

The Significance of Maqashid Shariah in the Development of the Islamic Marketing Mix Concept

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Abstract

This paper discusses the conceptualization of the Islamic marketing mix which is based on the theory of maqāṣid syarī'ah which is derived from the Koran and as-Sunnah covering products, prices, promotions, distribution, and people. The marketing mix in an Islamic perspective is different from the marketing mix in conventional economics. As an illustration, the production process includes moral and transcendental elements in the decision making of the production process. Product pricing in Islam must pay attention to several provisions that have been regulated in Islam. Product promotion in Islam is not justified in exaggerating product quality. According to Islamic principles, distribution channels are not allowed to charge the end customer which leads to higher prices. Regarding the aspect of people, Islam emphasizes the importance of customer freedom in making decisions.

Keywords: Maqashid Syariah, marketing, Islamic-economy.

Introduction

The arrogance wave of modernity and global industrialization has sneaked into the joints of human life. So that in turn, contemporary Islamic thought with all its tools, including the methodology uṣūl al-fiqh and qawā'id al-Fiqhiyyah which has been one of the foundations of Islamic banking practice, must metamorphose along with the passage of time and reality. In other words, it is necessary to make efforts to incorporate revelation into scientific research in order to free Muslim scholars from the coercion of Western epistemology or adopt conventional economic and financial practices without considering all the risks. This is a big job that must be done in order to build self-image of Islam in the midst of modern life that is constantly changing and developing (Watt, 1988:140).

In this regard, maqāṣid syarī'ah is a relevant corridor as the basis for the development of shariah banking systems, practices, and even

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products in this multidimensional era. The order is *maqāṣid syarī'ah* considered by the majority of scholars to be a bright path for the journey of Islamic banking in answering dynamic contemporary problems, because it is based on benefit and welfare. The concept of *maṣlaḥah* is the goal of *syara'* (*maqāṣid syarī'ah*) from the stipulation of Islamic law. *Maṣlaḥah* here means *jalbul manfa'ah wa daf'ul mafsadah* (attracting benefits and rejecting *kemudaratan*) (Ash-Shiddiqy, 2001:171-182).

According to Ibn Thohir Asur, all the teachings of the *Shari'ah*, especially Islam, came to bring benefits to the human mission in the world and the hereafter (Fathurrahman, 2014; Nasuka, 2017). Therefore, it can be said that all the teachings contained in *al-Qur'ān* and *as-Sunnah* become the evidence for *maṣlaḥah*. Although the sources of *syara'* do not all talk about benefit directly, there are several arguments that can indicate the existence of *maṣlaḥah* in Islamic law. So it becomes strange, when there is a legal product that is burdensome and even burdens the community in carrying out all economic transactions. That is why the existence of *maqāṣid syarī'ah* is important. According to Abdul Wahab Khalaf, understanding and understanding about *al-maqāṣid al-syarī'ah* can be used as a tool in understanding the editorial of *al-Qur'ān* and *as-Sunnah*, helping to resolve conflicting arguments (*ta'arud al-adillah*) and which is very important again is to establish a law in a case where the legal provisions are not listed in the *al-Qur'ān* and *as-Sunnah* when using semantic studies (language) (Anshori, 2010). This is where the importance of *maqāṣid syarī'ah* in contemporary economic and financial practices, amidst the inequality of Islamic banking practices in various countries. This paper will discuss the development of the Islamic marketing mix concept based on the theory of *maqāṣid syarī'ah* which comes from the Koran and *as-Sunnah*.

Theory *Maqāṣid Syarī'ah* in Islamic Economics

The concept of *Maqāṣid al-Syarī'ah* is a theory of formulation (*istinbāt legal*) by making the goal of establishing *syara'* law as its reference, in which case the main theme is *maṣlaḥah*. According to Abdul Wahab Khalaf, understanding and understanding *maqāṣid al-syarī'ah* can be used as a tool in understanding the editorial of the Koran and *Sunnah*, helping to resolve conflicting arguments (*ta'arud al-adillah*), and what is very important is to determine a law in a case where the legal provisions are not listed in the Koran and *Sunnah* when using semantic studies (language) (Anshori, 2010). Shāṭibī said that the main objective of legislators (*Syāri'*) is *taḥqīq maṣalih al-khalq* (realizing the benefit of beings), and that the obligations of the *Shari'a* are intended to maintain *maqāṣid syarī'ah* (Ishak, 2013; Mas'ud, 1995:151).

