

Development of a Model for Advertising Professionalism from the *Maqasid Al-Shari'ah* Perspective

Aida Mokhtar*

Faiswal Kasirye**

Mohd. Fuad Md. Sawari***

Amilah Awang Abd. Rahman @ Jusoh****

Ahasanul Haque*****

Abstract: The study proposes a new Islamic model for advertising agencies that embraces a normative perspective framed by *Maqasid Al-Shari'ah*. The phenomenological research design was adopted through semi-structured interviews carried out on 25 advertising industry practitioners and academicians well-versed in *Maqasid Al-Shariah*. The findings reveal that

*Associate Professor, Department of Communication, AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia, Malaysia. Email: aidam@iium.edu.my. Corresponding author.

**Doctoral student, Department of Communication, AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia, Malaysia. Email: kasirye.faiswal@gmail.com

***Associate Professor, Department of Fiqh & Usul al-Fiqh, AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia, Malaysia. Email: sawari@iium.edu.my

****Associate Professor, Department of Usul Al Din and Comparative Religion, AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia, Malaysia. Email: amilah@iium.edu.my

*****Professor, Department of Business Administration, Kulliyah of Economics and Management Sciences, International Islamic University Malaysia, Malaysia. Email: ahasanul@iium.edu.my

advertising agencies applied various *Maqasid Al-Shari'ah* principles in their codes of conduct, but they did not adhere to the same set of standards whilst academics recommended that *Maqasid Al-Shari'ah* elements be embedded in a standardised code of conduct and implemented in an ecosystem that ensures professionalism and sustainability. The study is significant as it examined both advertising agency and academic perspectives giving birth to the Model of the Implementation of the Advertising Codes of Conduct using *Maqasid Al-Shari'ah* that visualises how best to implement *Maqasid Al-Shari'ah*.

Keywords: *Maqasid Al-Shari'ah*, Professionalism, Advertising Agency, Islamic model, Code of conduct.

Abstrak: Kajian ini mencadangkan satu model Islamik baharu bagi agensi pengiklanan yang berteraskan perspektif normatif *Maqasid Al-Shari'ah*. Reka bentuk kajian fenomenologi yang diguna melibatkan temu bual separa berstruktur dengan 25 pengamal industri pengiklanan dan ahli akademik bidang pengiklanan berpengetahuan luas tentang *Maqasid Al-Shari'ah*. Dapatan kajian menunjukkan bahawa pengamal industri telah menggunakan pelbagai prinsip *Maqasid Al-Shari'ah* dalam kod etika mereka, namun tanpa mengikut set piawaian yang seragam. Sementara itu, para ahli akademik mencadangkan agar elemen *Maqasid Al-Shari'ah* diterapkan dalam satu kod etika seragam dan dilaksanakan dalam ekosistem yang menjamin profesionalisme serta kelestarian. Kajian ini signifikan kerana ia meneliti perspektif kedua-dua pihak, iaitu pengamal industri pengiklanan dan ahli akademik, sekali gus melahirkan cadangan suatu Model Pelaksanaan Kod Etika Pengiklanan berasaskan *Maqasid Al-Shari'ah* yang menekankan amalan terbaik seragam untuk melaksanakan *Maqasid Al-Shari'ah* bagi industri pengiklanan.

Kata kunci: *Maqasid Al-Shari'ah*, Profesionalisme, Agensi pengiklanan, Model Islami, Kod tatalaku

Introduction

Comparable to other professions, like lawyers, doctors, journalists and public relations practitioners, advertising practitioners encounter many ethical issues at the workplace and must adhere to the codes of conduct to ensure professionalism. Working ethically is an important component of professionalism, besides possessing theoretical knowledge (Christian et al., 2020). The embrace of the Islamic worldview entails that every decision made at advertising agencies should have the primary aim of pleasing Allah SWT preceding other advertising objectives such as

making profits or creating awareness of brands. The Islamic worldview has three components such as belief in Allah SWT, belief in prophethood and belief in eschatology (Ushama, 23 November, 2021). The practice of embedding Islam into advertising is possible as evident by a study on Islamic marketing principles and conventional social media (Hasan, 2020). It is also necessary as several advertisements are targeted to the Muslim audience that is growing in number. There are almost two billion Muslims globally making the Muslims a huge market with Indonesia having the largest number of Muslims with about 240 million Muslims (World Population Review, 2025)

Ideally, advertising agency practitioners should practise professionalism by adhering to *Maqasid Al-Shari'ah* to produce advertisements that are Islamic. *Maqasid Al-Shari'ah* includes: the preservation of the self, the preservation of reasoning, the preservation of religion, the preservation of property, and the preservation of lineage (Kamali, 2008). The study is set in the context of Malaysia which is predominantly Muslim comprising 70.5 percent of the 30.9 million population (Department of Statistics Malaysia, 2025). Its official religion is Islam as mentioned in the constitution (Government of Malaysia, 2010).

Statement Of the Problem

On social media, the presence of unethical advertisements that are deceptive and not acceptable to Islam is rampant. This calls for the importance of ensuring that the advertising practitioner produces advertisements that are Islamic for the Muslim and non-Muslim audience as Islamic values are universal. It was found that not many businesses comply with Islamic marketing practices making it important to come up with guidelines (Abdullah & Ahmad, 2010). Hence, the study focused on determining the perceptions of advertising agencies and academics in relation to their use of *Maqasid Al-Shari'ah* in the production of advertisements. Unethical advertisements could influence audiences' perception of reality and behaviour as espoused by several theories such as social learning theory (Bandura, 2001) and cultivation theory (Gerbner et al., 2002). The reinforcement of Islamic values through advertisements is important as the Muslim advertising practitioner's purpose of life is to revere Allah SWT (Mokhtar & Samsudin, 2015). The purpose of the study is to understand how the advertising agency

regulates the conduct of advertising practitioners as they influence the production of the advertisements significantly when encoding messages for the receiver.

