

**THE REGULATIONS OF AUTHORITY IN LOCALIZATION OF COMMERCE  
ACTIVITIES IN MEDIEVAL MUSLIM SOCIETY**

Syaimaa' Asbullah<sup>i</sup>, Mohd Dani Muhamad<sup>ii</sup>, Sharifah Fadylawaty Syed Abdullah<sup>iii</sup>, Ezani  
Yaakub<sup>iv</sup> & Mohd Solahuddin Shahrudin<sup>v</sup>

<sup>i</sup> (*Corresponding author*). Research Assistant. Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM), Shah Alam, Selangor. syaimaasbullah@gmail.com

<sup>ii</sup> Associate Professor, Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM). mdanimuhamad@gmail.com

<sup>iii</sup> Lecturer, Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM). fadylawaty4935@uitm.edu.my

<sup>iv</sup> Associate Professor, Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM). Ezani907@uitm.edu.my

<sup>v</sup> Lecturer, Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM). msolahuddin@uitm.edu.my

|                 |  |
|-----------------|--|
| <b>Abstract</b> | <p><i>The location of economic and commerce activities has long been a central concern in economic discussion because it plays an important role in generating profit, meeting the needs of the locals and driving the development of an area. Due to the non-strategic location plan and ineffective implementation related commercial property location, it leads to few issues such consumer inconvenience and less attractive. In order to mitigate these unresolved issues, the local authorities need to improve their management in urban planning, mainly, the location of business premises. The idea of designating a certain site of the commercial activities which focusing on markets (suq) and industry areas was started by the Prophet PBUH in Madinah in the traditional Islamic environment. During medieval Islamic civilization, muhtasib as the responsible authority in urban planning has put several guidelines on the layout of the internal and external commercial properties. Hence, this qualitative study aims to highlight the implementation of Islamic policy in determining the location of a commerce activities such as market and industrial site. This study adopts content analysis method on several manuals of the muhtasib written in medieval times. Throughout this study, researchers found that the muhtasib as municipal officer has underlying the regulations pertaining to the location of business premises based on Islamic principles such the policy of Darar, the concept of tahara (hygiene), concept of similarity and the concept of inhabitants' needs. Therefore, this study is considered as significant, particularly for the local authority towards the urban management implementation.</i></p> <p><i>Keywords: Economic, Policy, Muhtasib, Business, Urban.</i></p> |
|-----------------|--|

**INTRODUCTION**

Traditional Islamic teachings and traditions involve guidelines that have direct applications in the domestic sphere. The location decisions of firms and the distribution of economic activity have long been a central concern in economic geography (Dubé et al., 2016). Hence, the location decisions can have a big impact on costs and revenues (Hewings & Silva, 2010). Location designation is one of the business decisions that have to be made carefully (Syarifah Rohaya Wan Idris et. al, 2011; Rose et. al, 2015).

Past research has shown that business location design have relationship with business' success (Indarti, 2004; Zakaria Maamar, 2003). Parmer (2002) claims, that the location of the economic activity means the activities related to production, exchange and consumption of goods, services and information on the rotating earth and universe. The location where these activities take place is called the location of economic activity (Fuskova et al., 2018).

In addition, Cambers and Currie (2002) state that the factors influencing the location of economic activities vary. Indeed, the relationship between location of commerce activity and marketing is part of the successful in business (Fuskova et al., 2018). Therefore, the aim of this study is to discuss the arrangement of retail and commercial buildings which was practiced by muhtasib to ensure continuity in industry. The sectors and facilities of the built environment that were used by the public were overseen by the muhtasib (Besim S Hakim, 2010).

So that, the main purpose of this research was to research the concepts implemented in the development of shop arrangements which were conducted during Islam's golden age. This paper presents a review of the literature related to the concept of traditional Islamic teachings in shaping the design of commerce activities through adherence to the three principles of similarity, needs and avoiding harm. Similarities and differences were found between different countries and different cultures.

## METHODOLOGY

This study adopts a qualitative approach and applies content analysis on selected primary and secondary sources. The sources are manuals of Muhtasib, as the official in Hisba institution, written during the golden Islamic civilization. Most of the manuals are written by the muhtasib themselves as the guiding principles in performing their duties. Manuals authored by muhtasib are categorized as primary sources while manuals authored by non-muhtasib are the secondary sources.