The ultimate goal of Islamic economics is as the goal of Islamic sharia (maqāṣid asy-syarī'ah), namely achieving happiness in the world and the hereafter (falāḥ) through a good and honorable life system (ḥayah ṭayyibah). This is the essential happiness that every human being yearns for, not fake happiness which often causes suffering and misery (Ishak, 2013; Misanan, 2008:54). To construct an Islamic economic structure, it cannot be separated from the theory Maqāṣid. In fact, Shaykh Muhammad Thahir ibn 'Asyur once said that forgetting the importance of the side maqāṣid in Islamic sharia is the main factor causing stagnation in fiqh (Thahir, 1998:110). Reviving the Islamic economy that has been buried for so long and has almost become a fossil, is a field of ijtihadi. This means that hard work (ijtihad) is required from Muslim economists to seek the values contained in al-Qur'ān and as-Sunnah related to economics. Henceforth, these ideal values are derived into economic theories which can then be used as formulations / rules in the plains of praxis. In addition, the offer of Maqāṣid Fiqh seems to be one of the stimulants that Muslim economists should develop to develop an Islamic economy. Maqāṣid Fiqh will end the chapter of history that has been presenting fiqh in his face which is stiff, out-of-date, sacred, almost untouchable and does not have maximum touch power in the field. Yusuf al-Qardhawi saw the fact that the barrenness of fiqh was marked by the use of the system fiqh which began with a discussion of worship. According to him, the characteristics of fiqh like this have reflected perspective fiqh on social, political, and economic problems (Qardhawi, 1998:228). Islamic economics which in many ways is the reincarnation of fiqh muamalah (Azizy, 2004:175) are supposed to restore suppleness and elasticity of fiqh by making Maqasid shari'a as the ultimate goals in the process. Quoting Masdar F. Mas'udi's opinion, that in the matter of mu'amalat, the rhythm of the text is no longer dominant, but the dominant one is the rhythm of maslahat.opinion (al-qawla superior) not only has a textual basis but can also guarantee benefit and avoid damage (al-mafsadah). Therefore, using the viewpoint of Maqāṣid Fiqh to operationalize universal human values, such as benefit, justice and equality in the Islamic economy becomes a necessity (Azizy, 2004:178). Islamic economics should be built without denying the existing reality but still within the framework of Maqāṣid Sharia. This is because Maqāṣid Syarī'ah itself seeks to express an emphasis on the relationship between the content of God's will (law) and human aspirations (Hallaq & Little, 1991:89). At this point, a common thread can be drawn that theory Maqāṣid occupies a very central and vital position in formulating the methodology for the development of Islamic economics. In fact, Ash-Syaibi himself stated that Maqāṣid Syarī'ah was his uṣul-uṣul (Djalaluddin, 2015). This means that compiling uṣul fiqh as a methodology cannot be separated from Maqāṣid Syarī'ah. This is because the theory Maqāṣid can lead the

mujtahids to determine the standard of benefit according to sharia / law.

The description above shows that Maqāṣid asy-Syarī'ah is the basic foundation for achieving the ultimate goal of Islamic economics, namely achieving happiness in the world and the hereafter (falāḥ) through a good and honorable life system (ḥayah ṭayyibah). Therefore, the concept of Maqāṣid asy-Syarī'ah becomes the basis for individual and institutional behavior as producers, consumers, employees. Thus the concept of Maqāṣid asy-Syarī'ah has an important role in determining production and marketing in accordance with the principles of Islamic sharia.

Islamic Marketing Mix Concept

Marketing is a social and managerial process in which individuals and groups get what they need and want by creating, offering, and exchanging products of good value. (Kotler, 2003:8). The marketing definition rests on the core concepts, namely: the need (needs), desire(wants)and demand(demans);products (goods, services and ideas); value, cost, and satisfaction; exchanges, and transactions; relationships and networks; market; marketers and prospects (Kotler, 2003).

The rationale for marketing, according to Kotler (2003:8-9) starts from human needs and desires.(Human needs human needs) are the absence of some basic satisfactions, such as food, clothing, shelter, security, property rights, and self-respect. These needs are not created by society or marketers, but by the nature of biology and the human condition. Meanwhile, wants is a desire to satisfy a specific need. Human needs are few, but human wants are many.

Today, there are differences between the three marketing communication concepts. Chan, (2003:2-4). divided the concept of marketing communication into three. First, mass marketing is a one-way marketing communication concept aimed at everyone. Mass marketing through advertising activities, for example, conveying one message for everyone without having to identify to whom exactly the message was conveyed. Second, the concept direct market which is based on communication activities the marketing is to the database customer they already have, it's just more in one direction. Whereas the third, relationship marketing based its marketing communication concept on databases but emphasized more on interaction, namely communication one-to-one two-way.