Significance of the Study

There is the dearth of previous studies on a comparable subject making the study important to conduct to fill the research gap. Any offensive advertisements could cause hatred to the brand (Noor et al., 2022). Most studies that are very old have examined the advertising production process from the ethical perspective but have not focused on the role of advertising practitioners (Hirschman, 1989; Hyman, 2009; Hyman et al., 1994; Polonsky & Hyman, 2007; Rice, 1999) which makes this study significant. The study is also significant because it will develop a model that would provide a framework for an ecosystem to ensure professionalism when producing Islamic advertisements by providing recommendations that will be beneficial to advertising agencies in Malaysia and other Muslim nations.

Research Questions

The following are the research questions for this study:

1. How do advertising agencies regulate the conduct of advertising practitioners?
2. How should *Maqasid Al-Shari'ah* principles be imbued in the advertising practitioners' agency code of conduct?

Literature Review

There are several studies in the past that focus on the topic of advertising practitioners and Islam but there appears to be the dearth of studies on the advertising agency and advertising practitioners from the *Maqasid Al-Shari'ah* perspective. Most of the studies on the advertising agency, practitioner and ethics are not recent articles justifying the research gap of the contemporary situation.

Advertising Professionalism in Advertising Production

Advertisements are criticised for their unethical messages and inappropriateness to Muslims making the role of the advertising practitioner in the production process important to scrutinise. The

advertising industry has also been stigmatised for long as it is regarded as being complicit in “exploitative capitalist mechanisms and cultural degradation” (Cohen & Dromi, 2018, p. 175). The for-profit objective of the advertisements per se without the consideration of ethics is a concern. Thus, advertising ethics should be applied by advertising practitioners of agencies to ensure that advertising they produce is ethical.

This boils down to the notion of professionalism in the advertising industry. The question of whether advertising is a profession has been raised before. Advertising is not deemed as a profession but ought to have practitioners conduct themselves with professionalism (Keane, 1974). The professionalism stature is a societal granted privilege hence practitioners have the responsibility to perceive beyond one's own self-interest and address societal needs (Christians et al., 2020). There appears to be limited consensus on what makes a profession. If we were to regard advertising practitioners as professionals, there are two aspects that should be considered by them: they need to have theoretical knowledge of advertising and embrace ethical practices (Christians et al., 2020). The truth of the matter is, whether advertising practitioners are professionals or not, they must adhere to ethical practices, but professionalism makes it more formal and universal.

There are previous studies by Muslim and Western scholars emphasising the importance of the role of the agency (and practitioner) in producing responsible advertisements within tight deadlines and high expectations (Drumwright, 2019). Despite this, advertising practitioners play an important role in influencing advertising content hence their conduct needs to be examined and regulated. Western scholars have underscored the negative implications of producing irresponsible and unethical advertisements due to their harmful effects (Polonsky et al., 2003). Advertisements are deemed as irresponsible if regarded as such by at least one stakeholder (the advertising agency, advertiser, media or competitor) in the production process (Polonsky & Hyman, 2007). The advertising practitioner and advertising agency are mentioned by Drumwright (2019) as important stakeholders in ensuring that advertising ethics is practised. In Malaysia, advertising is perceived to be Western causing Western behaviour to be adopted by the people (Kadir & Al-Aidaros, 2015) and this is unethical.

Advertising ethics can be examined on three levels: 1. The micro level or individual level that includes individual advertising practitioners; 2. the meso level or groups of organisations that affect advertising business (agencies, clients, media, industry associations, or regulators); and, 3. the macro level in relation to advertising's impact on society (Drumwright, 2019). All three levels are interrelated with one another and do not function in silo (Drumwright & Kamal, 2016). The study focuses on the first two levels in this regard, in terms of the individual advertising practitioners at the micro level and the meso level in the form of advertising agencies without excluding the third level which is macro in orientation.

The interdependence of the advertising practitioner and the advertising agency is obvious. The advertising practitioner's moral sensitivities are influenced by the organisational culture of the advertising agency making the meso level important alongside other meso-level players like clients and media which make up an ecosystem where all parties must adhere to high ethical standards (Drumwright, 2007; Drumwright & Murphy, 2004).

There are issues of ethical concern when advertising practitioners interviewed in 29 agencies were found to have "... 'moral myopia', a distortion of moral vision that prevents moral issues from coming into focus, and 'moral muteness' meaning that they rarely talk about ethical issues" (Drumwright & Murphy, 2004, p. 7). Although, another study found that practitioners were concerned about morality as reflected by the findings of a study by Cohen and Dromi (2018) who mention that the practitioners regard themselves as caring people and are concerned about others. Nevertheless, this brings to the fore, the importance of having advertising professionalism through the embrace of advertising ethical practices by adopting *Maqasid Al-Shari'ah*.

