careful consideration. Additionally, Al-Thahir Ahmad al-Zawi and Muhammad Farid Wajdi explain that related words such as *Ihtisab*, which denotes computation, calculation, reflection, debiting,

crediting, contentment, and satisfaction, and *Muhtasib*, which translates to bursar and treasurer, are closely associated with *Hisbah* (Rohman, 2010). In terms of terminology, Imam Al-Mawardi defines *Hisbah* as the act of enjoining good when its abandonment is proven and forbidding evil when its occurrence is established (Al-Mawardi & Bahri, 2006).

Hisbah is closely linked to the concept of *Amar ma'ruf nahi munkar*, which entails ordering the good and prohibiting the evil. Adam Drahman cites Ibn Khaldun's perspective, stating that *Hisbah* is a religious duty involving the command to perform what is righteous and the prohibition of what is wrong (Drahman & Ab. Rahman, 2019). Ibn Taimiyah defines *Hisbah* as an authorized authority responsible for upholding *Amar ma'ruf nahi munkar* (Lestari et al., 2022). Moreover, *Hisbah* is an obligation for those entrusted with the welfare of society, particularly the affairs of Muslims, to appoint and authorize individuals who can carry out the task of *Hisbah* effectively.

Abdul Karim Zaidan, as quoted by Adam Drahman, in his book "Nizam al-Qada' fi al-syariah al-Islamiyyah," emphasizes that every verse of the Qur'an that encompasses the command of enjoining good and forbidding evil (*amar ma'ruf nahi munkar*) serves as evidence for the existence of *Hisbah* (Drahman & Ab. Rahman, 2019). This concept is exemplified in verse 104 of Surah Ali Imran, which states:

"And there should be among you a group of people who call to virtue, enjoin what is good and forbid what is bad; they are the lucky ones"

Likewise with the hadith of the Prophet Muhammad SAW which means:

"Whoever among you sees evil, then let him change it with his hands (the power he has), if he is not able to change it with his hands (his power), then (should change) with his tongue, if he is not able (to change with his tongue), then let him with his heart, and such is the weakest of faith"

The principle of *Amar ma'ruf nahi munkar* serves as the underlying principle of *Hisbah*, highlighting the obligation of individuals and the Muslim community to continuously promote goodness and prevent evil. Within the context of *Hisbah*, this principle implies that those responsible for carrying out *Hisbah* have the duty to oversee and prevent any violations of *Sharia* principles within society.

This practice of *Hisbah* encompasses various aspects, including supervision, law enforcement, and the imparting of Islamic teachings and values. Those involved in *Hisbah* act as enforcers and possess the authority to reprimand, caution, or take corrective measures against individuals or entities that contravene *Sharia*

principles. The ultimate objective of *Amar ma'ruf nahi munkar* in the realm of *Hisbah* is to foster a devout society, uphold the integrity of Islamic values, and prevent violations of *Sharia* principles from occurring.

The practice of *Hisbah* can be traced back to the time of Prophet Muhammad (PBUH), as evidenced by his active involvement in supervising the market activities in Medina ([Noviyanti, 2017](#)). Although the term "*Hisbah*" was not used at that time, it marked the early establishment of the principles of *Hisbah* in Islamic economics. From the outset, the Prophet (PBUH) emphasized the importance of honesty and the avoidance of fraud in business transactions. Practices such as tampering with scales, hoarding goods for resale at higher prices during scarcity (*ihtikar*), engaging in dual contracts, and other fraudulent activities were strictly prohibited.

During the Prophet's time, individuals known as *shahib al-suq* (market supervisors) and *amil ala al-suq* (market officers) were appointed with the responsibility of managing and overseeing buying, selling, and trading activities in the market. When violations of *Sharia* principles occurred, appropriate actions were taken, including issuing warnings in the form of advice or imposing punishments (*ta'zir*) based on the severity of the violation committed ([Drahman & Ab. Rahman, 2019](#)). This demonstrates the practical implementation of *Hisbah* during that period, highlighting the proactive role of authorities in upholding *Sharia* compliance in economic activities.

