



ICHDC2019

1st International Conference on Humanities Design & Creativity 2019
Best Western i-City Shah Alam, Malaysia, 18 Dec 2019



The Good Old Days of Hisbah in Preserving Food Hygiene and Safety

Amal Hayati Ishak, Tengku Nurul Saadah Tengku Zawawi,
Sharifah Fadylawaty Syed Abdullah, Mohd Dani Muhamad

Academy of Contemporary Islamic Studies, Universiti Teknologi MARA, Shah Alam 40450 Selangor Malaysia

amalhayati@uitm.edu.my, tnurulsaadah@yahoo.com, sharifah4935@uitm.edu.my, mdani393@uitm.edu.my
Tel of 1st Author: +60125727891

Abstract

Many writings compliment the golden age of Islam, particularly the hisbah institution, as an effective and responsive mechanism to enjoin good and forbid evil. During those times, the real purpose of hisbah served various aspects. This article explores the mechanisms in preserving food hygiene and safety as applied by hisbah. Employing content analysis of relevant manuals, this article concludes on lessons to be learned from the good old days of hisbah. Among the significant findings is the detailed practices to maintain food hygiene and safety taken by the officials more than 700 years ago, reflecting the civilized nation beyond time.

Keywords: food hygiene and safety; hisbah; muhtasib

eISSN: 2398-4287 © 2021. The Authors. Published for AMER ABRA cE-Bs by e-International Publishing House, Ltd., UK. This is an open access article under the CC BY-NC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>). Peer-review under responsibility of AMER (Association of Malaysian Environment-Behaviour Researchers), ABRA (Association of Behavioural Researchers on Asians) and cE-Bs (Centre for Environment-Behaviour Studies), Faculty of Architecture, Planning & Surveying, Universiti Teknologi MARA, Malaysia.
DOI: <https://doi.org/10.21834/ebpj.v6i5I5.2940>

1.0 Introduction

The consumption of halal food is not a compromise for the Muslims. In the religion of Islam, the term halal is not restricted to the purity of food from forbidden elements based on the religion of Islam, but also embed food hygiene and safety (Harlida & Alias, 2014), or primarily known as halalan tayyiban. Ironically, eating healthy, clean, and safe foods is the basis of maintaining health and quality of life.

As reported by the World Health Organisation (WHO), food is the leading cause of over 200 types of diseases, including diarrhea and cancer. Foodborne illnesses have claimed more than 420,000 lives a year on average (www.who.int, 2019). These ailments not only affect the health of consumers but also transfers a devastating effect on the economy, tourism, and trade of a country. For example, the SARS (acute respiratory syndrome) epidemic hit the world years ago, threatening the health of the locals and raising costs and lowering tourist arrivals, which consequently shrink the affected countries' income from the tourism industry. Similarly, the H1N1 bird flu outbreak had also caused massive losses among breeders as livestock have to be destroyed to control the spread of the virus. Because of these vast implications, preservation of food safety and hygiene is crucial to prevent the spread of diseases among humans.

In the golden age of Islam, Hisbah is the responsible body in maintaining food safety and hygiene. The fact is most prevalent in a manual written by Abdul Rahman bin Nasr al-Shayzari (d. 1193 CE), entitled 'Nihayat al-Rutbah fi Talab al-Hisbah'. As compared to other hisbah manuals, this manual mostly focuses on food issues. Almost half of this book discusses the issue of food, indicating the concern and prudence of hisbah institution over the issue. Therefore, this article discusses the guiding principles of food safety and hygiene practiced during the golden age of Islam via hisbah. As agreed by Katsina (2015), hisbah institution has been acknowledged as efficient, responsive, and cost-effective, thus worthwhile to be adapted nowadays.

