

Adapting the Principle of *Sadd al-Zari'ah* by the Government in the Regulation of Product and Service Labelling

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ABSTRACT

The emergence of products and services using Islamic attributes as the tool of marketing is increasing nowadays. Various Islamic terms have been used on the label, packaging, and also as the trademark of the products and services, for example, *Air Terapi Al-Quran*, *Mi Cap Masjid*, *Jus Sunnah*, *Bekam Sunnah*, *Valet Doa* and in some instances the Quranic frame being hanged on the wall in non-Muslim restaurants and many more. Islamic attributes has been manipulated as a tool for marketing products and services. This trend has led to many bad effects on the consumer and the dignity of Islam itself. Islam is a religion and shall not be exploited for product marketing, and there are needs for a mechanism to control this matter. This paper will analyse the meaning of Islamic attributes that were used in marketing in Malaysia and their effect on the consumers and Islamic dignity. Next, this article will look into the Islamic principles that can be adopted by the government in controlling the use of Islamic attributes in marketing via the principle of *Siyasah Shar'iyyah* to uphold the *Maqasid al-Shari'ah*, particularly *Hifz al-Din* (Protection of Religion). This paper is conceptual in nature and is of library-based research using primary and secondary data. The government should take serious action in controlling this matter. The application of the concept of *Sadd al-Zari'ah* (Blocking the Means) is relevant to regulate this marketing strategy of the producers.

Keywords: Product and service labeling, Islamic attributes, *Maqasid al-Shari'ah*, *Sadd al-Zari'ah*

1. INTRODUCTION

On 24th September 2018, Malaysia has been shocked by the banning of so claimed nutraceutical products known as *Jus Al-Sunnah*, *Jus Al-Sunnah Gold*, and *Jus Penawar* (Berita Harian, 2018). It was discovered by the Ministry of Health (KKM) that these products contain steroid substance known as dexamethasone and prednisolone that are not permitted under the Food Act 1983. The Chief Director of KKM made a statement that both types of steroids were used to treat swelling and inflammation, and prolonged use without the supervision of health professionals can cause serious side effects such as muscle weakness, bone fragility, increased blood sugar, high blood pressure, cataracts, increased risk of infection and 'Cushing' syndrome. Another shocking truth is that the company that was distributing the products does not exist, and the responsible persons behind the irresponsible activity were non-Muslim couple, and they were operating from home (Md Denin and Kamarudin, 2018). This case is a good example of the misuse of Islamic attributes in marketing where the name of '*Al-Sunnah*' has been used to attract the Muslim consumer to buy the product. What is worrying is that the use has caused bad effect on the consumer.

In other instances, in January 2019, a restaurant in Sri Muda Klang has been ordered to take down the Quranic frame hanged on the wall in operation carried out by Ministry of Trade and Consumer Affairs (KPDNHEP) and Selangor Islamic Affairs Department (JAIS). This is because the owner is not Muslim and the restaurant did not own the halal certificate. In 2016, Ninja Joe chain restaurant used the "*P.Ramly*" name for its pork burger. The advertisement was put in front of the restaurant, and it attracted various reactions from the public. Civil liberties lawyer Fahri Azzat said a product's name does not indicate whether it is of halal status, confirming that it is instead the halal certification and halal logo alone that determines this. He asserted that it is not misleading or misrepresentation because of the phrase '*P. Ramly*' is not a signifier of halalness. It is the halal sticker and certificate that is issued by the Department of Islamic Development Malaysia (JAKIM) that signifies that something is 'halal'.

Nevertheless, according to the Selangor Islamic Affairs Department (JAIS), fast-food chain company Ninja Joe violated a law on halal food when it named one of its pork burgers “*P. Ramly*.” However, the case has not proceeded for trial since Ninja Joe has apologised and removed posters of the “*P. Ramly*” pork burger, besides saying that it will change the product’s name (Lim, 2016). These occurrences show that the consumer has been deceived and been confused by the marketing strategy of the producer and the service provider by using the Islamic attributes to attract Muslim consumers. These examples are an alarming situation where it needs special attention from the government to control this activity. There arise issues on the responsibility of the government on how to control this issue. What are the approach and the principles that can be adopted? What is the aim of controlling this issue? Under the Islamic perspective, what is the mechanism to control this matter?

