

## Accountability or (Control) in Islam

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## Introduction:

Due to the need of human societies to a given role which may now be absent due to some problems and dealings which governments failed to evaluate their performance the thing which led to oppression of rights and aggression to public properties and exploitation of the same and in order to push back the consequence with which many were fed up and which affected the livelihood of people in terms of fraud, deceit, and cheating showing absence of humanitarian conscience, especially in the Islamic communities which prohibited the same, the fact that calling for kindness and prohibiting abominable act is one of the fundamentals of religion and denial of abomination was necessitated by religion.

Someone said: (Calling for kindness and prohibiting abominable act is better for me than many wishes).

Therefore, reform is desired and it is one of the qualities to which faithful people endeavor.

The role of controller has an effective presence in pushing back abomination in markets, gatherings, streets and roads because he is always accompanying the people of his own market and the people of his locality and he has full knowledge with their satisfactory and unsatisfactory.

Therefore, the societies endeavored to appoint a controller to control the conditions of trade and monitor the violators to deter them from violation.

This system was blessed by western communities despite it is of Islamic source, but it treats whatever occurs to citizens in terms of aggression and damages affecting the private and public.

After this introduction, I should define the control system in Islam.

Control (Accountability) means the language of counting. To control someone in any matter is to deny that matter thereto.

Control also means the good acts and in jurisprudence, this terminology means calling for kindness and prohibiting abominable acts.

Ibn Khaldun defined it as: a religious function as calling for kindness and prohibiting abominable acts and it was imposed on the one who is in charge of Muslims matters (Imam) who must appoint a competent controller and ask the help of others.

Control or accountability in Islam means a mediation between provisions of judiciary and provisions of grievances meaning prevention, prohibition and hearing the grievances and complaints of people in order to treat the affected people with fairness.

Control represents the largest and most comprehensive and most conscious interests to immunize the funds, make conditions regular, and fight and put an end to corruption.

It has also uncountable benefits and the plan of judiciary is not better than plan of control. Control is one of the functions of the state in Islam and it stands as an administrative control carried out by the state through special employees selected from notable and moderate Muslims.

The above-mentioned function is based on following up the activity of individuals in the following fields:

Breach of values, ethics, religion, economy and all aspects of social activity in order to realize justice and virtue in accordance with the principles prescribed in (Sharia) Islamic law.

In the simplified encyclopedia, control or accountability, considered as a semi-judicial function was defined by the Islamic history and its relevant employee is called controller if appointed by the ruler and is called a volunteer of control if he does the work without assignment.

Controller of public order practices prevention, identification, statement, frightening, scolding and tongue-lashing and imprisonment.

Control also one of the administrative law terminology and it then gained a special meaning which is the police body assigned to control markets.

On the other hand it has a broader meaning than the function of controller with its limited concept.

In many books of historians incidental indications were mentioned about the House of Accounting and weights meaning that control or accountability was a name given to House of Registration and it also includes the Divan of weights and measures and control over the economic activity within the framework of rules of Islamic law (Sharia).

#### Its Field:

It is not one of the characteristics or features of rulers and judges, but whoever appointed by the Imam to consider the funds of the ruled and to discuss their matters, interests, sale, food, lodging and clothing shall call abominable acts.

#### Originality of Control (Accountability) in the Islamic Community:

Several historical sources indicate that the Greek civilization knew an economic system which spread with the spread of the Greek predomination over countries including the appointment of (Agoranomos) or the master of market.

In reality this system was characterized by a pure material nature.

On the other hand, the control system in Islam comprised several aspects including the market although the beginning of the control system in Islam was due to economic circumstances.

Thus we can not consider the Greek market system as a basis for the idea of control in Islam, because the latter includes two aspects one of them is materialistic ( relating to the market) and the other is moral and ethical.

What characterizes control and distinguishes it from judiciary and if comparison is made between them, we will notice that they on one hand agree and differ on the other hand.

#### Aspect of Agreement:

- 1- Summon is made by both controller and judge to hear the lawsuit of the person summoned.
- 2- Both controller and judge bind the defendant to fulfill the rights.

#### Aspects of Shortcoming (Deficiency):

- 1- Non-hearing of lawsuit for from the phenomena of abominations in contracts, dealings and all rights.
- 2- Lawsuits that controller is allowed to hear are limited to the recognized rights, but he can not process those lawsuits concerning other issues.

