

## *The Role of Al-Hisba in Monitoring Weights and Measures*

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Received: 31-03-2026

Accepted: 15-05-2026

Published: 01-06-2026

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### **Abstract:**

" Al-Hisba" is a pivotal Islamic institution ensuring market justice through religious and civil oversight. The "Mohtasib" (market inspector) enforces the principle of "enjoining good and forbidding evil" by auditing weights and measures, preventing fraud, and protecting consumer rights. Beyond imposing Sharia-based penalties, this system fosters social and economic equilibrium. This regulatory role raises key questions regarding the standards, tools, and methodologies used to govern commercial transactions and eliminate exploitation in historical Islamic markets.

**Keywords:** Hisbah; Mohtasib; Measure; Balance; Market.

### **1. Introduction:**

The role of Hisbah in monitoring measures and weights is considered an important role in the Islamic economic system, as the Hisbah was an institution concerned with overseeing markets and commercial practices to ensure justice and adherence to Islamic law, in accordance with the words of Allah Almighty in Surah Al-An'am (الأَنْعَامُ) (وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ)

The Hisbah institution, in its religious and worldly concept, preserves the rights of both merchants and consumers through the "Muhtasib," who applied the principle of enjoining good and forbidding evil in the public sphere, and in the economic field in

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particular. He ensured that merchants used correct measures and weights according to approved standards, and he also inspected markets to ensure there was no fraud or manipulation in the goods offered, thus guaranteeing fairness in commercial transactions. He imposed penalties according to what is stipulated in Islamic law if a merchant was proven to tamper with measures and weights, either through inspection of measuring tools or after complaints were filed by buyers against the seller. Monitoring measures and weights was part of a comprehensive Islamic system aimed at achieving social and economic justice, protecting consumer rights, and preventing exploitation in the markets. This role reflects Islam's concern with achieving balance and justice in all aspects of life, including economic activity.

To study the subject of regulation (Hisbah) concerning weights and measures, we pose the following issues: What is the role of the market inspector (Muhtasib) in monitoring weights and measures?

What is the definition of a measure and a scale? What are the most important adopted measures and weights? And what are the tools of regulation (Hisbah) in monitoring measures and scales? Our research focuses on the historical method through defining weights and measures and their types, in addition to the analytical-descriptive method, through which the institution of Hisbah and its structures are described. To encompass the aspects of the study, we relied in our research on: The first axis: The conceptual framework of the study, in which the Hisbah, weights, and measures are introduced. The second section: The role of the institution of Hisbah in monitoring weights and measures. The third section: The tricks of those who corrupt weights and measures.

2. Conceptual Framework of the Study:  
 2.1. Definition of Hisbah:  
 2.1.1. Linguistic:

Hisbah is a term derived from the root hasaba, meaning to count or take account, from the number and the counted. Al-Hisbah with a kasra means reward and management and is a name derived from al-ihtisab, which means good management, like accountability. (ابن 867ص1980، منظور)It is said: So-and-so has good judgment in the

matter, meaning he has good calculation and planning in it. (المقري، 1987، ص52)

And he counted it against him, meaning he denied it, and he counted with this a reward from God, meaning he considered it; it is intended for the sake of God, meaning the reward from God Almighty. (ابن منظور، 1980، ص315)

2.1.2. Terminologically: As for the term, Hisbah is a religious function based on enjoining what is right and forbidding what is wrong, based on the saying of Allah, the Exalted (وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ (آل عمران 104)

It is therefore related to the overseer according to his profession or position and to the Muslims in general; it is a communal obligation upon them, meaning that if some perform it, it lifts from the others. Al-Mawardi says in this context in his book Al-Ahkam al-Sultaniyya: 'It is enjoining what is right when its abandonment becomes apparent, and forbidding what is wrong when its commission becomes apparent.' (الماوردي، د.ت، ص349)

