

JIBAS (The International Journal of Islamic Business, Administration and Social Sciences) (Quarterly) Trilingual (Arabic, English, Urdu) ISSN: APPLIED FOR (P) & (E)

Home Page: <http://jibas.org>

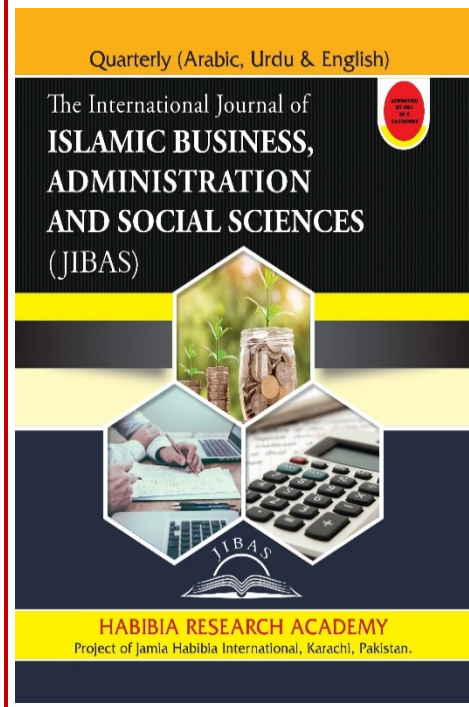
Approved by HEC in Y Category

Indexing: IRI (AIU), Australian Islamic Library, Euro Pub.

PUBLISHER HABIBIA RESEARCH ACADEMY
Project of JAMIA HABIBIA INTERNATIONAL,
Reg. No: KAR No. 2287 Societies Registration
Act XXI of 1860 Govt. of Sindh, Pakistan.

Website: www.habibia.edu.pk,

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TOPIC:
ACCOUNTABILITY IN ISLAM: A PATH TO JUSTICE AND PEACE

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How to Cite: Khan, Muhammad Ibrahim. 2023. "ACCOUNTABILITY IN ISLAM: A PATH TO JUSTICE AND PEACE". *International Journal of Islamic Business, Administration and Social Sciences (JIBAS)* 3 (3):25-44.
URL: <https://jibas.org/index.php/jibas/article/view/111>.

Vol. 3, No.3 || July –September 2023 || P. 25-44

Published online: 2023-09-30

QR. Code



ACCOUNTABILITY IN ISLAM: A PATH TO JUSTICE AND PEACE*Muhammad Ibrahim Khan,***ABSTRACT:**

The religion of Islam is a code of life, and it would not be wrong to say that Islam is a complete religion that has set the way and rules for a person to live his life, and if a person makes these fixed rules a part of his life, then a perfect society can be formed. The religion of Islam has emphasized living individual and social life in an Islamic manner. Islam emphasizes the formation and establishment of a society and therefore the rules and regulations of living in a society have been described by the Qur'an and Sunnah according to which the principles of living in a society and how to avoid evils can be avoided. Likewise, the limits for crimes such as murder, theft, adultery alcohol etc. have been defined. To protect the society from evils and sins in daily life, laws regulations, and disciplinary actions have been explained, which was demonstrated in practice by the Prophet ﷺ and later by the Companions of the Prophet ﷺ, especially the Caliphs and the Rashiduns. The later Islamic governments saw it in practice. Hasba is also a part of the same Islamic system which was first implemented by the Holy Prophet in his lifetime. Although the word Hasba was not used during the time of the Prophet ﷺ, it was known as "Amr bi al-Mruf nahi an al-Munkar" used to go, however, its mention is proved by the Holy Qur'an and the hadiths of the Prophet ﷺ. In later periods, the word Hasba came to be used for this system. This system is very important in the Muslim society and through it, evils are prevented in the society. Such as preventing adultery, weighing, corruption, not establishing prayer, erecting barriers on the roads, etc. which activities are there in the system of hasba to prevent the disorder of the society. The article under consideration is related to Hasba, in which the history of the Islamic system of Hasba and its implementation, how the Prophet (peace and blessings of Allah be upon him) prevented it in the daily routine of life and business etc. The importance that the Caliphs and other Islamic governments have given to the system of Hasba, today's modern non-Islamic states have made it an important part of their system of government. In the Islamic Republic of Pakistan, the Islamic system of Hasba is also enforced in Pakistan for which various laws have been made so that a good society can be established through an integrated system.

KEYWORDS: *Rules and regulations, Islamic government, Hasba, Amr bi al-Mruf nahi an al-Munkar,*

The definition and concept of Accountability in Islam:

Accountability and Muslim History The word 'Hesab' has been mentioned many a time in the Holy Quran in different verses.

"Then shall anyone who has done an atom's weight of good, see it! And anyone who has done an atom's weight of evil shall see it"(Quran 99:7-8)

Hesab or 'account' is the origin of accounting, and the references in the Holy Quran are to 'account for' all aspects related to human activities.

It was narrated from IbnMas'ud (R.A.) that the Prophet (P.B.U.H.) said, "The son of Adam will not pass away from Allah until he is asked about five things:

- a. How did he live his life?
- b. How did he utilize his youth?
- c. With what means did he earn his wealth?
- d. How did he spend his wealth?
- e. What did he do with his knowledge? ¹ (SunanutTirmidhi).

In Islam, every Muslim is accountable for their actions. This accountability is called "Hesba" and is entrusted to a person called the "Mohtasib" (Ombudsman). The Prophet Muhammad (PBUH) established this institution to serve justice to the poor and downtrodden, and to lay the foundations of justice for all humanity. He believed that accountability is rooted in morality and that people with strong moral character will be more likely to behave ethically. As a result of his teachings, his followers were willing to confess their crimes and face punishment, rather than hiding them.²

Modern Definition Accountability: accountability,

is a principle according to which a person or institution is responsible for a set of duties and can be required to give an account of their fulfilment to an authority that is in a position to issue rewards or punishment. Despite the apparent precision of this definition, controversy has arisen about the exact meaning of *accountability*.