eISSN: 2398-4287 © 2021. The Authors. Published for AMER ABRA cE-Bs by e-International Publishing House, Ltd., UK. This is an open access article under the CC BY-NC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>). Peer-review under responsibility of AMER (Association of Malaysian Environment-Behaviour Researchers), ABRA (Association of Behavioural Researchers on Asians) and cE-Bs (Centre for Environment-Behaviour Studies), Faculty of Architecture, Planning & Surveying, Universiti Teknologi MARA, Malaysia.
DOI: <https://doi.org/10.21834/ebpj.v6i5I5.2940>

2.0 Literature Review

Islam greatly emphasizes food hygiene and safety. Encouragement towards the matter can be found iteratively stated in the Quran and the hadith. Among them, "O mankind, eat from whatever is on earth [that is] lawful and good and do not follow Satan's footsteps. Indeed, he is to you a clear enemy" (The Quran, 2:168) and a saying of Prophet Muhammad SAW: "Cleanliness is half of faith" (Sahih Muslim: Hadith 223).

Additionally, among the five major Islamic legal maxims, it also calls to avoid any harmful elements to be executed or consumed. Islamic legal maxims, or primarily known as the *qawaid fihiyyah* in Arabic, are the secondary sources of Islam besides the Quran and hadith. The principle which reads "la dharar wa la dharr" (Ibn Majah. No: 2340), heavily concerns on eliminating harms in all spheres of Muslims' life. Therefore, based on the principle, all harms must be kept away from food or drinks.

During the golden age of Islam, the institution of hisbah is responsible for maintaining food hygiene and safety. Hisbah is motivated to enjoin good and forbid evil; thus, it is an encouragement that has been iteratively repeated in the Quran. In line with the premise, al-Mawardi (2006) considered hisbah as fardhu kifayah or optional obligation, which means that every Muslim is not obligated to perform the duty if there is another Muslim or group performing the duty. Nevertheless, all Muslims shall be deemed sinful if the task has not been completed by anyone.

In Malaysia, the preservation of food hygiene and safety is vested under the jurisdiction of several mutually supportive institutions, namely the Ministry of Health, Department of Islamic Development Malaysia (JAKIM), the municipals, and the State Islamic Religious Councils. At present, the matter is governed by numerous acts, namely Food Act 1983, Food Regulation 1985, and Food Hygiene Regulations 2009. Apart from that, food handlers are also bound to Local Government Act 1976 and Local Council By-laws (specific municipal-based regulations) as well as several relevant standards, including the Malaysia Protocol for Halal Meat and Poultry Productions and MS1500:2014 (Halal Food – Production, Preparation, Handling and Storage). For halal food handlers, they also need to conform to the decisions of the National Fatwa Council for Islamic Affairs or fatwa decreed by the states.

2.1 The Institution of Hisbah

Hisbah is a religious duty that all Muslims are responsible for and accountable for (Syaqawi, 2018). In a similar vein, an Islamic scholar, Al-Mawardi (d. 1058 AD), in his excellent treatise *al-Ahkam al-Sultaniyyah* (literally means rules of the rulers), defines hisbah as a duty to enjoin good and forbid evil, when both are ignored. Based on that premise, hisbah is fardhu kifayah (conditional obligation), which sinned all Muslims if none was performing the duty. However, as long as there is a representative, even an individual, all Muslims are spared and not sinned.

The responsibility of enjoining good and forbid evil is an exemplary of Prophet Muhammad SAW as contained in a hadith narrated by Abu Huraira as the Prophet passed by a heap of eatables (corn). He thrust his hand in that (heap), and his fingers were moistened. He said to the owner: What is this? He replied: O Messenger of Allah, these have been drenched by rainfall. The Prophet then remarked: Why did you not place this (the drenched part of the heap) over other eatables so that the people could see it? He who deceives is not of me (is not my follower) (Tirmizi. No: 1331). Based on the hadith, Prophet Muhammad SAW was the first Muhtasib, performing the duty of market monitoring (Ahmad Bello, 2013). As explained by al-Mawardi (n. d), Muhtasib refers to the authorized official of hisbah, responsible for carrying out the particular duty of monitoring, and is generally responsible for the job scope of enjoining good and forbid evil, in the community.