Advertising Professionalism and Ethical Conduct

Professionalism in the media (and advertising) industry refers to the ability of a person to adopt ethical practices and have theoretical knowledge of the subject matter (Christians et al., 2020). There has been great concern of advertising practitioners and their moral character raised by several Western and Muslim scholars (Cunningham, 2005; Hunt & Chonko, 1987; Mokhtar & Samsudin, 2015; Richardson-Greenfield & La Ferle, 2021; Schauster, 2015; Schauster & Neill, 2017). The apparent

dearth of more recent studies on the subject matter leads to the research gap, making this study significant. Of focus in these older studies on ethical advertising is the advertising practitioners' fair treatment of clients and their response to the financial implications in relation to their clients. One study surveyed 330 advertising agency executives and found that "treating clients fairly" was one of the frequently mentioned complex ethical problems, creating honest advertisements and working for advertisers whose products were unhealthy or not useful were some of the other issues mentioned thus affecting their performance and their relationships with co-workers (Hunt & Chonko, 1987). Another study found that advertising professionals depicted considerably lower ethical reasoning than journalists and suggested that they can reason at a higher stage of moral development but when placed in a professional setting, they stopped using their moral judgement and focused on the financial implications for them and their clients (Cunningham, 2005).

Some advertising practitioners interviewed in another study experienced moral myopia and worked external to the 'principled' level of ethical concern from the cognitive moral development framework (Richardson-Greenfield & La Ferle, 2021). There were several issues raised by respondents because of the tension in agency–client relations causing deceptive advertising to be rationalised. This came about with the imposition of pressure placed on agencies by their clients to deliver effective advertising that attains results, the issue of deception was identified as a concern by informants but not treated seriously, and the need for training in identifying ethical issues and tools in making ethical decisions was apparent. Practitioners also needed help to move along the continuum of moral development and engage in intentional ethical reasoning and decision making.

The need for the training of advertising practitioners was also raised in another study. A study framed by identity theories and moral justifications reported the interviews of 29 advertising and public relations executives, that found greater opportunities for advertising practitioners to behave unethically, the absence of ethics training provided and that some perceived it was their personal responsibility to be ethical whereas others perceived the responsibility to lie with others like the publisher or consumer (Schauster & Neill, 2017). Another study that used the lens of Giddens's structuration theory suggested that leaders with virtuous character affected advertising agencies with their morality as

virtuous leaders promoted organisational values and encouraged ethical awareness (Schauster, 2015). It is obvious that the role of the advertising practitioner is important in producing ethical advertisements as found in previous studies. How would one attain professionalism in advertising agencies? Due to the controversy surrounding advertising practitioners regarding moral myopia, "...an Islamic ethical code of conduct should be formed to guide Muslim Islamic advertising practitioners as they play a part in producing advertisements that would influence messages" (Mokhtar, 2019a, p. 6).

A set of code of conduct together with training on the codes would be greatly beneficial to advertising practitioners to educate them on how to be ethical. Prominent advertising scholars have gone ahead to define a code of conduct or ethics as, a set of concepts and principles that provide us with a guideline in identifying the behaviour that helps or harms creatures and that most people confuse ethics with behaving in accordance with social conventions, religious beliefs, and the law (Paul & Elder, 2020). This denotation highlights what to expect in any code of conduct guidelines or ethics but of course in Islam, the code of conduct needs to adhere Islamic principles. The conduct of advertising practitioners has always been under scrutiny by industry professionals and the public for whom the advertisements are intended (Bedoui & Mansour, 2015; Mokhtar, 2019a). Subsequently, there is the need to demystify the concept of *Maqasid Al-Shari'ah*.

The Muslim Advertising Practitioner and Maqasid Al-Shari'ah

Several scholars have examined the role of advertising practitioners in terms of Islamic ethics. Islamic advertising goes by the principle 'enjoin good and forbid evil' and recognises that the Muslim advertising practitioner should be guided by this in life (Mokhtar & Samsudin, 2015). Islamic ethics is based on the Qur'an and Sunnah unlike Western ethics (Mokhtar, 2019b). Mokhtar (2019a) puts forth a framework generated from Al-Ghazali's *Al-Ihya'* linked to the Muslim advertising practitioners that embrace the predominant concepts of vicegerency, *Tawhid*, *Ihsan*, *Islam*, *Iman* and *wasatiyyah* in addressing moral myopia.

Another way to address the ethical aspect of advertising is to adhere to *Maqasid Al-Shari'ah*. It is imperative to ensure that the advertising production process involves stages that conform to the *Shari'ah*. A

study found that some advertisements were not totally Islamic although the product was *halal*, the advertising practices of health and beauty products were not 100 percent *Shari'ah*-compliant as they did not fulfil the five characteristics making up the *halal* advertisement encompassing aspects of credibility, non-deceptive, simplicity, dignity and humanity (Aziz et al., 2019). Again, the advertising practitioner is at the centre of the production process.

Maqasid is an Arabic word constructed in the plural form to mean 'purposes' or 'objectives' and is rooted in the Arabic word, *qasada*, which means 'intended.' Prominent Muslim scholars, Ibn' Ashur (2001), Muhammad al-Zuhayli (2006), Ibn Bayyah (2007), and Yusuf al-Qaradawi (2008) collectively define *Maqasid* as the ultimate sense of meaning and wisdom that concerns with the rulings of the lawmaker or lawgiver, often referred to as '*Maqasid Al-Shari'ah*' which are categorised into five aspects: protections of life, property, lineage, intellect, and religion that are intended to guide and protect the welfare of humanity.

There is the absence of studies on the code of conduct for advertising practitioners and *Maqasid Al-Shari'ah* and very few studies on advertising or the advertising practitioner and the *Maqasid* (Abdullah & Azam, 2020; Mohamad et al., 2019). Advertising practitioners must adhere to *Shari'ah* teachings when formulating Islamic advertisements that are not offensive to Islam (Mokhtar, 2019a). A study reviewed literature and produced the Strategic Islamic Marketing framework that focused on *Maqasid Al-Shari'ah* and marketing by applying the five elements of *Maqasid Al-Shari'ah* to marketing in terms of the protection of religion (that requires businesses to carry out their business strategies with good intentions by providing products that serve their beliefs and religion), protection of life (businesses need to provide *halal* goods and services that would positively affect our health), protection of intellect (providing beneficial message to educate consumers), and protection of posterity or lineage in which the sources of the products must be *halal* to protect the physical and spiritual health, and protection of wealth, when conducting businesses need to adhere to the *Shari'ah* (Mohamad et al., 2019).

