
Expanding the Authority of Muhtasib to Protect Consumers: A Comparison between Moroccan Law and Islamic Qanun of Aceh

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Abstract

The institution of Hisbah has historically played a fundamental role in organizing public life in Islamic societies through the principle of enjoining good and forbidding evil. This study examines the potential for integrating Hisbah into modern legal systems to strengthen social control, consumer protection, and environmental preservation. The research aims to clarify the legal and legitimate nature of Hisbah, explore its historical decline—particularly after the colonial era—and propose strategies for its rehabilitation. Using a historical, descriptive, and analytical approach, the study investigates the Moroccan legal framework governing Hisbah, assessing whether the Moroccan legislature has effectively integrated it into contemporary law. Additionally, the study compares Morocco's Hisbah system with the model in Aceh Province, Indonesia, where the institution has been successfully adapted to modern societal needs. The findings highlight the strengths and weaknesses of the Moroccan framework and suggest that legislative inflation may have hindered Hisbah's effectiveness. Drawing lessons from Aceh, the study recommends revitalising Hisbah in Morocco, particularly in addressing contemporary challenges such as health, environmental protection, consumer rights, and traditional crafts.

Keywords: Expanding the authority, Hisbah, Consumer protection, Moroccan law, Islamic Qanun of Aceh.

Introduction

The institution of Hisbah has historically been one of the most prominent Islamic institutions, playing a pivotal role in regulating markets and maintaining public order by Islamic law.¹ It served as an advanced administrative and social oversight model, with the Muhtasib responsible for market regulation, ensuring the

¹ Fawad Khaleel and Alija Avdukic, "Islamic Classical Literature (A.D. 950–1450) on Institutionalisation of Ethics for Regulating Markets and Society," *Religions* 15, no. 12 (December 9, 2024): 1496, <https://doi.org/10.3390/rel15121496>.

quality of goods and services, preventing fraud and price manipulation, and upholding moral and social values.²

However, in Morocco, the role of Hisbah has significantly diminished due to the evolution of legal systems and the proliferation of regulatory bodies.³ This decline is primarily attributed to legislative inflation,⁴ a phenomenon characterized by the excessive issuance of overlapping laws and regulations, leading to fragmented authority and inefficient governance.⁵

The research gap lies in the lack of comprehensive studies analyzing the impact of legislative inflation on the effectiveness of Hisbah within Morocco's modern legal framework. While existing research has examined Hisbah's historical role, few studies have explored its potential rehabilitation in addressing contemporary issues such as consumer protection and digital regulation. Additionally, the comparative legal analysis between Morocco and other jurisdictions that have successfully integrated Hisbah into modern governance structures remains underdeveloped.

The novelty of this research lies in its comparative approach, specifically examining the integration of Hisbah in Aceh Province, Indonesia. Unlike Morocco, Aceh has successfully modernized Hisbah by establishing the *Wilayahul Hisbah* (Sharia Police), which operates alongside government institutions to regulate public behaviour and markets in compliance with national laws and human rights principles.⁶ By studying this model, the research offers a new perspective on how

² Souad Ezzerouali, Mohamed Cheikh Banane, and Brahim Hamdaoui, "Sharia in Moroccan Law: A Perpetual Source and Guiding Reference," *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (December 2, 2024): 44–68, <https://doi.org/10.22219/ljih.v33i1.36744>.

³ Salem Salem Juber and Muhammad Awad Saker, "Sharia Hisba and Public Lawsuit: An Original Study Comparing Sharia and Libyan Law," *Journal of Social Sciences (COES&RJ-JSS)* 10, no. 1 (January 1, 2021): 150, <https://doi.org/10.25255/jss.2021.10.1.150.162>.

⁴ Jessica Trisko Darden and Duenya Hassan, "Citizenship, Family Law, and the Repatriation of Islamic State Affiliates in MENA," *Terrorism and Political Violence* 36, no. 5 (July 3, 2024): 599–613, <https://doi.org/10.1080/09546553.2023.2188961>.

⁵ Souad Ezzerouali and Omar Njoum, "Legal Reflections on the Drop Shipping Contract: The Need for Legal Regulation," *Journal of Kufa Legal and Political Science* 58, no. 16 (2024): 45.

⁶ Abd Wachid Habibullah et al., "Actualization of Public Service Principles by the Ombudsman of the Republic of Indonesia," *Journal of Indonesian Constitutional Law* 1, no. 2 (October 31, 2024): 126–39, <https://doi.org/10.71239/jicl.v1i2.30>.

Morocco can reactivate Hisbah in a way that aligns with contemporary legal and administrative frameworks.

This research is urgent because effective legal solutions for revitalizing Hisbah in Morocco are needed immediately. In an era of globalization and digital transformation, ensuring robust market oversight, consumer protection, and service quality has become more critical than ever.⁷ The increasing complexity of regulatory frameworks has led to inefficiencies in governance, necessitating a reassessment of traditional institutions like Hisbah to enhance their relevance in modern society.⁸ By addressing these challenges, this research contributes to legal and policy discussions on improving regulatory mechanisms while respecting human rights and governance principles.

This study aims to a) Analyze the legal and regulatory factors behind the decline of the Hisbah in Morocco, b) Compare Morocco's experience with Aceh Province's integration of Hisbah into a modern legal system, and c) Propose practical and legal mechanisms to reactivate Hisbah within Morocco's governance framework. By bridging Hisbah's historical significance with modern governance needs,⁹ this research seeks to provide a roadmap for its rehabilitation, ensuring its role in promoting ethical market practices, consumer rights, and social order in Morocco.

Methods

This study employs the historical method to analyze¹⁰ the development of the Hisbah institution in Morocco throughout different eras, from its central role in the traditional Islamic system to its decline in the modern era. The research also utilizes

⁷ Toseef Azid et al., "Contributions of Islamic Scholars on Labor Economics and Some Empirical Evidence from Medieval Islam," in *Labor Economics in an Islamic Framework*, by Toseef Azid et al., 1st ed. (London: Routledge, 2021), 23–50, <https://doi.org/10.4324/9781032019550-4>.

⁸ Edib Smolo, "Islam and Free Trade: The Contributions of Muslim Scholars to Modern Economic Theories," in *The Future of Islamic Finance*, ed. Edib Smolo and Mohamed Mahees Raheem (Emerald Publishing Limited, 2024), 49–64, <https://doi.org/10.1108/978-1-83549-906-120241004>.

⁹ Che Rosmawati Che Mohd Zain and Zalina Zakaria, "Integration of Islamic Management Principles and Values According to the Qur'an and Hadith in Fostering Halal Governance in Malaysia," *Al-Bayan: Journal of Qur'an and Hadith Studies* 20, no. 2 (July 6, 2022): 157–81, <https://doi.org/10.1163/22321969-12340112>.

