

Exploiting Religion: A Critical Analysis of Adding Value in Islamic Brand from a Muamalat Perspective

Muhammad Saiful Islam Ismail¹, Syaimak Ismail², Aemy Aziz³,
Muhammad Saiful Islami Mohd Taher⁴, Farahdina Fazial⁵,
Ahmad Afiq Irshad Omar⁶, Suheil Che Sobry⁷, Nor Hanim
Elias⁸

¹Senior Lecturer, Academy of Contemporary Islamic Studies, Universiti Teknologi Mara (UiTM), Sungai Petani, Kedah, Malaysia, ²Senior Lecturer, Academy of Contemporary Islamic Studies, Universiti Teknologi Mara (UiTM), Arau, Perlis, Malaysia, ³Lecturer, Academy of Contemporary Islamic Studies, Universiti Teknologi Mara (UiTM), Segamat, Johor, Malaysia, ⁴Senior Lecturer, Academy of Contemporary Islamic Studies, Universiti Teknologi Mara (UiTM), Sungai Petani, Kedah, Malaysia, ⁵Senior Lecturer, Academy of Contemporary Islamic Studies, Universiti Teknologi Mara (UiTM), Sungai Petani, Kedah, Malaysia, ⁶Lecturer, Academy of Contemporary Islamic Studies, Universiti Teknologi Mara (UiTM), Sungai Petani, Kedah, Malaysia, ⁷Senior Lecturer, Faculty of Business and Management, Universiti Teknologi Mara (UiTM), Sungai Petani, Kedah, ⁸Senior Lecturer, Faculty of Muamalat and Islamic Finance, Kolej Universiti Islam Perlis, Perlis, Malaysia

To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v14-i7/21964>

DOI:10.6007/IJARBSS/v14-i7/21964

Published Date: 22 July 2024

Abstract

Branding encompasses the process of crafting a distinct identity, adding value and narrative for a company, setting it apart from competitors offering similar products or services. The convergence of brand loyalty, and the integration of religious aspects in branding approaches underscores the necessity of comprehending consumer behaviour and cultural standards to effectively meet the preferences of Muslim consumers. However, certain Muslim marketers leverage religious elements to promote their products or services, aiming to capture the attention and loyalty of consumers that against with Islamic teaching. Hence, this article aimed to delve deeper into the concept of adding value in Islamic brand from *Muamalat* perspective. A qualitative approach was employed to gather information for the study through reference from *turath* books, Hadis, and additional sources such as article online journals. The findings demonstrate the adding value in Islamic brand such as ayat *ruqyah*, selected surah in Quran, *du'a* or *dzikir* (remembrance) is too intangible and elusive, involve with fraud, deceit and manipulation, and bring the defamation of faith. This research

complements the conceptual contribution by adding a new knowledge in understanding the concept of adding value from *Muamalat* perspective. Therefore, this contribution will bring benefit for academic literature, create awareness among Muslim firm, consumers, as well as to the authority in creating the guideline for the firms.

Keywords: Islamic Brand, Exploiting Religion, Muamalat Perspective

Introduction

The American Marketing Association (AMA) in 2007 provided a definition of a brand as "a name, term, design, symbol, or another feature that distinguishes a seller's goods or services from those of other sellers." A brand can be understood as a company's product and preferred trade name, aligning with (Kotler's perspective, 2011). This definition aligns closely with the one found in the Oxford Dictionary, which describes a brand as "a particular type or category of goods, as indicated by the trademark on them" (Bastos and Levy, 2012).

Branding encompasses the process of crafting a distinct identity, adding value and narrative for a company, setting it apart from competitors offering similar products or services. A robust brand identity signals to consumers that a company understands its essence and how its offerings can benefit them (Bastos & Levy, 2012).

The reach of brands extends far beyond the food industry, permeating sectors such as finance, banking, insurance, real estate, apparel, pharmaceuticals, cosmetics, and logistics. As highlighted in the Global World Islamic Economics report, the halal brand has become increasingly prominent in Islamic nations, catering to the demands of Muslim consumers in terms of supply chain, halal standards, and procedures (Reuters, 2018). Recognizing the significance of this market, companies have devised diverse strategies to leverage their brands in attracting and retaining Muslim consumers.

