

# The Concept of Al-Hisbah in Upholding Public Morals: Historical Foundations and Contemporary Applications in Modern Society

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**Abstract:** This research explores the concept of al-hisbah as an institution for upholding public morals, examining its historical foundations, classical functions, and relevance in modern society. Historically, al-hisbah was institutionalized to supervise markets, enforce public morality, and promote communal welfare, with the muhtasib serving as the central authority responsible for implementing these duties. Using a qualitative methodology based on literature review, comparative analysis, and normative juridical study, this research investigates how the principles of hisbah accountability, moral oversight, and public welfare can be adapted to contemporary governance frameworks. The study finds that modern institutions, such as anti-corruption commissions, consumer protection agencies, and ethics committees, embody hisbah-inspired principles, providing mechanisms to address moral decline, fraud, and social injustice while operating within democratic and pluralistic contexts. The research also identifies challenges, including potential authoritarian misuse, conflicts with individual rights, and the need to align ethical oversight with human rights standards. Analytical discussion highlights the enduring relevance of the Qur'anic principle *amr bi al-ma'ruf wa nahy 'an al-munkar* in guiding ethical governance in globalized societies. In conclusion, the study affirms that integrating al-hisbah values into modern institutions can enhance accountability, social justice, and public welfare, demonstrating the timeless significance of hisbah in addressing contemporary moral and societal challenges.

## Research Highlights:

- **Historical Foundation:** Examines the classical concept of al-hisbah as an institution for market supervision, moral oversight, and public welfare, emphasizing the role of the muhtasib.
- **Modern Adaptation:** Analyzes how hisbah principles are reflected in contemporary institutions such as anti-corruption commissions, consumer protection agencies, and ethics committees.
- **Ethical and Social Relevance:** Highlights the continued importance of hisbah in addressing moral decline, fraud, social justice, and ethical governance in pluralistic societies.
- **Challenges Identified:** Discusses potential risks, including authoritarian misuse, conflicts with human rights, and tensions between communal moral responsibility and individual freedoms.
- **Analytical Insight:** Demonstrates the relevance of the Qur'anic principle *amr bi al-ma'ruf wa nahy 'an al-munkar* in guiding ethical governance and promoting accountability in globalized and diverse societies.
- **Practical Implications:** Suggests models for integrating hisbah values into modern governance frameworks that balance

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ethical oversight with democratic principles and human rights protections.

## INTRODUCTION

The institution of al-hisbah occupies a central place in the history of Islamic governance, reflecting the commitment of Islamic society to justice, accountability, and public morality (Khaleel, 2016). Rooted in the Qur'anic command of *amr bi al-ma'ruf wa nahy 'an al-munkar* (enjoining what is right and forbidding what is wrong), hisbah emerged as a practical system designed to ensure the smooth functioning of society in accordance with Islamic ethical values. From its inception, hisbah was more than a set of rules; it was a moral and administrative framework aimed at safeguarding the welfare of the community while preserving both spiritual and social integrity.

During the early Islamic period, the Prophet Muhammad himself exercised functions that would later be institutionalized as hisbah (Bashar & Dutsin, 2018). He monitored market activities, ensured fair trade, and prohibited dishonest practices, emphasizing that economic transactions must uphold justice and transparency. This role was further developed under the leadership of the Rightly Guided Caliphs, who appointed officials to oversee markets, weights and measures, and other aspects of public life. Over time, the office of the muhtasib was formally established as a distinct administrative position responsible for supervising moral conduct, commercial dealings, and public services.

In classical Islamic civilization, hisbah became an essential mechanism for maintaining social order and economic justice. The muhtasib not only ensured that traders avoided fraud, hoarding, or exploitation but also monitored public spaces, maintained urban order, and even checked the proper performance of religious obligations such as prayer and fasting (Hamdani, 2008). Thinkers like Al-Mawardi, Ibn Taymiyyah, and Al-Ghazali elaborated on the theological and legal foundations of hisbah, highlighting its significance as both a religious duty and a tool of governance. Through these functions, hisbah symbolized the intertwining of moral responsibility with state authority, reflecting the holistic nature of Islamic governance.