¹⁰ Ashish Kumar Srivastava, "Historical Legal Research," in *Legal Research Methodology* (New Delhi: Satyam Law International, 2024), 101, <https://ssrn.com/abstract=4788158>.

the descriptive-analytical method to examine current Moroccan laws and regulations related to market oversight and consumer protection, analyzing how legislative inflation has affected the role of Hisbah. Additionally, the study applies the comparative method by analyzing the experience of Aceh Province in Indonesia in integrating Hisbah within its legal system, aiming to extract lessons applicable to the Moroccan context.

The first paragraph is devoted to the historical development of the institution of Hisbah in Islamic law and its importance in organizing Islamic society and maintaining its stability and religious and secular balance. The second paragraph deals with the legal framework of the institution of Hisbah in Morocco and the tasks of the Hisbah and its role in Moroccan society, while the third paragraph deals with the future of the tasks of the Hisbah and the rehabilitation of this ancient institution with Islamic roots to regulate several aspects such as health, environment, consumer protection, construction issues, regulation of traditional crafts, and the possibility of assigning other powers to preserve this heritage.

Furthermore, exploring the future prospects of the Muhtasib's role and duties will be guided by the experience of Aceh Province in Indonesia. There, the Hisbah institution plays a significant role in regulating society through the enforcement of moral, economic, and social norms, thereby offering a modern model for integrating traditional oversight within contemporary legal systems.

Discussion

The institution of Hisbah is one of the foundational pillars of governance and social organization in Islamic civilization.¹¹ Rooted in the principle of enjoining good and forbidding evil (*al-amr bil ma'ruf wa al-nahy an al-munkar*),¹² Hisbah transcended its religious origins to become a comprehensive mechanism for maintaining public order, regulating markets, and preserving societal balance.

¹¹ Sudirman L et al., "Judicial Institution and Judicial Power: How Judicial Authority Existence in Administering Judicial Power in the Islamic View," *DIKTUM: Jurnal Syariah Dan Hukum* 20, no. 2 (December 28, 2022): 169–83, <https://doi.org/10.35905/diktum.v20i2.3544>.

¹² Qutaiba Fawzi Jassam Al-Rawi, "The Qur'anic Approach to Enjoining Good and Forbidding Evil, and Its Role in Building Society," *KnE Social Sciences*, March 13, 2023, <https://doi.org/10.18502/kss.v8i6.13135>.

Through the Muhtasib (market inspector) role, this institution ensured adherence to ethical practices in trade, hygiene, and communal interactions while safeguarding individual and collective rights.¹³

Historically, Hisbah has demonstrated remarkable adaptability, evolving to address the changing needs of Islamic societies.¹⁴ From the earliest Islamic state established in Medina to its institutionalized forms under the Abbasid, Mamluk, and Ottoman empires, Hisbah became a vital tool for managing urban life and resolving disputes. However, the advent of colonialism and modern legal frameworks led to the decline of its role and authority, particularly in countries like Morocco, where traditional systems were gradually replaced or diminished in favor of contemporary legal structures.

Conceptual and Historical Framework of Hisbah

1) Legal Definition of Hisbah

The term "Hisbah" in the Arabic language originates from the verb "hassaba," which means to calculate or count.¹⁵ It also refers to the act of seeking a reward from Allah Almighty. For example, one might say, "I did it in reckoning," implying that the action was performed with the expectation of divine reward. Similarly, the phrase "He reckoned his reward with Allah" signifies that the individual entrusted the reward to Allah, anticipating its preservation. Thus, "reckoning" in this context conveys the concept of seeking or awaiting a reward.

Hisbah refers to a religious and social function aimed at enjoining good and forbidding evil. Ibn Taymiyyah, in *Al-Siyasah al-Shari'ah* describes it as a fundamental aspect of Islamic governance and societal welfare.¹⁶

¹³ Razia Shabana, Abdul Nasir Zamir, and Lubna Qasim, "Hisbah and Islamic Human Rights," *Social Studies* 4, no. 4 (2022): 534–46.

¹⁴ Souad Ezzerouali, "Establishing Specialized Courts for Investment Disputes in the Sultanate of Oman: A Bet to Realize Oman's Vision 2040 in Attracting Investments," *Pakistan Journal of Life and Social Sciences (PJLSS)* 22, no. 2 (2024), <https://doi.org/10.57239/PJLSS-2024-22.2.00887>.

¹⁵ Mohammad Hefni, "The Control of The Kadi and The Muhtesib on The Urban Guilds in The Ottoman Empire," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 12, no. 2 (January 10, 2018): 219–47, <https://doi.org/10.19105/al-lhkam.v12i2.1466>.

¹⁶ Bashar Tambari Abbas and Dutsin Ahmad Maigari, "The Role of Hisbah in Promoting Ethical Values among the Muslim Ummah in the Classical Period of Islam," *Journal of Islamic Studies and Culture* 6, no. 2 (2018), <https://doi.org/10.15640/jisc.v6n2a1>.

Abu al-Hasan al-Mawardi defines Hisbah as one of the foundational elements of religious obligations.¹⁷ He notes that the early Islamic leaders personally undertook this responsibility due to its widespread benefits and immense reward.¹⁸ He explains: "Hisbah involves commanding what is good when it is evident that it has been neglected, forbidding what is evil when it is evident that it is being practiced, and reconciling between people." This concept aligns with the Qur'anic verse: "There is no good in most of their private conversations, except for those who enjoin charity, or kindness, or reconciliation between people." (Al-Nisa: 114).

Judge Abu Ya'la al-Farra (Abu Ya'la) further elaborates on Hisbah as commanding good when its neglect is apparent and forbidding evil when its practice becomes evident.¹⁹

This concept encompasses all aspects of faith, including belief, worship, financial transactions, laws related to borders, retribution, contracts, treaties, and more. It also extends to moral virtues such as truthfulness, justice, honesty, chastity, fidelity, and loyalty. Conversely, Al-Munkar (evil) is a comprehensive term referring to anything that Allah disapproves of, whether in words or actions, outwardly or inwardly. This includes all forms and manifestations of polytheism, heinous acts such as adultery, theft, and consuming alcohol, and reprehensible moral traits like lying, hypocrisy, and dishonesty.²⁰

2) The Wisdom Behind Its Legislation

Abdul Karim Zaydan, in *Usul Da'wah*, explains the rationale for the obligation of enjoining good and forbidding evil.²¹ It serves as a mechanism to communicate

¹⁷ H. F. Amedroz, "The Hisba Jurisdiction in the Ahkām Sultaniyya of Māwardi," *Journal of the Royal Asiatic Society of Great Britain & Ireland* 48, no. 1 (January 1916): 77–101, <https://doi.org/10.1017/S0035869X00049066>.

¹⁸ Omar Abu Al-Majd Mohamad, "Sanctity of Home in Islamic Law," *Journal of Legal, Ethical and Regulatory Issues* 24, no. Special Issue 1 (2021): 1–11.

¹⁹ Fitri Hidayat, "Interpretation of Judges Toward Fasid and Batil Marriage," *Trunojoyo Law Review* 1, no. 1 (February 5, 2019): 61–75, <https://doi.org/10.21107/tlr.v1i1.5259>.