Thus, this paper aims to analyse the meaning of Islamic attributes that were used in marketing in Malaysia and its effect on the consumers and Islamic dignity. Next, this article will look into the Islamic principles that can be adopted by the government in controlling the use of Islamic attributes in marketing. This research is library research to explore the Islamic principle that is suitable to be adopted in controlling this issue. The current study is the first that looks into the mechanism in the Islamic perspective that can be applied by the government in controlling the use of Islamic attributes in marketing. This paper is remarkable because most of the previous study on consumer protection was done by looking into the available legal provisions in consumer protection and the enforcement mechanism that we have.

2. DEFINITION AND CATEGORIZATION OF USE OF ISLAMIC ATTRIBUTES

The use of Islamic attributes in labelling can be defined as any product or service or activity that uses any Islamic attributes in the label, packaging, trademark, and marketing strategy to attract the Muslim consumers to choose the products or services. The term Islamic attributes have been introduced by Osman, Ahmad, and Jalil (2019), and they have categorised the use as follows:

1. Quran-related such as *ruqyah*, where Quranic verses are claimed to be recited or written on specific products.
2. Sunnah-related such as “*makanan Sunnah*” or Prophetic foods with certain combinations between them or other ingredients in ways that are not reported in the traditions of the Prophet PBUH.
3. Islamic icons and pictures, such as pictures of mosques.
4. Islamic performance of worships such as prostration in prayers and supplication/prayer.
5. Islamic or Muslim names and terms such as *masjid*, *Sunnah*, and *Ahmad*.

However, there are a few categories that has not been discussed. Thus, in this paper, the authors introduce new categorisation to describe the meaning of the use of Islamic attributes in labelling. The table below illustrates the new categorisation:

Table 1: New categorization with examples

No.	Islamic Attributes used in Product Labelling	Examples
1	Quran – related	Quranic recitation or <i>Ruqyah</i> been recited on the product, Quranic frame being hanged on the wall;
2	Sunnah- related	Using Prophetic Foods as labels and ingredients, Hadith of Prophet being attached on the label, packaging, or in marketing.
3	Jawi writings	Using Jawi writings on the label, signboard, trademark and etc.
4	Symbol, picture, or logo of Islam	Such as mosque, Ka'bah, crescent, <i>songkok</i> , etc.
5	Muslim name or affiliations	Ahmad, Najwa, <i>Tok Guru</i> , <i>Pak Sheikh</i> , etc.
6	Islamic performance of worship	<i>Valet doa</i> ; <i>tawaf</i> .
7	Islamic or Arabic terms	For examples, <i>Ustaz</i> , <i>Masjid</i> , <i>Ka'bah</i> , <i>Sajadah</i> , <i>Zam Zam</i> , <i>Al-Ambiak</i> , etc.

For the first category, many products are available on the market for example “*Kismis 30 Juzu’ Al-Quran*” (raisins which have been recited 30 *juzu’* of Quranic verses), 30 *juzu’* mineral water, “*air pinggan putih*” (mixture of water and saffron with a special technique of writing Quranic verses using saffron liquid on a white plate). These products are believed to have special attributes in healing particular disease and may give certain benefit to whom consume them. For the second category, the

word '*Sunnah*' or the Hadith of Prophet has been used on the label, and these products are the most common type that can be found in the market. The products usually contain either dates, honey, goat's milk, *habbatus sauda*, raisins, olive oil or combination of them, and some other ingredients. In some instances these products are back up with the text of hadith (Izzat et al., n.d.). For the third category, Islamic icons and logos such as crescent, *Kaabah*, etc. were used as trademark on the label, for example, *Mi Cap Masjid* (Mee with Mosque as the logo) and *Kopi Cap Songkok*. The next category is where Muslim names and Islamic terms being used, for example, *Pau Ahmad*, *Kopi Pak Sheikh*, *Kopi Al-Ambiyak* and others. The next category is where the Islamic performance of worship, such as *tawaf* has been used as marketing strategy. A good example is the service of *valet doa* where the person offers a service of making *doa* or prayers in front of *Kaabah* with certain amount of payment by the customer. This practice has been condemned by the Director of JAKIM (Mutalib, n.d.; Zin, 2017). The last category is where *Jawi* or Arabic writings were used on the labelling. Some of the products do not get the halal certification from JAKIM, and this practice has been forbidden by Malaysian Community Entrepreneur Development (MCED) as it may confuse the consumer as to the halal status of the product (Sahril, A., 2019).

