

Research Article

Hisbah as a Model of Community Policing in Nigeria

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Abstract

As a religious police, there is an ongoing debate on whether *Hisbah* can align itself to the philosophy of community policing that stressed the need for the uniformed officers to engage local citizens in law enforcement activities, which shall be accomplished through flexible hierarchies and protocols, with a view to address the root causes of neighborhood crimes and disorder. In view of the above, this paper examined the nature of *Hisbah* police work in the Moslem dominated northern Nigeria where it was established with a view to understand how the elements common to all community policing approaches are observed. It was established that community policing attributes including partnership, organizational transformation and problem solving are not only found in *Hisbah* policing, but also a prerequisite without which no *Hisbah* policing can take place. In fact, the study has established that *Hisbah* policing is another model of community policing, which was ignored by the academia and criminal justice commentators. The paper posited that in the *Hisbah* community policing model, there is always a constructive engagement of the citizens in the police enterprise, especially in addressing moral decadence which often give birth to crime and disorder in the community. Finally, the study has established that community policing has been recognized by and practiced in Islamic *sharia states*, which prompted the debate on whether the philosophy of community policing was copied from the *Hisbah* policing model, being the oldest (more than 1000 years old), or it was just a mere coincidence. The debate is opened for researchers to explore.

Keywords

Hisbah, Community Policing, Partnership, Organizational Transformation, Problem-Solving

1. Introduction

Community policing is anchored on a systematic relationship between the police and the entire citizenry, which allows for law enforcement and tackling a huge range of community problems [23]. It is a paradigm shift that refocuses efforts on constructive engagement of the people who are the end users of the police service, for the re-negotiation of the contract between the people and the police which provides opportunity to the community to be co-producers of justice

and quality police service (ibid). It is a policing philosophy that tasks the police to consult and collaborate with the public on policing matters [9]. The philosophy of community policing advocates for partnerships and collaborations between the police and host communities, as guidelines for successful police operations. The aim of Community Policing is therefore to provide an enabling environment where the police and law-abiding citizens can work together in

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Received: 22 January 2024; **Accepted:** 19 November 2024; **Published:** 29 November 2024



partnership to solve problems, share resources, prevent crime, promote interagency collaboration, promote peace, and improve the overall quality of community life [14]. Hence, it can be said that community policing is all about creating enabling environment through building of partnership with the various interest groups within the host communities who in turn support the police in their work. There are quite a number of models through which police engagement with community members and community institutions is carried out. Some of these models are consciously established, while others emerge out of life events favorable to their existence.

It should be noted that the basic objective common to all community policing models, whether consciously established or emerges as a latent consequent of life events, is the desire to effectively address the twin problems of crime and disorder. Such is the story of *Hisbah* policing groups that provides complementary police services in many of the northern Nigerian states (Bauchi, Borno, Jigawa, Niger, Kaduna, Kano, Katsina, Kebbi, Sokoto, Yobe and Zamfara states). *Hisbah* policing groups started as volunteer groups between 2000 and 2004, following the formal implementation of *Sharia* legal systems by many of the northern states governments, to help in enforcing the newly enacted *Sharia* laws because of the widespread suspicion within the Muslim communities then that the secular and allegedly corrupt conventional Police might be biased against the effective enforcement of the newly implemented *Sharia*'s laws [13, 24, 2]. Since then, the various *Hisbah* groups in the region have been restructured and reorganized by the various state governments in the northern Nigeria, where they exist, to carry out policing of people's behaviour [2]. To understand how *Hisbah* started and why its activities aligned it to community policing, a review of pre-*Hisbah* policing and crime prevention in Nigeria is imperative.

2. Pre-*Hisbah* Policing and Crime Prevention in Nigeria

It is important to stress that long ago before the British invasion of Nigeria, there existed, some forms of traditional policing among the various states, kingdoms and empires that constitute the present Nigeria [32]. Thus, the idea of policing in Nigeria was never a new phenomenon [21, 6, 10]. There were native laws, customs and sanctions mostly drawn from traditional religions that played a central role in the prevention and control of crimes [21, 6, 10]. The fear of vengeance of the gods, oracles and ancestral spirit kept everyone in checked. These were said to have discouraged vices and mischief and by extension provided an effective policing system in the pre-colonial Nigeria [32].

