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The Morality of Commercial Advertising Broadcast in Indonesian Television According to Islamic Economic Law Perspective

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Abstract: The positive or negative impact of a commercial advertisement on television media depends on the moral quality of the broadcast. This research aims to review the morality of commercial advertising broadcasts on ten Indonesian television stations. To achieve this goal, the author uses empirical legal research with an Islamic economic approach. Data was collected through document studies, namely advertisements on television, journal articles, views of ulama, books and legal regulations. All of the data was then analyzed using quantitative descriptive methods. From data analysis, it is known that the morality of broadcasting commercial advertisements on national television media only achieves a poor rating. This means there are several violations of Islamic economic law in broadcasting commercial advertisements in Indonesia. The most dominant violations are related to low advertising ethics and clothing displays. The fact that many commercial advertisers still behave sensually on television media has the potential to have a negative impact on society. This exploitation has the potential to damage the morality of not only advertisers, but also the public who use television services. To prevent negative impacts, unscrupulous advertising needs to be evaluated by giving warnings and even legal sanctions to advertising service providers. From these findings, the author provides input to advertising service providers to improve morality so that commercial advertising broadcasts do not conflict with Islamic economic law.

Keywords: Morality, commercial advertising broadcast, Indonesian television, Islamic economic law

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Abstrak: Dampak positif atau negative suatu iklan komersial di media televisi tergantung dari kualitas moral penyiarannya. Penelitian ini bertujuan untuk meninjau kembali moralitas siaran iklan komersial pada sepuluh televisi Indonesia. Untuk mencapai tujuan tersebut, penulis menggunakan jenis penelitian hukum empiris dengan pendekatan ekonomi Islam. Data dikumpulkan melalui studi dokumen yaitu iklan yang pada sepuluh televisi, artikel jurnal, pandangan para ulama, buku dan aturan hukum. Keseluruhan data tersebut kemudian dianalisis menggunakan metode deskriptif kuantitatif. Dari analisis data diketahui bahwa moralitas penyiaran iklan komersial di media televisi nasional hanya mencapai predikat kurang bagus. Ini berarti ada beberapa pelanggaran hukum ekonomi Islam dalam penyiaran iklan komersial di Indonesia. Pelanggaran yang paling dominan adalah terkait dengan rendahnya etika pengiklan dan tampilan busana. Kenyataan bahwa banyak pengiklan komersial yang masih berperilaku sensual di media televisi sehingga berpotensi menimbulkan dampak negatif bagi masyarakat. Eksploitasi tersebut berpotensi merusak moralitas tidak hanya bagi pengiklan, namun juga masyarakat pengguna layanan televisi. Untuk mencegah dampak negatifnya, iklan yang tidak bermoral perlu dievaluasi dengan memberikan teguran bahkan sanksi hukum kepada penyedia jasa periklanan. Dari temuan tersebut, penulis memberikan masukan kepada para penyedia jasa iklan untuk meningkatkan moralitas sehingga penyiaran iklan komersial tidak bertentangan dengan hukum ekonomi Islam.

Kata Kunci: Moralitas, siaran iklan komersial, televisi Indonesia, hukum ekonomi Islam

Introduction

In broadcasting of commercial advertising requires moral ethics and morality to distinguish between right and wrong. Without morality, an advertising will pose a danger to the human of society.¹ Advertising as characterized by capitalist's tendencies and with its profits motivated orientations has the moral implication of undermining the dignity of the human person; as the human person is treated not as ends in themselves but as means to the end of profit making.²

Today, advertising is one of the biggest industries in the world. The demand for huge promotions and communication as people want to get the necessary information about products or services to become a requirement. Organizations all around the world spend billions of dollars every year to promote

¹ Ahmad Dzawil Faza, "Advertising Ethics in Television According To Islamic View," *International Journal of Islamic Business Ethics* 7, no. 1 (2022), p. 56. Juliana Levin, "The Negative Impact of Advertising on Human Growth & Development," *Academic Festival, Event* 54, 2022, p. 1–17.

