

**Screening of Advertising Practices under the Shariah Observation: A Case Study on
Bank Muamalat in Malaysia**

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Abstract

Most of latest advertising in Islamic institutions and its appropriate guideline under shariah observation is needed to be observed which resultant the concrete solution of lot of query inside the mind of the potential customer; who are still deciding up about the institution to which they would be loyal. This study is trying to asses existing practices of advertising under the shariah observation and promotional strength as well. Descriptive observation carried out to measure the gap and distance to reach in terms of promotional tool with the prominent conventional bank to Islamic bank. While Islamic institutions particularly the banks are in competitive advantaged compared to their rival that they are providing the banking procedure under the shariah observation. It is still needed to properly revise and adequately research to upgrade the real picture under the light of Quran and sunnah. In case of products and special offerings of the Islamic banks, majority of customers who have the potentiality are in deep ignorance. Analyzing the most effective communication through promotion, this study also make the clear way to state the Islamic banking promotion on the right track. Such a way to make the business more profitable as well as acknowledged to the customer promotion is the strongest tool for the business regardless product or services industry.

Keywords: Advertising, Islamic promotion, ethical marketing, Bank Muamalat,
Malaysia

Introduction

Functions of Islamic banking is needed to be more purification and preciseness for offering grater *ummatic* interest. This ongoing effort can be successful, when all branches of economic activities particularly, banking products and advertisements will activate together with more technical and balanced way. Launching any Islamic banking product or services, generally need to consider two aspects: *firstly* how the products promotion following the ethical yardstick under the Quran, Sunnah, Ijma and Qias and the *secondly*, keeping pace with Shariah, the incentive of the products for attracting the customer need to be more focusing and innovative compared to conventional system's.

This study indicated previous assessment, which reveals some theme regarding the success and failure of the Islamic bank in different country perspective with view of marketing strategy. The whole system become sound and healthy if acute assessment on these previous advertising incidents, and have to find out the exact sore to treat precisely.

Over the past 20 years, the use of marketing strategy by the banks and financial institutions has revived by mixed consents, specifically, financial services are often considered to be "second rate" by customers (Johnston, 1997, Miller and Straughan, 2000). Therefore, the advertisement of banking products is needed to offer more incentives besides the quality of service which include reliability, tangibles, responsiveness and empathy (Carman, 1990; Gronroos, 1984; Lewis, 1993; Bitran and Lojo, 1993; McDougall and Levesque, 1994; Parasuraman et al., 1985 & 1988).

The marketer is also consider the factors include restrictions on the type of media used, the ability to promote certain products, advertising images, social groups and governments restrictions (Waller and Fam, 2000). Simultaneously, the influence of religious beliefs on individual and social behavior is inevitable (Greely, 1977; Hirschman, 1983; La Barbera, 1987; Uppal, 1986; Anand and Kumar, 1982; Luqmani et al., 1987; Michell and Al-Mossawi, 1999; McDaniel and Burnett, 1990; Waller and Fam, 2000; Brich et al., 2001 in Waller S.D, Shyan Fam K., and Erdogan Zafer B., 2004). Elements of advertising message might be perceived by peoples which is against their religious belief. Advertisement perceived as contentious will not be effecting in capturing the attention of peoples or changing their attitudes towards the advertising products (Michell and Al-Mossawi, 1995).

Significant growth of Muslim consumers with purchasing power observed in the recent years all over the world such as, Egypt, Iran, India, Malaysia, Morocco, Saudi Arabia and South Africa. Among the ten biggest emerging markets targeted by US, two is Muslim nations (Turkey, Indonesia) and two substantial Muslim minorities (India and South Africa). Muslim consumer are increasing in other developed countries (Rice and Al-Mossawi, 2002). United State is the place where Islam is the fastest growing religion, estimates of the Muslims population range from six to eight million (Abdul-Rahman and Tug, 1998). As a result different business and organization like Mr. Wimpy, Burger king, McDonald's, Hardee's and Dairy Queen all this non Muslim owned business trying to build image of 'halal product'¹ through the advertising and legal activities.

¹ Muslims are forbidden from consuming the meat, which has not been slaughtered in the permissible as well as alcohol for addiction or amusement purpose.

Based on survey report of International Association of Advertisers, include growing religious extremism. Therefore, with respect to message development, marketers or the advertisement producers in the Muslim world would be wise to gain an understanding of Muslim Values (Rice and Al-Mossawi, 2002). On such context the most potential and contemporary issue of Islamic Banking product should be introduced, developed and offered through appropriate advertising which meets the commitment of ethics and Shariah side by side.