3. CURRENT PROBLEMS

The issue of using Islamic attributes in labeling is not new in Malaysia. Since 2013 there have been various news reports on the availability of various products ranging from drinks, cosmetics, nutraceutical products, clothes, apparel, and services. There also exist alternative health treatment that uses these Islamic attributes. These products and services received high demand from the consumer due to the belief that they may give certain benefit such as health benefit and may increase a person's IQ (Awani, 2013) Therefore, this trend has received attention from various parties including the ex-head Imam of National Mosque Dato' Hasan Mahmud. He warned the consumer to be careful of products involving Quranic verses (Zain, 2013). According to him some parties take advantage of the Quranic verses to leverage the products. This scenario has also received attention from Mufti of Kelantan, Datuk Mohamad Shukri Mohamad where he said Islam does not encourage its name and its attributes being exploited for the marketing purposes (Utusan Online, 2017). In response to the practice of reciting 30 *juzu*' of Al-Quran on the products or known as *ruqyah* as an alternative healing method, this activity may lead to *syirik* (polytheism) if it does not been controlled. This is because there are people who believe in this product and they may forget that the power to heal belongs to Allah. Among the concern is where the result is not as expected; it may lead to *fitnah* (slander) to Al-Quran and Islam itself (Berita Harian Online, 2016).

Apart from Quranic verses being exploited, the word '*Sunnah*' and the text of *Hadith* of Prophet PBUH has also being used to attract customers as been reported earlier on product known as *Jus Sunnah*, which contains forbidden ingredients, i.e. steroids such as dexamethasone and prednisolone (Mohd et al., 2018). In certain situation, weak or fabricated *Hadith* has been used to promote the product, *Hadith* that commonly been used is the *Hadith* regarding the goodness of goat's milk, *habbatus sawda* (black seeds), dates and raisins. Even though it is agreeable that these ingredients have specific benefit to the consumer, the processing method or the mixing of all ingredients may cause bad effect to the consumer and thus may create doubt to the reputation of the *Hadith* used (Berita Harian Online, 2016; Shukur, Ariffin, Ramli, & Hasan, 2016). In 2017, a new trend emerged offering a service for *du'a* or prayer in Mecca or known as *Valet Do'a*. There were many packages offered which varies according to the place and time the prayer was going to be made. The customer who wants to use this service must pay to the person or the service provider a certain amount of money. They alleged that by praying in Mecca, the prayer would be accepted by Allah. This service has been condemned by few Muftis, among others the Mufti of Federal Territory Dato' Sri Dr. Zulkifli Al-Bakri. He asserted that this service contradicted with the Shariah principle and was not practised by the Prophet PBUH or his companions. *Valet do'a* is a clear act of manipulation and may deceive and confuse the public. Thus, this kind of service should be stopped ("Official Website Mufti Of Federal Territory," 2017).

This opinion has been supported by Tan Sri Dr. Abdullah Mohd Zin (previous advisor of the Prime Minister), who asserted that Muslims should not indulge in a business that may deviate themselves from the Islamic teachings. He also warned that religion should not be the means to get rich or used for political ends. He quoted one *Hadith* by Imam Tirmizi saying 'At the end of the day there will be people who make a worldly profit by selling religion. They wear clothes made from goatskin (pretending to be celibate) to gain public sympathy. They say they are sweeter than sugar, while their hearts are like wolf hearts with malicious intent' (Zin, 2017). JAKIM also has made a statement of cautioning the public not to engage with activities concerning *Valet do'a* as this practice is prohibited

by Islam. Its Director Tan Sri Othman Mustapha contended that the packages offered were an act of religion exploitation for personal profit. Islam encourages its followers to pray wherever they are and not only at specific places (Mutalib, n.d.). The list has never stopped as recently in 2018, new product was launched with the name *Topi Falaq* or *Falaq* cap. This cap was claimed to have the ability to heal various diseases and will make the people who wear the cap to be more intelligent and strong. These instances show that this practice of using Islamic attributes as product and service labeling is ongoing and keep increasing from time to time.