Ibn Khaldun defines it by saying: 'A religious duty in the form of enjoining what is right and forbidding what is wrong, which is incumbent upon the one in charge of the Muslims; he appoints for this purpose whomever he deems suitable.' (ابن خلدون، 2012، ص247)

Accordingly, it is the administration of the affairs of Muslims in all fields according to Islamic principles through state supervision via the market inspector (Muhtasib). Starting from the market, which is the lifeline of cities and from which most people earn their livelihood, the Prophet (peace be upon him) and the Rightly Guided Caliphs after him practiced accountability themselves. It was narrated from Abu Huraira (may Allah be pleased with him) that the Messenger of Allah (peace be upon him) passed by a container of food and put his hand into it, and his fingers got wet. He said, 'What is this, O owner of the food?' He said, 'It was affected by rain, O Messenger of Allah.' The Prophet (peace be upon him) said, 'Why did you not place it above the food so that people could see it?' Then he (peace be upon him) said, 'Whoever cheats is not of me.' (النيسابوري، 2010، ص99) Narrated by Muslim.

And he (peace be upon him) said: 'Beware of sitting on the roads.' They said: 'We have no choice; it is only our gathering places where we talk.' He said: 'If you insist on that, then give the road its due right.' They said: 'And what is the right of the road?' He said:

'Lower your gaze, return greetings, enjoin what is good, and forbid what is wrong.' (البخاري، 2018، ص 66) Narrated by Al-Bukhari.

2.2. Definition of Scales:

2.2.1. Language:

Scales is the plural of Mizan, which is the instrument used to weigh things to determine their weight, and it is pluralized as: Mawaazin. Al-Zinnah (weight): the measure of an object's weight, and the origin of (wazn) indicates balance and uprightness. (الازهرى، 1964، ج 13 ص 176)

2.2.2. Terminologically:

In terminology, the scale is a real scale on which deeds are weighed. It has a tongue and two pans, with which the deeds of the servants, both good and evil, are weighed on the Day of Judgment. Allah Almighty has informed about it in the Holy Quran in a general manner, and the Prophetic Sunnah has detailed its matter. (الازهرى، 1990، ص 609)

The word 'balance' is mentioned in the Holy Qur'an in fifteen places, of which we mention:

(الرحمان 7) (وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ)

And what is meant here is justice, and in His saying, the Exalted:

(الكهف 105) (فَحَبِطَتْ أَعْمَالُهُمْ فَلَا نُقِيمُ لَهُمْ يَوْمَ الْقِيَامَةِ وَزْنًا)

And Allah, the Exalted, says

(الأعراف 8) (فَمَنْ ثَقُلَتْ مَوَازِينُهُ فَأُولَئِكَ هُمُ الْمُفْلِحُونَ)

It is noticeable that there is a difference between measuring by volume and by weight; measuring by volume is for size, and weight is for heaviness, based on the saying of Allah Almighty.

(الشعراء 182/181) (أَوْفُوا الْكَيْلَ وَلَا تَكُونُوا مِنَ الْمُخْسِرِينَ وَزِنُوا بِالْقِسْطَاسِ الْمُسْتَقِيمِ)

It appears from the verse that measurement by volume and measurement by weight are different. As mentioned in the Qur'an and the Prophetic Sunnah, there are many weights such as: the mithqal, the straight qistas, the particle, the mustard seed, the qintar, the naqir, the ounce, the dirham, and others. (ابن أخوه، 1408، ص 137)

There are other weights known in the early days of Islam, such as: the tusūj, the qīrāt, the dāniq, and the dirham, which has various types: the ṭabariyyah dirhams, the baghlī dirham, the ḥawraqī dirham, the jawāz dirham, and the dinar, which has several types including: the ḥarqālī Roman dinar, the karawī dinar, the dinar of 'Abd al-Malik ibn Marwān, among others, as well as the nawāt, the nash, the ratl, and the mun. (ابن أخوه، 1408، ص 137)