² Joseph Nnaemeka Chukwuma and Hilary Chimezie Ngwoke, "Moral and Ethical Issues in Advertising" *Journal of Legal, Ethical and Regulatory Issues* 25, no. 3 (2022), p. 1–13.

their products and services globally.³ The most popular means of business advertising is the media of television because it has a broad reach covering all users of public broadcasts institution in a country.⁴ TV as an advertising media has three key advantages: (a) Its influence on consumers' taste and perception is pervasive; (b) It can reach a large audience in a cost-efficient manner; and (c) The combination between sound and moving images create a strong impact.⁵

The impact of commercial advertising on television media is sometimes positive and negative. Advertising affects many aspects of our lives and can promote different behaviors that if misdirected can cause harmful outcomes in the life of the affected being.⁶ The positive impact of advertisements is as a means of realizing consumer rights to choice, especially the right to obtain information about a product goods and services.⁷ But the problem of commercial advertising will arise when the ways of broadcasting does not pay attention to aspects of ethical and moral values that apply in society.⁸ Forms of moral violations that are common in commercial advertising on television can lead to changing moral standards in society.⁹ The sensual appearance of advertisers in television is considered a justification for sensual behavior in society.

The fact that commercial advertisings broadcasts on television media are often made controversial in order to get more attention from the consumer community.¹⁰ Even the controversial advertisements also often occur in Muslim countries.¹¹ Indonesia as the country with the largest Muslim population in the world is necessary to measure the level of morality over commercial advertising

³ Ahmed Kamassi, "Muslim Consumer Perception toward Advertising Practices: An Exploratory Study," *Journal of Islamic Marketing* 12, No. 1 (2021), p. 42.

⁴ Michael Kuyucu, "Television And Advertising: The History of TV Advertising From And Industrial Look," *Social Mentality and Researcher Thinkers Journal* 6, No. 29 (2020), p. 258-69

⁵ Hemamalini and Shree Kala Kurup, "Effectiveness of Television Advertisement on Purchase Intention," *International Journal of Innovative Research in Science, Engineering and Technology* 3, No. 2 (2014), p. 9416-22.

⁶ Leandro Mateo Bolanos Melgar and Robert J.F. Elsner, "A Review of Advertising in the 21st Century," *International Journal of Business Administration* 7, No. 4 (2016), p. 67-78

⁷ Pari Khaledi Daborji and Abbas Qasemi Hamed, "The Role of Advertisements in Protection of Consumer 's Right of Choice" *Journal of Politics and Law* 9, no. 8 (2016, p. 65-72.

⁸ Burhanuddin Susamto, "Moral Violations on Commercial Advertising Broadcasting Through Indonesian Television Media," 2021.

⁹ Nazakat Hussein Hamaseed, Hakim Othman Hameed, and Karwan Ali Qadir, "Effects of TV Advertisement on Cultural Norms : An Analysis of Viewer 's Insights in the Kurdistan Region" 6, no. 1 (2020), p. 143-50

¹⁰ David S Waller, "What Factors Make Controversial Advertising Offensive?: A Preliminary Study," *Anzca 04 Conference* (2004), p. 1-10.

¹¹ Adeel Bari and Rana Zamin Abbas, "Advertisement & Islam: A Muslim World Perspective," *Australian Journal of Business and Management Research* 01, No. 06 (2012), p. 152-57

on television as an effort to prevent negative impacts. Behind the controversial of commercial advertising, there are often moral violations committed by advertisers both related to the product advertised or the way to demonstrate the advertisement itself.¹²

Consumers need to be protected,¹³ in Indonesia, consumer protection for the users of television broadcast is a mandate of law. To protect community from the negative impact of commercial advertising, the government has enacted regulations to legitimize religious values as its moral basis. The regulation that makes religion as spirit for protect the community is Article 46 Broadcasting Law Number 32 of 2002 that stated: "*Commercial advertising broadcasts are prohibited from doing things that are contrary to public morality and religious values.*"¹⁴ Based on that provision, making the values of Islamic law as a perspective in measuring the morality of advertising on television media is very important.