Another study focused on the role of the entrepreneur using advertising that can be integrated with the five principles of *Maqasid*

Al-Shari'ah thus coining the term - *Halalpreneurship*. This term relates to the entrepreneur who possesses the characteristics of *taqwa* and trustworthiness, prioritises *halal* products and services, worships Allah SWT, carries out philanthropic responsibilities, and has knowledge of both business and *Shari'ah* (Abdullah & Azam, 2020). However, to achieve the genuine and intended meaning of advertising, practitioners must accept the importance of applying *Shari'ah* principles before designing their advertisements.

The few studies on Islamic advertising and ethics hardly discussed the principles of *Maqasid Al-Shari'ah* in relation to Islamic advertising. The solution to the issues raised is the production of a set of codes of conduct that are Islamic by adhering to the *Maqasid Al-Shari'ah* for the Muslim audience that need to be issued alongside training on incorporating *Maqasid Al-Shari'ah* elements in the advertising production process. Codes of conduct incorporating *Maqasid Al-Shari'ah* are important in addition to the current advertising guidelines issued by the Malaysian Communications and Multimedia Commission (MCMC), the Department of Islamic Development (JAKIM) and the Ministry of Health Malaysia that appear to be disregarded by the advertisers of Facebook advertisements (Aziz et al., 2019) and other advertisers leading to the production of unethical advertisements. The importance of using *Maqasid Al-Shari'ah* to preserve the five important elements is also emphasised by Karim et al. (2016) when the current guidelines are not specific in prescribing the depiction of women in Islamic advertisements.

Theoretical Framework

The theoretical framework for the study is defined by *Maqasid Al-Shari'ah*. Many scholars associate *Maqasid Al-Shari'ah* with the objectives of the *Shari'ah*. al- al-Qaraḍāwī (2008) contends that *Maqasid Al-Shari'ah* is the “objectives intended by textual commands, prohibitions and permissibility, and the detailed rulings of the *Shari'ah* to the Muslim *Ummah*.” In addition, al-Qaraḍāwī's definition relates *Maqasid* to the ultimate rulings of the *Shari'ah* to the *Ummah*. 'Ibn Ashur (2001) also defines *Maqasid* as the objectives of the *Shari'ah* that imbue wisdom and more profound meaning that Allah has prescribed unto humanity in the form of *Shari'ah* ordinances. Furthermore, Abdallah Ibn Bayyah's (2010) definition of

Maqasid concerns the general intentions of the *Shari'ah*, objectives, wisdom, inferences, and true meanings and interpretations as dictated by the lawgiver. For emphasis, Ibn Bayyah's views on *Maqasid* concerns textual sources that can ultimately identify the *Maqasid*. Finally, Muhammad al-Zuhayli (2003) defines the *Maqasid* as the aims, meanings, and objectives established by the *Shari'ah* to realise and achieve them through the different Islamic laws laid down in the Qur'an and Sunnah.

Scholars agree that the Qur'an and the Hadith are the ultimate sources of the *Maqasid*, some scholars disagree whether what is inferred in the Quran and the Sunnah can uprightly identify with *Maqasid* to a certain extent (Malik, 2015). The *ulama'* have classified the *masalih-cum-Maqasid* into three categories in descending order of importance: essential *masalih* or *darruriyat* followed by complementary benefits (*hajiyyat*) and then embellishments or *tahsiniyyat* (Auda, 2008a; Kamali, 2008). The essential interests under *masalih* or *darruriyat* are adopted in the study: faith, life, lineage, intellect, and property and these were used to form the questions for the interviews with advertising practitioners and academicians (see Figure 1). There is an order of priority apparent in *Maqasid Al-Shari'ah*:

An order of priority is also suggested among the definitive *maqasid* in favour of those which preserve faith and life over the other three, and protection of the family comes next followed by intellect and property. A similar order of priority also applies between the essential *Maqasid* which take priority over those which are deemed complementary and then those which fall under desirability (Kamali, 2008, p. 136).

Purposes of Islam (levels of necessity)					
Necessities (<i>Daruriyat</i>)		Needs (<i>Hajiyyat</i>)		Luxuries (<i>Tahsiniyat</i>)	
Preserving of faith	Soul	Wealth	Mind	Offspring/ Lineage	Honour

Figure 1: Hierarchy of the purposes of the Islamic law (dimension of levels of necessity) (Auda, 2008a, p. 3)

Research Methodology

A phenomenological research design was adopted for this study, focusing on exploring how advertising agencies regulate the conduct of advertising practitioners and how academicians propose that *Maqasid Al-Shari'ah* is to be applied to advertising production. Phenomenology denotes an individual's lived experiences and how they make sense of whatever happens through their articulation of these experiences (Clark et al., 2021; Mathotaarachchi & Thilakarathna, 2021). It is essential to understand whether advertising practitioners conform to the industry's code of conduct, and if they applied *Maqasid Al-Shari'ah* in the production process.

The interview method was used for the study, where 19 academicians of a public university in Malaysia (14 males and five females) and six advertising agency practitioners (four males and two females) in Malaysia were carried out using a semi-structured interview guide as the data collection instrument using purposive and snowballing sampling techniques. Purposive sampling refers to selecting knowledgeable samples in the subject matter that can answer the interview questions, and the snowballing technique, encompasses the use of samples that are generally recommended by interviewed respondents (Clark et al., 2021).