3.1 Contributing Factors

No matter in supermarkets, direct sales, or marketing online, there are many products and services using Islamic attributes that are available to the public at this time. It becomes the latest trend due to high demand, especially among Muslims. It gives a new dimension in the world food market. Why these products and services have high demand in the market? There are several factors to explain this scenario. This scenario can be divided into two categories, i.e. factors on the part of consumer and secondly factors on the part of the producer or service providers. On the part of the consumer, consumption of *Sunnah* food had become trend. Ahmad, Yakub, Razzak, Izham, & Ariffin (2015) found out that the current interest of people towards Islam is so high that whatever it is said is the efficacy of the Quran, so many believe that without prior inspection. Products based on "*Sunnah* food" or *ruqyah* food and drinks (being read al-Quran verses onto them) are often referred to as the best food. Even though the public has been warned, the response towards these products was still high. They believed that these products that have been read Quranic verses or *Ruqyah* and *Sunnah* Food has their advantages and may cure certain disease (Awani, 2013).

Besides, our society seems to have the initial force to find an alternative in health care. This trend eventually led to the innovation of *Sunnah* food. Dates, for example, have been innovated into chocolate, herbal essence, coffee, cordial, and 3 in 1 drink (Sayidah Asma Basir, Muhammad Remy Othman, 2016). On the part of the producers, they tend to use these Islamic attributes in order to attract Muslim customers to buy their products. Besides, with these attributes they may sell it at higher prices (Zin, 2017; Shukur et al., 2016 and Irwan Muhammad Zain, 2013). The previous head Imam of the National Mosque Datuk Hassan Mahmud acknowledged that there were parties who used the Quran with the intention of leveraging the products they produce. Consumers are advised not to be easily influenced by the sale of products that use the Quranic texts as there are parties who use it to leverage the business. The consumer should not buy the product merely because of the label, fearing that it may harm the consumer (Irwan Mohd Zain, 2013). What is troubling is the possibility of fraud with the reason that the product is more blessed and effective because it is recited Al-Quran, recitation or prayer (Shukur et al., 2016).

3.2 Effects

According to Mufti of Kelantan Dato' Mohamad Syukri Mohamad, the terms used on the label may confuse the consumer as they may think that the products and services are the best as compared to others. He also added that if the product does not give effect as claimed, it will give bad impression towards Al-Quran and Islam. Islam is not to be used for commercial purposes and must be protected from any irresponsible exploitation (Mutalib, Z.A, 2017). Shukur et al. (2016) have conducted a study on the misuse of the Prophet's *hadith* in consumer products in the market. Attempts to exploit the *hadith* of the Prophet PBUH as a tool of marketing should be tackled by the authorities. This is because if the product does not give benefit to the consumer, there is a risk of the *hadith* of the Prophet PBUH will be denounced. Thus, producers need to be responsible for the use of the "*Sunnah* product" label because it risks the negative impact on *Sunnah's* position as the second source of authority in Islam.

On the other hand, in some cases, this *sunnah* food might not be suitable for certain health conditions. For example, *Sunnah* food which based on dates and raisins, which high content of sugar might not be suitable for diabetic people. It may cause harm instead of curing the person. Thus, a comprehensive scientific research should be conducted on the production, handling, the efficacy of *Sunnah* food, safety and quality control on all *Sunnah*-based food (Ahmad et al., 2015). Possibly, with the mixture of *Sunnah* food with other ingredients, the chemical composition and nutritional value of food is also changed compared to the original material itself. If this is the case, it is unfair for the product to be claimed as the *Sunnah* food (Basir and Othman, 2016). It is worrying that the manufacturer will use the basis of *Sunnah* food to achieve commercial value per se by totally ignore the impact on health. Not to mention the duplication by explicitly incorporate into a product added sugar, non- dairy creamer, and malt then labelled as *Sunnah* food (Basir, and Othman, 2016).