During the caliphate of Umar bin Khattab, the institutionalization of *Hisbah* became more structured. He established the *wilayatul hisbah* as an official government agency, and Abdullah Bin Utbah was appointed to supervise the market ([Qardawi, 1997](#)). There are also records of Umar occasionally appointing Asyifa' bint Abdullah al-Qurasiyah al-Adawiyah to handle certain matters related to market affairs.

This tradition continued during subsequent reigns, including the Umayyad dynasty, the Abbasid dynasty, and the Ottoman Empire, where *Hisbah* became an official institution that was required in every Muslim country. For instance, in Egypt, *Hisbah* persisted until the reign of Muhammad Ali (1805-1849). Similar institutions were also found in Morocco until the early 20th century. Furthermore, the Byzantines, through their contact with the Islamic world during the Crusades, adopted the institution of *Hisbah*, known as "*mathessep*", derived from the Islamic term *muhtasib* ([Noviyanti, 2017](#)).

Function and purpose of *Hisbah*

The institution of *Hisbah*, closely associated with *amar ma'ruf nahi mungkar* (enjoining what is good and forbidding what is evil), has a primary objective of promoting goodness and eradicating evil. Therefore, it is crucial for *Hisbah* institutions to fulfill their functions effectively.

In *Hisbah*, there are several key elements related to its pillars, as identified by Imam al-Ghazali: First, the *muhtasib* (*Hisbah* officer) who is responsible for carrying out the function of *Hisbah*. Second, the *muhtasab fih* (the action or matter subject to *Hisbah*). Third, the *muhtasab alaih* (the individual or entity addressed by *Hisbah*). And fourth, *ihtisab* (the various forms and methods of *Hisbah*) ([Halim, 2011](#)). According to Ibn Taymiyyah ([Halim, 2011](#)), the *muhtasib* has four main tasks: preventing oppression, regulating prices of goods, ensuring the provision of essential needs to the community, and overseeing the wage system.

According to Abdul Azim Islami, as cited by [Anto \(2003\)](#), *Hisbah* serves several functions. Firstly, it supervises the availability and sufficiency of goods and services in the market. Secondly, it oversees the industry by ensuring compliance with product standards set by companies for public consumption. Thirdly, it monitors the service sector, particularly in cases of fraudulent practices. Additionally, *Hisbah* is responsible for supervising trading activities to prevent violations of *Sharia* principles, such as inaccurate measurement, compromised product quality, and providing consumer protection. Moreover, it plays a role in monitoring urban and market planning, ensuring that houses and shops are built in a way that guarantees order and security for the community and consumers. Lastly, *Hisbah* has a broad oversight mandate, encompassing all matters related to the market. These functions highlight the comprehensive role of *Hisbah* in promoting fairness, integrity, and the well-being of society in economic and market-related affairs.

Based on the provided explanation, it can be comprehended that *Hisbah*, which is associated with *amar ma'ruf nahi mungkar*, plays significant roles in contemporary business. These functions encompass:

1. Enforcement of *Sharia* law: *Hisbah* plays a crucial role in ensuring compliance with *Sharia* principles in the economy, enforcing laws against practices such as *riba*, *ihtikar*, *maysir*, and *gharar*.
2. Supervision and control: *Muhtasib*, the individual responsible for *Hisbah*, oversees, monitors, and regulates business practices to ensure adherence to *Sharia* principles.

3. Consumer protection: Through *Hisbah's* supervision, consumers are safeguarded from unethical business practices and violations of *Sharia*, promoting consumer safety and satisfaction.
4. Business organization and development: *Hisbah* can provide guidance to business individuals on incorporating *Sharia* principles into their practices, contributing to the management and growth of businesses in modern times.
5. Maintenance of social justice: *Hisbah's* efforts to prevent unlawful and unethical business practices contribute to the realization of social justice by promoting equal distribution, protecting the rights of vulnerable individuals, and ensuring fair participation in economic activities.
6. Economic development and empowerment: *Hisbah's* function can extend to encouraging entrepreneurship among the general public and fostering the development of Micro, Small, and Medium Enterprises (MSMEs), ultimately supporting economic independence and empowerment.