The academicians were chosen from a higher learning institution in Malaysia for their knowledge and expertise in *Maqasid Al-Shari'ah* practices. The respondents were asked what *Shari'ah* is about and whether its principles can be applied to the general population, including non-Muslims, to which they had to provide their expert opinions based on empirical evidence regarding the phenomenon being studied. The advertising practitioners were interviewed about their agency's code of conduct and whether they were aware of any other advertising codes of conduct in addition to their use *Maqasid Al-Shari'ah*.

All the interviews were transcribed verbatim for fear of misrepresenting the interviewees and were later checked for accuracy by the lead researcher. In addition, the researchers used a standard interview guide for all academicians, that differed from the questions for the advertising practitioners. All semi-structured interviews allowed the interviewer to add probing questions to attain more explanations and details in their response to questions.

For the analyses, transcribed interviews were analysed using NVivo, a prominent software used by qualitative researchers in data analysis. An inductive coding route proposed by Linneberg and Korsgaard (2019) was adopted where codes were created based on the available data and read several times to arrive at the accurate meaning of the sentences during the coding. Then, a hierarchical code frame was generated to organise the codes into an organisational data structure to facilitate proper analysis. A technique for establishing credible findings was the audit trail where the research process was examined by a co-researcher who was an expert on qualitative research methods (Tisdell et al., 2025).

Table 1: Themes and Codes of Application of *Maqasid Al-Shariah* in Advertising Production

Themes	Codes
Use current codes of conduct	Use own agency codes Staff discipline coupled with codes of conduct Practice self-regulation Select employees carefully
Reference to other codes	Refer to 4As, ASA and Content Code
Use ideals when selecting clients	Ad agency chooses clients wisely Most clients choose ad agency Depends on Networking

Findings

There were two research questions for the study. The first research question was - How should advertising practitioners apply *Maqasid Al-Shari'ah* principles in the production of their advertisements? The second research question was - How could *Maqasid Al-Shari'ah* principles be imbued in the advertising practitioners' agency code of conduct?

Table 2: Themes and Codes of how *Maqasid Al-Shariah* can be Imbued in Codes of Conduct

Themes	Codes
Create Codes of Conduct with <i>Maqasid Al-Shariah</i> Elements	<i>Maqasid Al-Shariah</i> is Universal and for non-Muslims too Ads should be <i>Shariah</i> -Compliant

Themes	Codes
Develop an ecosystem	Use Various Ways to Apply Five Essentials
	Application of code of ethics should be in line with Quran and Sunnah
	Dimensions of <i>Maqasid Al-Shariah</i> can be related to advertising
	Include More than Five Essentials
	Educate the Industry and Others on <i>Maqasid</i>
	Unify Shariah Law and Civil Law
	Form Bodies to Monitor Implementation of <i>Maqasid Al-Shariah</i>

Theme 1 – Use Current Codes of Conduct

The findings revealed that it would be feasible to embed *Maqasid Al-Shari'ah* ideals in the current codes of conduct. The codes used at present are the agency's own codes of conduct and employee disciplining.

Code 1: Use Own Agency Codes

Some advertising agencies have the employee handbook that includes the codes of conduct for advertising practitioners. These can be used to incorporate *Maqasid Al-Shari'ah* ideals to be more relevant to Muslim advertising practitioners and conform to Islam.

It is part of our employee handbook covering Respecting people, DE&I, harassment & bullying, IT security etc. We are not able to provide you with a copy because this is our internal document (Informant 1).

We do not have a complete code of conduct for my company. We only have an employee handbook. So, every employee, upon joining, is handed that employee handbook that has those rules and regulations that they must follow while executing their duties. So, we have an informal one (Informant 4).

Yes, we do (have our own codes). It's called Omnicom Code of Business Conduct (Informant 6).

Some of the codes are formal and others are informal ones of which the latter are codes of conduct that are not comprehensive and complete as indicated by Informant 4. The internal codes of conduct are preferred

over the Malaysian Advertising Code of Practice (MACP) and the Content Code for the industry because they protect consumers and employees simultaneously.

Our internal code of conduct covers more than Content Code and ASA. Content Code and ASA focus on protecting the consumers; our internal code seeks to protect the consumers and our employees (Informant 1).

Yes, we have a stringent compliance code of conduct that allows us to operate because we have about 800 employees worldwide controlled by HR (Informant 5).

How different are the Advertising Standard Authority (ASA) codes, Content Code and others compared to the internal codes of conduct of an agency?

Yes, we have the 4As (Association of Accredited Advertising Agents Malaysia), but each group relies on their internal codes, although numerous bodies help regulate the conduct on top of the internal code of conduct...They are different because ours are internally focused, and the ASAs are externally focused on what can be done on TV, radio, and publications in terms of content, but the internal ones are on how one behaves (Informant 5).

It serves different purposes (Informant 6).

Code 2: Staff Discipline coupled with the Codes of Conduct

Bad conduct is unacceptable for advertising agencies and there are several disciplining techniques which have been used by the agencies and one of them is in terms of laying off staff members when required. This proves the seriousness of advertising agencies when it comes to their expectations of good behaviour from staff. A good code of conduct coupled with disciplining techniques would be ideal for creating a more efficient and productive ad agency said some informants.

The employees are not allowed to share our client's information with other people, our competitors, but aside from that, we are very professional and have no problem with our employees for now. Nevertheless, we will issue a warning letter if it happens, but if it persists, we will fire the employee (Informant 2).