Additionally, if this marketing strategy of using Islamic attributes is not controlled, there will be an irresponsible person who will take advantage, for example by playing the recorded Quranic verses on the products without reciting the verses. They will make easy money out of these activities. The product then will be sold at higher prices in the market, and it is an act of fraud. There are examples where the Islamic name or affiliates been used as trademark for dangerous products, for instance, *Kopi Al-Ambiyak* and *Kopi Pak Sheikh*. In 2014, there was a case where a man was dead after drinking this coffee. It was discovered that the coffee was banned by the Health Ministry for containing sildenafil and tadalafil, which are often claimed to be able to increase sexual performance. The Ministry of Health has confirmed that the coffee has been banned in early 2014 (Shagar, 2014). This case was upsetting since it uses Islamic attributes as their trademark. These are some examples of effects that arose from the uncontrolled practice of using Islamic attributes in labelling. Therefore there is a need for such control and regulation from the government.

4. ADAPTING THE PRINCIPLE OF SADD AL-ZARI'AH IN PROTECTING MAQASID SYARIAH

In controlling this practice of using Islamic attributes in products and service labelling, there are certain aims that should be looked upon by the government. This is because this issue involves *Maqasid al-Shari'ah* (the objectives of Shariah) particularly *hifz al-din* (protection of religion), *hifz al-nafs* (protection of life), *hifz al-nasl* (protection of human honour or dignity) and *hifz al-mal* (protection of wealth or property). The use of Islamic attributes may lead to tarnishing the reputation of Islam as discussed earlier. Furthermore, if it used for dangerous products, it may lead to harm to one's health. Therefore, in order to protect *Maqasid al-Shari'ah*, one of the methods of *Siyasah Shar'iyyah* can be used is *Sadd al-Zari'ah* or blocking the means to *mafsadah* or bad implications. Below is the conceptual framework to be applied by the government in regulating the use of Islamic attributes in product and service labelling.

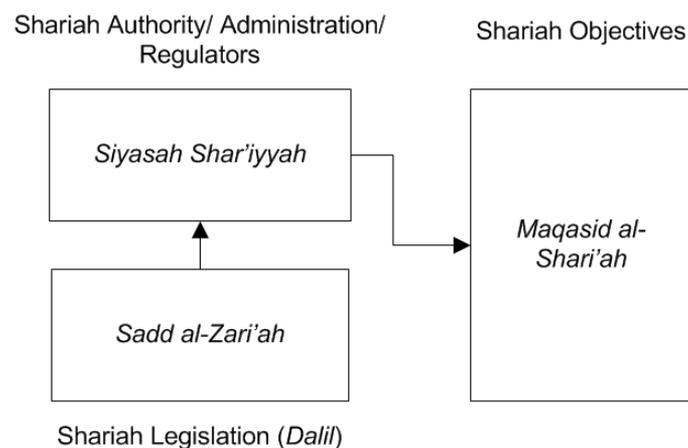


Figure 1: The Conceptual Framework of *Sadd al-Zari'ah* as the Underlying Shariah Principle for the Protection of *Maqasid al-Shari'ah*

4.1 *Maqasid al-Shari'ah* and Consumer Protection

Shaykh Muhammad Al-Tahir Ibn Ashur, a prominent Islamic scholar, defined *Maqasid al-Shari'ah* as the objectives or purposes behind the Islamic rulings. According to him, the knowledge of *Maqasid al-Shari'ah* is significant for *mujtahids* not only to comprehend or interpret the texts of Shariah but also to develop solutions to present-day problems faced by Muslims. The concept of *Maqasid al-Shari'ah* provides vibrant guidance and framework to the process of *ijtihad* in answering the issues corresponding to the human interest while fulfilling the will of God. The purpose of *Siyasah Shar'iyyah* is to implement the *Maqasid al-Shari'ah*, which is contained in matters relating to "*jalb al-masalih*" (to obtain benefits to humankind) and to "*dar' al-mafasid*" (to eliminate harm from them). *Maqasid al-Shari'ah* is the purpose of Allah to bring the Shariah (Islamic rules and values) to humankind for the protection of religion, soul, intellect, lineage and wealth. Islamic law cannot be conveyed and enforced in human life but with the power of government (Che Pa et al., 2010).