Literature Review

Recent practices of advertising in the Islamic banking, all the available research and literature have been reviewed and assessed under three broad categories: a) Ethical and Islamic Marketing b) Existing Advertising and effective Marketing in the Muslim world, and c) Corrective advancement with the evaluation of advertisement. Completing all steps the research on the shape of Islamic Advertisement is expected to be figured out to facilitate the further accuracy to establish Shariah for the peaceful life of eternity.

Ethical and Islamic Marketing

In the current avenue of the Islamic financial system, the establishment is struggling yet besides the strong marketing strategy of the conventional System. The research and working on this practice of advertising in the perspective of Muslim world is not yet significant with the comprehensiveness. Simultaneously, its need control under Shariah is varying country to country by the law and agenda of economic policy regarding foreign Investment facilitation.

According to Whitley (1992b) the Islamic Financial System is seen as a 'financing business system' of its own, with a foundation based on religion, having its own rules governed by Islamic laws. At the heart of Islamic Marketing is the principle of value maximization based on equity and justice (constituting just dealing and fair play) for the wider welfare of the society. Selected key international marketing issues are examined from an Islamic perspective which is argued, if adhered to, can help to create a value loaded global ethical marketing framework for implementing in general, and establish harmony and meaningful cooperation between international marketers and Muslim Target markets in particular (Saeed and Mukhtar, 2001).

In such comparison, few people make the concept of ethical marketing and Islamic marketing concept in same scale. Therefore, difference is needed to more specify by the existing tools of marketing and their practical assessment under the Shariah guideline. To identify the ethics in advertising, marketing and business, advertising must be within an area, which does not cross the social and ethical boarder.

Steinberg and Bandler (2004) reviewed several magazines and eventually found the fact the many of them were placing their advertiser's as paid media, and the approach they said "just coincidence, not part of a deal". When media treat the advertiser as donor of his product, the issue regarding ethical advertisement becomes supporting components. In such situation, there is urgency of editorial board for advertisement stories and coverage, other wise it will end up with entire business oriented regardless social commitment. Over the centuries, as state and church separated, particularly in the western societies, religion became a private matter.

The “value-free society” developed and economists focus exclusively on the mechanics of economics. Postmodern thinkers have advocated changes over the past few decades and there has been a reintroduction of a moral dimension in the business (Rice, 1999). These were the initial conception regarding ethics in the business, from where the managers now integrated the moral dimension in any conductance regarding business affairs. On the contrary, in the Islamic ethical system the conception is different by the source of morale guideline.

Muslims derive their ethical system from the teaching of the Qur’an and sunnah. The goals of sunnah are not primarily materialist. They are based on Islamic concept of human well being and good life, which stress brotherhood/sisterhood and socio-economic justice and require a balance satisfaction of both the material and spiritual needs of all human (Chapra, 1992, Rice, 1999).

It is to be admitting with un-ambiguity that Islam is not a religion of ascetic; it is like a full practical deed for the life on the earth. Islam allows people to satisfy all their needs by the proper treatment which reveals the conception regarding the ethical marketing hundred years ago, when our postmodern marketing experts not yet realized the term “ethical marketing” (Rice, 1999). The basis of Islamic advertising via Marketing is on the particular pillar of moral distinction, i.e. Unity (tawhid), Justice (adalah), Trusteeship (Kihilafah), Balance. It is justified for any business to be ahead to the success if they follow the above principles.

When any business follow the belief of *unity* they will be submissive to the one, this will teach the organization the accountability, which is very much crucial for the modern management as one of the key principle among the 13 principles. It is often hard to place ethics before self-interest, even though Islamic system establishment attempting in some countries Islam invites mankind to value actions not only on faith, but also on rational ground (Rosly and Bakar, 2003).

The concept of reducing gap between the vertical level of the organization and well distribution of the wealth regarding all the peoples, according to their performance is obligatory to keep the organizational environment balanced now this issue already raised and solved by the Quran by the verse, “God loves not the arrogant, the vainglorious (nor) those who are niggardly, enjoin niggardliness on the others” (Qur’an 4:36-7). This reveals the prohibition of hoarding which encouragement of spending more money, investment in business enterprise and circulation of wealth. Similarly, *trusteeship* reminds us about how to be accurate to our responsibility not only within organization but also in all affairs of our life.