Yes, first of all, my Heads of Department (HODs) will initiate a meeting with the employee and counsel them; if it happens multiple times, they will be fired (Informant 4).

However, in case of any unethical behaviour, we first issue warning letters, see where it goes, and assess the situation according to its merits and circumstances. I oversee the finance, and there are no unethical behaviours I have encountered with my employees (Informant 3).

Code 3: Practice Self-Regulation

Self-regulation is also practised by advertising agencies according to some informants. The third informant said it is the agencies' responsibility to self-regulate but with some check and balance from other entities like 4As and the 2As (Malaysian Advertisers Association). Another informant said that it must monitor its own performance that is supplemented by being involved in ad competitions.

It is imperative to self-regulate. Therefore, it is not only the role of the 4As, but also the 2As or clients have to have a big say in how they are run (Informant 3).

From my experience, there is no organisation in our industries that monitors us. We have our ways of monitoring ourselves (Informant 4).

Informant 3 mentioned that values were adopted by the agency, and it would rather do this than follow codes.

Code 4: Select Employees Carefully

This code was mentioned by Informant 5 when the person said that the backgrounds of prospective employees were scrutinised to make sure that they would conduct themselves well at the workplace.

Theme 2: Reference To Other Codes

There is one code under this theme that refers to the 4As, ASA, Content Code and agency knowledge regarding codes worldwide. Some agencies had indicated that they referred to other codes as they did not have their own codes of conduct.

Code 1: Refer to 4As, ASA and Content Code

Some informants mentioned that their ad agencies refer to the codes by other entities in certain situations like if they did something different or pitch.

Yes, I have been in touch with the A4s for a long time. There is a code of conduct from the Ministry of Communication, and now there is a Content Code from Malaysian Communications and Multimedia Commission (MCMC). We do not have to refer to any unless we do anything extraordinary. We kind of know whatever goes on in this industry (Informant 4).

Firstly, there are advertising rules that MCMC drafts, and that is what we follow. For our internal, we follow the rules based on the advertisements. There are informal rules that we follow to satisfy ourselves and the clients. For example, we do not entertain bribing clients in favour of giving us business. Every relationship we have with our clients is strictly professional...ASA does not have many restrictions, first you have to participate in their activities to get to a boomerang point, you have to put your employees in some seminars, classes, and conferences to learn more knowledge as per their recommendations...The 4As have specific rules for us to follow, such as during pitching. For example, we cannot pitch a client without charging them (Informant 2).

We follow both the Content Code and ASA's code (Informant 1).

Theme 3 – Use Ideals When Selecting Clients

This theme has a few codes: ad agency chooses clients wisely, most clients choose the ad agency and depends on networking which emphasises that there are more aspects to look at that go beyond the codes of conduct.

Code 1: Ad Agency Chooses Clients Wisely

The advertising agency would choose their clients or advertisers wisely before they agree to commit in terms of the nature of their business, their record of payments, their brand credibility and if their values are the same as the agency's. Informant 4 claimed that the record of payment and clients' industry are important to scrutinise. Informant 5 mentioned

that the brand must be a proper fit of what the agency looks for, for it to have credibility and Informant 6 stated that the client must share similar values and ethics as the agency and there is the fear of plagiarism in their ad works that can be accused by the client, mentioned Informant 3.

Apart from the financial factor, we also look at the nature of their business. We will not work with companies or products that use derogatory messages. For example, we declined to work with a cosmetic company that sells intrusive products that is injected into the consumer's face with the claims that the product will make one look as beautiful as the Koreans. We believe people are beautiful as they are now (Informant 1).

Code 2: Most Clients Choose Ad Agency

According to Informant 2, most of the time, the clients would choose the agency and likewise the agency would find out if the client is able to pay them.

Code 3: Depends on Networking

An advertising agency mentioned that it selects clients through networking with others and tries to focus on building good relationships with others (Informant 3).

For the second research question - How could *Maqasid Al-Shari'ah* principles be imbued in the advertising practitioners' agency code of conduct? There are several themes, codes and subcodes generated from academicians.

Theme 1: Create Codes of Conduct with *Maqasid Al-Shariah* Elements

There are six codes generated under this theme.

Code 1: Maqasid Al-Shari'ah is Universal and for non-Muslims too

It is important to understand that *Maqasid Al-Shari'ah* is for both Muslims and non-Muslims making the objectives relevant for everyone worldwide. Fourteen interviewees mentioned the applicability of the *Maqasid* for everyone with some of them agreeing to the following:

...the *Maqasid* should be focused on the entire Ummah and not just Muslims alone (Informant 10).

Code 2: Advertisements should be Shari'ah-Compliant

As *Maqasid Al-Shari'ah* was raised by the interviewers, the notion of *Shari'ah*-compliant advertisements was also brought up by several interviewees. The *Maqasid* are objectives of the *Shari'ah*, hence each objective cannot be in isolation but are related to one another. This was mentioned by informants 11, 13 and 21.

Code 3: Use Various Ways to Apply Five Essentials

There are several subcodes that were generated under this code.

Subcode 1: Use all 5 components of Maqasid Al-Shari'ah

When asked about the ingredients of an ideal code of conduct. Several interviewees mentioned that all ingredients of *Maqasid Al-Shari'ah* need to be included in the advertising codes of conduct some of which said:

So, we need to look at all the five elements while formulating the codes because the implementation of the rules might affect our daily lives. So, all five elements are important for our well-being (Informant 20).

All five objectives should be included in the code of ethics for advertising (Informant 23).

The higher objectives of *Shari'ah* are important to be observed in our communities. *Maqasid Al-Shari'ah* are values that need to be practised in any community therefore, if they become universal values, they need to be preserved for the survival of our communities (Informant 24).