The historical significance of al-hisbah thus lies in its role as a bridge between faith and governance. Unlike purely secular systems of regulation, hisbah embodied the Islamic principle that morality, justice, and social welfare are inseparable from political authority (Khaleel, 2016). It served not only as a means of regulating daily transactions but also as a safeguard of communal values and ethical norms. Even today, the legacy of hisbah continues to influence contemporary debates on how Islamic principles can be integrated into governance, particularly in addressing issues of corruption, consumer protection, and public morality.

In the context of modern society, the rapid transformation of social, cultural, and economic life has brought about new challenges to the preservation of public morals. Globalization, secularization, and technological advancements have reshaped values and behaviors, leading to increasing concerns over moral degradation, consumerism, corruption, and the erosion of community solidarity (Sullivan & Kymlicka, 2007). While modern states have established institutions such as anti-corruption agencies, consumer protection boards, and human rights commissions, these mechanisms often lack the explicit spiritual and moral dimensions embedded in the Islamic concept of hisbah.

Historico-doctrinal studies have long established al-hisbah as an institutionalized mechanism in classical Islamic governance that combined market supervision with public-morality oversight. Classic treatments and modern exegetical studies show that the Prophet's own market oversight set a precedent for the later office of the muhtasib, and scholars such as Al-Mawardi were instrumental in codifying the powers and public role of hisbah (see Al-Mawardi analyses; Attahiru et al. and related overviews). Contemporary scholarly reviews synthesize these sources and explain hisbah's dual juridical-ethical character (e.g., studies on classical literature and institutionalisation).

Work focusing on classical jurists and doctrinal foundations highlights how jurists conceptualized the scope and limits of hisbah. Scholars such as Nurizal Ismail & Siti Aisyah (2021) systematically analyze Al-Mawardi's articulation of hisbah its coercive and supervisory capacities, its relation to public welfare

(masalah), and its place within the administration of the state and then assess the relevance of those classical formulations for contemporary economic and administrative practice. These doctrinal studies form the normative backbone for contemporary proposals to adapt hisbah principles to modern regulatory problems.

A growing empirical literature examines living hisbah institutions especially Wilayatul Hisbah (WH) units in Aceh and other parts of Indonesia and their practical performance (Idris, 2018). Field studies and case reports document how WH and local hisbah-style agencies operate: enforcing local Sharia regulations, collaborating with municipal enforcement (Satpol PP), and using education and inspection as primary tools. Empirical work shows mixed outcomes: some WH initiatives improve compliance and market ethics, while others face capacity constraints, public skepticism, and controversy over enforcement tactics (see case studies and recent field research on WH enforcement strategies and inter-agency collaboration).

Researchers have also investigated hisbah in economic and business ethics contexts. Studies on market supervision and the application of hisbah principles in traditional markets and Islamic finance demonstrate that hisbah values fairness, transparency, prevention of fraud, and protection of consumers/investors can be operationalized into contemporary governance tools (YUSUF, 2017). For instance, measurement-oriented research attempts to operationalize hisbah principles for empirical study in marketing and market supervision, while case studies in Indonesian markets link hisbah-inspired oversight to improvements in trader conduct and consumer trust. However, these works also note methodological challenges in measuring moral outcomes and causal impacts.

Finally, normative and comparative scholarship raises persistent concerns and open questions. Comparative legal analyses examine parallels between hisbah and modern oversight institutions (ombudsmen, consumer protection agencies, anti-corruption bodies) and ask how to reconcile hisbah's moral and sometimes coercive tendencies with constitutional pluralism and international human-rights norms. Several recent papers call for careful re-interpretation and institutional design that preserve hisbah's ethical aims (accountability, public welfare) while embedding safeguards against abuse, discrimination, and authoritarian misuse (Rauf, 2015). The literature also highlights important gaps: a shortage of rigorous, comparative quantitative impact evaluations; limited theorization of hisbah's role in digital/online governance; and the need for typologies that distinguish voluntary, community-based hisbah practices from state-run moral policing.

