Hisba in Complimenting the Role of Security Agencies in Crime Control in Kano State

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Abstract

Hisba in complementing the role of security agencies in crime control in Kano State explains the activities of the Islamic religious corps in the security of life and property. The paper which states that *Hisba* was established in 2003 in the area also highlights that with the increasing rate of crime in Kano State, the Nigeria police force and the military alone cannot effectively ensure security for the citizenry. Despite their primary obligation to enforce Sharia law to Muslims which hitherto was the aim for which *Hisba* was established, the Islamic religious corps in ensuring a crime free society embarked on policies to achieve sound moral behaviour that would help to enthrone a secured environment. It further explains that membership is restricted only to Muslims, but the discharge of their duties extended to non-Muslim faithfuls. These have created some criticisms against their approach in achieving an improved security of lives and property. Nevertheless, since the *Hisba* corps have the support of the state government, the paper therefore recommend that other religious groups, non-formal security organisations and volunteer bodies who consider security paramount should partner with the *Hisba* (Sharia police) in providing security for the people of the state. The paper adopts both Primary and Secondary Source in the analysis of historical data

Keywords: *Hisba*, Security agencies, Crime Control, Sharia Law, Kano State

Introduction

The primary duty of the Nigerian police is to ensure the protection of lives and property of the citizenry. But, the religious nature of Kano State favours the emergence and

contributions of the informal religious security organisation *Hisba,* towards crime control and improved security in the area. The state which is one of the largest in Nigeria was created on May 27, 1967 by Lt. Col. Yakubo Gowon under the twelve state structure. At present, it is among the six states located in the North West geo-political zone of Nigeria. In terms of religion, the inhabitants of Kano State are majorly Muslims which in effect favours the establishment of *Hisba,* an Islamic security group to compliment and assist security agencies in the fight against crime and criminality.

However, the activities of *Hisba* (Sharia police) does not undermine the role of the police, armed forces, state security service, immigration, civil defence corps in checking crime within the state and its environs. Rather, it is perceived that as a Muslim State rooted with Islamic way of life, a group that understand the principles of Islam emerged to check people's conduct in view of checking any behaviour prone to crime and criminality.

Theoretical Framework

Security in the contemporary Nigeria state is a collective responsibility of all individuals or groups hence the state security agencies saddled with the responsibility of providing security cannot alone effectively discharge such duties. It is on this premise that communitarian theory coined from communitarianism propounded by Amitai Etzion is found appropriate in the study as it argues that we have gone too far toward extending rights to our citizens and not far enough in asking them to fulfil responsibilities to the community as a whole.

The theory which was propounded in 1841 maintains that there is a need to make people understand that they need to actively participate, not just give their opinions but also give their energy and money (Peak and Glensor, 1996:48). Exponents of the theory such as Ferdinand Tonnies (1855-1936), Dorathy Day (1897-1980) and John Rawis, maintains that the basic ideas and principles underlying the concept of communitarianism can benefit collective security initiative to a very great extent. In itself, communitarianism is an attempt to nurture an underlying structure of civil society, social families, caring neighbours, block associations and non-profit organisations that gives individuals their moral compass and communities their strength. It is therefore in the light of this that the *Hisba* being a community of religious association in her obligations spears time and energy to ensuring the protection of lives and property in Kano State of Nigeria.

However, as communitarian theory in security management entails that the determining trend of the quality of community life is not just because the elected political representatives have done a bad job, but also because they have not attended to what

citizenship entails, the theory therefore support processes such as problem solving when neighbourhoods, group of persons and organisations have taken matters into their own hands (PDFcoffee.com). The theory further uphold that the individuals are shaped by the communities they belong and as such owe them a debt of respect and consideration hence they are determined to co-operate with the law enforcement agencies to assist them in achieving peace and order within the communities. Relating this to *Hisba*, crime control capable of ensuring peace and order within Kano and its environs is pursued through sound morality among all residents in the area.

Conceptual Clarification;

Crime and Security Agencies

Scholars have defined crime in many ways. In a simple form, Zems (2013:2) defines crime as an act that subjects the doer to a legal punishment, the commission or omission of an act specifically forbidden or enjoined by public law. It is also any grave offence against morality of social order, wickedness, iniquity and wrongdoing. Legally, crime is an offence against a public law.

Considering the legal meaning of crime in relation to multi ethnic Nigeria nation, crime is also relative because what is considered as crime by the Hisba in Kano could be accepted as a norm by other informal security organisations elsewhere in the country.

Similarly, Stephen (1991) perceive crime as a violation of right considered a reference to the evil tendency of such violation as regards the community at large. He also define crime as an act forbidden by law and which at the same time revolting to the moral sentiment of the society.