It should be noted that policing in this context typically involves measures and actions taken by a variety of social institutions and groups (both formal and informal) to regulate social relationships and practices in order to secure the safety

of the members of community as well as enforcing conformity to the shared norms and values [28, 29]. It, therefore, involve the creation of systems of surveillance and threat of sanction for the discovered deviation. In fact, there is convention among scholars and researchers that the core mission of any policing organization is to enforce laws, keep social order undisturbed and protect life and property of the citizens [11, 12, 16, 29]. These core responsibilities of the police are the reflection of government's primary purpose of existence, as inferred by the social contract theory [20]. Thus, the police who carried these functions are elevated to the status of national symbol which formed an integral part of the human cultural framework.

In Nigeria, the Nigeria Police Force (NPF), as a governmental institution with the primary responsibility to provide security for life and property in the country, has failed to effectively protect lives and property of the citizens [32, 15, 22, 25]. Partly because, the NPF was not established to provide such services, but to promote the economic as well as the political interests of the colonial masters [32, 15]. In most of their official conducts, the personnel of the Nigeria Police Force were alleged of brutal subjugation of the communities and the suppression of resistance to colonial rule in the country; hence, the trade unionists, students and other nationalists who resisted colonial occupation formed their primary victims [32, 15]. As such, many Nigerians considered (and still considers) the police as a symbol of dictatorial establishment rather than the protector of life and property [11, 30]. Thus, instead of becoming a friend to the public, the police are seen as the opposite by many Nigerians [3, 19, 30]. The above negative public perceptions of the police continued even after the Nigeria's political independence, kudos to the alleged military continued misuse of the police as an instrument of coercion and human rights violations [26, 15].

The above problems were, however, fueled by other internal problems in the NPF, including allegations bordering on unprofessional conducts, brutality, corruption, inadequacies, poor standard of practice, poor coordination, insufficient trainings, and incivility in the conduct of statutory police duties [4, 18, 11, 25, 27, 5]. These allegations and tinted image have resulted in the lack of public confidence, public support and cooperation, which negatively affects the ability of the NPF to effectively explore its operational potentials [30]. Looking at the aforesaid antecedents, the Nigeria Police Force might be seen fundamentally as state machinery organized to defend and preserve the interest of the dominant class at the expense of poor and voiceless Nigerians. Consequently, in spite of its strategic position in the criminal justice system and the important role it was given by the laws, the NPF is described more in image tarnishing terms by the major segments of the population, the NPF could not secure the public trust and confidence [11, 19, 27, 5, 30]. Perhaps, that partly explains why when the *Sharia* laws were re-introduced in the North, the ordinary citizens felt that its enforcement should not be left in the hands of the distrusted

Nigeria Police Force, hence the emergence of spontaneous *Hisbah* groups in the region.

3. Hisbah as Model of Community Policing

The purpose of the *Hisbah* is to protect members of the society from deviance, preserve their faith, guarantee the welfare and security of the people and enforce *Sharia* law [8]. Hence, *Hisbah* was typically meant to serve as a control mechanism Islam provided for mankind to maintain order and regulate social life so that every member will go about his/her legitimate businesses of life without any form of hindrance [13, 1, 2]. It is an institution for enacting codes of conduct established by the Islamic law to promote what is good (*halal*) and ensure the avoidance of forbidden things (*haram*). [17] Argued that the *Hisbah* is ideally supposed to operate technically as a state institution with specific focus on promoting appropriate conducts and ensuring the avoidance of all types of misdeeds or offences. This position (of the arrangement of a state empowered institution of *Hisbah*) was supported boldly in the Holy Qur'an:

And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful (Qura'an 3: 104).