²⁰ Siti Sa'diyah, Rizka Rizka, and Imron Rosyadi, "Flexing as a Marketing Strategy: A Perspective from Islamic Economic Law," *Perisai : Islamic Banking and Finance Journal* 8, no. 1 (April 13, 2024): 15–30, <https://doi.org/10.21070/perisai.v8i1.1638>.

²¹ Nik Suhaida Nik Abdul Majid, "Islamic Sociological Perspective on Social Deviance of Khamr Drinking," *Abqari Journal* 27 (September 29, 2022): 13–31, <https://doi.org/10.33102/abqari.vol27no1.491>.

the Islamic message and prevent divine punishment while invoking Allah's mercy.²² The logic is rooted in the principle that sins are the primary cause of calamities, whether in disciplinary trials, retribution, or annihilation. Allah's consistent law is evident in His words *"And whatever strikes you of disaster - it is for what your hands have earned; but He pardons much."* (Ash-Shura: 30).

When disbelief, immorality, and disobedience prevail, calamities and destruction become inevitable. If people fail to act—by not enjoining good or forbidding evil—they share in the consequences. Collective punishment is not limited to the wrongdoers but extends to those who remain silent.²³

The Prophet Muhammad (peace be upon him) warned of this in a hadith: *"If people see evil and do not change it, Allah is about to inflict a calamity on them." The Prophet also said: "Whoever among you sees an evil, let him change it with his hand; if he is unable to do so, then with his tongue; and if he is unable to do so, then with his heart- and that is the weakest of faith."*

The idea of Hisbah as an actual concept started with the early beginnings of Islamic society in the Prophet's city, where any Muslim had the right to practice Hisbah to enjoin good and forbid evil. But how did Hisbah emerge in its organised administrative form?

The Prophet (peace and blessings of Allah be upon him) personally took the initiative to enforce justice and uphold moral conduct through both his words and actions.²⁴ For instance, one day, while passing through the market in Medina, he encountered a food seller who had hidden wet, water-damaged food beneath the dry and intact layers²⁵. The Prophet (peace and blessings of Allah be upon him) asked, "What is this?" The man replied, "It was affected by rain, O Messenger of Allah." The

²² Abolfazl Horri, "Intertextual and Conceptual Chaining in Punishment and Mercy Narratives: A Study of Surah al-Naml," *پژوهشنامه معارف قرآنی*, no. Online First (November 2024), <https://doi.org/10.22054/rjqk.2024.81005.2998>.

²³ Taufiqul Rahman Syarif and Farah Aida Ahmad Nadzri, "Principles of Governance in the Quran and Their Role in Eradicating Corruption," *Jurnal Islam Dan Masyarakat Kontemporari* 25, no. 2 (August 30, 2024): 53–63, <https://doi.org/10.37231/jimk.2024.25.2.884>.

²⁴ Machasin Machasin, "Accepting Others for Peace from an Islamic Perspective: A Theological-Historical Analysis," *Ulumuna* 28, no. 2 (March 6, 2025): 1049–70, <https://doi.org/10.20414/ujs.v28i2.1165>.

²⁵ Abu Hamid al-Ghazali, *Ihya' Ulum al-Din*, vol. 3, 1st ed. (Beirut: Dar al-Ma'rifah, n.d.).

Prophet then admonished him, saying: "Why didn't you place it on top so that people could see it? Whoever cheats us is not one of us." This incident illustrates one of the Prophet's proactive measures in overseeing market practices.

In Medina, the Prophet personally managed administrative and governance matters and delegated responsibilities to his companions for remote regions. He appointed Umar ibn al-Khattab to supervise the market in Medina, Sa'id ibn al-As for the market in Mecca, and Atab ibn Asid over Mecca. He also appointed Khalid ibn Sa'id to oversee the villages of Arina and sent Ali ibn Abi Talib and Mu'adh ibn Jabal to Yemen.²⁶

Some historians suggest that the institutionalization of Hisbah as a governmental system emerged during the Abbasid era.²⁷ For instance, Al-Tabari recorded that in 146 AH, Caliph Al-Mansur appointed Abu Zakaria Yahya ibn Abdullah as the Muhtasib (market inspector) of Baghdad, with the formal organization of Hisbah occurring in 157 AH. While there are claims that similar roles existed during the Umayyad era, these are not strongly supported by documented evidence. However, it is certain that Hisbah was formalized as an administrative function during the Abbasid period.²⁸

From a legal perspective, Hisbah can be understood both as an administrative institution and as a mechanism to implement the Islamic principle of enjoining good and forbidding evil. It is a fundamental Islamic system that traces its origins to the revelation of legal texts mandating and encouraging this principle²⁹. Hisbah was actively practiced by the Prophet Muhammad (peace and blessings of Allah be upon

²⁶ Adrian Kay, "The Changing Traditions of Islamic Public Administration: Observing Processes of Collision, Absorption and Adaptation," *Asia Pacific Journal of Public Administration* 46, no. 1 (January 2, 2024): 13–30, <https://doi.org/10.1080/23276665.2023.2275283>.

²⁷ Musa Ibrahim, "Sharia Reforms, Hisbah, and the Economy of Moral Policing in Nigeria," *Journal for the Study of Religion* 35, no. 2 (January 18, 2023): 1–21, <https://doi.org/10.17159/2413-3027/2022/v35n2a2>.

²⁸ Karen Moukheiber, "Hisba: An Ordering Principle for an Islamic Way of Life," in *In the House of Understanding: Histories in Memory of Kamal Salibi*, ed. A-R. Abu Husayn, Tarif Khalidi, and Suleiman A. Mourad (Beirut: American University of Beirut Press, n.d.), 350.

²⁹ Ninik Zakiyah et al., "Al-Hisbah Contextualization in the Business Competition Law in Indonesia," *AL-'ADALAH* 16, no. 2 (December 26, 2019): 249–62, <https://doi.org/10.24042/adalah.v16i2.5365>.

him) and his successors, eventually becoming one of the core systems within Islamic governance.

Legally, Hisbah is not confined to specific governmental structures; it is inherent wherever a Muslim community exists, as it embodies the principle of advice, which is a religious obligation.³⁰ The Prophet (peace and blessings of Allah be upon him) stated, "Religion is advice," underscoring the communal responsibility of guiding one another. Similarly, he said, "The believer is the mirror of his brother," indicating that through mutual advice, believers help each other recognize and rectify their shortcomings. This concept forms the essence of Hisbah, highlighting its enduring significance in maintaining social and moral accountability within Islamic legal and ethical frameworks.³¹

3) Tasks of the Muhtasib in Islamic Civilisation

Al-Mawardi says in *The Rank in the Order of Hisbah*: "A Muhtasib is one who is appointed by the Imam or his deputy to look into the conditions of the subjects, inspect their affairs, their interests, their purchases, their food, drink, clothing, dwellings and roads, and order them to do what is right and forbid what is wrong." The comprehensiveness of the Muhtasib's work required him to strengthen his administration with deputies, especially in large cities with populated suburbs and crowded markets, with servants dedicated to the tasks of conducting his work, and technical assistants from the faces of the craftsmen whom he uses in these tasks; to inform him of the hidden secrets of the craftsmen and traders so that he does not hide much or little of the market affairs from him, nor does he hide the minute or significant matters, and these are the assistants, who have come to be called the Arifat.