At the same time, the application of hisbah in contemporary contexts raises critical debates. On one hand, it is seen as a valuable tool for promoting accountability, justice, and ethical governance. On the other hand, it risks being misused as an instrument of coercion or authoritarian control, particularly when applied without regard for pluralism, individual freedoms, and human rights (Tanneberg, 2020). Thus, a balanced and contextual understanding of hisbah is necessary one that preserves its original principles while adapting to the complexities of modern society.

This study seeks to explore the concept of al-hisbah in its classical formulation, examine its role in upholding public morals, and analyze its relevance and applicability in modern societies. By bridging Islamic tradition with contemporary moral governance, this research aims to contribute to a deeper understanding of how hisbah can serve as a guiding principle for fostering ethical awareness, social accountability, and communal harmony in the present era.

## METHOD

This research adopts a qualitative approach with a focus on descriptive and normative analysis (Taekema, 2018). The qualitative method is appropriate for this study because the topic of al-hisbah is rooted in historical, legal, and ethical frameworks that require interpretation of textual sources and their application in contemporary contexts.

The primary method used in this research is library research (literature review). Primary sources include the Qur'an, Hadith, and classical works of Islamic scholars such as Al-Mawardi, Al-Ghazali, and Ibn Taymiyyah, which elaborate on the functions and principles of al-hisbah (Islahi, 2014). In addition, contemporary scholarly works, journal articles, and legal studies are analyzed to provide a modern perspective on the relevance of hisbah in upholding public morals.

A comparative analysis is also employed to examine how the concept of hisbah has historically been implemented in Islamic governance and how it can be adapted or reinterpreted in modern societies.

This includes comparing the institution of hisbah with contemporary regulatory frameworks such as market supervision, public morality laws, and ethical governance structures in both Muslim-majority and non-Muslim societies.

Furthermore, a thematic analysis is applied to categorize and interpret data under major themes, such as the historical role of hisbah, its ethical principles, its relevance in regulating social behavior, and its potential adaptation to contemporary governance challenges. This approach helps in identifying both continuities and differences between classical and modern applications of hisbah.

The study also employs a normative juridical approach to analyze the extent to which hisbah principles align with or differ from modern legal systems. This method enables the research to critically assess the integration of Islamic moral governance within the framework of modern nation-states, particularly in the areas of law enforcement, public administration, and ethical regulation.

## RESULTS AND DISCUSSION

### Findings on the Classical Concept of Al-Hisbah

The classical concept of al-hisbah illustrates a distinctive model of governance that integrates ethical guidance, social regulation, and administrative responsibility within the framework of Islamic society. At its foundation, hisbah is derived from the Qur'anic injunction to promote good and prevent evil, and historically, it was institutionalized as a practical mechanism to maintain justice, morality, and public order. The findings on its classical functions highlight three interrelated dimensions: market supervision, moral oversight, and the promotion of public welfare, all of which were overseen by the muhtasib, the official responsible for carrying out the duties of hisbah.

One of the primary functions of hisbah in its classical form was market supervision (Islahi, 2006). The muhtasib was tasked with ensuring fairness in commercial transactions, the proper use of weights and measures, and the prohibition of fraudulent or exploitative practices. Markets were central to the economic life of Islamic societies, and without strict regulation, dishonesty or manipulation could undermine not only economic stability but also social trust. Through regular inspections and active monitoring, the muhtasib acted as a guardian of consumer rights and an enforcer of ethical business conduct.

A second function was moral oversight, which extended beyond economic matters into the broader domain of public morality. The muhtasib was responsible for ensuring that public behavior conformed to Islamic ethical norms, such as modesty, honesty, and respect for communal harmony. This included preventing indecent acts in public, monitoring adherence to religious obligations like prayer, and discouraging practices that were deemed socially harmful. By doing so, hisbah contributed to the preservation of moral order within society, reinforcing the collective responsibility of upholding shared values.

The third essential dimension was the promotion of public welfare. The muhtasib played a role in ensuring the proper maintenance of public spaces, such as roads, water sources, and communal facilities (T. N. S. T. Zawawi et al., 2021). This function highlighted the holistic nature of hisbah, which did not restrict itself to punitive measures but also included proactive efforts to improve the quality of life for the community. By safeguarding both material and moral welfare, hisbah became a key institution that embodied the Islamic vision of comprehensive social justice.