Marketing activities are the spearhead of business activities which are used as the main support in exploring the potential and developing a business or company (Baidowi, 2011; Darmawati, 2013). A market that can support and buy products or services sold by a company with a

number of attributes that are pleasing to the market or consumers, so it is certain that the company's revenue will continue to flow by itself. So, the success of a company is determined by the loyalty of the market or consumers that the company enters. If consumers are loyal to the company, it will guarantee that the company will survive for a long time (Baidowi, 2011). In line with what was stated by Muhammad (Armstrong, 1992), that whatever is done by marketing activities is oriented to customer satisfaction. Market satisfaction is a condition of mutual approval and grace between buyers and sellers for transactions made, thus making the market loyal to the company's products for a long period of time.

The rationale for conventional marketing is human needs and wants, as previously explained. Business actors do not see that as long as it is needed and wanted by the consumer community, even though it is detrimental to the safety, welfare and health of consumers. In contrast to the Islamic view, the starting point of the Islamic marketing view is that there is a community need for goods and services that are positively beneficial and useful for society and society is in dire need (Darmawati, 2013). Therefore, it requires business ethics for producers in accordance with religious norms.

The study of business ethics in relation to religion and business ethics with culture in conventional marketing has attracted the attention of many researchers, as published in the Journal of Business Ethics (Dubinsky et al., 1991; Green, 1993). Along with the rapid development of the study of business ethics, the study of the concept of Islamic marketing mix (IM) recently has also attracted attention among scholars, practitioners, and customers in Islamic marketing (Abdullah et al., 2013). The term Islamic Mix Marketing is still very new and reflects a phenomenon that will develop throughout the Muslim world in the future. Meanwhile, the exact definition of Islamic Mix Marketing has not been found in various marketing literature (Adnan, 2013).

The development of Islamic marketing has promising potential and prospects. As Rice noted that after all, the growth of the Islamic target market has an important role in today's global business, but it has been ignored by most researchers (Rice, 1999). Husain explained that the Muslim population, which is approximately 1.7 billion worldwide, is a very potential opportunity for the development of Islamic marketing (Hussnain, 2011). Besides, the factor of the growth trend of the Islamic market. Adnan (2013) stated that the field of Islamic marketing has attracted the attention of many researchers due to the current rapid development, of global halal marketing with a value of more than \$ 2.3 trillion per year. Halal food products represent more than 60% of the market value totaling \$ 680 trillion. This is shown by the increasing

number of published articles and research results, seminars and workshops on the Islamic marketing mix.

The potential number of Muslim population around the world which is quite large and coupled with the growth trend of the Islamic target market has not been supported by adequate literature related to Islamic marketing. Saeed, Zafar U. Ahmed, and Seda Masoda Mukhtar observed that the related literature on business ethics, including marketing from an Islamic perspective, is still relatively small (Saeed et al., 2001).

The Islamic view, according to Saeed et al., (2001) provide a very valuable and truly unique record regarding a special aspect of human activity for three reasons: (1) Islam does not recognize the separation between worldly and ukhrawi affairs as long as individuals seek the pleasure of Allah and follow His orders in carrying out all aspects of daily activities, (2) all types of one's business, including businesses with commercial purposes, are part of religious belief. In other words, everything a person does is part of worshipping Allah, (3) in Islam, all commercial endeavors (including national or international marketing) take into account the values of the form of worship. The conclusion is that the entire series of activities in a person's life will be accounted for before Allah. Conducting business transactions is an essential part of everyday life. In Islam every transaction must be carried out according to the teachings of Islamic law.

Saeed et al., (2001) stated that Islamic marketing ethics is based on the principles of fairness and honesty. There are three characteristics of marketing ethics from an Islamic perspective. First, Islamic ethics is based on the commands of the Koran and does not leave room for different interpretations by marketers according to their respective wishes and desires. Two, the main difference is the transcendental aspect is absolutely transcendental and the original character which is not easily influenced. Third, the Islamic approach emphasizes on maximizing value which is more concerned with the welfare of society than pursuing as much personal gain as possible. Such an attitude ensures that Islamic ethics has a very large capacity to penetrate the human conscience, and is able to influence the behavior of marketers from within.

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ventures (including national and international marketing) are a form of activity of worship (QS: 107:1–7). The conclusion is that the entire series of activities in a person's life will be accounted for before Allah. Conducting business transactions is an essential part of everyday life, in Islam every transaction must be carried out according to the teachings of Islamic law (Saeed et al., 2001).