The term is *accountable* originates from the Latin word *computare*, "to count it led to, i.e., 'to calculate'. It is derived from the word 'pure' meaning 'to reckon with'..." To be accountable required a person to produce "a count" of either the properties or money that had been left in his care. This meaning has endured in all those forms of accountability that are exercised through financial bookkeeping or budgetary records. But more discursive meanings of being accountable, in the sense of "giving an account," also emerged early in the history of the term. *Accountability* as an abstract noun therefore refers to both the capacity of and the obligation on someone to produce an account.³

Historical Background of Accountability:

The concept of accountability has been around for centuries. It is closely related to the notion of accounting, and it is often defined as the obligation to answer to a superior for one's actions and to accept appropriate remedies including sanctions.

The earliest notions of accountability can be traced back to the code of Hammurabi, which required those entrusted with managing the assets of others to be held accountable for their actions. In the 11th century, William I of England ordered a detailed survey of all property in his kingdom, which was recorded in the Domesday Books. This was done to ensure that all property owners were accountable to the crown.⁴

The word "accountability" comes from the Latin word "compare," which means "to account." It led to the word 'computer', i.e., 'to calculate'. It is derived from the word 'putare' meaning 'to reckon with'.⁵ There are many different definitions of accountability, but most scholars agree that it involves the essential aspects of responsibility and responsiveness in a truthful, fair, impartial, transparent, and unbiased manner.

Accountability is closely related to other concepts such as responsibility, efficiency, equity, responsiveness, transparency, democracy, answerability, fairness, and productivity. There is an ongoing debate about the different dimensions of accountability, but most scholars agree that it is an essential element of good governance and that it helps to ensure that individuals and organizations are held responsible for their actions.

Accountability is a complex concept with a long history. It is essential for ensuring that individuals and organizations are held responsible for their actions, and it is closely related to other important concepts such as responsibility, efficiency, equity, responsiveness, transparency, democracy, answerability, fairness, and productivity.⁶

Islamic Concept of Accountability:

The concept of accountability in Islam is derived from the Quran. As believers, all Muslims have been made aware of this verse:

"Then shall anyone who has done an atom's weight of good, see it! And anyone who has done an atom's weight of evil shall see it"⁷ (Quran 99:7-8)

Thus, a simple correlation between *hesab* and accounting in Islam is the obligation of every Muslim to discharge their given responsibilities as per the teachings of the Holy Book. Islam is believed to follow a broader concept than the contemporary sense of accountability since conventional accountability mechanisms do not extend beyond human society and have no faith in any connectivity with God. It is not restricted to financial accountability only but goes far beyond, wherein, all activities are perceived to be accountable. In the Islamic system of administration, no one is above the law. The concept of *Mohtasib's* office has its roots in Islamic culture. Even the head of an Islamic state is accountable. Similarly, the public servants, the judiciary, the armed forces, and all other segments of society are accountable, if their acts are *ultra vires* to laws and rules.⁸

The need and importance of accountability:

The importance and necessity of accountability or accountability is an undisputed fact. According to the Qur'an and Hadith (Islamic Civilization), it is a permanent Jihad that is obligatory on Muslims. The mission of preaching cannot be implemented without Sharia and this is the mission for which all the Prophets were sent. The following reasons highlight its importance and necessity. Islam creates a peaceful and stable society based on

It is based on love, mutual sympathy, and benevolence. Its members should help each other in acts of goodness and piety so that each person can fulfill his duties as a caliph on earth and follow the main purpose of human creation which is Allah. That is the worship of as it is said in the Holy Quran: Translation:

"And I did not create the jinn and the humans for any other purpose than that they should not worship Me"⁹

To achieve this goal, a person needs a system that binds him to what is good and keeps him away from what is wrong. It is a fact that in Islam, *Hasba* is the only system that fulfills this need of man. The holy Quran says:

"(Muslims!) You are the best Ummah that has been created for the benefit of people. You enjoin goodness, forbid evil, and believe in Allah"¹⁰

From this verse, the importance of the duty of accountability is clear in two ways, the first is that the Ummah of Muhammadiyah is the best ummah among all the ummahs in which Allah Almighty has stated the reason that He enjoins good and forbids evil, do The second is the mention of commanding good and forbidding evil. In this verse, Allah Almighty has said before faith, while faith is a condition for the validity of all acts of worship, this shows how important the duty of commanding good and forbidding is. Ibn Baz has stated the reason for this: Allah, the Exalted, mentioned commanding the good and prohibiting wrongdoing before faith because it has general good and advice.¹¹

Concept of accountability (Ahtsab) in the light of the Holy Quran and Sunnah:

Accountability in Islamic Shari'ah is a term that automatically includes the meanings of enjoining good and forbidding evil. This work is called ``Amr al-Ma'ruf wa Nahi an al-Munkar'', which means enjoining good and forbidding evil. Every Muslim must do good and not to do evil. Every Muslim is obliged to do this. As the Quran says.

“These are the people who, if We grant power to the earth, will establish prayer, give Zakat, enjoin goodness and forbid evil”.¹²

Another Verse of the Holy Quran says:

"Let there be a community among you who invite to goodness, enjoin what is right, and forbid what is wrong. They are the ones who will be successful."¹³

It is evident from these verses that ``Amr bi al-Mruf wa Nahi an al-Munkar'' is a general concept that is obligatory on every Muslim in different forms to some extent in every situation. This is also supported by Hadith. The Messenger of Allah ﷺ said.