***Sharia* compliance in modern business**

Ensuring compliance with *Sharia* principles in modern business involves a commitment to implementing *Sharia* guidelines in various aspects of business operations. There are several key areas of concern in the context of *Sharia* compliance in modern business. First, financial transactions must avoid practices such as *riba*, *gharar*, and *maysir*. Second, products and services offered by businesses should align with *Sharia* principles, avoiding substances and methods prohibited by Allah, such as pork and alcohol. Third, it is crucial to uphold Islamic business ethics, including honesty, fairness, and trustworthiness. Fourth, companies should consider their social responsibility while still adhering to *Sharia* principles, contributing to the welfare of society and fulfilling community obligations. Finally, employee welfare should be prioritized by providing reasonable and appropriate wages, ensuring job security, and protecting their rights in accordance with *Sharia* principles.

However, the dynamic changes occurring across various fields, encompassing socio-cultural and economic domains, in conjunction with advancements in science and technology, give rise to complex challenges concerning the consistency and unwavering commitment to *Sharia* compliance. These changes have manifested in the liberalization of the global trade system ([Mashdurohatun, 2011](#)), which is strengthening the dominance of capitalism.

In light of the aforementioned context, business individuals who maintain a steadfast adherence to *Sharia* principles in their business endeavors encounter several obstacles. The first prominent challenge revolves around ensuring conformity between prevailing regulations and *Sharia* standards, demanding an extensive and profound comprehension of *Sharia* principles, Islamic law, and the *fatwas* issued by authoritative religious bodies. Consequently, business individuals must navigate the intricacies of interpretation and contend with divergent viewpoints that may arise when applying *Sharia* principles in practice.

Secondly, upholding business integrity is crucial, requiring business individuals to ensure transparency, honesty, and abstention from practices that contradict *Sharia* principles. Dealing with challenges like *riba*, *maysir*, and *gharar* becomes imperative, especially when confronted with conflicts of interest or pressures to pursue larger and more lucrative profits.

Thirdly, adhering to *Sharia* principles in financial management poses its own set of challenges. For instance, difficulties may arise when seeking funding or business capital while remaining compliant with *Sharia* regulations.

Fourthly, devising effective business marketing strategies presents a constant challenge due to fierce market competition. With the prevailing dominance of conventional businesses operating under secular laws, *Sharia*-compliant businesses must strive to differentiate themselves by offering products and services that align with *Sharia* principles, thereby attracting interested consumers to their enterprises.

On the other hand, fifthly, the scarcity of skilled and trained personnel in the field of *Sharia* business represents a distinct challenge that necessitates resolution. This is crucial for the development of modern *Sharia* businesses that are innovative, advanced, highly competitive, and capable of gaining acceptance and trust from consumers, business partners, and the wider public.

***Hisbah* in improving *Sharia* compliance**

There are two types of *Hisbah* supervision: internal and external surveillance ([Drahman & Ab. Rahman, 2019](#)). Internal supervision, also known as *Hisbah*, refers to self-control based on the awareness that Allah constantly observes human actions, and every action will be accounted for in the hereafter ([Ibrahim, 2013](#)). On the other hand, external *Hisbah* involves community and governmental supervision.

Hisbah represents the implementation of the supervisory system in Islam ([Ibrahim, 2013](#)). In management, this supervisory function is continuous to

ensure adherence to established plans. It serves as an evaluation and control mechanism to identify and rectify any errors.

In Islam, internal *Hisbah*, or self-control, is often associated with *muraqabah* and *muhasabah*, derived from the concepts of *tauhid* (oneness of Allah) and *iman* (faith) in Allah. Self-control arises from the understanding and acknowledgment of the duties and responsibilities as a servant of Allah, recognizing that all actions are acts of worship that will be held accountable by Allah. Therefore, it is crucial for business individuals to consistently uphold *Sharia* compliance in all their business practices.