Weights hold a high position in people's dealings, as they are considered an important measure, and some jurisprudential rulings are related to them, which guide life. Among the important jurisprudential issues in which weights have a significant role and influence are: Zakat on money, the amount of the minimum threshold for theft, the minimum dowry in marriage, the expiation for sexual intercourse during menstruation, the blood money for intentional and unintentional killing, and many others. (الكردي، 1984، ص 25)

Considering that weights and measures are the basis of buying and selling, it is necessary for the market inspector to know them accurately in order to perform his religious and worldly duties in the best manner. It is commonly known that each region has its own specific laws regarding weights, whether increased or decreased, as mentioned in the popular saying: 'Every country has its own pound.' Therefore, the market inspector must know these variations to be aware of price differences from one region to another in order to protect people's rights. (ابن أخوه، 1408، ص 139)

Among the manifestations of fraud in consumer goods, as found in the books of Hisbah, is what shopkeepers resort to in cheating with scales and measures. The market supervisor (Muhtasib) closely and rigorously monitors their scales and measures, leaving them no room for deceit or manipulation of the public's provisions, reducing them by the amount they wish to achieve wealth. For the purpose of achieving justice and ensuring the rights of Muslims, especially in commercial transactions without exception of seller or buyer, Ibn Umar says in his book 'Ahkam al-Suq': 'The governor must seek justice, inspect the markets of his subjects, assign a trustworthy person who is knowledgeable about his town, supervise the market, and check their weights, scales, and measures. Whoever is found doing otherwise should be punished according to the extent of his offense. From the market one can see the sincere repentance and the person inclined to good.' Among the known market supervisors, the one noted for his strictness against proven fraud and deceit was Al-Maqrizi. (ابن أخوه، 1408، ص 40)

The market inspector performs the task of monitoring weights and scales through the following:

- Ordering the scale owners to wipe and clean them from grease and adhering dirt every hour regularly to ensure the safety of products and the accuracy of the weight.
- Being keen and strict with the sellers and scale owners on the

necessity of stabilizing the scale before reading, requiring that the items to be weighed be placed on the scale pan calmly and gradually so that the scale fulfills its purpose.

- Requiring the seller to adjust the scale pans and avoid manual interference with the weighing process, specifically preventing the use of the thumb to tilt the pan in favor of the seller, also known as 'nudging the scale.'
- Requiring the seller to hang the pound scale on a fixed stand and preventing them from holding it manually during weighing to ensure the balance of the pans and prevent any movement that could lead to tampering the scale.
- Ordering the inspector to have the scale owner lift it to the buyer's eye level during weighing to allow monitoring of the pan's movement and ensure the full right is obtained without ambiguity or concealment.

The market inspector is required to use only iron weights, under his supervision, and he also examines their accuracy and compliance with the approved standards, then stamps them with an official seal to prevent forgery or tampering with their mass. The weights should not be made of stones, because if they are struck together, they can break and lose weight. If necessary, they are to be hardened and sealed after being calibrated and inspected at all times to guarantee their standard. The weights should not be made of wood, and the shop should not have extra weights made unnecessarily, so that there is no confusion. The market inspector must also inspect the weights and the calibration of the scales at all times. The market administration adopted an advanced technical standard represented in the color differentiation of measuring tools; sellers were ordered to make the color of the silver trays different from the color of other measuring trays, in order to ensure complete clarity in the market and protect traders from the risks of deception resulting from similar weighing tools. (شیرازی، 1408، ص 9/8) (ابن أخوه، 1408، ص 137)

From the foregoing, it becomes clear that the oversight of measurements and weights by the Hisbah Institution was not merely a formal procedure, but rather represented a comprehensive economic system that combined technical accuracy with ethical integrity. This is clearly evident through the enforcement of material standards for containers (such as iron and leather), the use of visual discrimination mechanisms (like colors and markings), and by requiring sellers to adopt a specific posture during weighing (such as lifting and hanging).

Through these measures, the Hisbah was able to transform Sharia objectives from theoretical texts into disciplined practical field applications.