"Whoever sees an evil, let him change it with his hand. If he cannot, then with his tongue. If he cannot, then with his heart. And that is the weakest of faith."¹⁴

Commanding good and forbidding evil is indeed the duty of every Muslim, but it is also a fact that there are different forms of commanding good.

Hadith: **"Whoever enjoins good and forbids evil will be like a man who fought in the cause of Allah."**¹⁵

In the same way, evil also takes different forms according to its size. Sometimes it ends only by stopping the individual and sometimes it takes the whole community and collective thinking to end it. Those virtues and vices that are beyond the ability or reach of the individual to stop ordering or deciding about them, there is a regular system in the Islamic state, which is called the Islamic system of accountability or Hasba. A person responsible for accountability is called an ombudsman (Mohtsib) in the literal sense. He is the official representative and the government relies on him to perform his duties. It can be said that outside the authority of the individual, the duty of commanding the good and not the evil is the responsibility of the ombudsman.

The Ombudsman (Mohtsib) and the Empire System of Islam:

In Islam, there is a system of accountability called "ahtsab". The Mohtsib is the person who is responsible for this system. The Mohtsib has a variety of duties, including:

- Enforcing Islamic law
 - Investigating complaints
 - Taking action against wrongdoing

- Promoting good and preventing evil

The Mohtsib is different from the ombudsman in several ways. The ombudsman is a representative of the state, while the Mohtsib is not. The ombudsman is only responsible for complaints from the public, while the Mohtsib is responsible for investigating and taking action against wrongdoing on his initiative. The ombudsman is not answerable to God, while the Mohtsib is.

The Mohtsib's duties are also more extensive than the ombudsman's. The Mohtsib is responsible for ensuring that all aspects of society are by Islamic law, while the ombudsman is only responsible for complaints against public servants.

Here is a table that summarizes the key differences between the Mohtsib and the ombudsman:

Feature	Mohtsib	Ombudsman
Representative of	God	State
Duties	Enforcing Islamic law, investigating complaints, taking action against wrongdoing, promoting good and preventing evil	Investigating complaints against public servants
Accountability	To God	To the state
Scope of duties	More extensive	Less extensive

In short, the Mohtsib is a more powerful and important figure than the ombudsman. He is responsible for ensuring that society is just and fair, and he is answerable to God for his actions.¹⁶

Accountability System (Ahtsab) During the Prophethood of Muhammad (ﷺ):

After the Prophet Muhammad (ﷺ) migrated to Madinah, he established the first Islamic state. This state was based on the principles of Islam, including the importance of justice and accountability. All the powers were concentrated in the person of the Holy Prophet ﷺ. He ﷺ was a reformer of the society and was also a military leader and also a teacher of morality, reprimanding and sometimes punishing for violating moral values.

The system of justice or accountability system of the state, every institution needed him (peace be upon him) for the examination of all social principles and laws and for further legislation. This is why the system of accountability seems to revolve around him. The study of Islamic history and Ahadith books shows that there was no institution called accountability during this period. They brought it to the Messenger of Allah. He used to issue orders according to the nature of the incident. If there was a need for punishment, He (peace be upon him) would have ordered the Companions to enforce the punishment. If only preaching and exhortation worked, then he (peace be upon him) would have given proper instructions.

The Prophet Muhammad (ﷺ) established several institutions to ensure that everyone was held accountable for their actions, both in the religious and legal spheres.

- One of the most important institutions for accountability was the **Majlis al-Shura** or the Consultative Council. The Majlis al-Shura was composed of prominent Muslims

from all over the city, and it was responsible for advising the Prophet Muhammad (ﷺ) on matters of state. The Majlis al-Shura also played a role in holding the Prophet Muhammad (ﷺ) accountable for his actions. For example, if the Prophet Muhammad (ﷺ) made a decision that the Majlis al-Shura disagreed with, they could voice their concerns and try to persuade him to change his mind.¹⁷

Another important institution for accountability was the **Hafiz al-Din** or the Guardian of Religion. The Hafiz al-Din was responsible for ensuring that the Muslims in Madinah were following the teachings of Islam. He also had the authority to punish those who violated Islamic law. The Hafiz al-Din was appointed by the Prophet Muhammad (ﷺ), and he was answerable to him.

The Holy Prophet (peace be upon him) himself used to patrol the markets of Madinah. Once, during the patrol, he saw that there was a pile of wheat for sale at a shop. It was found that the shopkeeper had done this so that the weight of the wheat would increase and the bad wheat would also be sold. On this, the Prophet (PBUH) said:

"He who has adulterated is not one of us."¹⁸

In terms of punishment, it is proven that during the time of Prophet Muhammad (PBUH), punishments ranged from minor reprimands to beatings and whippings. The accountability system of this period can be briefly described.

For the promotion of good deeds and the prevention of bad deeds, he used to patrol the markets and issue orders according to the occasion. These rulings were not considered mere rulings but were different styles of da'wah and preaching.

Among the punishments, it is proven by him that the punishment was imprisonment, which used to be tied to the pillars of the mosque. In normal circumstances, it was an extreme punishment that was given in rare and unavoidable circumstances.

In the case of serious crimes, you used to issue limits and give severe punishments. For this job, he had appointed Qais bin Saad bin Ubaida, who had the authority to imprison, kill, or arrest anyone.

When the Companions saw someone committing an undesirable act, they would catch him and bring him to the Prophet (PBUH), upon whom he would give an appropriate decision. He appointed Hazrat Zubair, Hazrat Ali, Hazrat Muqdad bin Al-Aswad, Muhammad bin Muslimah, Asim bin Thabit, and Zahaq bin Sufyan Kalabi to behead the criminals.