The underlying purpose of the Shariah or the *Maqasid al-Shari'ah* is to benefit all humankind, concerning their affairs, both in this world and hereafter (Laldin, 2011). It was explained as the "wisdom behinds rulings" (Auda, 2008), which means any Shariah ruling has its benefit for all humankind and also it was compiled by Islamic scholars based on the concept of *maslahah* considering all the benefits and averting any *mashaqqah* (hardship); preventing any evil. Therefore it is the duty of government to provide regulations that can uphold the *Maqasid al-Shari'ah*. Concerning this issue, *Maqasid al-Shari'ah* that to be protected are as follows:

1. *Hifz al-din* (protection of religion)
2. *Hifz al-mal* (protection of wealth or property)
3. *Hifz al-nafs* (protection of human life and progeny)
4. *Hifz al-hurmah* (protection of human honour or dignity)

4.1.1 *Hifz al-Din* (Protection of religion)

It is the duty of all mankind to protect the religion of Islam. Accordingly, Allah has mentioned in the Quran, the commandments to Muslims in defending their faith in Quran:

وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ

Meaning:

"Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors".

Al-Quran, Al-Baqarah 2:190

Accordingly, for all Muslim consumers, religion becomes more significant than anything else in their life. The protection of their beliefs must be included in their rights of necessities. Hence, when providing products and services to Muslim consumers, vendors are expected to ensure that their products and services are *halal*, safe and caters to the religious needs of Muslims and do not endanger their faith in any way (Ayob, 2018). Furthermore, the labelling used should not mislead and endanger the dignity of Islam.

4.1.2 *Hifz al-Mal* (Protection of wealth and property)

Islam has ordered that no one should transgress and acquire the property of others without legitimate reasons and proper contracts. The Quran emphasizes this point, as Allah says:

وَلَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

Meaning:

"And do not kill the soul which Allah has forbidden, except by right. And whoever is killed unjustly - We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law]"

Al-Quran, Al-Baqarah 2:188

It covers all basic of consumers' rights which objectively to prevent the rights of consumers from any malpractices from traders or suppliers either in goods or services.

4.1.3 *Hifz al-Nafs* (Protection of human life and progeny)

Life is essential and valuable to everyone. It covers many things, and to protect it is equally important and obligatory to every Muslim and non-Muslim. Regardless of that, Quran has emphasized it by saying:

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قَتَلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ
سُلْطَانًا فَلَا يَسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا

Meaning:

“And do not kill the soul which Allah has forbidden, except by right. And whoever is killed unjustly - We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law]”.

Al-Quran, Al-Isra' 17:33

In the consumer protection context, it refers to the rights of safety and right to get a healthy environment from any products and services that might be harmful to consumer.

4.1.4 *Hifz al-Muru'ah* (Protection of human honour and dignity)

This protection refers to the protection of individual's rights. In this context, it refers to the rights of the consumer to choose, to be heard and to get redress, which is significant in protecting human honor and respect (Ayob, 2018). This is based on this verse:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ
وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

Meaning:

“And We have certainly honoured the children of Adam and carried them on land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference.”

Al-Quran, Al-Isra' 17:70

Concerning this verse, human honor is such a gift from Allah, and it can differentiate men from the animal, and Allah has created all things beneficial for humankind. Therefore, everyone has their rights including the honour of consumers and traders in any activities such as in business transactions. It is the duty of the government to provide a suitable guideline to regulate transactions between the traders and the consumer and to provide redress whenever necessary.

In summary, there is a strong justification for the *Maqasid al-Shari'ah* to be applied in this study, which comes under the dimension of necessity, particularly protection of religion and protection of life. This is because the issue of mislabelling using Islamic attributes may affect the sanctity of Islam and may diminish the faith of one's religion. Islam is a religion and should not be exploited as commercial gain even from Muslims and, most importantly from the non-Muslims. Further, if the products may endanger one's life, this concept of *hifz al-nafs* should be applied in order to protect consumer's health.

