



Mi'yar for Technology Product & Services from Halal Perspective



Technology Product & Services

Table of Content

1.0	INTRODUCTION.....	2
2.0	MI'YAR FOR MULTIMEDIA DIGITAL CONTENT OF AND BROADCAST MATERIALS WITH ISLAMIC ELEMENTS	3
3.0	MI'YAR FOR ISLAMIC DIGITAL PLATFORM IN ISLAMIC DIGITAL ECONOMY	9
4.0	CONCLUSION	10

1.0 INTRODUCTION

As the world become more and more interconnected, technology has begun to be considered as a convenient and useful tool in human's daily life. Every single thing that they are doing was depending on the technology. For example, the way humans communicate with each other. The mobile phones have constantly enhanced communication to allow for varied features to be performed far beyond what was there initially. Nowadays, digital applications are widely used for various purposes. Digital platforms are used to perform various activities such as watching movies, purchasing groceries, ticket bookings, banking transactions and many more.

The Islamic market is the biggest and fastest growing market in the world. In conjunction with the growing trend, the Islamic digital economy is also growing rapidly following the world digital market trend. The Islamic digital economy is divided into two main pillars.

ISLAMIC MEDIA & DIGITAL CONTENT	ISLAMIC DIGITAL PLATFORM / APPLICATION
<p>Consist of broadcasting content on digital platform. Radio & mainstream media. The broadcasting content include marketing material, cartoons, movies, music, advertisements and other content in related to the Islamic market</p>	<p>Web / Mobile application offering products & services within the Islamic industries. (Fasting reminder, athan apps & etc). Ecommerce platform is also a type of platform in the Islamic digital economy. The service is available across various industry in the Islamic market segment.</p>

In Islam, the use of Internet and new technology is allowed as long as it follows the Shariah principles or the Shariah law. (see Holy Quran Chapter 96; verses 1-5). Hence, the Muslims must always remember that there are certain acts which are permissible and not permissible in Islam. This guideline will focus on the basic shariah guide structure for any company venturing into the Islamic digital economy.

2.0 MI'YAR FOR MULTIMEDIA DIGITAL CONTENT OR BROADCAST MATERIALS WITH ISLAMIC ELEMENTS

To determine the status of a given multimedia digital content or broadcasting material, several criteria have been identified as a guideline. These criteria are as follows:

1) It Does Not Contain Elements Which Violate the Sanctity of Islam.

- The meaning of “elements which violates the sanctity of Islam” is any action, word or situation which may tarnish the image of Islam or may result in Islam being look down upon or being insulted.

Example 1: The act of throwing the Quran or placing it in a despicable place.

Example 2: Words, actions, scenes or situations which question the validity of the Quran as Allah's revelation and a source of Islamic law.

Example 3: Dialogues which may be considered an insult to Islam such as the following dialogues: “what is the use of praying? Or “those who don't pray can also lead an easy life...”

2) It Does Not Propagandize Deviated Aqidah, Rulings And Teachings.

- “It does not propagandize” means it does not spread an ideology or view with the purpose of influencing the society.
- “Propaganda” means a description of the ideology or aims to influence public opinion. It is also defined by propaganda.
- The meaning of “aqidah” here is the belief which is based on the principles of Ahli Sunnah wal-Jamaah.

Example: An act, action or dialogue which question the validity of the shahadah by saying that the wording of the shahadah is confined to “Lailaha illallah” and that there is no need to utter “Muhammadur Rasulullah”.

- “Rulings” means the rules and verdicts based on the Quran, Sunnah, Ijma' and Qiyas which are practised Ahl Sunnah Wal Jamaah.

Example: Dialogues, remarks or actions which indicate that prayers are performed only 3 times a day.

- “Teachings” includes all doctrines, advices and guidance.
- “Deviated..” means anything which deviates from or contradicts with the belief of the Muslim community in Malaysia which is based on the belief of Ahl Sunnah Wal Jamaah.

Example: Actions and dialogues which attempt to inculcate elements of deviated teachings and practice such as mut'ah marriage (temporary marriage) and scenes and dialogues which insult or look down upon the companions of the Prophet (the khulafa' ar rashidin), anti-hadith ideology, spiritual marriage and the like.

3) It Is Not Permissible for A Muslim To Play the Role Of A Non-Muslim.

- “To play the role of a non-Muslim” means any word uttered, act carried out or situation caused to happen by a Muslim, whereby the said word, act or situation may indicate or give the impression that the concerned person is a follower of a religion other than Islam.

Example 1: A Muslim actor playing his role says, “I am a Catholic” or wears the symbol of other religions.

Example 2: A Muslim actor performs the religious rituals of other religions.

4) It Is Not Permissible to Act Out Specific Acts of Worship Wrongly or To Ridicule Them.