Subcode 2: Use All and According to Priority

Some mentioned the importance of giving priority to religion in the *Maqasid* over others with eight interviewees mentioning this. Some of them were:

Yes, we have to include all of the five essentials above in producing advertisement according to its priority (Informant 11).

Preserving human life will be next after religion, family, intellect, and property in that order would be very important (Informant 24).

Subcode 3: Usage depends on Product

The application of the *Maqasid* depends on what you are advertising.

...it would depend on the kind of product that you're advertising. if you are advertising some medical product or some drugs, the first thing that comes to mind is the health of the other people (Informant 21).

Code 4: Application of code of ethics should be in line with Quran and Sunnah

The codes of ethics need to be adhering to the primary sources of Islam that is the Quran and Sunnah with the *Maqasid Al-Shari'ah* as a way of supplementing them.

When you want to make (the) code, you can use *Maqasid Al-Shari'ah* tools to analyse the appropriateness of the scale of the code of ethics for advertisement. It should not be the main source to use but rather the Quran and Sunnah, however *Maqasid Al-Shari'ah* can be used to supplement and look at the codes of ethics for conflicting point of views. (Informant 15)

Code 5: Dimensions of Maqasid Al-Shari'ah can be related to advertising

There are several dimensions of *Maqasid Al-Shari'ah* that can be related to advertising according to several subcodes:

Subcode 1: Protection of Lineage

Advertising can protect one's lineage by providing products that are halal that would not adversely affect people, mentioned Informant 16.

Subcode 2: Protection of Wealth

Advertising is directly related to wealth, and it should be protected through the application of the *Maqasid* in terms of the protection of wealth, said Informant 24.

Subcode 3: Protection of Life

Advertising should protect life in terms of preserving our health. People need to sell the best products that are halal as what is consumed will affect our health, mentioned Informant 11 and 12 and it can protect

life by posting advertisements on health-related matters that include medicinal treatments and so forth, said Informant 18.

Subcode 4: Protection of 'Aqli/Intellect

Other than the above, our intellect or *aql* can also be protected in terms of creativity that is *Shari'ah*-compliant, said Informant 12 and religious messages, mentioned Informant 23. Informant 16 said that pornographic or sexually illicit messages might ruin one's intellect, messages that are good and beneficial would educate people and are encouraged.

Subcode 5: Protection of Religion

Protecting religion could be done in a way by giving just, true messages said Informant 11 who then said:

This is one of the ways to protect the religion because it is a kind of upholding and adhering to the commandment of Allah SWT.

Informant 22 mentioned that protecting religion must be done through *da'wah* similar to advertisements.

Subcode 6: Protection of Property

Protecting property can be done by increasing it through *halal* means and ads could facilitate the acquisition of property, said Informant 23.

Code 6: Include More than Five Essentials

There could be more than the five elements of the *Shari'ah* and we could include diversity and inclusion for one said informant 6.

Al-Ghazali in his definition of *Maqasid Al-Shari'ah* differentiated it from the objective of people and what is beneficial to them. But *Maqasid* is what is meant by the objective of the law Giver (Allah). So, the five elements of *Shari'ah* that we know might not be the only ones because the elements are many and they keep changing from time to time depending on our situation and the societies in which we live in because their aim is to guide us on what we do the right and not to what was prohibited by Allah (Informant 20).

Theme 2: Develop an Ecosystem

Code 1: Educate the Industry and Others on Maqasid

Make ad agencies aware of the benefits of the codes. Informant 11 mentioned that we must understand the *Maqasid* to create the ecosystem supporting it. Advertisers and the audience need to be accurately informed of *Maqasid Al-Shari'ah* so that there is no ill-perception of Islam, said Informant 16. Educate the public that all essentials are accepted in all religions since secondary school level, said Informant 23 and Informant 24. When it comes to the industry, train them on the *Maqasid*, said Informant 21 in a way that shows the beauty of Islam in a gentle manner, said Informant 24.

Informant 9 mentioned that the benefits need to be told to the industry and instilled in the ads. Others have mentioned:

We need to have a general code of ethics for those who are in the industry. We need to talk to the professionals and involve them (Informant 24).

...ensure training of the stakeholders (producers, the public, owners) (Informant 15).

Code 2: Unify Shari'ah Law and Civil Law

Some respondents mentioned that *Shari'ah law and civil law must be unified* (Informant 13) as the jurisdiction of ads is usually under civil law not *Shari'ah* law. *Maqasid* needs to be integrated with Islamic Jurisprudence and that morality must be linked to law as Islam is the source of values (Informant 21).

Code 3: Form Bodies to Monitor Implementation of Maqasid Al-Shari'ah

A Halal certification body should be formed (Informant 25), government departments should regulate (Informant 7) or that the *Shari'ah board*, *Shari'ah risk officer* or *Shari'ah Advisor* should regulate. Islamic advertisements should themselves have halal certification that is focused on end to end (Informant 25).

There should be a *Shari'ah* board to help regulate the implementation of codes said Informant 7 and Informant 13. Currently, the professional bodies are the 4As, ASA and others (Informant 3 and Informant 6).

Informants 13 and 16 mention the need for a *Shari'ah* advisor or *Shari'ah* risk officer (Informant 10).

Discussion

The findings uncover that advertising agencies use their own codes and the codes of professional bodies such as ASA's MACP and CMCF's Content Code to manage the ethical perspective of their employees. It is clear from this that more needs to be done in terms of including *Maqasid Al-Shari'ah* in the codes to ensure that Islam is adhered to by practitioners as MACP and the Content Code are more focused on guiding advertising content rather than the conduct of practitioners. The encoding of advertising messages is carried out by practitioners whose morality should be of a high standard.