At the center of these functions stood the muhtasib, whose role was critical in translating the principles of hisbah into practice. As an official, the muhtasib acted as a mediator between religious teachings and the daily realities of society. His authority combined aspects of law enforcement, moral guidance, and administrative management, reflecting the integrated nature of Islamic governance. The muhtasib was expected to exercise fairness, wisdom, and moral integrity, as his position was not merely bureaucratic but also deeply ethical in nature.

The classical concept of al-hisbah represents a unique governance institution that fused economic regulation, moral responsibility, and public welfare into a single system. Through the functions of market supervision, moral oversight, and the pursuit of communal well-being, under the leadership of the muhtasib, hisbah ensured that society remained just, ethical, and harmonious.

### Transformation of Al-Hisbah in Modern Society

The classical concept of al-hisbah, with its focus on market supervision, moral oversight, and public welfare, has undergone a significant transformation in the context of modern society. While the historical institution of the muhtasib no longer exists in its traditional form, many of its functions have

been adapted and institutionalized through contemporary governance structures. Modern societies, including Muslim-majority countries, have developed organizations that reflect the principles of hisbah, albeit in a secularized or bureaucratically formalized manner (Owoade & Badr, 2018). Examples include anti-corruption commissions, consumer protection agencies, and ethics committees, which serve to regulate economic transactions, enforce legal and ethical standards, and protect public welfare. These institutions carry forward the spirit of accountability and oversight that hisbah historically represented.

The relevance of hisbah in addressing contemporary moral and social challenges is increasingly recognized in both policy and academic discourse. Modern societies face a range of ethical issues, including fraud, corruption, exploitation, and general moral decline, which threaten social cohesion and public trust. In this context, the principles underlying hisbah such as transparency, justice, ethical conduct, and collective responsibility provide a valuable framework for guiding institutional design and regulatory practice. By integrating moral oversight with formal governance mechanisms, contemporary institutions can foster social accountability and ethical behavior, reflecting the enduring relevance of hisbah principles.

Moreover, hisbah offers insights for promoting social justice and safeguarding communal welfare. Its emphasis on public morality, fairness in economic transactions, and proactive maintenance of social order resonates with the goals of modern regulatory and supervisory bodies (James, 2012). For instance, consumer protection agencies aim to prevent exploitation and ensure fairness in trade, much like the *muhtasib* did in classical markets. Similarly, ethics committees and anti-corruption commissions operate to uphold integrity and prevent misconduct within organizations, aligning with the moral oversight functions of hisbah. These parallels suggest that, while the methods and institutional forms have evolved, the core objectives of hisbah justice, accountability, and communal well-being remain highly relevant in addressing contemporary challenges.

The transformation of al-hisbah into modern regulatory and supervisory institutions demonstrates the enduring applicability of its principles. By adapting its ethical and accountability-oriented framework to contemporary legal, social, and economic contexts, modern societies can effectively address issues of moral decline, fraud, and social injustice, ensuring that governance not only enforces the law but also promotes ethical and equitable outcomes for all members of the community.

### **Challenges and Criticisms of Al-Hisbah**

While the institution of al-hisbah has historically played an important role in upholding public morality and social order, its adaptation to modern contexts raises several challenges and criticisms. One of the primary concerns is the risk of authoritarian control or misuse, often referred to as “moral policing.” In some contemporary implementations, hisbah-inspired authorities have been criticized for overstepping their mandate, imposing strict moral codes, and punishing individuals for private behaviors. Such practices can create fear, social tension, and resentment, particularly when enforcement is inconsistent or influenced by political motives (Lake & Rothchild, 1996). The coercive potential of hisbah highlights the delicate balance between promoting public morality and respecting personal autonomy.