4.2 *Siyasah Shar'iyah* and consumer protection

The duty of government in regulating the use of Islamic attributes in products and service labeling can be achieved via *Siyasah Shar'iyah*. Literally, the meaning of *Siyasah Shar'iyah* is a Shariah-oriented public policy, or government following the Shariah. Meanwhile, Islamic jurists describe *Siyasah Shar'iyah* as decision and policy measure engaged by the *imam* and the *'ulu al-amr* (Muslim authorities) on matters for which no specific ruling could be found in the Shariah (Kamali, 1989). The Shariah integrates all aspects of life, extending from personal, family and community matters to the political running of a country. On the concept of statehood, i.e. governing a country, Islam affords a special parameter based on Shariah called *Siyasah Shar'iyah*. *Siyasah* is the Arabic term for politics while *Shar'iyah* reflects the practice that conforms to Shariah principles. As such, *Siyasah Shar'iyah*, being read together implies “a set of political guidelines generated by Muslim leaders/governments based on the *maqasid/objective* of Shariah and in line with *al-Qur'an* and *al-Sunnah*” (M. Subri, Amran, & M. Ahmad, 2014). Since it has no specific basis from the Quran or

Sunnah, its implementation is rather flexible in the sense that, to a certain extent, it can or even must be changed and replaced to suit the changing of situation, time, and place.

Therefore, although there is no clear prohibition by *al-Qur'an* and *Sunnah* on the use of Islamic attributes, the government may use the *Siyasah Shar'iyah* methodology in constructing new *hukm* (ruling). In adopting this methodology, there are guidelines to be followed as laid down by Mustafa Ahmad Al-Zarqa' as follows:

1. Realizations of beneficence (*Jalb al-Masalih*) are things that are necessary for the community to build human life on that strong basis. Examples include fair taxes at the right rate with the need for general services and essential useful regulations.
2. Rejections of damages (*Dar' al-Mafasid*), which are things that detrimental to both individuals and communities as well. This harm touches the physical (*maddiyyah*) or spiritual (*adabiyyah*). The *mafsadah* (destruction) parameter is measured by Islamic rules, and its *maqasid* is taken from the expert who can build the Islamic system.
3. The precautionary measure (*Sadd al-Zari'ah*) is to close the path that bring to shame the command of the Shariah and manipulate it (*ihتيال*) or leads to the prohibition of Shariah though it is not intended.
4. Change of time (*Taghayyur al-Zaman*) that is the human condition, morality, and the general demands differ from the previous times (Abdul Rahman, 2008).

As a conclusion, *Siyasah Shar'iyah* can be summarised as the action made by Muslim authorities and leadership in a state according to *maslahah* (beneficence) which does not have a specific revelation on it. The action must be taken to avoid harmful consequences in the future (M. Subri et al., 2014). In this context, providing clear regulation on the use of Islamic attributes in product and service labelling is an action or *Siyasah Shar'iyah* that should be taken by the government to close the path that may lead to *mafsadah* if it is not controlled.

4.3 *Sadd al-Zari'ah* in Regulating Product and Service Labelling

Al-Zari'ah signifies "the means of obtaining a certain end", while *Sadd* literally means "blocking" (H. Kamali, 2006). *Sadd al-Zari'ah* thus implies blocking the means to an expected evil, which is likely to materialize if the means towards it is not obstructed (Saleem, 2010). In its juridical application, the concept of *Sadd al-Zari'ah* also extends to "opening the means to beneficence ((H. Kamali, 2006) in (Wartini, 2016)). *Sadd al-Zari'ah* applies when there is a conflict between the means and the end on the good-neutral-evil scale of values. A distinctive case for the application of *Sadd al-Zari'ah* would thus arise when a permitted means is expected to lead to a prohibited result, or when a lawful means which generally leads to a permitted result is used to acquire an unlawful end. According to Ibn al-Qayyim, *Sadd al-Zari'ah* is one-fourth of the Shariah. He splits the whole Shariah into two parts, namely order, and prohibition. An act is ordained because either it is desirable in itself or it is a means of securing the desired object. Likewise, a thing liable to prohibition is forbidden in itself or because it may be a means to indulgence in prohibited thing, in which case its prohibition is a precautionary measure. From the viewpoint of the degree of probability or otherwise that a means is expected to lead to an evil end, the jurists of Islamic jurisprudence principles have divided the *al-Zari'ah* into four types:

1. Means which lead to evil. Such means are forbidden.
2. Means which are most likely to lead to evil and rarely leads to beneficence. Examples of this are selling weapons during wartime and selling grapes to a wine-maker. Most jurists have invalidated such means.
3. Means which frequently lead to evil, but there is no certainty or even dominant probability. Jurists differ widely on the legality of such means.
4. Means, which rarely lead to evil. Jurists have ruled in favor of the permissibility of these means (Auda, 2008).