This paper is result of empirical legal research which used sociological juridical approach and Islamic economic law perspective to review the broadcasting of commercial advertising on television media.¹⁵ The sources of data are from a hundred advertisings that were broadcast through ten national televisions throughout one year ago. The collected data was analyzed using quantitative descriptive methods based on a Islamic economic law perspective. There are several indicators used in the analysis process: (1) Halal aspects of the advertised product; (2) Appropriateness of the way the advertisement broadcasting. The indicators of appropriateness of advertising are observed from the following elements: (a) Ethics of advertiser which include courtesy of clothing and behavior; (b) Advertising props which include writing, posters and musical instruments. If there are indicators of advertisements that do not conflict with Islamic values, then it will be given a score 1. Total score obtained will then be calculated in the form of a percentage (%) as follows:

$$P = \frac{f}{n} \times 100\%$$

¹² Hanafi Amrani, "Perilaku Menyimpang Praktik Bisnis Periklanan Dalam Perspektif Hukum Pidana Dan Penegakan Hukumnya," *Jurnal Hukum Ius Quia Iustum*, 23, no. 4, p. 591.

¹³ Burhanuddin Susamto and Ros Ruslan, "Legal Renewing of Consumer Protection (HimāḥYah Al-Mustahlaki) Through Islamic Law Perspective," *Jurnal Al-'Adalah* 16, no. 2 (2019), p. 287–319.

¹⁴ Law, "Republic Indonesia Act Number 8/ 1999 Concerning Consumer Protection" (1999).

¹⁵ Hafas Furqani, *Metodologi Ekonomi Islam: Membangun Paradigma dan Format Keilmuan*, Banda Aceh: Naskah Aceh, 2018. Asyharul Muala, "Repositioning of Islamic Economics in the Era of Globalization from the Maqāṣid Syarī'ah Perspective," *Journal of Islamic Law* 1, No. 1 (2020).

Explanation:

P: Percentage

f: Total score obtained

n: Total ideal score overall

From the calculation of percentage, it will be known the level of controversy of commercial advertising on television media as follows:

Table 1: Level of Morality

Percentage Interval (%)	Level of Morality
00 - 25	Very Bad
26 - 50	Bad
51 - 75	Not Good
76 - 100	Good

The data that has been counted quantitatively then will be explained qualitatively before making conclusions.

Advertising Theory: An Integrated Approach

The term advertising comes from the *latin* word *advertere* that mean to turn the minds of towards.¹⁶ Advertising is a paid non-personal communication from an identified sponsor, using the mass media to persuade or influence the audience.¹⁷ Advertisement is a unidirectional and paid form of communication that is used to disseminate the product or services information The primary focus of advertisement is to enhance the business profitability therefore companies ignore many social aspects while designing an advertisement campaign.¹⁸

The objective of informative advertising is to generate brand recognition and enhance consumer understanding of novel items or updated attributes of existing products. The objective of persuasive advertising is to generate favorable attitudes, preferences, opinions, and ultimately, the acquisition of a specific product or service. Reminder advertising is designed to encourage customers to make repeat purchases of items or services. Reinforcement advertising aims to

¹⁶ Charles Marsh, David W. Guth, and Bonnie Poovey Short, “Introduction to Advertising,” in *Strategic Writing*, 2020, p. 167–68

¹⁷ Sally Laurie, Kathleen Mortimer, and Fred Beard, “Has Advertising Lost Its Meaning? Views of UK and US Millennials,” *Journal of Promotion Management* 25, no. 6 (2019), p. 765–82.