- “To act out” means to stage or perform a part or role in a story and the like.
- “Specific acts of worship” means rites or rituals in Islam which involve the relation between Allah and His slaves such as the prayers, fasting, haj, reciting the Quran, etc.
- “Wrongly” means performing or acting out Islamic rites inaccurately and not as prescribed by the Quran and Sunnah and practiced by Ahl Sunnah Wal Jamaah.

Example: A dialogue or action of a person performing prayer in an inappropriate manner.

- “To ridicule” means to make fun of, deride and insult any acts of worship, or to equate them with other acts or question its authenticity.

Example: An action or remark which indicates that prayers of all religions are the same as they are all a forms of worshipping God.

5) It Must Not Ridicule or Question the Authenticity of The Main Sources of Islamic Law, i.e. The Quran, Sunnah, Ijma' And Qiyas.

- “Ridicule or question the authenticity” means making fun of, deriding, insulting or questioning the authenticity of any of the sources of Islamic Law.

Example 1: A scene in which an actor or actress says that Sunnah (hadith) is not a source of Islamic Law and that only the Quran is the source of Islamic aqidah and shariah.

Example 2: A scene which suggests that kashf, inspiration and ilm ladunni are also sources of knowledge in the field of aqidah and shariah.

6) It Must Not Contradict the Fatwas or Views of Jumhurul Ulama' (Majority of Scholars).

- “Fatwa” means a formal verdict on a religious matter officially issued by the Fatwa Committee of the National Council for Islamic Affairs of Malaysia or the fatwa authorities in respective states.
- “View of Jumhurul Ulama” means the verdicts and opinions agreed upon by the majority of Ahl Sunnah Wal Jamaah scholars particularly at the level of mujtahid mutlaq (i.e. Imam Malik, Abu Hanifah, Ash-Shafi e and Al-Hanbali).

Example: The Jumhurul Ulama' have unanimously agreed that punishment in the grave is true and that it will take place after death. Hence, a dialogue or action which questions the validity of the said belief is considered as contradicting the view of Jumhurul Ulama.

7) It Must Not Propagandize Elements of Deviated Israelite Stories, Superstitions and False Customs.

- “Israelite stories” means stories which preceded Prophet Muhammad SAW PBUH, peace be upon him, narrated from the Jewish and Christian traditions. This includes elements not originating from the Jewish and Christian which have infiltrated the Islamic civilization such as stories taken from the Magians.

Example: A dialogue or action about a dead body transforming into a pig.

- “*Superstitions*” means all forms of teachings, practices, prohibitions and customs which contain elements of worshipping, fortune-telling and belief which deviate from the teachings of Islam.

Example: A scene which shows the practicing of witchcraft for the purpose of forecasting.

- “*False customs*” is defined as the way of life of a society or community (including its, behaviour and thinking) and the material and spiritual results of its activities and creations which are in contradiction with Islam.

Example: Conducting and performing rituals such as mandi safar, puja pantai and the like.

8) It Must Not Contradict Historical Facts.

- “*Historical facts*” means valid and true information about an event in the history of Islam and Muslims, which has been agreed upon unanimously by Muslim scholars and historians.

Example: A remark or action which indicates that Prophet Muhammad, peace be upon him had 14 wives.

9) It Must Not Propagandize the Beliefs of Other Religions Than Apart from Islam.

- “*Propagandize*” means publicizing an opinion (ideology/ belief) in a systematic manner with the purpose of influencing the public and obtaining their support.
- “*Beliefs*” means the creed and all matters related to it such as worshipping.
- “*Other Than Islam*” means all beliefs, creeds, ideologies and practices that are not part of Islam.

Example: Dialogues and talks on religions other than Islam and explanations on the contents of their Scriptures.

10) It Must Not Introduce Any Elements or Rituals Which Contradict the Belief of Ahli Sunnah wal-Jamaah.

Example: Performing the rituals of inflicting wounds on one's own body on the 10th day of Muharram as performed by certain Shiite sects.

11) It Must Not Use Islamic Sacred Terminologies for Religions Other Than Islam.

- “Sacred Terminologies” are words which are highly respected in Islam and are related directly to Islam and are used only in the context of Islam.

Example: A scene, action or translation (subtitling) which is related to religions other than Islam but contains or uses Islamic words or terms such as Allah, Kaabah, Baitullah and solat.

12) It Must Not Involve Performing the Role or Exhibiting the Illustrations of Prophets, Angels, Satan And the Sam'iyat And Ghaibiyyat.

- “Illustrations” means pictures (painting and the like) which are used to explain or decorate something.
- “Sam'iyat and Ghaibiyyat” are the unseen which can only be explained or made known through the Quran Sunnah.

Example 1: A film, drama or documentary which attempts to depict the situation and condition of the punishment in the grave, the Hellfire, Paradise and the Day of Judgement.