Al-Shayzari, said about the arifats and their selection as the Muhtasib's assistants: "Since it is not possible to know the people of the market - i.e: He may

³⁰ Kristen Stilt and M. Safa Saraçoğlu, "Hisba and Muhtasib," in *The Oxford Handbook of Islamic Law*, by Kristen Stilt and M. Safa Saraçoğlu, ed. Anver M. Emon and Rumees Ahmed (Oxford University Press, 2018), 326–56, <https://doi.org/10.1093/oxfordhb/9780199679010.013.9>.

³¹ Abdussalam Mahmoud Abu-Tapanjeh, "Corporate Governance from the Islamic Perspective: A Comparative Analysis with OECD Principles," *Critical Perspectives on Accounting* 20, no. 5 (July 2009): 556–67, <https://doi.org/10.1016/j.cpa.2007.12.004>.

make the people of each industry a corporal from the righteousness of its people, an expert in their industry, aware of their cheats and frauds, renowned for trust and honesty, who will supervise their conditions and inform him of their news, what is brought to their market of goods and merchandise, what prices are established, and other reasons that the Muhtasib needs to know”.³²

In this context, one of the duties of the corporal is to guide members of their trade or profession, drawing their attention to mistakes and advising them to avoid such errors, both privately and publicly. If the corporal discovers that someone is engaging in deceptive practices within their craft, they are obligated to report the individual to the Muhtasib.³³

The corporal also plays a role in resolving disputes that arise within their trade, often adjudicating conflicts without escalating them to the ruler. In cases where a dispute involves members of two different trades or professions, the respective corporals of those groups are tasked with resolving and settling the matter collaboratively.³⁴

Historically, corporals were typically compensated by members of their trade in return for their supervisory role and their efforts in maintaining order and discipline within the profession.

The Muhtasib was supported by assistants referred to as observers, who acted as enforcers and informants. These assistants monitored the markets for violations and helped deter dishonest practices by their mere presence, fostering a sense of accountability among traders.

The Muhtasib also held disciplinary authority, known in Islamic jurisprudence as the right of ta'zir. This authority was exclusive to the Muhtasib and their assistants and was exercised when verbal warnings or advice proved ineffective in

³² Amal Hayati Ishak et al., “The Good Old Days of Hisbah in Preserving Food Hygiene and Safety,” *Environment-Behaviour Proceedings Journal* 6, no. SI5 (September 1, 2021): 143–47, <https://doi.org/10.21834/ebpj.v6iSI5.2940>.

³³ Roy Mottahedeh and Kristen Stilt, “Public and Private as Viewed through the Work of the Muhtasib,” *Social Research: An International Quarterly* 70, no. 3 (September 2003): 735–48, <https://doi.org/10.1353/sor.2003.0036>.

³⁴ Athar Murtuza and Wagdy Abdallah, “Islamic Muhtasib and American CPAs: A Comparative Study of Institutions Meant to Protect Public,” *Journal of Accounting, Business and Management* 14, no. 1 (2007): 44.

addressing wrongdoing.³⁵ The methods of ta'zir varied and included measures such as physical punishment, banishment, imprisonment, fines, public exposure, reproach, admonishment, and even public awareness campaigns. These actions were implemented to correct misconduct and maintain ethical and legal order within the community as for hudud, which is for crimes and sins for which the law has prescribed penalties, such as intentional murder, adultery, drinking wine, theft, and slander, the consideration of these crimes, the investigation of the perpetrator, and the application of their punishment are the prerogative of the judges; if it is proven that a criminal has been sentenced to be flogged for drinking wine, cut off for theft, stoned or flogged for adultery, or flogged for slander, this is carried out by the governor of Hisbah, especially if the case was filed by the Wilayat al-Hisbah.³⁶

Hisbah continued in the Umayyad era, and the Umayyads transferred it to Andalusia, where it was one of the most important legal functions. However, the term was not defined, nor did it become a flag for an institution: It was only as a result of the Abbasids' interest during the first Abbasid era in making Islamic law the basis of their rule, and in combating heretical movements and those who were influenced by them, and spreading atheism and corruption.³⁷ In the fourth century AH, the Muhtasib's job became one of the firmly established jobs in all Islamic countries, by carrying out both types of legal and moral oversight and then technical oversight.³⁸

The Muhtasib was selected from among scholars of religion and law who were well-versed in the provisions of Islamic Sharia, known for their firmness in upholding justice, and characterized by trustworthiness and integrity. The role was sometimes assigned to judges or prominent individuals of good repute.

³⁵ Thomas F. Glick, "Muhtasib and Mustasaf: A Case Study of Institutional Diffusion," in 1971 (University of California Press, 1972), 59–82, <https://doi.org/10.1525/9780520313590-004>.

³⁶ Salem Salem Juber and Muhammad Awad Saker, "Sharia Hisba and Public Lawsuit: An Original Study Comparing Sharia and Libyan Law," *Journal of Social Sciences (COES&RJ-JSS)* 10, no. 1 (January 1, 2021): 150, <https://doi.org/10.25255/jss.2021.10.1.150.162>.

³⁷ Benjamin R. Foster, "Agoranomos and Muhtasib," *Journal of the Economic and Social History of the Orient* 13, no. 2 (April 1970): 128, <https://doi.org/10.2307/3596083>.

³⁸ Stilt and Saraçoğlu, "Hisba and Muhtasib."

Occasionally, the duties of Hisbah were added to the responsibilities of a judge, a governor, or the chief of police. The Muhtasib was also authorized to appoint deputies in various cities and regions under their jurisdiction.³⁹

The duties of the Muhtasib included supervising acts of worship, such as ensuring the observance of Friday prayers, maintaining the performance of congregational prayers, ensuring the payment of zakat, deterring people from engaging in heretical practices, monitoring markets, overseeing the conduct of merchants in their dealings with the public, and supervising guilds and craftsmen.⁴⁰

The Abbasid era introduced specific conditions for the Muhtasib, such as knowledge of the unique measurement systems used in Egypt, the Levant, and even by the Franks, to facilitate effective economic oversight. By contrast, the Fatimid system of Hisbah did not adhere strictly to these conditions.⁴¹

In the Abbasid era, one of the primary responsibilities of the Muhtasib was supervising mosques, ensuring they were illuminated, preventing disputes or misconduct within them, and prohibiting judges from holding court sessions inside mosques. This practice aligned with Sunni traditions since the Caliphate of Al-Mu'tamid, though it remained a matter of scholarly debate, as some mosques were used for judicial purposes.⁴²

The Muhtasib was also tasked with enforcing Sharia-compliant regulations. Notably, there was a resemblance between the supervision of non-Muslim communities (Ahl al-Dhimma) and the duties of Hisbah during the Abbasid and Ayyubid eras, with similar procedural implementations by the Muhtasib.⁴³

³⁹ Karīm Ali Saad and Aktamal, "Hisba and Egyptian Market Control in the Fatimid Era," *Baath University* 485 (2019): 117

⁴⁰ Yaacov Lev, "Army, Regime, And Society In Fatimid Egypt, 358–487/968–1094," *International Journal of Middle East Studies* 19, no. 3 (August 1987): 337–66, <https://doi.org/10.1017/S0020743800056762>.