The principle of value maximization is based on the concept of justice. Many Islamic scholars have analyzed the application of the concept of justice in marketing about acting honestly and making transactions. Miskawayh (1968), for example, describes the honest treatment of receiving and giving in business according to the interests of all related parties, while transactions that are described as a kindness cause a person to be fair to himself and others by refraining from receiving more benefits for himself than others, and does less harm to himself than it does to others.

Marketing ethics in an Islamic perspective with this value maximization approach is conceptualized by Saeed et al., (2001) through a marketing mix in an Islamic perspective covering products, prices, promotions, distribution, and people.

a) Production Process. The quality of the production process is the most important issue in the view of Islamic ethics. Al-Qur'ān emphasizes that the implementation of the ultimate goal of safety and quality is an aspect of realizing safe and trustworthy products and services for customers. As explained in Surah Al-Baqarah: 172:

Meaning:

"O you who believe, eat among the good sustenance We give you and give thanks to Allah , if truly to Him you worship ". (Surah Al-Baqarah [2]: 172) . [36]

In several verses of the Al-Qur'ān it states " Eat of various things that are lawful, " and " Do pious deeds. "virtuous deeds In short, all of these expressions are intended to emphasize, including the problem of production, consumption and marketing of genuine and lawful products.

The production process in Islamic view is very important. different from Western thought. The Islamic perspective includes moral and transcendental elements in the decision-making of the production process. These principles have several aspects. ntuan as stated by Al-Ukhuwah [37], including: First, that the product must be legal according to law and not interfere and harm the public interest in any form; Second, namely the product must be the actual property of the owner; Third, the product must be able to be delivered, because the sale of a product is invalid if it cannot be handed over; for example

selling fish in rivers; Fourth, the sales contract must clearly define the quantity and quality; Fifth, the production process must be halal and good. Al-Faruqi [38] also stated the same thing, that Islamic principles require that production operations must be lawful and good from beginning to end. Related to the production process is a part of Worship to Allah [39].

b) Product pricing. In Islam, the performance mechanism on price regulation and healthy competition (Munafasah) is what is actually being pursued (Al-Qur'ān 83:26).

Meaning:

" The act is musk; and for that people should be competing ”.

Product price fixing in Islam must pay attention to several provisions that have been regulated in Islam, as stated by Niazi, [40] among which are no monopoly market, no hoarding, no price manipulation.

c) Product Promotion. According to Saeed, Ahmed, and Mukhtar [41], Islam does not condone any concealment of promotional behavior. The Qur'ān condemns all forms and forms of false statements, baseless accusations, mixtures and false testimonies (Al-Qur'ān 43:19, 80; 33:19, 58; 58 : 17–19; 102: 8; 100: 8; 3:14). Al-Ukhuwa [42] stated, in terms of Islamic marketing ethics, it is unethical for sellers to overestimate the quality of their products. Such things are classified as fraudulent and therefore are not permitted. Ahmad [43] explained, the Prophet told specific examples to illustrate the form of cheating, for example, the seller and the buyer have the right to keep or return the goods as long as they do not sell. "If both parties speak the truth and describe the defects and qualities (of the goods), then they will be blessed in their transactions, and if they lie or hide something, then the blessings of their transactions will be lost". Al-Ukhuwa [44] added that hiring a salesman to promote improperly in order to facilitate the sale of goods is prohibited, and any form of payment received by the salesman is also illegal. The rationale for this prohibition is to avoid all forms of fraud. From an Islamic perspective, Miskawayh [45] argues that a seller realizes that his actions will be accounted for before Allah, will be fair and honest in all his marketing activities and reveal the true specifications about quality, content, and so on. And vice versa, he will not carry out activities that are fraudulent, treasonous, theft or injustice.

Al-Ukhuwah [46] emphasized that based on Islamic principles, international marketers are required to convey all weaknesses or defects that exist in the product, both visible and hidden, and if this is not so then the act is fraudulent. In fact, according to Niazi, [47] it is obligatory for sellers to disclose all product defects to buyers which cannot be seen or which cannot be seen by the eye. Niazi [48] added

that product quality which is stated verbally, in writing, or if there is a weakness or defect, even though it is not informed to the buyer, is a guarantee of product quality.