#### Aspects showing Merits of Controller over Judge:

- 1- Unlike the judge, the controller intervenes in much matters without the need for aggrieved.
- 2- Controller sometimes operates with strictness and toughness, while the judge should always be characterized by patience, forbearance and deliberateness.

#### Similarities:

- 1- The work of both judge and controller is based owe, power and strictness.
- 2- Tackling the reasons of interests and denial of outward aggression without the need for aggrieved.

### Dissimilarities:

- 1- Unlike judge controller considers a given issue without the need to forward the issue to judiciary.
- 2- The judge may deliver a judgment, while the controller may not, but he orders to fulfill the rights if that was proved by confession and the confessor was able to fulfill the rights.

Thus, the controller settles the obvious disputes that never need evidence and he undertakes the punishment and deterrence against who publicly declare sins and oversteps the decencies of Muslims.

### History of Origin of Control and Development of its History:

The Islamic state knew the control system since its origin. Control or accountability was one of the fundamentals observed, urged and obligated by the legislator.

Our God (Allah) said: ( There should be a nation from you calling for goodness, kindness and prohibiting abominable acts).

Control or accountability is an origin in the Islamic Sharia and the condition of the people shall only be straight forward if they deny abominations and endeavor to goodness.

The witness of history mentions to us the attitude of our prophet Mohamed towards a merchant in the market, where prophet Mohamed, may God's blessing and peace be upon him inspected part of his uncovered goods and found it entirely invalid and not conforming to proper conditions of sale. He then called the owner of the goods to supply his goods in public so that people could buy something that they could see and inspect before purchase.

Imam Muslim narrated that Prophet Mohamed, may God's blessing and peace be upon him, found a food dish, and he brought his hand inside it and his fingers were wet when they reached the bottom of the dish. Then he said to the owner of the food dish: What is this? He replied to him: Oh prophet Mohamed, the rain of heaven poured down in it.

Prophet Mohamed said to him: The water should have been above the food so that people could see it.

Prophet Mohamed, may God's blessing and peace be upon him exercised control – accountability – by himself in the markets of El-Medina city denying abomination, calling for goodness, urging for sincerity and faithfulness.

He founded the new state, and set the regulation of dealing by issuing the newspaper of El-Medina city which included articles designating the manner of dealing with the community of El-Medina city.

His comrades followed his approach and practiced control in the markets. For instance Omer Ben Khattab, the Second Khalif exercised control and said: (Control your acts, and whoever controls his acts will gains recompense of his act and control).

This concept, which accompanied the rise of the state proceeded in accordance with the approach of Islamic sharia in equality, equity, good ethics and that constituted an economic and social necessity at the same time.

Therefore, messengers and prophets were delegated to direct people to act with justice and fairness and call for goodness, kindness and prohibit abominate acts.

It was narrated that prophet Mohamed, may God's blessing and peace be upon him said: ( You should call for kindness and prohibit abominable acts, otherwise God will invest evil people with power against you, then the good people will pray to God and he will not respond to them).

Prophet Mohamed also said: (Whoever sees abomination, he should change it by his hand and if not able, by his tongue and if not able he should change it by his heart, which is the weakest belief).

Dashing from the Islamic sharia verses we will notice that control has roots in Koranic verses and prophet tradition "Hadith" and prophet Mohamed said: ( Any Muslim whose prayers do not prohibit him from atrocity and abomination, he will have no prayers).

Through the inference of verses, the comrades and companions of prophet Mohamed used to disseminate the virtues of their religion and implement its provisions on the reality of people in order to reform them.

Prophet Mohamed entrusted the second Khalif, Omer Ben Khattab to control the market and he thereafter entrusted Saad Ben Alaas to control Mekkah market. The matter was not only limited to men, but women also participated in exercising control.

For instance "Samra Ben Nahik" used to pass and wonder through streets calling for kindness and prohibiting abominable acts, via a direct practice in such manner not inconsistent with Islamic teachings.

The Second Khalif Omer Ben Khattab exercised control by himself wandering in markets, punishing all violators to provisions of control. He enlarged the cycle of control and created a splendid system to it. He appointed Al-Saib Ben Yazid as in charge of El-Medina city market and appointed Abdullah Ben Otba for monitoring the market.