⁴¹ Ssuna Salim, Syahrul Faizaz Binti Abdullah, and Kamarudin Bin Ahmad, "Wilayat Al-Hisba; A Means to Achieve Justice and Maintain High Ethical Standards in Societies," *Mediterranean Journal of Social Sciences*, July 1, 2015, <https://doi.org/10.5901/mjss.2015.v6n4s2p201>.

⁴² Ahmad Jamil Jaafar et al., "Hisbah Institution and Its Role Environmental Conservation in Islamic Civilization," *Jurnal Islam Dan Masyarakat Kontemporari* 22, no. 1 (2021): 27–35, <https://doi.org/10.37231/jimk.2021.22.1.526>.

⁴³ Faidatun Nashihah, "Countries, Economy and Markets: Analysis of Hisbah Institution and Its Contribution to Al-Mawardi Perspective," *Munich Personal RePEc Archive*, no. Juni (2018), <https://mpira.ub.uni-muenchen.de/87029/>.

In the Levant during the Abbasid period, the Muhtasib's role extended beyond market supervision to include monitoring violations in urban planning, including the construction of cities, palaces, and residences. In the Fatimid period, Hisbah in the Levant was considered an extension of the system in Cairo, operating under legal and administrative frameworks derived from Egypt. While the primary function remained enjoining good and forbidding evil, the institution was both a religious and administrative office, issued through decrees from the Caliphate and overseen by the Caliph's deputy in Damascus.⁴⁴

The institution of Hisbah was widely practiced across the Islamic world, including in the Maghreb. Islamic jurists and scholars authored numerous works on the subject, with some numbering in the hundreds. Notable contributors include Ibn Khaldun, who addressed the concept in his seminal work *Al-Muqaddimah*, and Imam Al-Ghazali. Andalusian jurists also contributed significantly, such as Imam Al-Saqati, who practiced Hisbah and authored a book titled *Adab al-Hisbah* (Al-Saqati, 1931) which compiled methods used to combat fraud by certain merchants and artisans, including butchers and others.⁴⁵

The Legal Framework of the Hisbah Institution in Morocco

The 02/82 Law organizing the Institution of Hisba in Morocco grants the muhtasib (supervisor) a range of powers that can be divided into two main categories: supervisory and penal powers and conciliatory powers. Below is a detailed explanation of each type of power:⁴⁶

1) Supervisory and Penal Powers

These powers include a range of tasks ensuring the muhtasib's oversight of markets, products, and various commercial practices and penalizing violations that are discovered.

⁴⁴ Muhibbuthabry, Amsori, and Saifullah Idris, "The Status of Wilayat Al-Hisbah Institution in the Constitutional Law Order," *Advanced Science Letters* 24, no. 10 (October 1, 2018): 7095–99, <https://doi.org/10.1166/asl.2018.12416>.

⁴⁵ Abdurrahman Raden Aji Haqqi, "The Administration of Halalan Tayyiban Products and Services in the Era of Islamic Caliphates under Hisbah Institution," *Al-Iktisab: Journal of Islamic Economic Law* 1, no. 2 (December 1, 2017): 85, <https://doi.org/10.21111/al-iktisab.v1i2.2385>.

⁴⁶ Ezzerouali, Banane, and Hamdaoui, "Sharia in Moroccan Law."

a) Supervisory Powers

Monitoring the Quality of Products and Services: The muhtasib supervises the quality of products and services available in the market to ensure they comply with the established legal and regulatory standards. This supervision covers all aspects of quality, whether related to food products or other goods⁴⁷.

Monitoring Prices: The muhtasib checks that the prices displayed in the markets comply with the regulations or the prices set in specific agreements for each product or service. This ensures that there is no manipulation of prices or illegal inflation.⁴⁸

Monitoring Weights and Measures: The muhtasib is responsible for ensuring that weights and measures used in trading are accurate and meet the legal standards. This includes ensuring that the tools used for measuring quantities and weight are precise.

Monitoring Commercial Establishments: The muhtasib ensures that commercial and professional establishments, such as shops and factories, operate within the legal framework. This includes compliance with hygiene standards, health and safety regulations, as well as ensuring the proper licenses and records are maintained.⁴⁹

b) Penal Powers

Issuing Violation Reports: If the muhtasib discovers legal or regulatory violations, such as product fraud or price manipulation, they are entitled to issue violation reports.⁵⁰ These reports are submitted to the competent authorities for appropriate legal action.

⁴⁷ Souad Ahmed Ezzerouali and Ahmed Mohammed Siddiq, "The Right of the Tenant to Compensate for Emptying in Shops in Accordance with the Provisions of the Moroccan Commercial Rental Law No. 49.16," *AL-ANBAR University Journal of Law and Political Sciences* 14, no. 1 part 2 (2024).

⁴⁸ Tengku Nurul Saadah Tengku Zawawi, Amal Hayati Ishak, and Mohd Dani Muhamad, "The Roles of Muhtasib in Islamic Medieval Urban Management," *Environment-Behaviour Proceedings Journal* 6, no. SI5 (September 1, 2021): 181–86, <https://doi.org/10.21834/ebpj.v6iSI5.2947>.

⁴⁹ Jamil Jaafar et al., "Hisbah Institution and Its Role Environmental Conservation in Islamic Civilization."

⁵⁰ Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal Pluralism within The Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 426, <https://doi.org/10.22373/sjhk.v5i1.9303>.

Imposing Penalties: According to Law 1982, the muhtasib has the authority to impose financial fines of up to 50,000 dirhams in case of serious violations. They can also impose other penalties such as closing shops or applying fines, based on delegation from local authorities (*Wali or Aalim*).

Reporting Actions Against Public Morality and Order: If the muhtasib discovers acts that violate public morals or public order, they must report these actions to the relevant authorities. This includes behaviours that may harm public health, security, or social peace.⁵¹

2) Conciliatory Powers

These powers are related to the muhtasib's role in resolving disputes between artisans, traders, and consumers and regulating different professions and crafts.

a) Conciliation in Trade Disputes

1. Resolving Commercial Disputes: The muhtasib can intervene to resolve disputes that arise between artisans or traders. This is done through a conciliation process where the muhtasib helps settle the dispute between the parties involved fairly and impartially. These disputes can relate to pricing, product quality, or unfair business practices.⁵²
2. Arbitration and Settlement Procedures: The muhtasib acts as a neutral party and helps in finding practical solutions that are acceptable to all parties involved. The goal is to reach a settlement that serves the public interest and respects the legal rights of all parties.

b) Appointment of Trade Representatives

1. Regulating traditional crafts: The law grants the muhtasib the power to appoint trade representatives (*Amin al-Hirf*), who specialize in organizing traditional crafts such as tailoring, carpentry, or pottery. These

⁵¹ Muhibbuthabry, Amsori, and Idris, "The Status of Wilayat Al-Hisbah Institution in the Constitutional Law Order."