The Criminal Code Act, Laws of the Federation of Nigeria (1990) considers crimes as an offence and defines it "as an act which renders the person doing the act or making the omission liable to punishment under this code or under any act or law is called an offence". While security agencies on its own are government established institutions charged with the protection and security of lives and property of the citizenry, examples of the security agencies are, the Nigerian Police Force established in section 20(14)(1) of the 1999 constitution as amended, which states that "there shall be a police force for Nigeria which shall be known as the Nigeria police force and that no other police force shall be established for the federation or any part thereof. Also is the Armed Forces of the federation established in section 217(1) which reads "there shall be an armed forces for the federation of Nigeria which shall consist of an Army, Navy, an Air Force and such other branches of the armed forces of the federation established by an Act of the National Assembly.

Hisba in Kano State

Hisba is an informal religious police "the Sharia police" that enforces the Islamic moral injunctions against prostitution, drunkenness, pornography and gambling. In order words they are vigilante groups in Muslim dominated states of northern Nigeria where the Sharia legal system is practiced. Such states include Zamfara, Kano, Bauchi, Sokoto, Borno, Gombe, Niger, Yobe, Kebbi, Jagawa, Katsina and Kaduna (Barkindo, Ifamose and Akpan, 2011:662). The Sharia legal system which began earlier in Northern Nigeria became politicised in the year 2000 when northern region was thrown into bloody violence due to the implementation of the Sharia law which became a serious issue. The pioneer states with government support to establish *Hisba* following the full implementation of the Sharia law were Zamfara and Kano States (Olaniyi, 2005:vii).

In Kano State particularly, the *Hisba* who is responsible for the enforcement of Sharia law was established by the state government in 2003 and formerly institutionalized in all hitherto local and privately organised groups and maintained *Hisba* pattern of providing security. As an Islamic group, it stands toward enjoining what is right and forbidding what is wrong on every Muslim. The *Hisba* corps operates under the jurisdiction of a *Hisba* Board made up of government officials, secular police officers and religious leaders (Olaniji, 2011).

In support of the establishment of the vigilante group Okechukwu (2015:73) explains that:

> Vigilante groups generally emerged as a result of the failure of formal institutional mechanism to effectively contain the abnormal surges in the rate of criminality, violence and social vices, particularly the level of corruption, brutality, professional inefficiency and consequent public distrust.

Abdullahi (2019) explained that in Kano, the idea behind *Hisba* against drunkenness, smoking, gambling and prostitution is to avoid all social vices that could be generated from immoral acts condemned by the Islamic Law. He further hinted that those involved in any form of criminality had probably been debased due to the influence of alcohol and hard drugs. Thus, the *Hisba* fighting against the existence of this immorality in all Muslim states will help to enhance development in the society while reducing crime and criminality in the state.

Membership and Organs of Hisba

Hisba as a religious vigilante group draws her membership from the Islamic faith. They are mostly unemployed youths organised by the government of Kano State with the mandate

to enforcing the Sharia Law. Members are usually in their active age of between twenty to thirty years. Nigeria firstorg (2006:3) notes that, the *Hisba* group exists with a central command, and in effect is said to be unorganised. But, with the strict sanctions of the Sharia law, the group has made impact to checking immorality in Kano and other northern states in Nigeria.

On the organisation, the *Hisba* operates at four levels, namely: the state, senatorial district, local government areas and community levels. At the state level, Ogbozor (2016:9) distinguishes three divisions of *Hisba* to include the board, administration and command. For effective operation, the board advices the government on Islamic matters, as all administrative issues are handled by the administration. The command is in charge of the enforcement of Sharia law hence it is the operation unit of the group who is aimed at achieving sound morality and improved security in all the Sharia states (Usman, 2019).

Functions of the Hisba

The *Hisba* being Islamic religious vigilante group that operates in Kano performs some security duties in collaboration and partnership with the Nigeria police. Nasir (2004:10) stated their functions to include:

i) Assisting and supporting the police and other state security agencies in the prevention, detection and reporting of all forms of crime and criminality.
ii) They protect and ensure orderliness Islamic faithfuls during religious gathering like *Salat* (the five times daily obligatory prayers) and distribution of *Iftat* meals (breaking fasting in the month of *Ramadan*) provided by the state government in the mosques.
iii) Settlement of minor or civil cases between people and organisations based on mutual agreement of both parties.
iv) In collaboration with the police, *Hisba* also assist in the control of traffic in the metropolitan city of Kano.
v) During the state monthly environmental sanitation, *Hisba* assist, supervise and encourage the citizens in maintaining the cleanness of the state.
vi) Members of the Islamic religious vigilante group (Hisba) in their duties offer emergency relief operation and assistance to accident victims and during disasters such as religious crisis, riots, fire outbreak and resurgence of epidemic.

Hisba and Crime Control in Kano

In their measures to combat crime, *Hisba* as an Islamic religious vigilante group aimed at implementing and enforcing Sharia law also respond to reduce the high level of insecurity and growing social evils among the youths: This is on the premise that the enforcement of

Sharia law implies return to Islamic ethos and values, it enhances social re-orientation and moral behaviours in the communities.