This proved that the system of accountability did not exist in your time as it was in the Rashidah Caliphate and later periods, but you performed some accountability-related matters, such as the duty of patrolling. Later, when the Islamic state spread beyond the city limits of Madinah, he appointed some other Companions for this task. In the same way, to establish justice, the mandate of Qada (قضاء) Madinah remained with him himself. For the remaining areas, He had appointed some other companions as Qazis. The responsibility of enforcing judicial decisions was entrusted to several other Companions.

The following are some examples of how the accountability system was used to punish wrongdoers during the Prophethood of Muhammad (ﷺ):

- **The case of the thief:** A man was caught stealing a sheep. He was brought before the Prophet Muhammad (ﷺ), who ordered that his hand be cut off. The man accepted his punishment and submitted to the will of Allah.
- **The case of the adulterer:** A man and a woman were caught in the act of adultery. They were brought before the Prophet Muhammad (ﷺ), who ordered that they be stoned to death. The man and woman accepted their punishment and submitted to the will of Allah.
- **The case of the murderer:** A man murdered another man. He was brought before the Prophet Muhammad (ﷺ), who ordered that he be executed. The man accepted his punishment and submitted to the will of Allah. (Ibn Kathir, Tafsir al-Quran al-Azim, Dar al-Fikr, 1997, Volume 2, p. 193).

Accountability system in the era of Hazrat Abu Bakar Siddique (R.A)

- Like Hazrat Muhammad, Hazrat Abu Bakr Siddique used to patrol the markets and make corrections on occasion. To this extent, he maintained the accountability system of the Prophet (PBUH). One change that he made during his time was that he entrusted the post of Qada to Hazrat Umar (R.A). and thus, in Islamic history, the position of Qazi was declared separate from the Caliph, otherwise, during his caliphate, he tried to maintain as much as possible the same system that the Prophet, may God bless him and grant him peace, had established in Madinah.
- During His regime, there was no expansion in the accountability system and no significant change in it. One of the reasons for this was that his reign was very short and this period was also marred by emergencies and untoward incidents. You have been engaged in disputing the basic type of temptations that arose in the country which is why you did not get time to think and act for construction, development, and institutionalization.

Accountability system in the era of Hazrat Umer Farooq (R.A)

Hazrat Abu Huraira (RA) was appointed to check the accountability of shopkeepers and deal with people involved in various wrong acts or who would misuse government property. The punishment of expatriation was also invented by Hazrat Umer (RA). Department of Accounts: There was a strict system of accountability during the Khilafat of Hazrat Umer (RA). Hazrat Umer (RA) used to take accountability for his family members and there was no system of corruption in his government. There are reports in history in which he took accountability for his son and daughter and warned them about misusing government property. Every single person had the right to enquire about government policies and complaints about wrongdoers and dishonest officials.¹⁹

He practiced a strict system of accountability in his period. When Hazrat Umar used to order the Muslims to do something or to stop them from doing anything due to some expediency, he would start advising his family and would threaten them for violating the order. As Hazrat Saalim states: “When Hazrat Umar used to stand on the pulpit, forbidding people to do anything, at that time he gathered his family and said: I forbade the people from these things and all the people are looking at us like the way a bird looks at meat. I swear by God that if I saw any of you doing such a thing, I would punish him twice.⁹ It is

narrated with Ibn e Umar that Hazrat Umar ordered the workers to transcribe a list of their possessions, among them was Saad Bin Abi Waqas, Umar divided their wealth in half, they took half and gave half to them. It is narrated with Sha'abi that: "When Umar used to make someone an agent, He would write off his wealth"²⁰

Hazrat Umar(R. A) Checked the credibility of every governor including its assets before and after the designation The accountability system is highly important for an efficient governing system. Hazrat Umar (R.A) ordered strictly all the governors about the welfare of the people as a priority. They are ordered to not wear expensive clothes and not to keep guards or horses. Most importantly, Hazrat Umar.

They did not allow any act that would negate the teachings of Islam or cause a general disturbance in society. Once a young man was thrown out of the city in Madinah because the talk of his beauty had become common on the tongues of some young girls and it was feared that its harmful effects would spread to others and thus the general social norms.²¹

On another occasion, he wasted all the milk of a person when he mixed water with milk.

A careful examination of the events of his reign shows that he was particularly interested in protecting the rights of his subjects, and for this purpose, he used to appoint other Companions to carry out these matters. Like Muhammad bin Muslimah (who was appointed by the Prophet, Peace be upon him, as the inspector general of the Islamic state of Madinah in today's language) during his time, he was also responsible for the same task of visiting other provinces in different areas and Supervise and guide the regional ombudsmen (Mohtsib) there and resolve any problems.

During the reign of Hazrat Umar, we find two issues, one is that he used to pay attention to an individual to protect the life and property of his subjects and high morals. He was not only a ruler who issued principled orders to be acquitted by declaring the responsibility of individuals or institutions regarding the establishment of law and order and the difference between halal and haram, but it was his habit throughout his life to see evil committed wherever he saw it. Stopped him with his hand. Regarding the reformation of individuals, we find many incidents of his time, some of which are as follows.

Once you were on patrol and saw a man's swing full of flour, yet he was begging from the people. beg from In addition, this would also prove that it is not permissible to ask if one has a minimum need. Once he addressed the people and said that I do not appoint officials to kill people or take away property. Whoever behaves contrary to this, I will take revenge on the oppressor from such an officer. On this, Amr bin Al-Aas asked, will you take revenge on the authorities? Hazrat Umar said, "Yes, I will take revenge because I have seen the Messenger of Allah (PBUH), take revenge on himself."²²

You used to closely monitor the high government officials and other government employees and keep a close eye on all their affairs. He used to get confidential information about them from his sources before being held accountable. Before appointing a person to a key position, he would get a complete account of his assets and seize them. After being appointed to the post, his assets were often checked and compared with each other. If it was suspected that he had collected wealth in an official capacity, he would have been arrested.