⁵² Mohamed Cheikh Banane, Souad Ezzerouali, and Ahmed Mohamed Elzein, "The Struggle for Land in Morocco: A Case Study of Amazigh," *Mazahib* 23, no. 2 (December 9, 2024): 391–430, <https://doi.org/10.21093/mj.v23i2.8627>.

representatives oversee the craft, resolve disputes among artisans, and ensure the proper regulation of their activities.

2. Resolving disputes among artisans: Since the muhtasib has expertise in manual trades and crafts, they are empowered to appoint suitable individuals from within the trade to resolve disputes. The representatives are selected based on integrity, expertise, and a good reputation among their peers. They serve as mediators in disputes within the craft community.⁵³

c) Advisory Role in Price Determination

1. Consultation in price setting: Although the muhtasib is not solely responsible for determining prices, they are consulted on setting prices for products and services under their supervision. This includes essential goods that may affect the local economy, such as food or consumer goods;
2. Role in the Price Committee: The muhtasib participates in a price-setting committee formed at the level of the local government (*Aalim or Wali*). In this role, the muhtasib helps set fair prices to prevent monopolistic practices or market manipulation.

The Reduction of the Muhtasib's Powers in Light of New Laws

Morocco has undergone profound social, political, and legal transformations with the development of the modern state⁵⁴, which has led to a reduction in the powers of the traditional muhtasib.⁵⁵ These transformations aimed at achieving a balance between preserving societal values on the one hand, and ensuring constitutional rights and freedoms on the other. New institutions have emerged to perform the tasks of *al-amr bil ma'ruf* (enjoining good) and *al-nahy 'an al-munkar* (forbidding wrong), such as the Ministry of Endowments and Islamic Affairs' counseling and guidance institutions, the administrative police regarding

⁵³ Jamil Jaafar et al., "Hisbah Institution and Its Role Environmental Conservation in Islamic Civilization."

⁵⁴ Souad Ezzerouali, Mohamed Cheikh Banane, and Brahim Hamdaoui, "Sharia in Moroccan Law: A Perpetual Source and Guiding Reference," *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (2025): 46.

⁵⁵ Ezzerouali, Banane, and Hamdaoui, "Sharia in Moroccan Law."

construction and urban regulation enforcement, the public prosecution, and the police to violations of public decency and morality.⁵⁶ Below is a discussion of the main reasons for the reduction of the muhtasib's powers:

1) Transition Towards a State of Law and Institutions

With the evolution of the concept of the modern state in Morocco, reliance on legal and administrative institutions became the foundation for organizing public life, instead of concentrating powers in the hands of a single individual like the muhtasib.

- a) **Distribution of Powers:** The tasks of the traditional muhtasib have been redistributed among modern institutions and bodies, including:
- b) **Administrative Police:** Responsible for public health and cleanliness, this falls under the jurisdiction of municipalities, which have departments dedicated to this purpose. These departments have enforcement powers to issue fines, and local authorities oversee their implementation.
- c) **Specialized Regulatory Bodies:** Such as quality control offices and consumer protection agencies.
- d) **Commercial and Civil Courts:** These courts handle disputes related to commerce and markets. New legal provisions have also shifted some of the muhtasib's powers to local authorities, narrowing the scope of their involvement. Notably, Law of local municipalities, followed by the provisions of Regulatory Law No. 14-07, has further limited the muhtasib's powers. For instance, Article 100 of this law states that the president of the municipal council exercises the powers of administrative police through regulatory decisions and individual police measures, including authorizations, orders, or prohibitions in the areas of public health, cleanliness, public tranquility, and traffic safety. Furthermore, Article 101 extends the president's powers in urban planning. However, Article 110 of the same law excludes several important competencies, which are

⁵⁶ Sahrudin et al., "Carrying and Using Sharp Weapons in Public: Regulation, Challenges, and Reform," *Decova Law Journal* 1, no. 1 (March 2025), <https://ejournal.pustakaparawali.com/index.php/dlj/article/view/53>.

transferred to the governor or city mayor or their representatives, leaving the muhtasib's role more limited.⁵⁷

Moreover, Law No. 99/00 on competition, implemented under Royal Decree No. 22512 of 5 June 2000, has been amended by Law No. 116-14-1 of 30 June 2014, particularly Article 110, thereby further limiting the muhtasib's jurisdiction. Thus, while the muhtasib institution persists, its functions have been significantly reduced due to successive legal reforms. It now focuses mainly on monitoring the quality and pricing of traditional industry products and/or agricultural goods,⁵⁸ while matters concerning food products, beverages, and cleanliness now fall under the purview of municipal council presidents.⁵⁹

2) Enhancing Constitutional Rights and Freedoms

The 2011 Constitution of Morocco, particularly, emphasizes the protection of individual rights and freedoms, which has been reflected in the reduction of the muhtasib's traditional powers:⁶⁰

- a) Protection of privacy: Individual rights to make personal choices without direct intervention have been strengthened;
- b) Conflict with freedoms: The traditional role of the muhtasib, which involves intervening in individuals' lives, may conflict with the rights guaranteed by the constitution. This has necessitated the regulation of the muhtasib's role to align with modern legal frameworks;
- c) Prevention of abuse: The broad powers that were once granted to the muhtasib may lead to abuses or misuse of authority if not subject to strict legal controls;

⁵⁷ Tengku Zawawi, Ishak, and Muhamad, "The Roles of Muhtasib in Islamic Medieval Urban Management."

⁵⁸ Karima Daniswari, "Implementation of Tobacco Zakat as an Object of Trade Zakat in Lamongrejo Village, Ngimbang District, Lamongan Regency," *Decova Law Journal* 1, no. 1 (March 2025): 39–48.

⁵⁹ Mustapha Sidi Attahiru, "The Measurement of Hisbah Principles in the Islamic Marketing Context," *The International Journal of Business & Management* 9, no. 11 (November 30, 2021), <https://doi.org/10.24940/theijbm/2021/v9/i11/BM2111-036>.

⁶⁰ David Cook, "Shari'a in Muslim Africa," in *The Wiley-Blackwell Companion to African Religions*, ed. Elias Kifon Bongmba, 1st ed. (Wiley, 2012), 377–88, <https://doi.org/10.1002/9781118255513.ch26>.