4. The Tricks of the Corrupt with Measurements: As for the corrupt sellers, they have many tricks, including: Sellers pour the material to be weighed into the container with violent pouring that does not allow it to settle, intended to create air gaps that prevent the material from settling properly in the container, resulting in delivering an insufficient and cheapened measure. They may also tilt the scale's beam to one side, which faces the buyer, making the buyer think he has received a full measure. The scale's pointer may be bent to the side the seller wants, whether right or left, in order to deceive the buyer into thinking he has received the full measure, and the buyer thus takes what the seller wants, making it a sinful act to that extent. Among the tricks of the sellers was that they used to put in the bottoms or insides of the non-copper measures clay, dissolved gypsum, or melted wax, thereby reducing the weight and making the buyer believe that he had received the full measure. (ابن أخوه، 1408، ص 137)

And among them are those who tie the scale with a hair that they attach to their big toe, standing on their heels, that is, the back of their foot. When he weighs, he lowers his big toe, and the hair falls down, causing the tongue of the scale to come out of the dome, thus emptying the contents of the pan and reducing it by what was diminished. (ابن أخوه، 1408، ص 137)

And among them are those who coat a sheet of copper with grease, wax, or oil. When they want to weigh something, they stick it to their left hand on the scale, and the weight of the sheet is deducted from the merchandise. (شیرازی، 1408، ص 25)

It is like a muhtasib who brings them a trustee from among them who tests food and liquids on them with a measure of a certain amount of measure, who knows their tricks and machinations, who is jealous of the Muslims and orders them to have the quarters of the weights spread out in their mouths, and their owners pledge to reform and moderation and inspect their hollows, especially among those who are suspicious of their affairs. (السقطي، ب ت، ص 13)

It is also noted that the tricks of food sellers were very many, as mentioned in the book of Al-Saqati, where he says: 'And since inventions cannot be counted and tricks are countless, I have seen fit

to suffice in each chapter with a preface to indicate the rest, for the sake of brevity and to leave the details.' Whoever is proven to have committed any of these acts must be punished by the market inspector, and they are to be publicly shamed so that others are deterred from cheating, or they are to be fined, with the deceitful goods confiscated and sent to prison. (السقطي، ب ت، ص 13)

#### 5. Conclusion:

The Islamic legal system has not left any field without having regulating laws, and perhaps the system of hisbah in Islam is considered the most important and prominent among them, especially the part related to weights and measures which aims to ensure justice and prevent fraud in transactions. People's daily lives and livelihoods cannot be stable without the abundance of foodstuffs and their cheap prices. If they decrease and run out from the markets, their prices rise, making it difficult for the general public to buy them. The reason for this depletion may be the greed of the seller and his desire to increase wealth at the expense of the people's sustenance, leading him to monopolize goods. Once they are exhausted from the market, he releases them and sells them to achieve profit.

For this reason, we find in the books of Hisbah that the market inspector (Muhtasib) took upon himself the responsibility of ensuring the accuracy and correctness of measures and weights, in addition to inspecting commercial shops to punish violators and manipulators of measures and weights, and to raise awareness among merchants and consumers about the importance of commercial transactions. This is in implementation of the teachings of Islamic law, and His words. Since our religion is great and does not overlook any aspect of social and economic life, Hisbah over measures and weights was intended to facilitate commercial transactions and precisely determine the legal quantities, such as Zakat al-Fitr, and to ensure the correctness of commercial transactions, so that the Islamic market could be strictly regulated, thereby protecting the rights of consumers whether in the materials they consume or the quantities the buyer acquires. If in our time we applied what Islamic law prescribed and there was a comprehensive Hisbah system in all fields, we would have a different stature.

This subject related to the field of Hisbah over measures and weights remains a fertile area for research in Islamic economics, and more importantly, we must apply its Islamic principles and guarantees to restore the glory of the Islamic nation.

## 6. قائمة المصادر و المراجع :

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