Erffmeyer [49] also emphasized that, according to Islam, promotional techniques should not use sexual attractiveness, emotional personas, intimidation, false testimonies. Within the Islamic framework, these methods are unethical because they are carried out solely to take advantage of the basic instincts of consumers with the aim of obtaining a greater profit and market share. Furthermore, Islamic ethics strictly prohibits the imitation of women in advertisements, the giving of excessive expectations, the use of suggestive language and behavior, and the use of women as objects to lure and attract customers. Islamic principles of this kind of promotional behavior are not feasible, but can be practiced on a day-to-day basis such as lead training and sales at Saudi Advertising. Al-Ukhuwah [50] described as shown by the Prophet and his disciples. For example, a well-known student, Jarir, always communicates to customers the flaws in his belongings. When told that his business was about to go bankrupt he replied, "We promise the Prophet to transact honestly in our marketing activities".

d) Distribution Channels. The ethical dimensions of decision making related to product distribution have an important role in the marketing field. Unethical practices in distribution include the use of packaging designs without adequate safeguards and protection for the product, packaging that does not match the contents of the product, and transporting toxic and hazardous products via public roads. In an Islamic perspective, Miskawayh [51] states that such service to customers is not in accordance with Islamic ethical principles. According to Islamic principles, distribution channels are not allowed to charge the end customer which leads to higher prices. Miskawayh [52] specifically identified unethical conduct in distribution channels that caused delays and repeated technical delivery of goods. Islam does not prohibit agents as a market network to facilitate delivery of goods. In Islamic ethics, the primary objective of distribution channels is to create value and raise living standards by providing services in an ethically satisfactory manner.

e) People. Ahmad in Saeed, Ahmed, and Mukhtar stated that Islam emphasizes the importance of customer freedom in making decisions. [53] The ability to think rationally when making decisions related to global marketing activities is a prerequisite in Islamic law. The public at large should not be hindered by freedom and honesty from coercive marketing information. The right of a customer to obtain correct information and is a form of right given to him according to Islamic law, as well as the inherent right for his wealth to be spent in the purchase of products and services. It is the responsibility of marketers not to

resort to any form of coercion and under any circumstances, they must respect the intellectual integrity and a higher level of consumer awareness to ensure that the money earned for the hard work of customers is not wasted. Coercion (Ikrāh) is described in the Al-Qur'ān:

Meaning:

"... And do not force your slave girls to carry out prostitution, while they themselves desire holiness, because you want to seek worldly gain. and Whoever forces them, then Allah is All-Forgiving, Most Merciful (to them) after they are forced ". (Surah An-Nur [24]: 33).

Coercion (Ikrāh), as defined by Tyser, Demetriades, and Efendi [54], is to force someone to do something without his consent. So if a coercive force is applied to decide which is the goal in global marketing, the fundamental and vital conditions for mutual benefit remain unfulfilled and as a result the resulting transactions are unethical and illegal. The Prophet Muhammad SAW prohibits transactions carried out under duress, or bay 'al-Mudtarr. [55]

According to Islamic principles, sexual, emotional, intimidating, misleading advertising considerations all have elements of coercion that cause them to be categorized as unethical behavior which is used as a marketing tool. Therefore, the discourse on an ethical marketing mix, stipulates that the freedom of customers to make decisions, must be protected from things that are coercive. [56]

Ad-Daraini argued that the rules in the shari'ah were not made for the shari'ah itself, but were made for the benefit of. In accordance with this, Zahrah also stated that the true goal of Islam is benefit. There is no single rule in the Shari'ah both in the Koran and the Sunnah, but in it there is benefit. Thus, it can be understood that a series of rules outlined by Allah in the Shari'ah are to bring people in a good condition and avoid everything that makes them in bad conditions, not only in the life of the world but also in the hereafter. The key word that is often referred to later by Muslim scholars is *maṣlaḥah* which means goodness, where the barometer is shari'ah.

Conclusion

The ultimate goal of Islamic economics is to create *maṣlaḥah* (welfare). good human life in the world as the goal of the Islamic sharia (enactment of *maqāṣid syarī'ah*). This is then used as the basic basis for the concept of the Islamic marketing mix. on which to base the theory *maqāṣid syarī'ah* originating from al-Qur'ān and as-Sunnah, where the exchange relationship emphasizes the aspects of *maṣlaḥah* (welfare) of human life both in the world and in the hereafter, not just based on rewards economic and / or social, with The goal of getting instant

satisfaction is life satisfaction in the world as an exchange that uses a concept approach relationship marketing based on social exchange theory.

The concept of the Islamic marketing mix is a process of identifying and implementing a value maximization strategy for the welfare of stakeholders in particular and society in general which is governed by the guidelines given in the al-Qur'ān and as-Sunnah. The concept of the Islamic marketing mix emphasizes aspects of *maṣlaḥah* (welfare) as the objectives of sharia (*maqāṣid syarī'ah*). The concept of the Islamic marketing mix is gaining significant momentum in the development of the marketing field, therefore it has attracted a lot of attention among scholars, practitioners, and customers. This conception reflects a phenomenon that indicates the development of Islamic marketing throughout the Muslim world in the future.

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