In addition, the following *hadith* (tradition of the Holy Prophet, May the peace and blessings of Allah be upon him) also supported the establishment of *Hisbah*. On the authority of Abu Sa'eed Al-Khudree (may Allah be pleased with him) who revealed that:

I heard the Messenger of Allah (May the peace and blessings of Allah be upon him) said that whoever among you sees an evil, let him change it with his hands; and if he is not able to do so, then (let him change it) with his tongue; and if he is unable to do so, then with his heart (dislike it), and that is the weakest of faith [7].

The above implies that *Hisbah* has place a moral responsibility upon Muslims to maintain public law and order, and supervise and crosscheck the behaviour of one another, in all spheres of life, with a view to promote good conduct and ensure that malpractices are not allowed to take place [17]. This sense of responsibility makes an average Muslim to think that she/he is duty bound to assist the law enforcement agencies (*Hisbah*) in fighting crimes and disorder because of their immoral and unholy nature. Perhaps that explains why [7] sees the establishment of the *Hisbah* as the Muslims' efforts to actualize the Islamic doctrine of commanding the right (proper) and forbidden the wrong (improper). Hence, it can be said that by obligating Muslims to actively seek for what is right and remove the prohibited, *Hisbah* has created a sense of communal participation in the enforcement of laws, which makes every member of Islamic community spiritually prepared to be part of the law enforcement team thereby representing what the philosophy of community policing

advocates for. Thus, a typical *Hisbah* work involves a number of social, moral and criminal concerns such as healthcare, public discipline and fight against crimes [13, 2, 1]. To understand *Hisbah* as a form of community policing let examine the extent to which elements of community policing are integrated in the *Hisbah* policing model.

4. Hisbah Policing Model and Elements of Community Policing

The philosophy of community policing seeks to promote organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues (such as crime, social disorder, and fear of crime), police agencies whose commitment to community policing goes beyond parroting tends to emphasize the following three elements:

1. Community partnership
2. Organizational transformation, and
3. Problem solving

A policing model can only be classified as community policing when such elements are present in its *modus operandi*. Though *Hisbah* policing can be traced to the period of Umar bn Khattab who led the Moslem world more than 1400 years ago, the above elements can still be found.

a) Community Partnership

Hisbah policing essentially relies on partnership. The moral responsibility placed on every adult Moslem to make genuine efforts of encouraging good conducts and discouraging the bad ones requires all hands to be on deck. This implies that the involvement of all members of the community is needed. Hence, in most of the states with statutory *Hisbah* in Nigeria, a provision for the collaboration with the Police and other community stakeholders could be found [31]. It has reached a point that because of their satisfactory approach, cases were referred to the *Hisbah* from the NPF offices in some parts of the northern states, largely on immoral /deviant misconducts, and the reverse has been the case whenever a criminal/police case is reported to the *Hisbah* [31]. It can therefore, be stressed that in *Hisbah* policing, partnership with the community is always emphasized. In fact, the *Hisbah* police source its manpower largely from volunteering community members who are interested in strengthening the moral bonds within their respective communities. It should be noted that majority of the staffs in the Kano State *Hisbah* Board, which is considered as the most organized *Hisbah* police in Nigeria, are essentially volunteers who are paid allowances, therefore not on permanent and pensionable appointment [31, 24]. It is only in Zamfara State, the personnel of the *Hisbah* police were on full time appointment of the State Government [31]. Hence, it can be said that *Hisbah* policing, in its entirety, depends largely on partnership; the most successful being the one that carries the

various individuals and groups within the community along, irrespective of differences.