There are guidelines for Islamic advertising recommended that prescribe the depiction of the dignified woman, truthful advertising, fulfilment of promises and the disclosure of defects amongst them (Shafiq, 2018). These principles can be categorised under *Maqasid Al-Shari'ah* hence, depicting women in a dignified manner would protect the lineage of the populace for example. In Islam, communication (including advertising) has the mission of *da'wah* by conveying Islamic teachings with wisdom for the objective of building harmonious relationships with Allah and between humans (Tanjung & Abdullah, 2025). There are three components of Islamic communication: firstly, the communicator (or advertising practitioner) that is a moral and spiritual agent providing secondly, truthful messages and thirdly, to affect the audience in a good manner (Arifin, 2017) who must be well-versed in the halal and haram aspects of products (al-Qaraḍāwī, 2013) with Prophet Muhammad (peace be upon him) as the best example.

In view of this, there needs to be codes of conduct that would be more focused on the behavioural aspect of the advertising practitioner. The absence of such codes is concerning as advertising practitioners face a lot of unethical issues and could influence the advertising messages to be unethical themselves as raised by previous researchers (Cunningham, 2005; Hunt & Chonko, 1987; Mokhtar & Samsudin, 2015; Richardson-Greenfield & La Ferle, 2021; Schauster, 2015; Schauster & Neill, 2017). A professional code of conduct is a set of codes that would be guiding the advertising practitioners as they carry out their work in the agency,

and this research study is upholding that *Maqasid Al-Shari'ah* needs to be embedded in it.

The closest professional advertising codes of conduct is spelled out by the American Marketing Association (AMA) statement of ethics that mentions, “Marketing ethics are the norms and values that guide how we make decisions in this work. Ethical marketing means more than just staying within legal lines—it’s about building trust, fostering transparency, and acting with integrity” (American Marketing Association (AMA), 2025); it does not specify *Maqasid Al-Shari'ah* elements but refers to Western ideals.

The findings also emphasise the importance of using the *Maqasid* as part of an ecosystem for Muslims and non-Muslims. There are non-Muslims working in advertising agencies as well hence, whether the codes would be applicable to them was raised to the academic interviewees and they said that Islam is a universal religion as indicated by the Quranic verse, “We have only sent you (O Muhammad) as a mercy to all the worlds” (Surah Al-Anbiyaa’, 21:107).

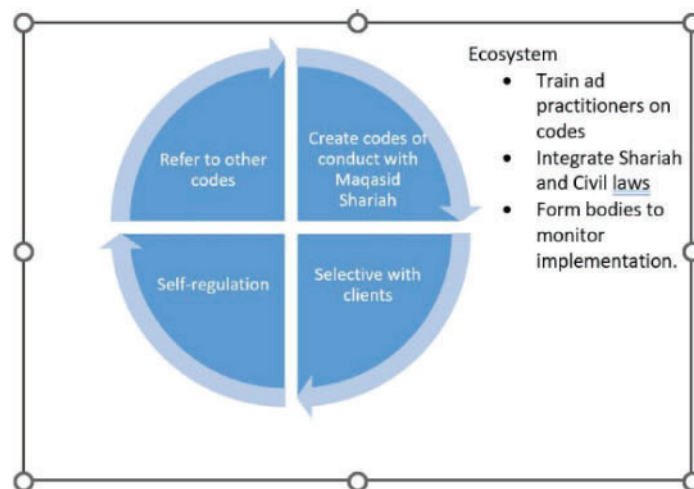


Figure 2: Model of the Implementation of Advertising Codes of Conduct with *Maqasid Al-Shari'ah*

The Model of the Implementation of Advertising Codes of Conduct with *Maqasid Al-Shari'ah* is formed that recommends referring to other codes by ASA, 4As and CMCF in addition to the proposed code of conduct, by creating codes of conduct with *Maqasid Al-Shari'ah*, by

being selective with clients and practise self-regulation that promotes the notion of regulating the industry by the industry against the backdrop of an ecosystem that includes training advertising practitioners on the use of the codes of conduct, integrate *Shari'ah* and Civil laws and form bodies to monitor implementation (see Figure 2). In a study, it was found that advertising practitioners in the US were not trained on deceptive advertising and they need to be trained to identify potential ethical issues which is critical (Richardson-Greenfield & La Ferle, 2021).

Limitations of the Study

This was a qualitative study that cannot be generalised to the population unlike a quantitative study that has this advantage. Its progress was impeded by COVID-19 that shifted interviews online through video calls and emails. In future, face to face interviews ought to be conducted and more interviews with advertising practitioners would have benefited greatly as there were only six interviews with them conducted but a larger number of academic interviews was carried out creating an imbalance in the sample.

Conclusion

There were several themes and codes that generated from the interviews with advertising practitioners and academicians. They reveal that advertising agencies are using their own code of conduct and the MACP, 4As guidelines and Content Code that are meant for advertising content on regulating the conduct of practitioners. This depicts that *Maqasid Al-Shari'ah* elements need to be integrated in the code of conduct for Islamic values to be inculcated in practitioners and for advertisements to be morally produced. The Model of the Implementation of Advertising Codes of Conduct with *Maqasid Al-Shari'ah* was produced from the study which underscores the components that require practitioners to refer to other codes, self-regulate, create codes of conduct with *Maqasid Al-Shari'ah* elements and be selective with clients against an ecosystem that trains advertising practitioners on codes, integrate *Shari'ah* and civil laws and form bodies to monitor implementation.

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