- d) Legal regulation and justice: A defined legal framework for the muhtasib reduces the possibility of power abuse and ensures that regulatory functions are exercised with fairness and transparency.
- e) Economic and social transformations: Morocco's economy has undergone significant changes, with a reliance on the free market and modern commerce, necessitating specialized market regulation:
 1. Market Regulation: Economic oversight now relies on specialized institutions such as:
 2. Quality and standards offices to monitor products;
 3. Trade and customs inspections to ensure compliance with commercial laws;
 4. Complexity of Modern Markets: The proliferation of products, services, and innovations necessitates the use of advanced technical expertise rather than relying solely on the traditional muhtasib.

3) Aligning the Legal System with International Standards

Morocco has made efforts to align its legal framework with international norms, particularly concerning human rights and public freedoms:⁶¹

- a) Traditional Muhtasib and International Norms: The traditional role of the muhtasib may have been an obstacle to Morocco's international commitments, prompting the regulation and redistribution of these powers to modern institutions;
- b) The Need for Modern, Specialized Institutions: The areas that once fell within the muhtasib's competencies now require more specialized technical organization;
- c) Consumer Protection: Now managed by specialized entities under Law 31-08;
- d) Quality and Standards Monitoring: Carried out by dedicated offices and institutes;

⁶¹ Hamza Ateş, "A Pioneering Institution for Ombudsman: Hisbah," *Ombudsman Akademik*, no. 6 (June 30, 2017): 21–48, <https://doi.org/10.32002/ombudsmanakademik.440042>.

- e) Environmental Protection: Overseen by the Ministry of Environment and related institutions.

4) Responding to Societal Evolution

The cultural, religious, and intellectual diversity of modern Moroccan society is no longer compatible with the traditional muhtasib, which was based on a unified religious and social vision. Contemporary approaches require institutions that take this diversity into account, rather than relying on a singular institution with a traditional religious or social role.⁶² Thus, it is evident that the role of the muhtasib has become less extensive than before. The development of commercial products, technological advancements, and economic complexities have contributed to the decline in the use of the muhtasib concept and practices.⁶³

The reduction in the muhtasib's powers in Moroccan law reflects the shift toward building a modern state based on the rule of law and respect for rights and freedoms. While the institution of the muhtasib was once essential for regulating public life, today, reliance is placed on specialized agencies and legal methodologies that balance societal values with modern developments. However, the question remains whether there is a place for reviving the muhtasib's role in a contemporary context, as an advisory body focusing on regulating societal values and enhancing ethical oversight in coordination with modern institutions.⁶⁴

Vision for the Hisbah

In the face of contemporary challenges, the institution of the muhtasib has not been without criticism from scholars, economists, and those familiar with social affairs. This criticism primarily stems from the traditional nature of the muhtasib's role and their formation, which has drawn attention to the need for reconsideration in our modern age.⁶⁵ Amidst societal transformation, it has become essential to

⁶² Monroe Price, Stefaan Verhulst, and Libby Morgan, eds., "Public Service Media Narratives," in *Routledge Handbook of Media Law*, 0 ed. (Routledge, 2013), 204–28, <https://doi.org/10.4324/9780203074572-18>.

⁶³ Mohamed Belmahjoubi, *L'institution de la Hisba, de l'authenticité à la modernité: le cas du Maroc* (PhD diss., University of Montpellier 1, 1991).

⁶⁴ Jouillal, "The Role of the Muhtasib," 23.

⁶⁵ Baqer Khudair Al-Hadrawi et al., "Narratives of Comfort and Convenience: Exploring Artificial Intelligence's Role in Alleviating Consumer Anxiety: Legal Aspects," *Journal of Lifestyle and SDGs*

reassess the muhtasib's role, reform this unique institution, restructure it, and create legal frameworks capable of bestowing upon the muhtasib new, honorable, and pioneering roles within society. These reforms aim to align the institution with modern economic, legal, and technological developments while restoring the muhtasib's prestige and dual religious and worldly duties. Legal protections must be put in place to ensure its operation.

This can only be achieved by establishing a legal framework suitable for contemporary issues and ensuring the muhtasib receives proper legal, doctrinal, and fiscal training, allowing them to carry out their responsibilities effectively.⁶⁶ Historically, the muhtasib was required to be well-versed in Islamic jurisprudence and knowledgeable about the customs and traditions of the people. As Sheikh Al-Murir stated: "The muhtasib must be knowledgeable about the legal rulings on issues assigned to his office, well-versed in customary legal matters. If he is ignorant of this, his ruling would be unjust, and he may either condemn what is not wrong or approve what is wrong. He must also possess integrity, truthfulness, religious commitment, and be trustworthy, avoiding dishonesty and behaviors contrary to honor".⁶⁷

The development of the muhtasib's function to keep pace with technological and social changes requires a shift from individual intervention to a specialized regulatory body that uses technology to enhance oversight. This involves utilizing artificial intelligence to analyze data, developing platforms for reporting violations, and applying clear standards to evaluate the performance of various sectors.⁶⁸ Additionally, it requires updating the legal framework to regulate the relationship between the institution and society, ensuring that laws are in line with

Review 5, no. 3 (March 6, 2025): e03865, <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n03.pe03865>.

⁶⁶ Moh Ali and M Hendarto, "The Position of Adopted Children as The Heir of Dzawil Arham in Islamic Inheritance Law System: Study on Religious Court Verdict Number: 0002 / Pdt.P / 2013 / Pa.Kp," *Trunojoyo Law Review* 2, no. 2 (January 10, 2021): 79–97, <https://doi.org/10.21107/tlr.v2i2.9497>.

⁶⁷ Maurice Gaudefroy-Demombynes, "Un magistrat musulman: le mohtasib," *Journal des Savants* 1, no. 1 (1947): 37.

⁶⁸ Frei Fitri Astuti and Laila Nur Jannah, "Flexibility in Accessing Legal Information Through Social Media and Its Implications for Law Enforcement," *Journal of Indonesian Constitutional Law* 2, no. 1 (March 5, 2025): 23–36, <https://doi.org/10.71239/jicl.v2i1.37>.

constitutional principles and human rights. The development also includes enhancing human resources through specialized training programs. The modern model focuses on oversight in new areas such as digital economy, environmental protection, and public services, while promoting transparency and community engagement⁶⁹. This makes the muhtasib a part of the comprehensive governance system, enhancing transparency and accountability.⁷⁰

Furthermore, in exploring the role of the muhtasib in contemporary settings, it is beneficial to examine the model adopted by the Aceh region in Indonesia. The institution of Hisbah is an integral part of the legal system, combining Islamic law (Sharia) and civil laws. The role of Hisbah is to ensure the community adheres to Islamic values, including monitoring markets, regulating individuals' behavior, and forbidding evil (*nahi anil munkar*).⁷¹ The powers of the Hisbah officers in Aceh are defined by local laws, such as "Sharia Law No. 44 of 1999" and "Local Government Law No. 18 of 2001." These officers are tasked with applying Sharia law, which encompasses many areas, including market surveillance to protect consumers, ensuring individuals adhere to moral values, and confronting practices that contradict Sharia, such as alcohol and illicit marriages.⁷² They are also responsible for monitoring businesses to ensure that consumers are not exploited or prices manipulated, reflecting the integration of Hisbah in market regulation and consumer protection, which are central tasks of the Hisbah institution.