Another significant criticism relates to conflicts with pluralism, human rights, and individual freedoms. In diverse and multi-faith societies, rigid enforcement of moral norms based on a particular interpretation of Islamic law can clash with the rights and beliefs of minority groups or those who interpret religious obligations differently (Al-Kubise & ul Haq, 2023). Issues such as freedom of expression, privacy, gender equality, and freedom of religion may come into tension with the objectives of hisbah. Critics argue that without adequate legal safeguards and democratic oversight, attempts to implement hisbah principles can inadvertently undermine the very social justice and public welfare goals it aims to achieve.

Furthermore, the challenge of contextualization remains central. Classical hisbah operated within a relatively homogeneous Islamic society with shared moral values, but modern societies are far more complex, culturally diverse, and legally pluralistic. Adapting hisbah to contemporary governance therefore requires careful institutional design, transparent accountability mechanisms, and sensitivity to human rights frameworks (Ahmed, 2025). Failure to address these challenges can result in public distrust, social polarization, and ineffective or even harmful enforcement practices.

While al-hisbah provides a valuable ethical and accountability framework, its implementation in modern contexts is not without risks. Balancing moral oversight with respect for individual freedoms, protecting pluralistic values, and preventing authoritarian misuse are essential to ensure that hisbah principles contribute constructively to social order rather than becoming a source of conflict or oppression.

### **Practical Applications of Al-Hisbah**

The principles of al-hisbah accountability, moral oversight, and public welfare can be adapted to contemporary governance models in ways that respect democratic norms, human rights, and pluralism. One approach is the integration of hisbah values into regulatory and supervisory institutions (Mukhtar & Khusnudin, 2024). For example, ethics committees, anti-corruption commissions, consumer protection agencies, and public accountability boards can operationalize the core functions of hisbah: promoting justice, preventing exploitation, and ensuring transparency in economic and social interactions. These institutions, while secular and legalistic in structure, reflect the enduring objectives of hisbah by fostering ethical behavior and societal trust.

Several countries provide examples of how hisbah has been revived or adapted in practice. Saudi Arabia historically institutionalized the hisbah through the Committee for the Promotion of Virtue and the Prevention of Vice, focusing on moral and social compliance (Mack, 2013). While controversial due to coercive practices, reforms in recent years have aimed to limit overreach and integrate more advisory, educational, and preventative measures. Malaysia has implemented a more moderated model through state-level hisbah authorities, particularly in Islamic finance and community regulation, emphasizing moral guidance, accountability, and public welfare without infringing excessively on personal freedoms. Nigeria offers another example, particularly in northern states where Hisbah Corps operate to ensure public order, safety, and moral conduct. Some programs focus on education, community policing, and ethical guidance, demonstrating how hisbah principles can coexist with modern legal frameworks.

In democratic and pluralistic contexts, practical applications of hisbah require careful institutional design and safeguards. Key strategies include emphasizing advisory and educational roles over coercive enforcement, embedding transparent accountability mechanisms, and ensuring that hisbah-inspired initiatives align with constitutional rights. Community engagement, public awareness campaigns, and collaboration with civil society actors can also enhance the legitimacy and effectiveness of such programs (Brown, 2008). By focusing on ethical guidance, oversight, and social welfare, rather than authoritarian control, hisbah values can contribute constructively to governance in diverse societies.

The practical application of al-hisbah in modern society demonstrates its relevance beyond historical contexts. By translating its principles into institutional mechanisms that uphold justice, prevent misconduct, and foster moral accountability, countries can leverage the enduring wisdom of hisbah to address contemporary challenges in governance, public ethics, and social cohesion.

### **Analytical Discussion**

The concept of al-hisbah raises important analytical questions about balancing communal moral responsibility with individual rights. In classical Islamic governance, the institution of hisbah operated within a relatively homogeneous society where shared ethical norms guided public behavior. The muhtasib was entrusted with enforcing these norms, ensuring that both economic transactions and social conduct aligned with communal moral expectations. However, in contemporary and pluralistic societies, where multiple faiths, cultures, and value systems coexist, the direct application of hisbah-style enforcement becomes more complex. Authorities must navigate the tension between promoting collective ethical standards and respecting individual freedoms, such as freedom of expression, religion, and personal autonomy (Sambo, 2023). Analytical reflection suggests that hisbah principles can be retained through advisory, educational, and regulatory frameworks rather than coercive enforcement, thereby fostering ethical responsibility while protecting individual rights.