Interestingly, the residents of the northern states, including members of the non-Moslem community, where *Hisbah* police were established, were quick to accept this partnership, largely because of the alleged failures of the NPF to protect life and property, maintain peace and order and of course other alleged inadequacies [31]. Some of these inadequacies includes allegations on extrajudicial killings, brutality, incessant corruption, incivility, partiality, poor exercise of discretion, poor investigation techniques, violence against the citizens, and other physical and emotional abuses of suspects by the police personnel [4, 5]. Other allegations that de-marketed the Nigeria Police Force in the arena of police business in Nigeria included being unprofessional, brutal, corrupt, inadequate, below standard, poorly coordinated, insufficiently trained, and gross abuse of human rights [4, 18, 11, 25, 27, 5]. Perhaps other convincing reasons for the acceptance of *Hisbah* police in most of the northern Moslem states have been their less corrupt and proactive methodology, which emphasizes crime prevention through propagation of virtue and prevention of vices [31]. This approach has earned the *Hisbah* police unconditional public support and trust leading to reportage of many criminal cases to the *Hisbah* first before their subsequent transfers to the police [31, 2]. In fact, even the police were reported to have described the activities of *Hisbah* as positive and contributory to their efforts of fighting crimes and disorder [31].

b) Organizational Transformation

This element is also present in *Hisbah* community policing model as can be observed in its volunteer nature. The organizational transformation element advocates for the structural and administrative panel beating of the police agency to align with community partnership and proactive problem solving requirements of community policing. It emphasizes the need for change in the organizational structure, management style, and orientation of the personnel and even the channels of communication in a way that supports active involvement of community stakeholders in policing [31].

Further identified the specific changes expected of a police for effective implementation of community policing [31]:

1. Organizational management involving critical and constructive changes in climate and culture, leadership, formal labor relations, decentralized decision making and accountability, strategic planning, procedures, organizational evaluations, and increased emphasis on transparency and accountability;
2. Command structure that give local patrol officers decision-making authority and make them accountable for their actions. This can be achieved through long-term assignments, specialization of work, devotion of necessary human and financial resources to support problem-solving efforts and sustain partnerships;
3. Personnel system of the police, involving recruitment, hiring, selection, and retention of staff (and volunteers),

Personnel evaluations, supervision, and training must also be changed to reflect commitment to community policing ideals; and

4. Police agency must upgrade its information technology to accommodate the demands of the community policing approach by ensuring that the police obtain accurate and timely information about crime and community conditions.

All of the above specific changes with the exception of the last, which requires proper funding, can be spotted in *Hisbah* policing, especially in terms of the composition of its personnel; the government officials, secular police officers (as is the case in Kano and Kebbi states where conventional police officers are working with *Hisbah* police as desk officers), religious leaders, sometimes even non-Moslem participants (like in Kano State at Board level), community volunteers and so on. Similarly, *Hisbah* in some states, like Kano and Jigawa, for instance, is highly decentralized with local units being supervised by committees composed of officials and private citizens within such local communities [24]. It also was found by [31] that *Hisbah* police is highly celebrated in Kano, Kebbi and Jigawa for their transparent procedure to such an extent that even non-Moslems preferred to have some of their cases (especially financial cases, involving debts and business disputes) treated by the *Hisbah* police. More so, in the recruitment of personnel, there are certain qualifications that must be possessed by a person to be appointed to administer *Hisbah* (*Al-Muhtasib*). Some of them included being a person with sincerity, impartiality, knowledge, wisdom and mild temper [17]. In addition, their training is anchored on community policing strategy because of the emphasis the *Hisbah* policing gave to problem solving and community involvement components (*al-amr bi al-ma'aruf wa a- nahy an al-munkar*), that is the expectations on Moslems to make genuine efforts to enjoin the proper and forbid the improper conducts.