¹⁸ Bari and Abbas, “Advertisement & Islam: A Muslim World Perspective.” p. 153

persuade current buyers that their decision to purchase a certain product or service was really the correct one.¹⁹

Advertising success-based culture and religious values should be exceeded than aspect of things. Advertising should be attributed to the attractiveness of their hearts and feelings as a cultural identity that symbolizes the nation. The nation with majority of Muslim people may reject any kind of immoral advertising that involve the exploitation of sexuality and other gender-related issues because it is clear prohibited in Islam teaching.²⁰ Consequently, it is important for any global marketer to understand how best to advertise to Muslims that will satisfy the moral and ethical codes of Islam.²¹

The ultimate purpose of advertising and marketing strategies is to deliver persuasive communication convincing another party to change opinions or attitudes.²² The purpose of advertising for commercial company is to increase sales of products so that the profits can be increased. Meanwhile, the purpose of advertising for non-profit organizations is only to make announcements to the public so that the benefits of information can be well socialized.²³ In order to fulfill the purpose of advertising, the target audience must be properly identified. The main objective of targeting the audience is to make sure that they can receive the advertisement appropriately.²⁴ The advertising can be classified by primary purpose whether the aim is to inform, persuade or remind.²⁵

Table 2: Purposes of Advertising

Informative Advertising	Persuasive Advertising	Reminder Advertising
– Telling the market about a new product	– Building brand preference	– Reminding customers that the product
– Suggesting new uses for a product	– Encouraging switching to your brand	

¹⁹ Handri Dian Wahyudi, et.al., “Marketing Ethics in Social Media Advertising,” *International Journal of Economics, Business and Innovation Research* 2, no. 06 (2023), p. 164–76.

²⁰ Anis Yusairah Abdul Kadir and Al-Hasan Al-Aidaros, “Factors Influencing Advertising in Malaysia from an Islamic Perspective: Case of Kedah State,” *International Review of Management and Business Research* 4, No. 1 (2015), p. 189–202.

²¹ Mohammed Abdur Razzaque, “Advertisement in the Muslim World: A Critical Analysis from the Islamic Perspective,” *International Conference on Marketing and Business Development* 2, No. 1 (2016), p. 100–108.

²² Bolanos Melgar and Elsner, “A Review of Advertising in the 21st Century.”

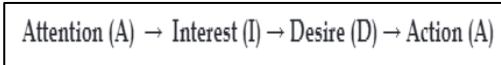
²³ J. G. Smith and Fred. E. Clark, *Principles of Marketing*, (London: Pearson Education Limited, 2005), p. 762

²⁴ Andhita Vidya Putri and Eriyanto, “Marketing and Advertising Strategy in Achieving the Top of Mind (Samsung Brand Case Study),” *Profetik: Jurnal Komunikasi* 13, No. 2 (2020), p. 290–309

²⁵ Smith and Clark, *Principles of Marketing*, p. 763.

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- | | | |
|--|---|---|
| <ul style="list-style-type: none"> - Informing the market of a price change - Explaining how the product works - Describing available services - Correcting false impressions - Reducing customers' fears - Building a company image | <ul style="list-style-type: none"> - Changing customer perceptions of product attributes - Persuading customers to purchase now - Persuading customers to receive a sales call | <ul style="list-style-type: none"> - Reminding customers where to buy the product - Keeping the product in customers' minds during off-seasons - Maintaining top-of-mind product awareness |
|--|---|---|

Effective advertising is when it can attracts the attention from the public massively so that they become interested and have intention to act according to what the advertiser recommend.²⁶ To measure the effectiveness of advertising are not only viewed from achieving the level of product acceptance from the advertiser perspective but also in terms of the pleasure or fulfilment of audiences or consumers when they interact with advertising.²⁷ Effectiveness in persuading consumers is undeniable especially if an advertisement is presented in a way that is quite effective. However, there are those who abuse the advertising industry is solely for the benefit regardless of the side effects that may be faced by individuals and those who use their products or services. Their actions are not responsible for this has prompted the consumer to dispute the validity of a product.²⁸ A dominant of phasing to influence the consumers has been stated by Timothy Joyce²⁹ in AIDA model:



The AIDA model assumes that consumers are rational so that they will look for a product that they need. If the product and price offered have been recognized by consumers, they will take action to buy. According to the AIDA model, the existence of a consumer's decision to buy shows that advertising is running effectively. Meanwhile according the consumer perspective, the effectiveness of advertising also needs to be seen from the fulfillment of consumer needs when they interact with advertisements, one of them is the positive impact of advertising.