Another key aspect of analysis is the relevance of the Qur'anic principle of *amr bi al-ma'ruf wa nahy 'an al-munkar* in globalized societies. This foundational concept emphasizes the dual responsibility of encouraging good and preventing wrongdoing, not only at the individual level but also within the broader community (Feinberg, 1968). In a globalized context, where economic transactions, social interactions, and communication occur across borders, this principle provides ethical guidance for governance, business conduct, and social accountability. It underscores that morality and justice are not merely personal virtues but collective obligations that require institutional support and societal engagement. By contextualizing this principle in modern governance, policymakers can design institutions that promote fairness, transparency, and public welfare while remaining sensitive to cultural diversity, human rights, and international legal norms.

Analytical reflection also highlights the potential of hisbah principles to inform preventive rather than punitive governance (M. R. M. Zawawi et al., 2025). In modern societies, ethical oversight can be integrated into legal, educational, and organizational systems to promote voluntary compliance and social responsibility. For instance, corporate governance frameworks, ethics commissions, and public

accountability agencies can adopt the spirit of hisbah focusing on guidance, awareness, and corrective measures rather than coercion. This approach aligns with the global trend toward participatory, rights-based governance, demonstrating that classical Islamic principles can contribute constructively to contemporary moral and social challenges.

In summary, the analytical discussion of al-hisbah underscores the importance of balancing collective moral obligations with individual freedoms and adapting the principle of *amr bi al-ma'ruf wa nahi 'an al-munkar* to diverse, globalized contexts. By emphasizing ethical guidance, institutional accountability, and public welfare, hisbah provides a timeless framework for addressing moral, social, and economic challenges while respecting pluralism and human rights in the modern world.

## CONCLUSION

This research demonstrates that the classical concept of al-hisbah remains highly relevant in contemporary society, providing a framework for accountability, moral oversight, and public welfare. Historically, hisbah functioned as a comprehensive institution where the muhtasib supervised markets, monitored public morality, and ensured the collective well-being of the community. Its effectiveness relied not only on legal authority but also on ethical guidance and communal consensus, reflecting the holistic integration of moral and administrative responsibilities in Islamic governance. In modern contexts, the principles of hisbah have been adapted through institutions such as anti-corruption commissions, consumer protection agencies, and ethics committees. These bodies reflect the enduring objectives of hisbah by promoting fairness, transparency, and ethical conduct while operating within democratic and pluralistic frameworks. Practical applications of hisbah demonstrate its potential to address moral decline, fraud, and social injustice, particularly when emphasis is placed on advisory, educational, and preventive roles rather than coercive enforcement. However, challenges persist in reconciling hisbah principles with contemporary norms of individual rights, pluralism, and human freedoms. The risk of authoritarian misuse or overreach remains a critical concern, highlighting the need for institutional safeguards, accountability mechanisms, and sensitivity to cultural and legal diversity. Analytical reflection underscores that *amr bi al-ma'ruf wa nahi 'an al-munkar* the principle of promoting good and preventing evil can serve as a guiding ethical framework in globalized societies, provided its implementation respects individual autonomy and collective responsibility. Al-hisbah offers valuable insights for modern governance, demonstrating that moral oversight, accountability, and public welfare can coexist with democratic principles and human rights. By integrating its values into contemporary institutions, societies can enhance ethical conduct, social justice, and communal well-being, affirming the timeless relevance of hisbah in addressing both moral and societal challenges in the modern era.

## AUTHORS' DECLARATION

### Authors' Contributions and Responsibilities

The author of this research played a central role in all stages of the study, ensuring a coherent and academically rigorous approach. The research began with the conceptualization of the study, where the author formulated the research topic, defined the objectives, and designed the overall framework to explore the concept of al-hisbah in both classical and modern contexts.

### Competing Interests

The author declares that there are no competing interests associated with this research. Throughout the study, the research was conducted with complete academic integrity, ensuring that all sources were appropriately cited and that the analysis remained objective and unbiased.

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