c) Problem Solving

Hisbah as a religious institution under the authority of the state is meant to appoint people who are to carry out the responsibility of enjoining what is right (whenever people start to neglect it) and forbidding what is wrong (whenever people start to engage in them). The rationale for this important assignment is to safeguard society from deviance, protect the faith, and ensure the welfare of the people in both religious and worldly manners according to the Law of Allah [17]. Allah has made it obligatory upon all Muslims to enjoining good and forbidding wrongdoing to the extent of their knowledge and abilities [17]. This has made the law enforcement methodology of *Hisbah* primarily all inclusive with the sole aim of ensuring that potential transgressors are prevented from violating the limits of Allah, protecting the honor of the people, and ensuring public safety and social order. The above have been achieved through a number of policing efforts including foot and vehicle patrols, surveillance, raids, rehabilitation and reintegration of offenders [31, 24]. This goes a long way in

assisting the people to fulfill their religious duties as mentioned in the Holy Qur'an and the traditions of the Holy Prophet, Muhammad (May the Peace and Blessings of Allah be upon Him) [31]. Hence, some researchers described the law enforcement methodology of the *Hisbah* as being friendly, informed and largely proactive [31]. The end result has been mutual trust which brings about positive relationship with both the public and the police. In fact, the trust and confidence of the public in the *Hisbah* police has given it a special place in the criminal justice arena of the Moslem North; serving as a bridge that linkup the conventional police with the public [31].

Essentially, the following problem solving attributes could be observed in the *Hisbah* policing model:

1. The law enforcement methodology of the *Hisbah* police is essentially proactive. The *Hisbah* police as an institution of law enforcement has a moral mission to prevent crime;
2. There is an existence of partnership between the *Hisbah* police and the host community because community members are seen as resources by the *Hisbah* police which are to be used in resolving the decaying moral conditions that creates incidences of crime;
3. Varieties of approaches, strategies or tactics are used to resolve the decaying moral conditions that generate crimes and disorder in the community. Staffs and volunteers are tasked with partnering with the community members to identify problem, assess the problem, proper solutions based on their assessments, implement the solutions and evaluate the outcome of the implemented solutions. That is why in places like Kano, the famous *zau- ren sulhu* (arbitration panel) are introduced to identify and resolve local conditions that may bring about breaking of laws [31]. This will require the adoption of various strategies and tactics in making a successful problem solving move, provided that such strategies do not violate Koran and the tradition of Holy Prophet (*hadith*);
4. Decentralized service in which most of the decisions regarding the priorities of its operations and how they can be achieved are determined in the *Hisbah* offices at local levels (bottom-top approach) in partnership with the local committees. Unlike in the traditional policing approach used by the Nigeria Police Force (NPF) where there is a centralized command structure in which most of the police priorities are set at the center (top-bottom approach) without recourse to local peculiarities and community input.

5. Conclusion

The fact that *Hisbah* police in Nigeria were mainly established to curb anti-Islamic behaviours such as alcoholism, pornography, drug abuse, gambling, prostitution, advance fee fraud, and other immoral conducts and juvenile delinquency among others. The *Hisbah* police in northern Nigeria have

engaged in problem solving efforts with a view to discourage moral transgressions and fight against crimes. These efforts included foot and vehicle patrols, surveillance, raids, rehabilitation and reintegration of offenders, which facilitates the alignment of *Hisbah* policing to the practices being advocated by the philosophy of community policing. It should be noted that the desire to propagate and promote moral sentiments common to the residents has made *Hisbah* police to be corrupt free, all inclusive and committed to resolving even the sign of crimes and disorder. Thus, it is the position of the author that the policing activities carried out by *Hisbah* police should be seen as a distinct community policing model because of its possession of those elements (partnership, organizational transformation and problem solving) common to all community policing approaches. It is a model that aligned the practice of community policing along religious and cultural practices of the people thereby promoting a strong sense of ownership. It has also created a bridge that connected the hitherto distrusted police with the ever suspicious public. Through the *Hisbah* police trust has been rebuilt and many criminal cases that could have escaped the nest of the criminal justice system have been processed by the system. Hence, *Hisbah* policing approach has answered the question of whether community policing philosophy exists in Islam. It also shows the robustness of Islamic criminal justice system whose administrative practices shares striking resemblance with modern philosophies of the 21st century. The only question that remains unanswered is whether the modern community policing philosophy was borrowed from *Hisbah* policing model or it was just a mere coincidence.

Abbreviations

NPF: Nigeria Police Force

Conflicts of Interest

The authors declare no conflicts of interest.

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