These manuals are written between 750 A.D until the end of 15th A.D, which according to Saliba (1994), manifests the golden period of Islamic civilization. The manuals were narratively written with an emphasis on important issues of the time of Al-Andalusi. Furthermore, Al-Shayzari said that most of the muhtasib tend to exclude elements that had been previously mentioned by other manuals, Table 1 elucidates brief information on the manuals.

| No. | Title  | Author                 | Year  |
|-----|--|------------------------|-------|
| 1.  | Kitab Bughyah al-Irbah fi Ma'rifat Ahkam al-Hisbah | Wajihuddin Abdurrahman | 1422H |
| 2.  | Kitab Ahkam Suq                                    | Yahya al-Andalusi      | -     |
| 3.  | Kitab Ma'alim al-Qurba fi Ahkam al-Hisbah          | Ibn al-Ikhwah          | 1407H |

Table 1: List of Manuals of the Muhtasib

## DISCUSSION

History shows that integration of urban zoning by strategic and orderly store arrangement and location guarantee the quality and price of goods as well as the safety of buyers and sellers (Mortada, 2003). The setting up of the store by Muslim in the eighth century AD relates the practiced since the time of Prophet Muhammad S.A.W in Medina. For centuries, the Prophet Muhammad SAW had chosen a place near the mosque to serve as a place of worship, at Baqi 'al-zubayr. But the place was changed to al-manakhah by 'bin bin al-ashraf. At the beginning of the construction of this center, the shops were opened without any construction. The market of Medina continued to occupy the same site without being built until the reign of Mu'awiyah (660h-680H). The patterns of the market in the amsar towns (kufa, basra and fustat) surrounded by the mosque or near it (Al-Hathloul, 1996).

The qaysariyya (covered suq) begin since the eight centuries. During the reign of Muawiyah bin Abu Sufyan, the place of qaysariyya (covered suq) were built in the Madinah known as dar al-qatran and dar al-nuqsan. Others said that, in the previous cases of Medina shows that the tradition of covered suq started in the early of Umayyad period. During the reign of Abd Malik bin Marwan, the market of the al-fustat were built several qaysariyyat by the governor of the Egypt. There were those al-'asl (honey), al-hibal (ropes), al-kibash (rams) and al-bazz (textile).

While, in Kufa, during the Hisham reign, the governor of Iraq, Khalid al-Qasri was the first to have the markets built and covered. He also has assigned the sellers of each trade to a dar with an entrance of their own within the market area and have levied taxes on the markets. This shows that this tradition seems to have reached its peak during the reign of Hisham bin Abd Malik (724-743H). This development known as dar hisham.

According to Wajihuddin in his books stated that there is wickedness that are forbidden at the market after the time of Prophet SAW such as price fraud, hidden damages, no consent and acceptance, sell slaves, kitchen items of gold and silver, silk for men, qalanis (cloth put on the head) from gold and silk well-known among villagers as their traditional clothes.

Regarding the organization of the markets, Al-Shayzari inform us in his manual; *"... the muhtasib should see to it that producers or retailers of the same kind of goods have one of the markets lanes completely for themselves, so the lane will be known by their trade since this will make it easier for their customers and will make their product more saleable. As for the artisans whose product need the setting of fire -such as bakers, cooks, blacksmith – is it preferable for the muhtasib to place them at a distance from the dealers in perfumes and the drapers since they share no similarities and because of the possibility of causing harm"* (Abd al-Rahmān ibn Naṣr Shayzarī, 1946).

The impact of location depends on the type of business. For example, it is important for shops and restaurants to be conveniently located for customers. A delivery only takeaway may prefer to locate in inexpensive premises on the edge of town close to good transport links. Prior studies that have noted the importance of the Islamic principles in the location of commerce activities. The core principles of Islamic commerce activities were summarized as follows;

### **Concept Of Similarity**

This principle is easier for muhtasib to control the quality of goods and collect taxes. As the retailers the grouping gave them opportunity to organize themselves and control their trade. As the consumer easier and convenient to shop in one place said al-Shaysari. The arrangement of stores according to the type of goods will not only make it easier for the buyer to buy but can even help the enforcer in controlling the price of the goods sold. Likewise, when there is an excess of demand for a major commodity, traders cannot hide the commodity to raise the price.

### **Concept Of Inhabitants Need**

The concept of need, drive, want and demands are important in marketing business. A need is a consumer's desire for a product's or service's specific benefit, whether that be functional or emotional. While demand is the economic principle that describes a consumer's desire, willingness and ability to pay a price for a specific good or service.