Muraqabah refers to a strong belief in the supervision of Allah in every action undertaken by a person (Rahman, 2014). This belief stems from one's faith in Allah, supported by knowledge, hearing, and the understanding that Allah is All-Knowing, All-Hearing, and All-Seeing. Human beings cannot escape Allah's supervision in the slightest. *Muhasabah*, on the other hand, is the self-ability to introspect and evaluate one's words and actions (Rahman, 2014), both in terms of worshiping Allah and engaging in transactions with others. These two elements of internal *Hisbah* or self-control are essential for business individuals to adhere to in order to avoid actions that violate *Sharia* principles.

While internal *Hisbah* emphasizes personal responsibility in upholding *Sharia* compliance, it is necessary to involve external *Hisbah*, which includes the community, authoritative entities, or the government, in maintaining *Sharia* compliance enforcement. The involvement of institutions with authority in overseeing *Sharia*-compliant businesses ensures reliable objectivity in terms of scientific competence, moral considerations, and legality. These institutions play a crucial role in supervising and assessing business practices that do not conform to *Sharia* principles.

The legal framework and authority held by external *Hisbah* institutions guarantee the effectiveness of law enforcement and the imposition of sanctions on business actors who violate *Sharia* economic laws, thereby promoting increased *Sharia* compliance.

Furthermore, external *Hisbah* institutions, equipped with extensive scientific expertise in *Sharia* economics, bear the responsibility of establishing appropriate guidelines for enforcing regulations in *Sharia*-compliant business practices. This ensures that the products and services offered by business individuals are legal and *halal* according to Islamic principles, guaranteeing justice and security for consumers. The scientific credibility and authority held by these *Hisbah* institutions have a significant impact on enhancing *Sharia* compliance in business.

Through the institution of external *Hisbah*, which encompasses authority, fairness, and objective standards, there is a greater likelihood of promoting increased *Sharia* compliance in modern business practices. By fostering a strong synergy between internal and external *Hisbah*, the effectiveness of *Sharia* compliance can be heightened. Internal *Hisbah*, through the instruments of *muraqabah* and *muhasabah*, establishes a culture of self-monitoring for *Sharia* compliance, while external *Hisbah*, involving authoritative institutions or the government, strengthens control and supervision, ensuring that the enforcement of *Sharia* principles is objective, independent, and effective.

CONCLUSION

The research recognizes *Hisbah* as an institution with a historical role in the Islamic oversight system. *Hisbah* serves as an evaluator of economic activities, ensuring adherence to Islamic law. It is based on the principles of *amar ma'ruf nahi munkar* and plays a vital role in establishing and maintaining Islamic management in line with contemporary needs.

The success that is aimed at in Islamic economics is not only material, but also spiritual. Not only oriented to happiness and victory in the world, but also happiness and victory in the hereafter which in Islam is referred to *Al-falah*. To achieve *Al-falah* in modern business practices, compliance with *Sharia* principles is required.

Attitudes to adhere to *Sharia* principles in the modern business world face very complex challenges. The flow of globalization with advances in science and technology, besides being able to provide efficiency and convenience, can also bring values and culture that are not in harmony with *Sharia* principles. This fact requires business people to always be adaptive and creative by continuing to be committed to complying with *Sharia*.

Hisbah can be divided into two categories: internal *Hisbah* and external *Hisbah*. Internal *Hisbah* relies on personal control and is facilitated by *muraqabah* and *muhasabah*, which involve a strong belief in Allah's supervision over every business action and continuous self-evaluation. On the other hand, external *Hisbah* involves authorized institutions that strengthen the enforcement of *Sharia*. By fostering a robust monitoring mechanism through the collaboration between internal and external *Hisbah*, under the supervision of authoritative bodies or government agencies, *Hisbah* can significantly contribute to promoting *Sharia* compliance among modern business actors and create a business environment that aligns with *Sharia* principles.

Nevertheless, it is important to note that this study is still in its early stages and provides a foundational understanding. Further research is needed, particularly regarding the effectiveness of external *Hisbah* institutions in Indonesia, such as OJK (Financial Services Authority), MUI (Indonesian Ulema Council), DPS (Halal Product Assurance Organizing Agency), and others.

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