When all the people will be good in his responsibility then the business organization will get rid form its seventy percent problems. Muhammad (1982) advised Muslims to be moderate in all the affairs; he described Islam as the “middle way”. A balance in human endeavor is necessary to ensure social well-being and continued development of human potential development (Chapra, 1992). The emergence of balance in all affairs will ensure and justify all the activity of the organization to attain its goal, efficiently and effectively.

Existing Advertising and Effective Marketing Practices in the Muslim World

There is a significant control of a marketer for establishing a marketing mix, must do acute observation to the particular countries cultural environment, norms, believes and values of particular area to make it precise by ethical view. The marketer should focus those who are their target market and place the advertisement in a way that it can be caught by those and at the same time not been effected to the acquaintance.

For example in West Malaysia different ethnic group (Malay, Chinese and Indian). According to Hirschman (1983), the religious affiliations of Catholics, Protestants and Jews significantly shaped their attitudes towards dancing, magazines, restaurants and political ideas. There also strong relationship between religious persons and greater concern for moral standards (Wiebe and Fleck, 1980), being conservative (Barton and Vaughnan, 1976), and possessing more traditional attitudes (Wilkes *et al.*, 1986).

Of late the virus which effecting and influencing in the long run to the society through fraudulent exposure is called "surrealism in advertising". From the prior research, we found that visual imaginary mnemonics and surrealism found that surreal ads are likely to be processed more extensively than non-surreal ads (Mostofa, 2005). Advertisement production matter of objection arise when any product and its promotion try to create extra value which is not existed within the products and pursue the customer to purchase, is unethical. In Islamic system moderations in living is encouraged, while prodigality and waste are denounced. Costly promotional efforts and massive commercial advertisement by businesses are considered to be unnecessary.

The processes of production, distribution, and pricing are influenced by market, mechanism and government regulation. Monopoly, price fixing, hoarding, fraud, and deception in business are categorized as illegal practices. Islam imposes some restriction on the consumer's choice of good's and services. It also prohibits production and consumption on certain items (Mohammad, 1982).

The producer of advertise must be sure advertising does not overstep social and legal norms. If observed some advertising in Muslim country or outside, which can realize that the free value of western society alarmingly affecting the social norms of eastern part of the world. In Malaysia, Unilever's ad for Pond's skin lightening moisturizer showed a Malay college student using the product for a fairer complexion to get a boy's attention. The ad deemed offensive to the darker complexioned ethnic group. At the same time, the youth of Muslim will be impressed of this affair than building their stronger basic on education through their green mind.

The Qur'an does not prohibit advertising and indeed, advertising is used to promote the Islamic faith (Al-Makaty *et al.* 1996). Advertising should not be much exaggeration is regarded as the form of lying, whether exaggeration is by metaphor or by embellishing a description. Kavoussi and Frank (1990), in a study of advertising in the Persian Gulf States, observed the lack of hyperbole or exaggeration compared to that in American advertising. Rather, they noted, the emphasis was on long lastingness, tradition, quality, and the overall integrity of the goods and the seller. For example, an agency for computer services claimed 'our purpose is quality computer service and not profit.'

Deceptive advertising should be avoided. The saying of Prophet Muhammad, “he who cheats is not one of us” (Keller 1994), was made in the context of sales incident in the marketplace. The lesson from this event was that a seller who knows a defect in something being sold is obliged to disclose it before. Religious terminology may be used in advertisements to reassure consumers of the Islamic integrity of products and services. For example, in a television advertisement, a Saudi Investment bank in Egypt used religious terms to show that it did not deal in any Islamically unlawful financial products.

The use of selected Qur’anic Injunctions and words can enhance the mood of the advertising communication to make more appealing to Muslim consumers examples are the words “*Bismillah*” or “*Allahu akbar*”. Luqmani et al., (1989) provide an example of manufacture of water pumps that uses a verse from the Qur’an in advertising: A Spring 200 advertising campaign targeted at the Gulf market for the Ford excursion sports utility vehicles uses the words “*Ma’ashallah*”. These words are commonly used by the Muslims when they see something beautiful such as a small child, someone’s achievement such as obtaining a degree or new job, or someone’s acquisition of new goods or property (Rice, 2002).

In case of business and marketing, it is obviously welcome to keep in mind about the Islamic regulation but appropriate implementation with precise knowledge is first, otherwise have to face trouble and humiliate to the conventional follower by our words and deeds as a responsible representative of Islam. Keenan and Shoreh (2000) found primarily negative coverage of advertising in general and several criticisms of the inappropriate use of verses from the Qur’an.