Similarly, *Sadd al-Zari'ah* has a great potential to be used to block the means to certain public harm (*mafsadah*) or to open the means to certain public beneficence (*maslahah*).

5. DISCUSSION

In protecting the *Maqasid al-Shari'ah* within the context of product labelling, the government could apply the principle of *Sadd al-Zari'ah* as a mean of *Siyasah Shar'iyyah*. The government has the right under the principle of *Siyasah Shar'iyyah* to regulate or prohibit matters that could lead to bad implications on the *Maqasid al-Shari'ah*. Although there is no clear prohibition by the Shariah on the use of Islamic attributes in product labelling the government is allowed to provide legal parameters in order to protect Islam from being exploited in commercial dealings. The principle of *Sadd al-Zari'ah* is founded on the Quranic and Prophetic injunctions; for example, the Prophet PBUH prohibited the creditor from accepting gift from his debtor as this could lead to *riba'* (usury). Allah SWT prohibited the believers from saying the bad things about the idols as it may cause the non-believers to curse upon Allah SWT (Al-An'am:168). The Prophet PBUH also invalidated the right to inherit by a murderer from his murdered heirs. The majority of Islamic jurists ruled *bay' al-'inah* (sell-and-buy back) as null and void as it is a back door to *riba'*. Based on these rulings, it is observable that blocking the means to loses, damage or bad implications is justifiable from the perspective of Shariah.

In the context of product labeling, cases of exploitation and misuse are so bold and alarming. Without any intervention from the government, this trend of exploitation and misuse will tarnish the image of Islam and create a bad reputation for Prophetic practices. Based on our discussion on *Maqasid al-Shari'ah*, *Siyasah Shar'iyyah* and *Sadd al-Zari'ah* in providing the government with authority to regulate product labelling from the perspective of Shariah, the figure below illustrates this relationship.

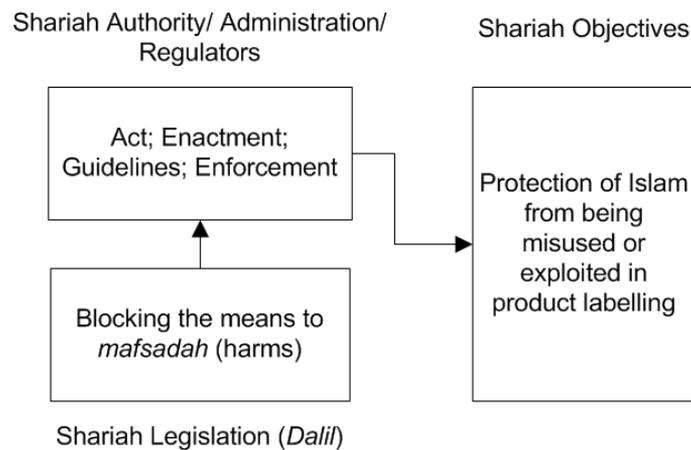


Figure 2: The Application of Sadd al-Zariah in Realizing Maqasid Shariah in Product Labeling

6. CONCLUSION

Summarily, the practice of using Islamic attributes as a tool of marketing and to gain more profit clearly leads to *mafsadah* as religion is not for commercial gain. There are a lot of other strategies that can be used as marketing. If this practice is permitted, it will lead more harm than benefit. Therefore, based on the theory of *Sadd al-Zari'ah* or blocking the means, this practice should be prohibited or otherwise be controlled by the government. In conclusion, on the spirit of *Sadd al-Zari'ah* the government should make clear guidelines on the use of Islamic attributes in product and service labelling.

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