Apart from financial affairs, other responsibilities of officials were also fulfilled by them. In the area for which the agent was appointed, the responsibility of the agent was to visit the patients. This commoner was deposed for not visiting. He strictly prohibited the distance between the authorities and the people. A complaint was received from the Egyptian agent that he has kept a doorman at his house. Hazrat Umar sent Muhammad bin Muslimah to Egypt and told him to bring him in the condition he was in. When he reached this agent in Egypt, he found the porter at the door of his house. He brought the agent with him to Hazrat Umar. Hazrat Umar took down the fine shirt to Waali Misr and dressed him in a thick woolen kurta gave him a flock of sheep and a stick and said, "Now you watch over this flock." Later, the agent was reinstated on the condition that he would not do so in the future.²³

Hazrat Umar's (RA) achievements in the line of Hisbah helped to create a society that was characterized by justice, fairness, and compassion. His work in this area is still admired and emulated by Muslims today.

Distinguishing Features of the Islamic Accountability System:

In later periods, when more regular bureaucratic systems began to operate in the Islamic State's sectors, this system expanded further. Those who performed the duty of accountability were classified. Many of the responsibilities of the Qazi were handed over to the ombudsman (Mohtsib). In the beginning, the Qazi used to decide between the parties only when a petitioner came to him with a complaint. There was no such restriction for the Mohtsib. He was authorized to act without the complaint of any complainant. The Mohtsib in the Islamic State has generally been responsible for the following matters.

- 1- Depreciation and other market matters.
- 2- Matters related to fraud and manipulation in buying and selling.
- 3- Cases in which a person is reluctant to repay the debt owed to him despite having the means.

In these matters, the Mohtsib, like a judge, had the judicial power to summon the defendant, but he did not have the power to hear any case where the defendant denied the charges leveled against him. And there is no evidence against him to prove his guilt. In such a case, the case was sent to the judge's court, where the case was decided according to the normal judicial procedure. It could be said that the Mohtsib used to dispose of the matter after a cursory hearing. In the Islamic justice system, the judge cannot decide on his own without any claim. He does not even have the authority to perform the duty of commanding and forbidding by himself. He is entitled to do so in his capacity as a common Muslim, but his official duties do not include this.

In the Islamic justice system, the attitude of the Qazi shows dignity, integrity, tolerance, and commitment so that respect for the Qazi is created in the hearts of the people. The accountability system requires that the behavior of the Mohtsib should show fear, arrogance, and dignity so that the people refrain from committing crimes. This is the reason why the ombudsman can use force and means of expression while using his powers. He can perform the duty of commanding the good and forbidding the evil.

The Mohtsib can decide based on his knowledge but the judge cannot. One of the reasons for this is that the duties of the Qazi include hearing those claims where there are two parties and they present arguments and testimonies in their favor. But the Mohtsib's duties are such that usually he has to act as an official representative and make a quick decision and in some cases even enforce it himself and there doesn't need to be two parties in a matter under discussion, like the ombudsman of a shopkeeper in the bazaar. He is authorized to punish on occasion if he is found to have low weight scales.²⁴

Correlation of Accountability and Redress:

In Islamic history, the judicial department has gone through an evolutionary process. During the time of the Prophet (PBUH), the department of Qaza changed in the later periods and took the form of a separate department. The basic concepts of Qaza remained the same as they were in the beginning during the era of Prophet Muhammad (PBUH).

One of the reasons for this was that the department of Qazi and Qaza was known by other names in the same form except in the Islamic world.

The institution of accountability was introduced by Muslims in later periods by inference from the rules of the Qur'an and Sunnah. Before Muslims, other civilizations had formulated different styles of law, but the wise concept of accountability did not exist in any civilization.

Along with the evolution of Hasba, the nature of its responsibilities also changed. In the later periods, the duties of the officials who performed the duty of Hasba and the duties of Amil al-Suq or Saheb al-Suq (Mohtsib) continued to be combined. Sometimes he had the powers of a Qazi and sometimes he had the powers of the police. At one time, the ombudsman (Mohtsib) and the Chief of Police were separate.

It is understood here that the system of redress is different from the system of accountability, although the duties and powers are often shared. It can also be said that the accountability department should be subordinate to the judiciary, but this is a rational arrangement related to the management of the state, there is no Shariah principle for which formal orders have been given.

Theoretically, we see a close relationship between justice and accountability systems. One of the common duties among them is the rights of the people. While the nature of using their duties is different. For example, the Qazi can restore the right of the questioner if the questioner brings his claim to the Qazi, while there is no restriction on the Mohtsib, where he sees that someone's right is being violated, he intervenes and enforces the law. Qazi cannot do the official position. The difference between the two is not in terms of the nature of the work but in terms of the method.²⁵

Both the Justice Department and the Accountability Department are assisted by the police. The Mohtsib can, at his discretion, order the police to suppress or arrest the offender. While these powers of the Qazi are limited. He obtains the cooperation of the police when one of the parties is obstructing the judicial process by non-cooperation. The accountability department does not have full judicial powers. In some cases, it is the responsibility of the Mohtsib to bring the accused before the court and here he is the assistant of the court.