Corrective Advancement with the evaluation of Advertisement

Most of the advertisement of the world business, which exchanging and spreading the culture from one country to another country are the creation and injected through the Multi national companies. The decision of marketing and sales, from the MNC’s² Head Quarter, spreading and influencing significantly the societal value of east particularly Muslim world. Presently, it is the matter of hope that the western world also thinking about ethical marketing while their forth-coming generation already hampered significantly. Public policy makers have developed a substantial body of laws and regulations to govern advertising. For example, ads using the words “most”, “best” and “number one” are not allowed in China.

However, such regulation varies by location. In Chengdu, ads cannot say “the most beautiful housing development” or “best value.” However, in Shanghai, Beijing and Guangzhou, these words are usually allowed. The Chinese government also has regulations regarding the design, image, taste, and possibly psychological impact of the foreign ads on viewer of varying age groups (Kotler, 2007).

All the activities of Muslim world regarding the advertising and other core of conduct of business are running under the Shariah observation. To make barrier and control the foreign culture at early 1970s, the Ministry of Information has imposed Made-in-Malaysia (MIM) rule, which requires all advertisements to be produced locally. Even the talent, creative team and the production staff must also be Malaysian. Foreign sense and technologies are subject to prior permission (Waller and Fam, 2000).

²Multi National Companies, most of these companies’ central activities are conducting from western countries.

The Government of Saudi Arabia promulgated the new legislation through royal decrees. In this country, the king is “all in all” who treated as the protector of laws. The commitment of the Government in some extant related with the advertising includes consumer, producer, market demand and trade balance protection inside the domestic economy. The Saudi legal system is unique in the sense that it identifies law with the personal command of the one and only God, the almighty. Gulf Media International W.L.L. (Bahrain) is the name who is now remarkable for their Code of acceptance for the advertisement for all sorts of commodity including the controversial product.

In the Middle East, the scope and opportunities derived more significant by using the printing media in ethical standard. In the Global survey on advertising among 22 countries, the larger number of consumer found anti-advertising (Rice and Al-Mossawi, 2002). Such a way the enhancement of Shariah knowledge under each department al expertise would help us to conduct our all the activities in more accurate way under light of Islam. These efforts will benefit not only the Muslim but also the other part of the world that are not yet acknowledged about the peace blow of Islam.

A Practical Experiment on the Islamic Banks in Malaysia

Advertising is nothing but a way of communication from the producer/marketer to the consumer, to reach the message about the product or facilities they producing for the mutual benefit. As an effective communication strategy, it will exert a positive impact on a construct called “qualitative channel outcomes,” which includes coordination, satisfaction and commitment (Vermillion et al, 2002).

The way the corporate office will formulate the communication, the branch office also needed to be similar with co-ordination, satisfaction, and commitment towards the customer positioning. To become successful in the business, it is must to focus on the customer satisfaction, they need the understanding of the relationship between customer satisfaction judgments and service quality perceptions remain a problematic issue (Taylor and Baker, 1994).

Some reported determinants of customer satisfaction include service quality, expectations, disconfirmation, performance, desires, affect and equity (Churchill and Suprenant, 1982; Levesque and McDougall, 1996; Oliver, 1993; Patterson et al., 1993; Spreng et al., 1996; Szymanski and Henard, 2001).