Over time, since the appointment as the head of Madinah, Prophet Muhammad SAW had various tasks. Thus, he then appointed specific individuals to carry out the mission of muhtasib. It was reported by Ibn Abdil-Barr in his book *A-Istee'aab* and Ibn Hajar in *Al-Isaabah*, that the Prophet SAW appointed Sa'id ibn Sa'id ibn Al-'Aas as the muhtasib, in the marketplace of Mecca, to enforce rules among the merchants. The Prophet also once appointed a woman named Samra 'bint Nuhaik al-Asadiyyah as Muhtasib. The woman was reported to be reprimanding the wrongdoers with a stick, as a form of law enforcement. After the Prophet's death, this woman remained as Muhtasib until her death, during the reign of Caliph 'Umar al-Khattab, the second caliph of the righteous caliphate era (khulafa' al-rasyidin) (Ahmad Bello, 2013).

The task of muhtasib was continued by the four khulafa' al-rasyidin. Caliph Umar was said to have poured a full jar of milk upon discovering that the merchant had mixed water into the milk (Ibn Taymiya, d. 1328 AD). Caliph Umar was also the first caliph to establish the institution of Hisbah formally. He was reported to appoint a woman named Syifa 'to safeguard the Medina market. However, the special name 'hisbah' was only used by the Abbasid government during the reign of al-Mahdi in 775-785 AD (Syaqawi, 2018).

Functioning as the authorized monitoring body, the jurisdiction of hisbah covers not only on market regulation but also includes religious matters as well as issues in the public and private sectors. Albeit the vast job scope, muhtasib only reacts within their specific area of jurisdiction and expertise, including health, hygiene, township planning, production, and quality (Jamal, 2012). The responsibilities of these different sectors are spelled out in various manuals written during the golden age of Islam such as *Ma'alim al-Qurba fi Ahkam al-Hisba*, written by Ibn al-Ukhuwwa (d. 729H/1328CE), *Al-Ahkam al-Sultaniyyah*, written by al-Mawardi (d. 450H/1058CE), *Nihayat al-Rutbah fi Talab al-Hisbah*, written by al-Shayzari (d. 588H/ 1193CE). In contrast, during hisbah practice in Andalus, during the Muslim rule, Yahya al-Andalusi wrote *Kitab Ahkam al-Suq*.

During the golden age of Islam, Hisbah institution had its own organizational hierarchy. Muhtasib was an officer in the Hisbah institution assisted by 'arif, an individual specializing in specific industries or areas, appointed for his trustworthiness, credibility, and expertise. Based on the prominent manuals of hisbah, 'arif is responsible for assisting Muhtasib in setting standards or procedure for

the industry, exposing fraudulent tactics commonly used by businessmen, conducting regular monitoring and taking over Muhtasib's duties during his absence (Al-Shayzari, w. 1193 M; Ibn Ukhuwwah, w. 1328 M).

Each industry has a specialized 'arif, either in the sectors of craftsmanship, production, township planning, or food industry. In each area, hierarchical structures are ranging from apprentice, producer (sani '), and master (muallim), determined by specific qualifications. An apprentice can only achieve a producer's degree when successfully passed a particular assessment. Similarly, producers can only reach master's degrees when they passed certain qualification tests (Donald, 1986). The qualification assessments reflect the professionalism and quality of each industry. Similar organizational structure also prevalent in the food industry as an effective mechanism to ensure food hygiene and safety, as elucidated by al-Shayzari in his manual, *Nihayat al-Rutbah fi Talab al-Hisbah*.