²⁶ Steven Bellman et al., “The Effects of Social TV on Television Advertising Effectiveness,” *Journal of Marketing Communications* 23, No. 1 (2017), p. 73–91

²⁷ Robert Aitken, Brendan Gray, and Robert Lawson, “Advertising Effectiveness from a Consumer Perspective,” *International Journal of Advertising* 27, No. 2 (2008), p. 279–97

²⁸ Kadir and Al-Aidaros, “Factors Influencing Advertising in Malaysia from an Islamic Perspective: Case of Kedah State.” p. 194

²⁹ Timothy Joyce, *What Do We Know About How Advertising Works?* (London: Thompson Corporation, 1967).

Advertising will have a positive impact when advertisers understand the regulations and code of ethics derived from religious values.³⁰ Regulations and advertising code of ethic which are not derived of Islamic values will create the controversial advertisement which is contrary to the perception of Muslim consumers.³¹ Islam, unlike other major religions, is a complete code of life having strict religious tenets guiding the ethical and moral standards of people as well as the societal institutions. Consequently, it is important for any global marketer to understand how best to advertise to Muslims that will satisfy the moral and ethical based on Islamic teaching.³²

Religion in general has significant influence on consumers' values,³³ attitudes and behaviours at both the individual and societal levels. Religiosity to which beliefs in specific religious values are held and practiced by an individual has always been an important determinant of human behaviour. It has been argued that behaviour is influenced by an individual's religious self-identity formed by the internalization of role expectations offered by religion.³⁴ This means that Islamic advertising will influence the behavior of advertisers, and advertisers' behavior will affect consumers.

In Islamic law perspective, the term advertising (*i'lân*) has many meanings including display (*al-idhâru*). Advertise something means to display or show something.³⁵ Besides that, the term of advertising also means a declaration (*al-jahru*). To advertise something means to declare it.³⁶ There is variety of opinions among scholars regarding the definition of advertising in terms of which is a clear description of goods or benefits that delivered through the public broadcast media by advertisers (*al-mu'lin*).³⁷

Advertising is a science of offering in accordance with the principles of sharia (*al-masyū'*) from advertisers (*al-mu'lin*) related to goods, services, facilities

³⁰ David S. Waller and Riza Casidy, "Religion, Spirituality, and Advertising," *Journal of Advertising* 50, No. 4 (2021), p. 349–53

³¹ Zehua Wang, et al., "Religion and Perceptions of the Regulation of Controversial Advertising," *Journal of International Consumer Marketing* 30, No. 1 (2018), p. 29–44

³² Mohammed Abdur Razzaque, "Advertisement in the Muslim World: A Critical Analysis from the Islamic Perspective," *International Conference on Marketing and Business Development* 2, No. 1 (2016), p. 100–108.

³³ Muhammad Abdullah Khan Niazi, et al., "Impact of Islamic Religiosity on Consumers' Attitudes towards Islamic and Conventional Ways of Advertisements, Attitude towards Brands and Purchase Intentions," *Business & Economic Review* 11, no. 1 (2019), p. 1–30.

³⁴ Razzaque, "Advertisement in the Muslim World: A Critical Analysis from the Islamic Perspective."

³⁵ Ibnu Mandhūr, *Lisân Al-'Arabi, Juz XIII* (Beirut: Dâr Shâdir, 1998), p. 288; Ibnu Farus, *Mu'jam Maqâyis Al-Lughah, Juz IV* (Mesir: Musthafa al-Halabî, 1971), p. 111.