For example, the product must be sold in well know places so people can go there when they need them, those products and crafts which are not suitable for the main market. Manuals specify that they must be located either outside the walls or in place within the town accessible to those who need them while at the same time causing no harm to the passersby. The firewood should be sold in certain places, should be plaster and comparable materials. As for the bakers and bread-makers are distributed throughout

the neighbourhood, lanes, and the far to reaching point in the city, they are considered to be part of the general services and because of the inhabitant great need for them.

### Policy Of Darar (Harm)

One of the main Islamic legal maxims is 'la Darar wa la dharar' means do not harm others or yourself and others should not harm you or themselves. According to Shaykh al-faqih qadi al-jamaah abu ishaq bin abd al-rafi said that to harm yourself so that you cause harm to somebody else. Meanwhile, Ibn habib views that it shows two words that repeated for emphasis on the prevention of a harmful act.

Thus, manuals stated that muhtasib is responsible for ensuring that every store that is at risk and capable of causing harm to the public should be located outside the general area. The muhtasib also should prevent the dyers from having their ovens on the street since the smoke causes discomfort to the passersby (risalat ibn a'rauf fi adab hisbah, ibn abd al-rauf). For example, page 26 in kitab nihayat rutbah stated that a factory that uses fuel fire such as a bakery, an enclosed compartment of brick, stone, etc for cooking food and iron mill. These stores need to be kept away from shops that sell attar (fragrance) or clothing stores as they are not the same type of one and will cause harm (Abd al-Rahmān ibn Naṣr Shayzarī, 1946).

### Concept Of Tahara (Hygiene)

Islam emphasizes cleanliness. The word hygiene (tahara) in the fiqh refers to cleanliness (al-Nazofah) ('Umar Ibn-'Alī Ibn Al-Mulaqqin, 1990). According to Ashmawi, cleanliness (al-Nazofah) not only can be interpreted as internal hygiene but also means external hygiene (al-Bujairimi 'ala al-Khatib, 1/205). Based on the hadith below:

{ إِنَّ اللَّهَ طَيِّبٌ يُحِبُّ الطَّيِّبَ، نَظِيفٌ يُحِبُّ النَّظَافَةَ، كَرِيمٌ يُحِبُّ الْكَرَمَ، جَوَادٌ يُحِبُّ الْجُودَ، فَتَظَفُّوا، أَرَاهُ قَالَ، أَفْنَيْتَكُمْ وَلَا تَشَبَّهُوا بِالْيَهُودِ }

*Meaning: Indeed, Allah SWT is good, He loves goodness. God is clean, He loves cleanliness. God is glorious, He loves glory. God is generous, he loves generosity, so clean your places and do not be like the Jews. (Al-Tirmidhiyy. Kitab 'an-Nazofah. 2799).*

According to the hadith, it is recommended to clean the places used because Allah loves hygiene. Therefore, muhtasib should ensure the order of the stores such as slaughtering livestock and fish or creating smoke 'butchers must not slaughter at the doors of their shops for they befoul the roads with blood and dung and obstruct the roadway and do harm to the public by the splashing of unclean matter; the slaughterhouse is the proper place (Muḥammad Ibn Muḥammad Ibn al-Ukhūwah, 1936).

All the above principles were discussed by Jurists by assembling several opinions of scholars from various Mazahib and mentioning the accepted and practiced view during Islamic ancient time.

### CONCLUSION

Since it plays a major role in generating income, meeting the needs of the inhabitants and driving the growth of a region, the position of economic and strategic activities has long been a central concern in discussion (Akbar Nuur Purnama Darma Wahana & Syaifulloh, 2020). Due to the non-strategic location plan and ineffective implementation related commercial property location, it leads to few issues such consumer inconvenience and less attractive.

Thus, to overcome these outstanding problems, local authorities need to strengthen their strategic planning governance, especially the location of the business premises. The idea of designating a certain site of the commercial activities which focusing on markets (suq) and industry areas was started by the Prophet PBUH in Madinah in the traditional Islamic environment. During medieval Islamic civilization, muhtasib as the

responsible authority in urban planning has put several guidelines on the layout of the internal and external commercial properties.