However, several concerns have emerged regarding firm educating the consumers with brand obsession. The idea of brand obsession or brand addiction significantly impacts consumer behaviour, especially within Islamic consumer segments, particularly in the realm of religious identity. The convergence of brand loyalty, and the integration of religious aspects in branding approaches underscores the necessity of comprehending consumer behaviour and cultural standards to effectively meet the preferences of Muslim consumers (Francioni et al., 2020; Heliyon, 2020; Mitra et al., 2023). The following section explained issues of adding value in Islamic brand product.

Issue of Adding Value in Islamic Brand Product

Indeed, certain Muslim marketers leverage religious elements to promote their products or services, aiming to capture the attention and loyalty of consumers that against with Islamic teaching. As indicated in Figure 1, several Islamic products used this advantage to offer the adding value such as ayat *ruqyah*, selected surah in Quran, *du'a* or *dzikir* (remembrance).



Picture 1: Source from Berita Harian

The question arises as to is it permissible by offering such adding value that may contradict with Islamic law transaction due to religion exploitation in product? As concern, marketers have been criticised for influencing the consumption of a brand in an ill-mannered way devoid of moral values (Adnan, 2013; Ahmad, 2012; Alserhan, 2010; Malaysiakini, 2016; Osman et al., 2018). Scholars asserted that marketers form a brand product to create unlimited consumers' desire is against Islamic conjunction (Pujiyono, 2006; Adnan, 2013; Ahmad, 2012; Malaysiakini, 2016; Osman et al., 2018). In fact, consumers wish that they are no longer treated to maximise a firm's profit rather they want to be seen as humans (Alserhan, 2010; Oglivy & Mather, 2010; Adnan, 2013; Ahmad, 2012). Thereby ensuring that marketing efforts align with and respect the values of their Muslim target audience. Hence, this article aims to

- Delve deeper into the concept of adding value in Islamic brand from *Muamalat* perspective.

This article explained as accordance to answer the question of study through; methodology approach, the overview, as well as critical review of brand as an adding value from Muamalat perspective summary, and the contribution of study.

Research Methodology

This article applied the qualitative method in the form of understand the nature of the study inductively and deductively as employed by (Ritchie et al., 2003). The main source for this research is using textual analysis based on;

- Reference from *turath* books such as (Al-Zuhayli, 1989; Al-Mausu'ah et al., 2012).
- For hadith sources by Ibn Majah, Imam Malik, Abu Daud, and An-Nawawi.
- Additional sources such as article online journals sources, books, and newspaper to understand brand as an adding value, and mufti website.

Overview of Brand as an Adding Value

Chernatony and Riley (1998) synthesised previous studies on a brand as an added value and concluded that a brand should consist of the product function, innovation and creativity that benefit consumers. In other words, a brand must consist of a product that can function well as prescribed as well as it must have a value that satisfies consumers' requirement (Jones, 1986; King, 1984). Marketers believe that a brand that has an added value can achieve a competitive advantage and be distinct from competitors' product. A brand is associated with functional value when it consists of tangible and intangible features so that the product is reliable and trusted (Chernatony & Riley, 1997; Doyle, 1994; Wolfe, 1993).

A brand has an added value when the product offers extraordinary benefit to consumers. King (1984) asserted that the product goes through a value-adding process when consumers buy a brand and are satisfied with the value of the product. Shocker, Srivastava, Reukert and Robert (1994) explained that the non-functional benefit could be gauged in terms of social life and growth of economies. It has been argued that brand as an added value will achieve brand equity. That is, the product will achieve high reputation and confidence of the firm and consumers (Farquhar, 1990; Nandan, 2004).

From the firm's perspective, an outstanding brand value enables a firm to maintain a high level of consumer acceptance as well as an increment in competitive advantage. For example, Coca Cola can maintain a strong appearance in the soft drinks market since the value of trademark goes beyond product labelling and more physical attributions which can attract consumers to choose their product (Brand Finance, 2017).

From the consumer's perspective, a brand becomes the main strategy to provide a noticeable product that represents the image of a firm's products. It gives an opportunity and option for consumers to purchase the product wisely and be able to differentiate the product from the competitors. However, Woods (2000) claimed that a brand does not have added value, but it can be regarded as an added value agent. This point of view shows a brand as an equity value that can generate profit when a firm establishes its brand as a well-known product or services. In short, this definition focuses on the intangible value of a product that eventually will gain profit for the company as well as consumer. Due to intangible value of brand, it must be clarified from *Muamalat* perspective to determine the benefit of product in aspect of subject matter as indicated on the next section.