³⁶ Mandhūr, *Lisân Al-'Arabi, Juz XIII*.

³⁷ Muhammad Jamîl Thahân, *Dirâsat Iqtishâdiyah Li Al- I'lâni Fî Al-Iqtishâdi Al-Islâmî* (Mekah: Jâmi'ah Ummul Qurâ, 1995), p. 28.

to bring good pleasure to the public through the instrument of the media.³⁸ Lafadz *al-masyū'* is a requirement to limit all prohibited forms such as fraud or misdirection. The object being advertised is in the form of goods / services / facilities that can be utilized both the acquisition is done by commercial transactions and gifts. The purpose of realizing pleasure (*li khalqi hâlati min ridhâ*) is that the intended advertising is not to harm consumers but to explain in order they can accept it with pleasure.³⁹

In general, the purpose of advertising is to provide information to the public to act in accordance with the expectation of advertisers. The purpose of advertising in particular is depends on the activity form of advertising. If the activity purpose is intended for distribution (*al-taūzî'*) or marketing (*al-taswîq*) the products, so it is called commercial advertisement (*al-i'lân al-tijârî*). If the activity purpose is only for public service announcements to socialize certain programs so it is called the non-commercial advertising (*al-i'lân ghair al-tijârî*). Besides having a purpose, there are several benefits of advertising, namely:

- a. To introduce and to inform consumers about the goods or services. With these advertisements, consumers are expected to be able to recognize the conditions and benefits of the product transparently so that it can support the fulfillment of consumer needs;
- b. Adding consumer knowledge about the innovation in the quality of the products or services we offer;
- c. Increase the desire of consumers to remember the advertised product brand;
- d. Advertising can be used as a media of education and teaching in economic science.⁴⁰

According to Islamic law, advertising categorized as legitimate if it contains the benefit information and its broadcast does not conflict with the Qur'an and the sunnah.⁴¹ The Islamic advertising must be in line with the principal (*ushūl*) as well as the branch (*furū'*) of the Islamic religion.⁴² The principle of Islamic religion (*ushul al-din al-Islami*) is *aqidah* and *sharia*, while the branch of Islamic religion (*furū' al-din al-Islami*) is *fiqh* as results of the scholars understanding. In an Islamic advertising is required paying attention to three aspects, namely: (1) The advertising must consider the spiritual nature of Muslim consumers; (2) To understand the nature of treatises of Islamic

³⁸ Ahmad 'Isâwî, *Al-I'lân Min Mandhūr Islâmî* (Qatar: Silsilah Kitâb al-Ummah), 1420 H, p. 72.

³⁹ Muhammad Al-Munâsir, *Al-I'lânât Al-Tijâriyah Maḥmūmahâ Wa Ahkâmuhâ Fî Al-Fiqh Al-Islâmî* (Amman: al-Jâmi'ah al-Urduniyah, 2007), p. 33-34.

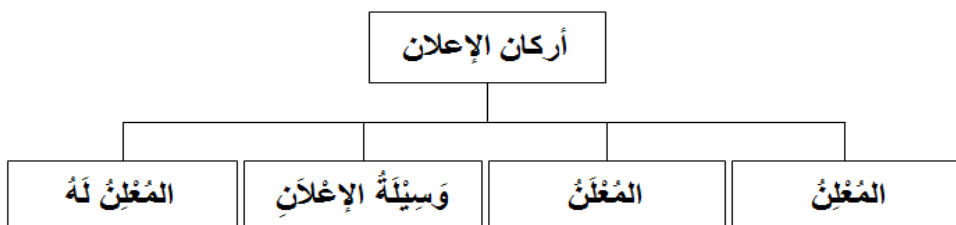
⁴⁰ Ahmad 'Isâwî, *Al-I'lân Min Mandhūr Islâmî*, p. 39-40. Rahma Octaviani, et.al., "Review of Equity Crowdfunding Practices through Santara.id in the Perspective of Islamic Economic Law," *Ahkam* 31, No. 1 (2021).