Accountability Department also has some administrative powers due to which most of the crimes can be solved after quick action. That is why it is natural for the Mohtsib to be a candidate for glory and honor. The Mohtsib may have the authority to make many judicial decisions related to peace and security, but it is not expedient for the judge to make a decision. For example, the District Magistrate more or less holds the position of Mohtsib. Suppose a political or religious group in a city is creating unrest by disrupting public processions. The law and order police should be led by the magistrate so that when the matter escalates, he can order to fire, which he is authorized to do, so that the victims are not victims of any judicial decision as a result of the firing, because the magistrate's decision is a special one. It is given in the condition which is the opposite.²⁶

The following study shows that there is a close relationship between accountability and justice. Both help the government to achieve the same goal. It is a different matter that sometimes the powers of the Qazi are more than that of the Mohtsib and sometimes the Mohtsib appears to assist the Qazi. A Qazi cannot interfere in any case, while the Mohtsib himself goes ahead and establishes justice between the parties. But despite all these things, it is a fact that the rank of Qazi is a symbol of dignity, power, tolerance, and glory and the Mohtsib is a moving image of fear and terror for criminals.

Qualities of Mohtsib:

Ummat jurists have made it mandatory for the Mohtsib to have certain attributes. A person who has these basic qualities and fulfills a few conditions can be appointed as a Mohtsib in Islamic society. The desired person who is to be appointed as Mohtsib, it is necessary for him to be an adult Muslim and have knowledge of Shariat. He should not only be fair-minded and dignified, but he should also be aware of the current situation and the demands of his time, and he should be well aware of the evils found in society. At the same time, he should be strict in religious matters, not immoral and wicked. Be aware of trends in business, especially market affairs and price fluctuations. It may also be that experts in related professions are appointed to guide the Mohtsib, as has been the case in later periods of Muslim history.²⁷

No scholar has declared it necessary for a Mohtsib to be a mujtahid. This is because the cases assigned to the Mohtsib are administrative in nature and require a cursory hearing which does not require deep study and expert insight. From this point of view, the position of the Mohtsib is slightly lower than that of the judge. That is why this position has been considered as subordinate to Qazi in Islamic history.

Responsibilities and powers of the (Mohtsib) Ombudsman):

Since the ombudsman (Mohtsib) is related to the correction and accountability of the citizens and due to his performance, there are positive effects on the society, therefore Shariah has placed many responsibilities on the shoulders of the ombudsman. Here it will be explained how the role of the ombudsman (Mohtsib) raises the moral standard of the society, organizes worship services, revolutions reforms in government and public institutions, and again a righteous society is established. Just as the meaning of accountability is broad, similarly the duties and responsibilities and scope of the ombudsman are extensive. In Islamic history, the responsibilities of the ombudsman have

been few and far between, in the periods when the duties of the ombudsman have increased, there have been positive results. Therefore, the wider responsibilities of the ombudsman will be reviewed here to explain how the process of reform can be advanced and how corruption can be prevented by assigning powers to the ombudsman (Mohtsib).

Responsibilities of the ombudsman in the rights of Allah and the rights of the servants:

The jurists have divided the responsibilities of the ombudsman (Mohtsib) about Amr bil-Moruf and Nahi an al-Munkar in such a way that there are two types of accountability, one is a matter of al-Moruf and the other is an al-munkar.

There are three more types of **Amr-bil-Maruf**:

- Commanding goodness in matters that are purely related to the rights of Allah.
- Ordering good in those matters that are only related to the rights of the servants.
- Common rights means ordering good deeds in those matters that are common to both the rights of Allah and the rights of the servants.

2- Nahi an al-Mankar:

Nahi-an-ul-Munkar refers to holding people accountable for disobedience and falsehood, and this is a wide field of accountability. In the history of Islam, the most accountability has been for disobedience to Allah and common evils spread in society.

There are three types of Nahi-an-ul-Mankar:

- 1- The order of accountability among the prohibitions that are purely related to the rights of Allah.
- 2- The prohibitions that are related to the rights of slaves.
- 3- Those words which are related to common rights.

Commanding goodness: Commanding goodness is possible in three ways:

1- That he should advise people about the rights of Allah. The rights of Allah are of two kinds.

A- Commanding the people to do well in collective affairs, for example, if prayer is not organized in a village, the Mohtsib should draw the attention of the people of the village and organize it by collecting resources for congregational prayer.

B- Ordering people to do good in individual matters, such as if a person makes a habit of delaying or absenting himself from congregational prayers, the ombudsman can call attention to him and reprimand him appropriately, but the matters depend on the event.

2- To urge people to pay for their rights. There are two more types of human rights.

A- Protection of the collective rights of the people. For example, if there is a fear of a water dam breaking in a settlement and there is a possibility of damage to people's lives and property, then the Mohtsib can compel the people of the settlement to repair the dam so that no damage is done.

B- Protection of the rights of a particular individual, such as if a person treats his servant inhumanely, the Mohtsib can stop him.

3- The third type of ``Amr al-Ma'ruf Nahi an al-Munkar''

One side of a matter is the rights of Allah, and the other side is showing the rights of the servants. Guardians of girls are not marrying them for no reason, even if the girls want to

marry, then the Mohtsib can force the guardians of girls to marry them. He is not indifferent to the conditions inside the boundary.²⁸

2- Preventing from evil: There are also three types of prevention from evil, which have been described in the context of "Amr al-Maruf." Overall, the following are some issues that the Mohtsib can prevent.

1- Eating and drinking in Ramadan without any Shariah excuse. Today there is no effective system of accountability.

2-Mixing food items. There is a law and system for this too, but the accountability system is very ineffective.

3-Decreasing business scale, despite the presence of laws and regulations to remedy it, is not contained.

4-Treatment of people without qualification as today colorful treatment methods are written on the walls which no institution acts on because their grip is weak on this kind of accountability.

5-Preventing doctors from selling poisons, chemists who sell medicines without prescription also fall into this category.

6- Taking care of cleanliness of food items which is hardly taken care of at some level.

7-Segregation of unmarried women, as is the case today in parks, restaurants, and entertainment venues. It is almost impossible to understand these legal concepts without Islamic society.

8- Seating more than the approved number of passengers in passenger vehicles.

9- To remedy the Mohtsib from hoarding.