Critical Analysis of Adding Value from *Muamalat* Perspective

The subject matter of a contract in Islamic law, known as "*mahal al-'aqd*" refers to the thing on which the contract proceeds. It typically involves a property, such as in contracts of sale, mortgage, and gift, and to a certain extent, the usufruct, which is the right to use or benefit from something without owning it, as in contracts of hire, bequest for a certain period, and borrowing for using the usufruct (Al-Zuhayli, 1989).

For the subject matter to be valid, it must meet five conditions which are; i) the subject matter must exist at the time of the contract, ii) the subject matter must be able to be delivered to the contracting parties, iii) the details of the subject matter must be known to both the seller and buyer, iv) the subject matter must be legal and in accordance with Islamic law, and lastly, the subject matter must be clean and free from any defects or impurities that would affect its value or usability. These conditions ensure that the subject matter of the contract is legally binding and compliant with Islamic law. In relation with religious exploitation, this article focused adding value of product on the condition of subject matter in term of precisely determined (Al-Zuhayli, 1989).

Islamic law requires that subject matter must be precisely determined and known to contracting parties. Sufficient knowledge about the subject matter is necessary to avoid future disputes. For instance: The genus, species, quality, and quantity should be clearly described. If the seller describes goods to be sold as being of a certain quality, and the good upon inspection proves to be of inferior quality or value, the law allows the purchaser an option whether to cancel the sale under the "option of misrepresentation" (*ghabn*) or to accept the goods. The next section explained the concept of *ghabn* (Al-Zuhayli, 1989).

***Ghabn* in Adding Value of Product (Subject Matter)**

The term "*al-ghabn*" is derived from the Arabic word (عَبْنٌ - يَعْْبِنُ - عَبْنًا). *Al-ghabn* has meanings related to reduction, defeat, and deception. From a technical perspective, *al-ghabn* refers to a shortage in one of the payment tools due to manipulation. Therefore, *al-ghabn* is a shortage in the price when selling and buying due to manipulation by a particular party. This shortage can be felt by both the buyer and the seller in certain situations (Al-Mausu'ah et al., 2012).

From the buyer's situation, this shortage means that the price paid is not equal or not in line with the value of the received goods. In other words, the price is too high compared to the usual or original standard. Meanwhile, from the seller's perspective, this shortage means that the received price is not proportional to the actual value of the product. If the one manipulating the price is a seller, it means they are selling the goods at a higher price than

the actual price. Conversely, if the seller becomes a victim, it means they are selling their goods at a significantly lower price than the actual price due to the treachery of the buyer or a third party (Al-Mausu'ah et al., 2012).

Islam prohibits all forms of harm to others, as stated in the Prophet's saying:

"Do not cause harm to yourself or others."

(Ibn Majah, no. 2341, Imam Malik, no. 2/746, and al-Daraqutni, no. 4/228)

Ibn Daqiq al- 'Id mentioned that al-Mahasini said: "What is meant by causing harm is doing something that is beneficial to oneself but causes harm to others." (An-Nawawi, 2011).

The prohibition in this hadith is general, referring to any action that can cause harm to oneself or others, including the prohibition of manipulating prices. A sale containing price manipulation, without the option of cancellation or continuation, is harmful and causes harm to others.

In a hadith narrated by Abu Hurairah RA, he said

"The Prophet SAW prohibited the act of holding onto someone who is bringing goods to sell, then buying those goods from them, so the owner of the goods has the right of choice (al-khiyar) when they arrive at the market"

(Abu Daud, 3437)

The opinion of the Shafi'i school is that the sale is valid but sinful if the buyer deceives the seller, claiming that there is an economic crisis at the market, making the goods cheap. This also falls under the category of price deception in sense of manipulation. Meanwhile, Hanafi school grave deception (*ghabn fahish*) does not affect the validity of contract unless there is fraud in it. Lastly, Hanbalis school of thought stated if there is grave deception will affect the contract and makes it non-binding. The next section elaborates the discussion of study in relation to adding value of product (Al-Zuhayli, 1989).