This paper argues for Islamic principles for Islamic business activities approach of designing commerce activities for satisfy the needs of buyers and sellers. It's also influence in social commerce intentions significantly (Sheikh et al., 2019). Throughout this study, researchers found that the muhtasib as municipal officer has underlying the regulations pertaining to the location of business premises based on Islamic principles such the policy of Darar, the concept of tahara (hygiene), concept of similarity and the concept of inhabitants' needs.

All the principles should be must be applied by the local authorities to ensure the safety, comfort and interest of the inhabitants are met and taken care of. The responsibility of the ruling authority to establish the primary mosque in a central location and to specify the location of the government building, treasury, market, defensive perimeter wall and its gates, and thoroughfares leading from the center of town to the city gates (Besim Selim Hakim, 2013). Therefore, this study is considered as significant, particularly for the local authority towards the urban management implementation.

### ACKNOWLEDGEMENT

The authors highly appreciate the funding and support from the Ministry of Education (MOE), the Institute of Research Management & Innovation (IRMI) of University Teknologi MARA (UiTM). The Fundamental Research Grant Scheme funds this research (Reference No:600-IRMI/FRGS 5/3 (098/2019)).

### REFERENCES

- Delafons, J. 1997. *The Arab-Muslim City: Tradition, Continuity and Change in the Physical Environment*. Riyad: Saleh Al-Hathlul Dar Al-Salam, 324. ISBN 9960-9054-1-1.
- Hakim, B. S. 2013. *Arabic Islamic Cities Rev: Building and Planning Principles*. Routledge.
- Ibn, U. M. M., & In Levy, R. 1938. *Ma'alim al-Qurbah Fi Ahkam al-Hisbah*. London: Printed by the Cambridge University Press for the Trustees of the "E.J.W. Gibb Memorial" and Published by Luzac & Co.
- Al-Shayzariyy, A. -R. N. 1946. *Kitab Nihayat Al-Rutbah Fi Talab Al-Hisbah*. Al-Qahirah: Matba'ah Lajnah Al-Talif Wa Al-Tarjamah Wa Al-Nashr.
- Syarifah Rohaya Wan Idris, Yusman Yacob, Frank Me-Ol Abdullah, Mohd Suandi Mortadza, Mohd Haswardi Morshidi. 2011. *Kajian Perdagangan Peruncitan Koperasi Di Negeri Sarawak*. Selangor: Pusat Pengurusan Penyelidikan dan Inovasi Maktab Koperasi Malaysia.
- 'Umar Ibn 'Alīyy Ibn Al-Mulaqqin, & Al-Ḥaṭīb, Y. I. N. 1990. *Al-Tadkira Fi'l-Fiqh Aš-Šāfi'ī*. Dār Al-Manāra.

### Journal

- Dubé, J., Brunelle, C., & Legros, D. 2016. *Location Theories And Business Location Decision: A Micro-Spatial Investigation Of A Nonmetropolitan Area In Canada*. Review of Regional Studies, 46(2): 143-170.
- Fuskova, M., Hanáčková, D., & Gubánová, M. 2018. *Location Factors And Their Importance In Location Decision Making Of Enterprises (In Conditions Of Slovak Republic) Case Study*. Ekonomika Management Inovace, 10(1): 5-18.
- Hewings, G. J. 2010. *The Locational Implications Of Management And Production Fragmentation*. Estudos Econômicos (São Paulo), 40(3): 515-533.
- Indarti, N. 2004. *Business Location And Success: The Case Of Internet Cafe Business In Indonesia*. Gadjah Mada International Journal of Business, 6(2): 171-192.
- Maamar, Z. 2003. *Commerce, E-Commerce, And M-Commerce: What Comes Next?* Communications of the ACM, 46(12): 251-257.
- Rose, R. A. C., Jusoh, N. F., Zainol, R. M., Lyndon, N., & Jaafar, M. 2015. *Perkembangan Dan Cabaran Sektor Perniagaan Sebagai Pemangkin Pembangunan Bandar Kecil: Kajian*

*Empirikal Di Daerah Besut, Terengganu (Development Challenges Of The Business Sector As A Catalyst For The Development Of Small Towns: An Empirical Study Of Besut, Terengganu). Geografia, 11(8).*

**Disclaimer**

*Opinions expressed in this article are the opinions of the author(s). Al-Qanatir: International Journal of Islamic Studies shall not be responsible or answerable for any loss, damage or liability etc. caused in relation to/arising out of the use of the content.*