The ombudsman can only take action against open violations or complaints brought to him by a person. However, the Mohtsib can take action against wrongdoing that takes place within the four walls of a house, if there is evidence that it is harming society.

For example, if a crime is taking place within a house, the Mohtsib can take action even if it is not being reported to the authorities. This is because Mohtsib is responsible for ensuring that society is just and fair, and he cannot ignore wrongdoing simply because it is happening behind closed doors.

The Mohtsib's authority is not limited to open violations or complaints. He can also take action against wrongdoing that is not being reported if there is evidence that it is harming society. This is a powerful tool that can be used to protect the public from harm.²⁹

Important features of the Islamic Accountability System:

The Islamic system of accountability is mainly to establish a reformed and pure society through the commandment of good and no evil. A society in which a person gets his rights before going to court to seek justice. Just as one bad fruit in a clean fruit basket can spoil all the fruits the owner of the basket saves the rest of the fruits by removing it. Some such concepts exist in the accounting system. If Hazrat Umar had not warned the camel driver who was loading the camel with a heavy load, it is quite possible that the cruelty would have increased and reached the level of the cruelty done to animals during the period of ignorance, when a piece of meat was cut from a live camel and cooked. The fact is that germs of evil exist in every person to some extent. If government officials do not take

immediate action on the sale of adulterated chilies in the market, the flour may be adulterated at the second stage, after which the matter may reach milk adulteration when people related to other professions see that someone is asking. If there is no one, then they also start committing evil according to their mood, will, and need, and in this way, if only one business is stopped in society, there will be a period of lawlessness everywhere.

This is the reason why during the period of Khilafah Rashidah and even after that, the Muslim rulers of more or less every era and region used to appoint a Mohtsib in every city to save the creatures of God and the Qazi from long, nerve-wracking, and useless litigation. Encourage the vast majority of disputes between individuals to be settled before reaching the courts. Only those cases that required regular hearings went to the courts. Because of the Mohtsib, the number of cases going to the courts was reduced and their decision was quick. It can be said that the Mohtsib used to act as a filter through which only certain types of disputes could proceed to the courts.

Why is accountability important in the present era?

The modern world is divided into many parts depending on its problems. Due to the immense progress in the state sciences, the developed countries have solved their civil, rural, social, and political problems within a certain sphere. However, due to certain intellectual deviations, the forces of distortion in many areas of these societies have also exceeded the limits of tolerance. One of the reasons for this is the lack of faith and the obligation of "Amr bil-Ma'ruf Nahi anil-Munkar" is on the side. These developed countries do not build their thinking based on religion, so the discussion of accountability in the present era is meaningless concerning the laden states.

As for the process of accountability in Islamic countries, especially in Pakistan, it is not so terrible that the modern world can give it an undesirable name, nor is it a complicated process that requires immense austerity. From the very beginning, it is understood that even without using the name or term of accountability, this process is going on at many levels in Pakistani society.

1- The process of accountability in Islamic history initially started with checking the scales used for measuring and preventing adulteration, for which a factor was fixed. Even today these two duties are performed. Some local bodies work to check the measuring scales and in big markets, inspectors from a department under the Ministry of Commerce are engaged in this work. To prevent adulteration, some issues are decided by the officials of the local bodies, and many issues are handled by the officials of the health department.

2-Hunting of wild animals and birds is prohibited in many seasons and in some areas hunting is prohibited, in violation of which the wildlife protection officer takes action and punishes through accountability process.

3-Municipal bodies levy taxes on goods on entry and exit within their designated limits. The defaulters are fined multiple times after a cursory hearing, which is a form of accountability.

4- Selling the meat of emaciated and medically unfit animals is a crime, for the violation of which the local butchers are punished by the local hospital, this is also a form of accountability.

5- Speeding, wrong parking unqualified driving, bringing the vehicle on the road despite not fulfilling the conditions and violating the traffic rules, initial confiscation of driver's license, and vehicle registration by general traffic officials. The District Magistrate or his representative would complete the accountability.

6- The censor board is initially responsible for indecent and indecent films, and then the cinema owner who commits any irregularity in the film or cinema is held accountable by the police.

7- Inspectors of local bodies hold the concerned person accountable for constructing houses and other buildings outside the approved map.

8- Candidates participating in the election process can spend a certain amount of money in the election. The Election Commission is authorized to take appropriate action on violation, this is also a form of accountability.

9- Authorized officers on the staff of copyists at the examination center may disqualify them from appearing in the examination for a specified period with exclusion from the examination process which is a form of the accountability process.

11- For the growth and development of forestry, written permission from the Forestry Department is also required for cutting one's tree in some areas.

12- An organization is established to keep the quality of industrial production at a certain level, which can hold accountable the relevant industrial organization for bringing quality goods lower than the specified quality to the market.

13- The accountability system of the armed forces applies to its officers and employees.

14- Examples of implicit accountability are in addition to the accountability that police departments and other law enforcement agencies hold accountable.

15- There is a constitutional body called "Supreme Judicial Council" which has full judicial powers for the accountability of the judges of the High Courts. Its members are judges of high courts. The composition of this institution proves its existence as a court. But this institution is designed to keep a certain class in front. In this aspect, this institution has judicial as well as accountability features for this particular class.

16- The method of accountability of the President is mentioned in the Constitution according to which the President can be impeached. Majlis Shura is empowered by this type of accountability.

- If the interests of the common man are harmed by the official decisions of the departments established at the federal level, the federal ombudsman (Mohtsib) institution is established to take legal action. In Pakistan, this institution was established under a presidential decree dated January 24, 1983. This institution is authorized to take action on the complaint of an aggrieved person in cases of irregularities found in public departments. According to the annual report of the Federal Ombudsman for the year 1984, the number of these departments is 455. In foreign affairs, the armed forces and the Department of Defense are also outside the purview of the Federal Ombudsman, which is currently pending in a court of law. The process of getting a referral from the federal ombudsman is very simple. There is no court fee, government expense or lawyer required. A complaint can be made to the Federal Ombudsman on plain paper with complete details in appropriate words.