2.2 The Manual of Hisbah: *Nihayat al-Rutbah fi Talab al-Hisbah*

The muhtasib during the golden age of Islam wrote manuals to guide them and the succeeding officials to perform their duties. For that motive, there is an abundance of hisbah manuals written in numerous areas. One of the complete sources focusing on food safety and hygiene guidelines is *Nihayat al-Rutbah fi Talab al-Hisbah*, which means the highest rank of hisbah claims. As reflected by the title, *Nihayat al-Rutbah fi Talab al-Hisbah* (refers to the manual, therein) embeds detailed guidance for the muhtasib in ensuring an impeccable practice of food hygiene and safety. Moreover, as compared to other manuals, this manual extensively concerns on that matter, since almost half of its content of 40 chapters, elaborates specifically on food hygiene and safety. The other 14 chapters explore food-related issues, while another two chapters cover aspects on medication.

The manual was written in Arabic and follows the format of a normal traditional Arabic book, which starts with introduction. While the table of contents are placed at the end. The introduction contains the biodata of the author and his motivation in completing the manual. The author of this manual is Abdul Rahman bin Nasr al-Shayzari (d. 1193 CE). He was born in the district of Shayzari, located to the northwest of Syria, where he got the title al-Shayzari. The manual he wrote was meant to be enforced by the hisbah authorities as a job description for muhtasib. Al-Shayzari was a multi-discipline scholar. He was an expert in geography, literature, and fiqh (Islamic jurisprudence). He was also an experienced, talented, and learned administrator and was once appointed as muhtasib and *qadi* (judge) in Tiberia, a city in Palestine, during the Muslim rule. Additionally, he was also the writer of *al-Nahj al-Masluk fi Siyasat al-Muluk* (translated into political approaches of the rulers), a special dedication to the Sultan as the ruler.

Al-Shayzari wrote the manual in motivation to the demand of muhtasib as a guide in aligning administration matters with Islamic principles. This manual was written concisely whilst highlighting the rationale behind every guidance, thus raising awareness of muhtasib and ensuring consistent compliance with the direction. Besides, al-Shayzari also details out several fraudulent tactics usually employed by in food industry.

3.0 Food Safety and Hygiene in *Nihayat al-Rutbah fi Talab al-Hisbah*

Based on the manual, the industry players and the authority should adopt the guidance on food hygiene and safety. The industry players need to fulfill the requirements prior to auditing or inspection by muhtasib as the authorized enforcer of regulations. In contrast, the muhtasib should utilize the manual as their job scope in executing their responsibilities. In other words, the industry players are the executors, while the muhtasib is the auditor and enforcer. Table 1 below presents the analyses of the hisbah manual according to the specific thematic dimensions. The rationales for having such guidance, as explained by al-Shayzari, are also summarised in Table 1.

Table 1: Analysis of the guiding principles to Preserve Food Hygiene and Safety Based on *Nihayat Al-Rutbah Fi Talab Al-Hisbah*

	Dimension	Guiding principles	Rationale
1.	Location and layout of the premise	-Hazardous premises should be located in the suburban area -A dedicated industrial sector should be planned in the suburban area -Each premise need to have ventilation facilities and sufficient light -Each equipment need to be ensured the cleanliness and hygiene	To avoid risks and hazard to human life
2.	Handling of raw material	-to be kept in high location (racks or cabinet), sufficiently covered with a piece of cloth -to be put in closed containers, if kept low or on the floor -to be preserved its quality whenever possible with suitable methods -expired items need to be destroyed -to be washed before use, or even heated at a certain temperature	To avoid physical and microbiological contamination
3.	Food processing	-not to reuse cooking oil -mixing of hazardous elements is not allowed -mixing the internal organs with the meat (of a cow) is not permitted to be used as <i>kebab</i> filling -ensure procedures of mixing are followed to maintain the quality and taste of food -ensure perfect cooking	To avoid hazardous elements
4.	Quality control of the merchandise sold	-free from any contamination including dust, soil, insects or burnt effects -A special post to wave off flies	To ensure the quality of goods sold
5.	Clean water supply	-must be maintained especially in the processing area -the container which stores water need to be periodically washed	To avoid contamination
6.	Waste disposal	-must be located outside the city	To avoid odor contamination