He likewise entrusted women as Al-Shafa Bent Abdullah to perform such mission in some markets of El-Median city in whatever relates to women.

Third and Fourth Khalifs Othman and Ali, where concern was given to cleanliness of markets and good performance in dealings.



Through the said three attributes control is to be undertaken and abominations are to be pushed back. With absence of the said attributes, abominable acts can not be pushed back, but perhaps that control could also be abomination for surpassing beyond the Islamic (Sharia) laws.

**Functions of Control:** Ibn Jamaa subdivided it into three sections:

**First:**

**Rights of Almighty God "Allah":** This relates to violations of duties such as cleanliness, prayers, Friday prayers and commitment of abominations such as demonstration of prohibited acts, alcoholic drinking, showing private parts especially in groups and here the wrong doer will be punished.

**Second:**

**Clear rights of people:** Here the controller should monitor weights and measurements and their conformity to familiar customs in his country. He should also monitor the countable things and types of handicrafts and industries and should order their reform and performance of the same according to their best rules.

Controller should also monitor all compounds such as types of pastes and should monitor streets, sewerage and utilities and should control dealers, brokers and handicraftsman and should monitor the conditions of merchants and prices.

**Third:**

This relates to what in common between the right of God and the right of people.

Here the controller should consider the rights of people who believe in other religions.

He should consider what distinguishes them from Muslims and should prevent them from doing prohibited acts. He should also cease the acts of aggressors and assaulters.

Furthermore, he should consider the public and private endowments as well as orphans, vulgars and indecent people in addition to their interest, funds and sponsors.

Through our review for control and accountability system in Islam, we can say that control was merely a demand necessitated by today's conditions and ramifications of communities socially, economically and morally.

With regard to social aspect, the communities endeavored to dissociation the thing which led to appointment of a controller for public decencies (public decencies police), organization of human relations and traffic and guidance regulations which makes easy the traffic process and continuity inside overpopulated cities.

This is in addition to economic relationships, commodity monopoly and commercial thefts occurring through imitated industry or use of knowledge in negative aspects that effect damage to communities.

The fact that some states followed the track of Islam by appointing a controller for evaluating the daily life within communities and penalizing violations in dealings and ethics.

This will indicate that Islam in global and overcome place and time and a human being of the past to emerge on Today's civilization level and to legalize a system that is adopted and taken as favorable by states.

In Sweden, the (Ombudsman) name meaning the administrative controller was known.

Such controller was in charge of organizing and monitoring the general performance of government and people. That system was firstly adopted by king Charl the 2<sup>nd</sup> and he was influenced by that system when he had been a refugee in Turkey where he learned Islamic teachings before he was back to his homeland to establish the "Ombudsman" institution meaning the administrative controller.

By time passage and understanding such a civilization (al) system, it spread in institutions of overall European states.

The European community established a body corporate control institution having no relation with the state belonging to this community, where each state had its own controller who practices his power in accordance with his own country bylaws.

The fact that states with "economic and industrial" progressive civilization stand in need for a system that organize the relations of the community, protects rights and safeguards the community institutions of common utility against frivolity and fraudulent act with interests of people by authorities which commit violations under the cover of authority.

Therefore, western communities endeavored to create this system to solve the problems that occurred and penalize violators.

So they were acceptable by human rights societies. This system was born to process the human issues by the optimum manners and higher values and so human communities called for the system of administrative controller to establish justice, treat the aggrieved with fairness and criticize the policy of perverted people.

In the Great Jamahiriya the role of controller is played by the people's control which tackles the problem resulting from faulty behaviors on the level of individuals and institutions and which defects violation and deter violators and that will ensure the prescribed rights and continuity of the role of institutions on the required level.

Since the dawn of Al-Fateh Revolution an office was established for receiving complaints and grievances and processing them in order to treat the aggrieved with fairness and to realize equity as a contribution in building a Jamahiri (massive) community free from any obstacle that can hinder its progress.

The role of control goes in harmony with the role of controller in Islam.

In summary, controller, monitor ...etc irrespective of their nominations, they have the same role which is to call for kindness and prohibit abominable acts.