⁶⁹ Tambari Abbas Bashar and A. M. Dutsin, "The Role of Hisbah in Promoting Ethical Values among the Muslim Ummah in the Classical Period of Islam," *Journal of Islamic Studies and Culture* 6, no. 2 (2018): 39-44.

⁷⁰ Harris Sadik Kirazli, "Conceptual and Theoretical Framework of Islamic Conflict Resolution and Peacemaking," in *Conflict Resolution and Peacemaking in Islam*, by Harris Sadik Kirazli, Palgrave Series in Islamic Theology, Law, and History (Cham: Springer Nature Switzerland, 2024), 55-114, https://doi.org/10.1007/978-3-031-53927-5_4.

⁷¹ Rusjdi Ali Muhammad, "The Role of Wilayat Al-Hisbah in The Implementation of Islamic Shariah in Aceh," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 2, no. 2 (November 1, 2017), <https://doi.org/10.22373/petita.v2i2.64>.

⁷² Hasnil Basri Siregar, "Islamic Law in a National Legal System: A Study on the Implementation of Shari'ah in Aceh, Indonesia," *Asian Journal of Comparative Law* 3 (2008): 1-26, <https://doi.org/10.1017/S2194607800000156>.

The powers of the Hisbah officers are derived from local laws that detail and define their role in society.⁷³ For example, in Aceh, Hisbah officers possess investigatory and regulatory powers, allowing them to investigate economic and social violations and take necessary actions.⁷⁴ Hisbah officers in Aceh can issue warnings and directions to individuals and businesses that violate Sharia law,⁷⁵ and they collaborate with other relevant authorities to implement civil laws, such as consumer protection laws.⁷⁶ Through these mechanisms, the role of the Hisbah becomes complementary to other civil institutions and contributes to the social and economic stability of the community.⁷⁷

Morocco can benefit from Aceh's experience by rehabilitating the Hisbah institution in a way that aligns with the Moroccan context. In Morocco, the constitution states that Islam is the state religion, and the institution of the "Emir of the Believers" upholds the Islamic identity of the country.⁷⁸ Therefore, integrating Hisbah into the Moroccan legal system through a modern legal framework that supports the application of Sharia in areas such as consumer protection and market regulation is possible. This model differs from the Turkish experience, where secularism led to the marginalization of the role of Sharia,⁷⁹ highlighting the need to

⁷³ Hary Abdul Hakim et al., "The Islamic Law within the Indonesian Legal System (A Case Study of Islamic Sharia Law in Aceh)," *TSAQAFAH* 17, no. 2 (February 6, 2022), <https://doi.org/10.21111/tsaqafah.v17i2.6213>.

⁷⁴ Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (May 1, 2024): 64, <https://doi.org/10.20956/halrev.v10i1.4824>.

⁷⁵ Haqqiyah Uthlufah, "The Principle of Self Submission in Divorces Cases from The Perspective of Legal Certainty," *Trunojoyo Law Review* 2, no. 1 (February 1, 2020): 63–78, <https://doi.org/10.21107/tlr.v2i1.9496>.

⁷⁶ Abidin Nurdin et al., "The Implementation of Meunasah-Based Sharia in Aceh: A Social Capital and Islamic Law Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (December 26, 2021): 760, <https://doi.org/10.22373/sjkh.v5i2.10710>.

⁷⁷ Muhammad Amin Suma, Ridwan Nurdin, and Irfan Khairul Umam, "The Implementation of Shari'a in Aceh: Between the Ideal and Factual Achievements," *AHKAM : Jurnal Ilmu Syariah* 20, no. 1 (June 30, 2020), <https://doi.org/10.15408/ajis.v20i1.14704>.

⁷⁸ F. Zulkarnain, "The Role of Islamic Institutions in Strengthening Public Order: A Case Study from Aceh," *Indonesian Law Review* 9, no. 3 (2018): 60.

⁷⁹ E. Fuat Keyman, "Modernity, Secularism and Islam: The Case of Turkey," *Theory, Culture & Society* 24, no. 2 (March 2007): 215–34, <https://doi.org/10.1177/0263276407075008>.

balance Islam as the state religion with human rights within a constitutional framework.⁸⁰

Morocco can draw on Aceh's experience to enhance the role of Hisbah while ensuring it aligns with individual rights and constitutional human rights principles. By comparing these models, it becomes clear that rehabilitating Hisbah in Morocco requires a careful review of existing laws and their modernization in line with contemporary issues. This requires preserving essential Islamic values and integrating Sharia into the legal system in a balanced and thoughtful manner.

Conclusion

The institution of the muhtasib has deep roots in Islamic jurisprudence, grounded in the principle of enjoining good and forbidding wrong. Throughout Islamic history, its role expanded to function alongside the judiciary and political leadership. Despite its historical significance, modern legal transformations have reduced its authority, necessitating a reassessment of its role in contemporary governance. This study highlights that while the muhtasib's traditional functions have declined, they can be revitalized within the modern legal system. Proper organization, legal and doctrinal training, and the integration of technology, such as smart applications for market monitoring and consumer protection, can enhance its effectiveness. Morocco has successfully incorporated some Hisbah principles into its legal framework, helping to preserve its relevance, but further reforms are needed.

To strengthen the muhtasib's role, laws should be revised to expand its regulatory functions in areas like consumer protection, environmental preservation, urban development, and public health. Integrating digital tools such as artificial intelligence can improve fraud detection, online transaction monitoring, and overall market oversight. Additionally, the muhtasib can play a key role in mediation and reconciliation, particularly in disputes related to environmental damage and consumer-provider conflicts.

⁸⁰ Haqqi, "The Administration of Halalan Tayyiban Products and Services in the Era of Islamic Caliphates under Hisbah Institution."

A comparative analysis with Aceh Province, Indonesia, demonstrates how Hisbah can successfully adapt to modern governance while maintaining Islamic values. The Aceh model, which blends traditional oversight with contemporary legal frameworks, is a valuable reference for Morocco. By adopting similar technological advancements and regulatory reforms, Morocco can modernize the muhtasib institution while upholding its Islamic identity and legal heritage. This approach ensures a balanced governance system, preserving religious values while addressing modern economic and social challenges. Ultimately, a well-structured Hisbah institution could serve as a model for other Muslim-majority nations, demonstrating how historical institutions can evolve to meet contemporary needs.

Acknowledgement

The author would like to express my sincere gratitude to Al-Muhtasib Khalid Labib El Idrissi from Al-Fida Mers Sultan Province in Casablanca, Morocco, for his outstanding representation of the Hisba profession. His dedication, integrity, and humanitarian approach have exemplified the highest ethical standards of this noble role. This article is a token of appreciation for his commendable work.

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Article History

Received : February 7, 2025

Revised : March 4, 2025

Accepted : March 9, 2025