Example 2: Acting as Prophet Muhammad SAW PBUH, peace be upon him, the Angels or Satan.

13) It Is Not Permissible for an Actor to Play the Role of a Woman And Vice Versa.

- “Role” means the physical and moral characteristics of a person including his/her characters, habits, behaviour, personality and thoughts.

Example: A man wears women's clothes and acts as a woman giving others the impression that he is a woman and vice versa.

14) It Is Not Permissible to Swear Except by The Name of Allah The Almighty.

- “To Swear” means to declare solemnly (in the name of God or something sacred) to reinforce one’s statement.
- “Except by The Name of Allah” excludes all creatures whether an object or person.

Example: A dialogue which says, “I swear in the name of this tree that what I am saying is true.”

15) It Must Not Contain Writings of Quran Verse in Other Than Arabic.

- Excludes scripts of languages other than Arabic such as Romanised alphabets and Latin.

Example: Verses of the Quran written in Romanised alphabets, e.g. “Qul Huwallahu Ahad”.

16) It Must Not Contain Immoral Elements.

- “Immoral Elements” means behaviour, manners and conducts which are against the teachings of Islam and the ethics determined by the Quran and Sunnah.

Example: A hugging scene between a non-mahram man and a woman.

17) It Must Not Cause Doubts and Raise Alarm Among the Public.

- “Cause Doubts and Raise Alarm Among the Public” means thing which may threaten public order and security, or which may cause commotion among the mind of the public as well as against the law.

Example: A scene or action which indicates that performing zikr after prayers, Maulidur Rasul and performing tahlil for the deceased are considered bid’ah dhalalah (heretic innovation) in Islam.

3.0 MI'YAR FOR ISLAMIC DIGITAL PLATFORM IN ISLAMIC DIGITAL ECONOMY

Islamic Businesses can be defined as business organizations, which operate its business according to the Shariah law and manage their operations according to the following guidelines.

1) Operations is not based on *Riba* (interest) such as activities of commercial and merchant banks, finance companies.

“Riba” means unjustified increment in borrowing or lending money, paid in kind or in money above the amount of loan, as a condition imposed by the lender or voluntarily by the borrower. **Riba defined** in this way is called in fiqh **riba** al-duyun (debt usury).

“Allah will deprive usury of all blessing, but will give increase for deeds of charity: For He loveth not creatures ungrateful and wicked” (Al-Baqarah, 276)”.

Example: A digital platform that use conventional finance product.

2) Operations does not involve *Maysir* (gambling)

“Maysir” means involving two parties in a combative game played for the sole purpose of winning at the expense of one's opponent. The gain accruing from such a game is unlawful, as is the act of playing it, for it diverts one's attention from productive occupation and virtuous conduct.

“They ask thee concerning wine and gambling. Say: "In them is great sin, and some profit, for men; but the sin is greater than the profit." They ask thee how much they are to spend; Say: "What is beyond your needs." Thus, doth Allah Make clear to you His Signs: In order that ye may consider” (Al Baqarah:219).

Example: An e-commerce platform providing betting services for any sports match.

3) Activities involving the manufacture and/or sale of *Haram* (forbidden) products such as liquor, non-halal meats and pork.

“Haram” means forbidden or proscribed by Islamic law.

The Prophet (pbuh) said “Allah has prescribed certain obligations for you, so do not neglect them; He has defined certain limits, so do not transgress them; He has prohibited certain things, so do not do them; and He has kept silent concerning other things out of mercy for you and not because of forgetfulness, so do not ask

questions concerning them". (al-Darqutni and classified as *hasan* (good) by al-Nawawi.)

Example: A B2C / B2B ecommerce platform selling liquor / alcoholic drink.

4) Operations containing element of *Gharar* (uncertainty)

"Gharar" means uncertainty, hazard, chance or risk. It is a negative element in *mu'amalat fiqh*.

To avoid Gharar on an ecommerce platform, both parties (buyer and dropship agent) are required to have adequate information of product in term of quality, size, material (Ghazali, 2011) and mode of delivery (Mokhtar et al., 2013). Product description and information should be clearly explained to prevent Gharar.

Example: An e-commerce platform that sells product with incomplete information particularly on the price.

4.0 CONCLUSION

Generally, the e-commerce business concept is acceptable in Islam. For a transaction to be valid, it should comply with the Shariah (Islamic law). All transactions must fulfil the basic requirement of Shariah in relation to the following issues: (1) offer and acceptance, (2) the contracting parties who are the buyer, agent, and the seller, (3) the subject matter (object and price), and lastly (4) the payment method. The online dropship transaction should be free from the elements of Riba, Maysir and Gharar. Therefore, all parties involved (the seller, the agent, and the buyer) must look at the whole process of the transaction to ensure that the process of the online ecommerce transaction is clear and valid from the Islamic perspective.