**Table 1: Bank Muamalat Overall Advertising Practice and Assessment
Comments Under Shariah Observation**

Name of the product	Incentives	Shariah specification with verses of Quran	Comment under assessment
1. Takaful Nasional's product (Motor vehicle, Fire, House owner, personal accident, Marine cargo)	Strategic alliance with comprehensive Islamic banking facility	"O mankind! We created form you from a single (pair) of a male and female ,and made you into nations and tribes, that you may know each other "(Quran 49:13)	Team work, international business, workforce diversity and Co-operation to achieve any business or investment which is encouraged by Islam.
2. MEPS Inter-Bank GIRO,electronic fundtransfer payment system	Only RM2.00 charge for each transaction, Transfer possible in any bank of Malaysia. IBG crediting time is faster than cheque. It can be held without physical attendance of customer	"don't outbid one another in order to raise the price," (Hanafy,1988) "Wear your beautiful apparel at every time and place of prayer ;eat and drink : but waste not by excess" (Qur'an 7:31)	Common facility shouldn't be present as extra facility to the customer. Some facility endeavor to make the customer draw more than save.
3. Muamalt Cash Line Facility – i(Mcash)	7 years duration with renewable facility, Irrespective BLR fluctuation profit rate is fixed, Effective cash flow under fixed payment regime.	"Allah does not like those who are self deluding and boastful, the vainglorious (nor) those who are niggardly, enjoin niggardliness on others" (Qur'an 4:36-7)	Islam prohibited hoarding .Encourage to spend, for the circulation of wealth.
4. Muamalat Personal Financing-i	Provides to 18 -55 yrs range customer, 60% market value of the property is financed, As a collateral Mudarabah Investment Certificate provided.	"If you are on a journey and cannot find a scribe, then a security deposit (should be) taken" (Qur'an 2:283)	Security deposit or collateral are not encouraged unless the agreement held in journey or cannot find scribe in such situation.
5. Muamalat Istisna' Aset Tetap Financing	Flexible payment o suit the cash flow, There will be no additional cost even when there is a rise in their base financing (fixed profit rate).	"O you who have believed, fear Allah and speak words of appropriate justice" (Qur'an: 33:70)	Truth fullness and directness should be more precise in case of advertisement of Islamic organization
6. Muamalt Trade Finance-i	Comprehensive Islamic trade finance facilities for local and global transactions irrespective with the conventional or Shariah based banks of the world	"O People of the Scripture, why do you mix the truth with falsehood and conceal the truth while you k now? (Qur'an;3:71)	Concept of halal transaction shouldn't mixed with conventional transaction
7. Muamalat Commercial & Industrial HP-I. Flexible, Simple and Reliable	Duration 7 years High margin of finance Attractive and Competitive rates, Fixed monthly installment, Open to all types of vehicles/machineries & equipment .	"Those who consume charged rates (like interest) ³ beaten by Satan into insanity. That is because they say, "Trade is just like interest." But has permitted trade has forbidden interest" (Quran;2:275)	The price will be higher than the actual cash purchase (for attractive and competitive rate) which is about 2 times higher, but the incentive kept it ambiguous.
8. Electronic Share Application Service (ESAS)	Low charge, Fastest trading, ATM slip considered to be as drive of transaction.	"and spend of your substance in the cause of Allah, and make note your own hands contribute to its destruction; but do good" (Qur'an 21:195)	Common services shouldn't expose in a way that tempted the consumer to spend scattered.

³ Included is that given on commercial as well as consumer loans.

At the 21st century with the increasing demand of Islamic banking, the curiosity about the functional activities of Islamic banks became an issue to the public irrespective the geographical or religious background. Advertising is an important component to create an image of Islamic banking and product about the performance of Islamic banks as well. Therefore, the shape of this must be different and logically strong in relation to the conventional advertising style. To assess the recent practice following assessment has been done on Bank Muamalat. Some of there recent advertisement have examined and observed based on Qur'an and sunnah.

At present, consumer expertise is increasing through speed of information availability. Research in consumer behavior, however, established that customers' expertise facilitates their learning of new and more complex type of information (Alba and Hutchinson, 1987; Cowly, 1994; Mishra et al., 1993). In addition, expert customers are likely to have developed skills in distinguishing between important and unimportant information, as well as between relevant information (Alba and Hutchinson, 1987). Moreover, people should be more specifically clarified about the products and the conveying message through the advertisement particularly from the Islamic banks.

Conclusion

Advertising is not new in the service sector, the research and shape of advertisement in service market became a subject of focus particularly. In order to establish which advertising appeals would reflects the success. Practices of advertising is needed to up grading with the revolutionary ethical standard at upcoming century, in such extant as a guide line and proper format, Shariah can be best confronted avenue. As an ethical action it can be said in the manner it generates *manfaat* to human beings. The extent remains ambiguous when Muslims tend to avoid Shariah where the value of human activities is defined by almighty Allah. All the affairs of life and career in these eternal functions have clear and obvious source of guideline, which can be easily established with honest implementation of human sense which need to be pondering ourselves about his creation and the manifestations. God gave created all the activities of the world and gave us the way about how to do it and eventual destination also clarified in Quran and Sunnah. Finally, "if only the scripture had been revealed to us, we would have been better guided than they." Therefore is has (now) come to you clear evidence from your lord and guidance and mercy. Then who is more unjust than one who denies the verses of Allah and turns away from them? It will recompense those who turn away from our verses to the worst of punishment for their having turned away (Qur'an 6:157)

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