Discussion of Adding Value in Islamic Brand Product

Based on Islamic scholars' point of view, the present research identified offering the adding value such as *ayat ruqyah*, selected surah in Quran, *du'a* or *dzikir* (remembrance) in the context of Islamic products is considered *ghabn fahish* (grave deception) with several justification. First, the adding value is too intangible and elusive. It is because of the benefit of product cannot be measure the quality as an outcome to the consumers' satisfaction (i.e. to make more intelligent and morally upright after consumed the product). Thus, it is considered as *gharar fahish* (major uncertainty) due to elusive benefit to the consumers and against the condition of *mahl al-aqad*.

Second, involve with fraud, deceit and manipulation. Since the outcome of consuming the product is elusive will bring fraud, deceit, and manipulation pricing to the consumers. As supported by Shafi'i school, this kind of grave deception is considered to sinful even though the sale is valid. In addition, Hanbalis mentioned the grave deception due to form of cheating deceit will affect the contract of sales. According to Al-Zuhayli (1989), all forms of deception in *muamalah* (business transactions) are absolutely prohibited. This is because deceptive and dishonest acts destroy the trust between the parties involved in the transaction and cause chaos in business life.

Lastly, these adding value that offers in Islamic brand product will bring the defamation of faith that against with Islamic law transaction. Initially, the act of religious exploitation is against in Islam. The Mufti Wilayah Persekutuan also urges the public not to market products that are *ruqyah*, whether through oral or electronic means, so as not to spread *fitnah* (slander) against the religion (Osman et al., 2018). In fact, The Perlis State Fatwa Committee 21/2016 has prohibited the use of *ruqyah* on a product for commercial purposes, whether for labelling, advertising, or promotion, is prohibited (Malaysiakini, 2016). As stated by Perlis Mufti Prof Madya Dr Mohd Asri Zainul Abidin;

"Selling such items is not practiced by the Salaf al-Soleh because it can lead to the misuse of Allah's words for worldly gain. The sale of smart kismis, Quranic ayat-infused drinks, and other products claiming to make someone intelligent or morally upright has become a trend is exploiting religion. Islam calls its followers to seek knowledge, work hard, and practice righteousness to achieve success, not by drinking milk with such that excessive value and becoming smart without learning and effort".

Based on the statement above, Perlis Mufti Prof Madya Dr Mohd Asri Zainul Abidin clarified the products promoted in the name of religion should be prohibited to prevent misinterpretation and ensure the effectiveness of the product (Malaysiakini, 2016). Osman et al (2018) conclude that the exploitation of Islamic elements in business for product marketing is unjustifiable. To prevent misuse, this practice must be regulated by strict guidelines. It is crucial to conduct through research and adhere to established criteria to ensure the integrity of Islam and the Prophet's Sunnah. Products labelled as Islamic or Sunnah must undergo rigorous scientific testing to verify their efficacy and health benefits. This is necessary to protect consumers from deception and harm, thereby preserving the good reputation of Islam. The conclusion and contribution of study will explain on the next section (Osman et al., 2018).

Contribution and Conclusion of Research

The present article conclude the concept of adding value must avoid the element of *ghabn fahish* (grave deception), and *gharar fahish* (major uncertainty) in the concept of *mahl aqad*. It is essential to note that Islam prohibits the exploitation of religion in any form, including *ghabn fahish*, cheating, and manipulation. Islamic scholars have also prohibited misrepresentation in contracts, emphasizing the importance of transparency and honesty in business transactions. As a result, Muslim marketers should refrain from offering excessive value to attract consumers and instead focus on educating them to achieve *mardhatillah* (Allah's blessing).

This study contributes to both academic and practical knowledge in the field of Islamic marketing, particularly for Muslim firms and authorities. The academic contribution lies in providing a new understanding of the concept of adding value from a Muamalat perspective, focusing on the principle of *mahl aqad* in relation to Islamic branding. In terms of practical implications, the study offers two contributions. For Muslim firms, it enables them to create and understand the value of their products in alignment with Islamic principles, allowing them to sell these products with ethical and moral considerations, thereby avoiding any potential defamation of faith among consumers. For authorities, the study provides guidelines for JAKIM (Jabatan Kemajuan Islam Malaysia) to regulate product development by Muslim firms, ensuring that it aligns with Islamic ethics and Shariah provisions.

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