Under Section 14 of the said Presidential Decree, the Federal Ombudsman has the same authority as a civil court under the Code of Civil Procedure Act No. 5 of 1908, according to which the court can summon any person and, if necessary, It can force him to appear so that his sworn statement can be taken. He has the power to ask the concerned person to produce the documents. He has the power to take evidence on affidavits and take statements of witnesses. Similarly, he can exercise the powers conferred under section 16 in his favor (Civil Code Act 1908).

18- To ensure that the funds of government departments are being spent properly, the Constitution of Pakistan has created the position of Auditor General under his accountability staff to investigate irregularities found in these matters. This is also a form of accountability.

19-Similarly, a body called the Public Accounts Committee consisting of members of Majlis-e-Shoora, examines the books of accounts of government departments.

20- The Prime Minister's inspection commission is also for accountability.

21-There is a law of 1977 for the accountability of politicians, under which the accountability of members of parliament and other elected officials is possible.

22- There are rules for the performance and discipline of government employees, the enforcement of which is vested in the officers of the concerned department.

A few changes are needed in Pakistan's accountability system:

The accountability system in Pakistan is a complex and fragmented system that is not effective in holding government officials accountable for their actions. There are several reasons for this, including:

- The lack of coordination between different accountability institutions. Several different institutions in Pakistan are responsible for holding government officials accountable, including the Public Accounts Committee, the Prime Minister's Inspection Commission, the Auditor General, the Supreme Judicial Council, and the Majlis-e-Shoora. However, these institutions do not work together effectively, which leads to a lot of overlap and duplication of work.
- The loopholes in the law. The laws that govern accountability in Pakistan are full of loopholes, which allow government officials to escape accountability for their actions. For example, the law does not clearly define what constitutes corruption, which makes it difficult to prosecute cases of corruption.
- The lack of political will. There is a lack of political will to hold government officials accountable. Many politicians are reluctant to investigate or prosecute their colleagues, even when there is evidence of wrongdoing. This is because they are afraid of the consequences of doing so, such as losing the support of their party or being voted out of office.

The current accountability system in Pakistan is not in line with the Islamic concept of Amr bi al-Mruf wa Nahi an al-Munkar. This concept means that all Muslims must enjoin good and forbid evil. In the context of accountability, this means that everyone should be held accountable for their actions, regardless of their position or status. However, the current

system allows government officials to escape accountability for their actions, which is contrary to this Islamic principle.

To improve the accountability system in Pakistan, it is necessary to make several changes, including:

- Improving coordination between different accountability institutions. The different accountability institutions need to work together more effectively to ensure that there is no overlap or duplication of work. This could be done by creating a single, independent body that would be responsible for coordinating the work of all the different accountability institutions.
- Closing the loopholes in the law. The laws that govern accountability in Pakistan need to be amended to close the loopholes that allow government officials to escape accountability. This could be done by clearly defining what constitutes corruption and by strengthening the penalties for corruption.
- Increasing political will. There needs to be a greater political will to hold government officials accountable. This could be done by electing politicians who are committed to fighting corruption and by making it easier for citizens to report cases of corruption.
- Empowering the Federal Ombudsman. The Federal Ombudsman is an independent institution that is responsible for investigating complaints of maladministration and corruption. However, the Federal Ombudsman does not have enough powers to effectively hold people accountable. If the Federal Ombudsman was given more powers, it could play a more effective role in fighting corruption and improving accountability in Pakistan.

Improving the accountability system in Pakistan is essential to fighting corruption and promoting good governance. By making the necessary changes, Pakistan can create a more just and equitable society where everyone is held accountable for their actions.

Conclusion:

The following article is a modest attempt to understand the concept of accountability and its basic aspects from an academic point of view. The practical concept of accountability is justice and in a society where the paths of justice are clear, then the citizens live a life of peace and tranquility. The study of the history of accountability shows that its concept is completely Islamic and the concept of accountability in the world was first introduced by the Holy Prophet Muhammad ﷺ even though during the time of the Prophet ﷺ accountability was enjoined. He was known as al-Munkar the proof of which is proved by the Qur'an and Sunnah.

If it is said that accountability is the name of protecting the rights of Allah and the rights of the servants, then it will not be wrong, that is, the responsibility of the ombudsman is to see that where prayer is not arranged, he should make it possible to arrange it and ensure the teaching of the Qur'an and Sunnah. In this way, prevents the spread of immoral evils in society. Take strict disciplinary action against adulteration under-weighting and overcharges.

The system of accountability of Prophet ﷺ was implemented by the later caliphs during their reign and the subsequent Muslim rulers made its implementation possible during their reign. This system was later adopted by the modern world in their countries to improve their justice system.

Pakistan is an Islamic state and its existence was based on the two-nation theory it was decided that the Islamic system should be implemented in this country, but in the later periods, the system of British laws was implemented, however, in this system, Islamic Laws continued to be mixed up, various institutions regarding accountability continued to exist in Pakistan, which have been mentioned in the above article. Although all the existing laws have been in force for a long time and many departments are performing their services for them they have become so ineffective that they have lost their importance now but all these laws need necessary changes. All the departments should be under the auspices of a central accountability department which should carry out all these matters responsibly and all the departments should be accountable to this department so that the law can be observed. We pray to Allah Ta'ala that Islamic laws will be enforced in our country Pakistan with all their fullness so that we can proudly appear in front of Allah and His Messenger (PBUH) on the Day of Resurrection.

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