7.	Handling equipment of	-to be cleansed before and after use -preserved from contamination including using salt or other substances	To avoid contamination
8.	Ethics of food handlers	-must be in good health -need to put on proper and clean attire including a face mask, head cover, short sleeves and gloves -food needs to be handled decently	To avoid contamination
9.	Labeling	-should inform consumers on the production date, type, and composition of the product and other useful information	To avoid confusion and mistake among the consumers To avoid fraudulent information
10.	Appointment of the assistant ('arif)	-unique characteristics of 'arif: expert, well-trained, understand fraudulent tactics, honest and trustworthy -should be able to supervise the industry (industry players, pricing, quality of goods, etc.)	To maintain the professionalism of each industry
11.	Monitoring	-perform monitoring periodically in the industry -'arif replaces the muhtasib during his absence -an undercover agent will be appointed by muhtasib to observe explicit violation to rules, as implicit matters are beyond the job scope of hisbah -monitoring should be performed without notice -the frequency of monitoring should be within different intervals and suitable with the industry	To ensure rules and regulations are followed. To ensure consistent monitoring
12.	Muhtasib office	-must be located nearby the industry (e.g., in the bazaar) -functions as the center of reporting, recording, complaints, halal validation and other administrative matters -maintain comprehensive records (<i>diwan</i>) including the lists of workers, premises or shops and their locations	To ease the muhtasib in executing their responsibilities
13.	Channeling information	-All hisbah officials are responsible for making known to the public about rules and regulation as well as ethical codes -Hisbah officials are also responsible for monitoring, and they appoint special detectives to assist the monitoring	To ensure everyone aware of the rules and regulations as well as the punishment.
14.	Imposition punishment of	-negligence and carelessness should not be ignored -first-time wrongdoers only need to be warned and reprimanded -any doubt shall be resolved by a pledge from the involved parties -among the light punishment is compensation payment, cancellation of transaction and disposal or confiscation of goods -among the heavy sentence is expulsion from the market or city, whipping, imprisonment. The cutting off hands are also included as heavy punishment but vested under the jurisdiction of the judge (qadi in Arabic). -all wrongdoings shall be announced	As a lesson (<i>ta'zir</i>) for others and to avoid violation to rules in the future.

Besides the guiding principles and rationales highlighted in Table 1, there are several extreme and specific regulations exemplified by al-Shayzari, which includes the appointment of a particular position merely to wave off flies, a prohibition to handle food in an indecent manner such as handling food with legs, information of the composition of the product (e.g., the composition of fat and meat) to be contained in the labeling. Besides that, since al-Shayzari provides an explanation by using cases of example, there are other specific extreme cases, which reflect the diligence of hisbah in preserving food hygiene and safety. Among the examples are the specific periodical monitoring of; the frying oil used for each hour, the handling of minced ingredients for each hour to ensure no foreign objects are mixed and minced together, the stamping validation of slaughtered animals daily and the weekly inspection of bazaar's cleanliness.

Interestingly, hisbah also maintains records of information, which is called *diwan*, including the list of workers, premises, shops, and locations, similar to the registrar of companies in modern practice. On top of that, the muhtasib mastered fraudulent tactics applied in the industry to counter and cease the widespread. According to al-Shayzari, there is a special manual written explicitly on the fraudulent tactics applicable in the pharmaceutical industry, intended to create awareness and precaution among the hisbah officials. However, the author burnt the manual in fear of irresponsible industry players' imitation of the tactics.

Undoubtedly, the writing of al-Shayzari is a complete manual to guide muhtasib, 'arif and other officials of hisbah in performing their duties. Besides beneficial to the authorities, the manual is also valuable for the industry players to shape their business in conformance to the rules and regulations. Consequently, consumers will reap the benefit of having a variety of quality products in the market.