The *Hisba* in considering the indifference of the police towards the enforcement of the Sharia law system, according to Anwar (2004:16) persuades Muslims to "accept what is right and forbid what is wrong". They believe that adequate security could only be achieved when citizens avoid all forms of immoralities such as drunkenness, smoking, dancing and prostitution.

Again, crime control by the *Hisba* is achieved by maintaining public law and order, monitoring and supervising the behaviour of both buyers and sellers in the markets. This approach is aimed at ensuring a desired conduct thereby protecting people from dishonesty and malpractices which inturn fosters public morality that protects the society from extortion, exploitation and fraud (Ahmad, 1985:7).

The *Hisba* in complementing the efforts of police in crime control in Kano metropolis embarks on regular patrol and surveillance. In course of their patrol in 2005, over six hundred (600) cartons of alcoholic drinks were seized in Kano. Garaba (2019) informed that through this method some of the crime prove areas like the Audo Bako Secretariat that served as a meeting point for criminal elements were discovered. Similarly, in November 2004 about fifty viewing centres in Dala Local Government Area in Kano State suspected of aiding criminals and pornography were banned to operate (Waziri, 2004:48).

Similarly on Wednesday 9th February 2022, the *Hisba* (Sharia police) in Kano State destroyed about four million bottles of beer at Tudun Kalebawa in Dawakin Tofa, Local Government Area. While on the exercise, Harun Ibn-Sina the commander of *Hisba* Corps in Kano, explained that in addition to state government support for their action, the exercise was carried out specifically to address drug abuse, intoxication and other social vices that could promote crime in the state.

Again, *Hisba* in consolidating their efforts and activities in crime control in the state overtly punish youths sometimes with beating for growing and keeping afro hair. And to the young female teenagers, they are being prevented from using smartphones hence it is alleged that such phones are used to check pornography and other things unislamic capable of destroying the people.

Upon these, the *Hisba* corps in ensuring a crime free state regularly organise counselling sections to women on marital issues, while the youths are educated on the risks of drug

abuse, gambling and other forms of social vices capable of criminalizing the society. It was on this premise, the *Hisba* corps of Kano Municipal Local Government in 2003 stopped the Beauty Contest organised by the students of Bayero University Kano (Ahmad, 2020).

Hisba in collaboration with the National Drug Law Enforcement Agency (NDLEA) conduct operation search against illegal drugs in the state. Victims of such operation are always arrested and handed over to the security agencies.

Nevertheless, in spite of the efforts made by the *Hisba* corps to check crime and criminality in Kano State, there are several criticisms against their policies on residents in the state. Firstly, *Hisba* corps established to enforce Islamic law is suppose to be restricted only to Muslims rather than inflicting pains on non-Muslims having different belief systems.

The Sharia police (*Hisba*) in January, 2022 in their operations demonstrated a grievous human rights violations by exposing reports of forced HIV and pregnancy tests from victims (Nduka, 2021). Because of their brute nature against the violators of Sharia law, the *Hisba* corps is likened to the Bakassi Boys in Igboland, Oodua People's Congress in Yorubaland and the new formed ethnic security group *Amotekun.* Again, the *Hisba* corps are not mandated to execute arrest and carry sophisticated weapons. But, in course of their duties, instead of alerting the Nigeria police for any violation of Sharia law, they rather arrogate such power to themselves and enforce arrest.

Most critics of the *Hisba* corps are of the view that their activities in crime fighting are selective hence most people that suffer losses are non-believers of Islam and non-indigenes. Moreover, the social lives of residents in Kano State are being restricted by the Sharia police who in course of the enforcement of Sharia law breach the individual's fundamental right.

Recommendations

In view of the criticisms against the activities of *Hisba* in Kano State, the religious Islamic group in the performance of their security functions should ensure that;

i. Every person or group of persons should be treated equally in promoting security irrespective of any religious inclination.
ii. Residents in Kano State irrespective of their belief system should avoid any act capable of breeching Islamic code for peaceful co-existence.
iii. Non-Muslims resident in Kano State should not be seen as a target in the discharge of their duties.

iv. Members of the *Hisba* on their part should always cooperate with the Nigeria police force in the performance of their security functions so as to avoid clash of interest.
v. Finally, the *Hisba* Board should endeavour to educate and organise regular training for the members.

Conclusion

Hisba, an Islamic vigilante group, otherwise known as Sharia police, apart from their primary role of enforcing Sharia law in Kano State extend their functions to assist the Nigeria police force in security dues in crime and criminality. As a group recognised by the state government to compliment the efforts of the state security agencies in crime control, enlistment into the corps drawn from the state are within the healthy work force age.

In considering the functions of *Hisba* in crime control in Kano State, in spite some criticisms against the nature of their operations, it is obvious that crime reduction experienced in the area is achievable because of their involvement in security duties. Nevertheless, security is a collective responsibility, it will be ideal for other religious groups and non-formal security organisations to equally assist in the fight against all forms of crime and criminality within their areas of habitation.

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