6.0 Conclusion

In line with the essence of hisbah to enjoin good and forbid evil, hisbah responsibly monitors the preservation of food hygiene and safety, as depicted in Nihayat al-Rutba fi Talah al-Hisba. The manual was written by al-Shayzari, who was also a muhtasib himself. Based on the content and thematic analyses, there are fourteen dimensions (refer to Table 1) on specific guiding principles related to the maintenance of food hygiene and safety. To encourage accountability to the tasks, al-Shayzari elaborates the rationales for such policies to strengthen their understanding and consequently avoid negligence of duty among the enforcers of hisbah. Such specific guidance is similar to the implementation of Standard Operating Procedures or SOP applied in the modern job description. Hisbah even steps further

ahead with several extreme guidelines such as hourly monitoring of food handlers. Therefore, the implementation of hisbah in preserving food hygiene and safety reflects a civilized nation that systematically and attentively cares for the wellness of society. Looking into the application of hisbah as a stand-alone authority in maintaining the social order of a city, there must be some lessons to be learned since, at present, the social order is maintained collectively by several institutions. Therefore, further research related to the institution of hisbah is significant.

Acknowledgements

This research is funded by the Fundamental Research Grant Scheme (FRGS) (grant no 600-IRMI/FRGS 5/3 (202/2019)) offered by the Malaysian Ministry of Education, and managed by the Institute of Research Management & Innovation of UiTM.

References

- Al-Mawardi. (2006). *al-Ahkam al-Sultaniyah*. Cairo: Dar al-Hadith.
- Al-Qurtubi. (2016). *Al-Jami' li Ahkam al-Quran wa al-Mubayyin lima Tadhommanahu min al-Sunnah wa Ayi al-Furqan*. Beirut, Lubnan: Muassasah al-Risalah.
- Al-Shayzari, A. ibn A. ibn N. (1987). *al-Manhaj al-Masluk fi Siyasat al-Muluk.pdf*. Zarqa, Jordan: Maktabah al-Manar.
- Al-Shayzari, A. R. ibn N. (n.d.). *Nihayat al-Rutba fi Talah al-Hisba*. Beirut, Lubnan: Dar al-Kutub al-Ilmiyah.
- Donald, A. and. (1986). *Islamic Technology: An illustrated history*. Cambridge University Press.
- Harlida & Alias. (2014). Halalan Tayyiban Dalam Kerangka Perundangan Malaysia. *Jurnal Syariah*, 26(1), 103–120.
- Ibn Qudamah al-Maqdisy. (1996). *Al-Sharh al-Kabir*. Giza, Egypt: Hagar li al-Tiba'ah wa al-Nashr wa al-Tauzi' wa al-I'lan.
- Ibn Taymiya. (1983). *Public Duties In Islam - The Institution of the Hisba*. United Kingdom: The Islamic Foundation.
- Ibn Ukhuwwah. (1938). *Ma'alim al-Qurba fi Ahkam al-Hisba*.
- Katsina, A. M. (2015). *Reconstructing the Nature of Principles and Values of Public*. 119(January), 112–119.
- Khan, M. A. (1983). Al-Hisba and The Islamic Economy. In *Public Duties in Islam: The Institution of The Hisba*. United Kingdom: The Islamic Foundation.
- Mottahedeh, R., & Stilt, K. W. (2003). Public and Private as Viewed through t. *Social Research*, 70(3), 735–748.
- Syarqawi, A. K. (2018). *Qada' al-Hisba wa Hishanat al-Adyan fi Fiqh al-Islami wa al-Qanun al-Wadh'i: Dirasat Muqaranah* (p. 143). p. 143. Alexandria, Egypt: Maktaba al-Wafa' al-Qanuniya.
- www.halal.gov.my. *Takrifan Halal*. Retrieved on 15 July 2019.
- www.who.int. (2019). *Food Safety*. Retrieved on 10 July 2019.
- Yahya al-Andalusi. (n.d.). *Kitab Ahkam al-Suq*.