⁴¹ Bari and Abbas, "Advertisement & Islam: A Muslim World Perspective."

⁴² Ahmad 'Isâwî, *Al-I'lân Min Mandhūr Islâmî*. p. 171.

advertising; (3) The advertising must be available to educate the public.⁴³ To support the achievement of those aspects, there are several principles that must be met:

Picture 1: Advertising Elements



1. The advertiser (*al-mu'lin*) is person who deliver advertisements either directly or through the media. Advertisers are parties who make announcements relating to products of good or services with certain wage payments.⁴⁴ The parties who advertise are usually from the producers, distributors, sellers of a product or certain institutions that are interested in delivering public service information. To educate the people, an advertiser must have good behavior and appearance in front of the public.
2. The advertised object (*al-mu'lân*) is the product of goods or services as well as other information related to community service. All products or information can be object of of advertising as long as do not conflict with the sharia principles that is illegally substance (*haram li dzâtihi*) and illegally non substance (*haram li ghairihi*).
3. Media (*wasîlah al-i'lân*) is the instrument used to convey advertising to the public. An advertising will not be perfect if not conveyed through media, namely (a) Electronic media such as television, radio, internet, and others; (b) Print media such as newspapers, magazines, brochures, pamphlets, and others.
4. Recipient of advertising (*al-mu'lin lahu*) is potential consumers who receive information from advertisers. Advertising messages will be received by someone through the sense of vision, hearing, or a combination of audio visual. Recipients who receive advertisement are required to clarify as instructed in quran (QS. Al-Hujurat [49]: 6).⁴⁵

In delivering of advertising through the media, advertising service provider often use advertising exhibition (*mustahdam al-i'lân*) to make it appear attractive and communicative so that it can invite much attention of the public.

⁴³ Ahmad 'Isâwî, *Al-I'lân Min Mandhûr Islâm*, p. 167.

⁴⁴ Al-Munâsir, *Al-I'lânât Al-Tijâriyah Mafhûmahâ Wa Ahkâmuhâ Fî Al-Fiqh Al-Islâmî*, p. 60.

⁴⁵ Burhanuddin Susamto, "The Reconstruction of The Modern Advertising Concept: An Islamic Law Perspective," *Justicia Islamica* 17, no. 1 (2020), p. 139.

The use of advertising exhibitio in general can be grouped into three possibilities:⁴⁶

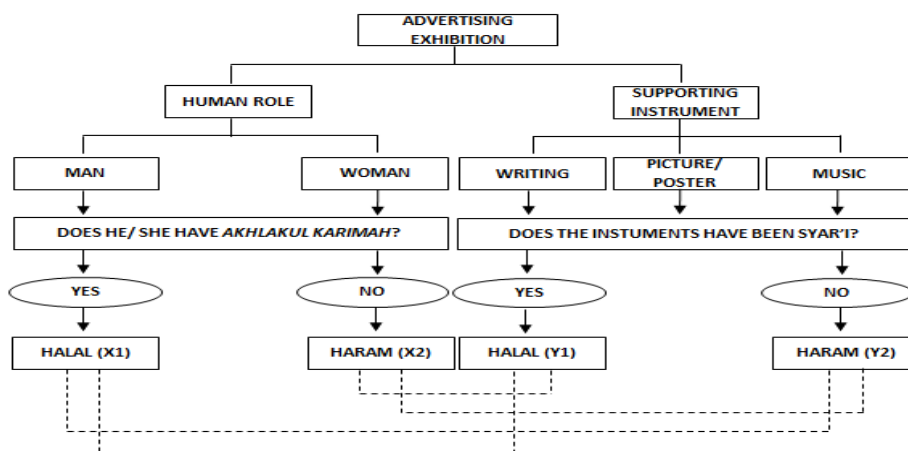
1. The advertising involve human roles both through sound and acting. An advertiser must always consider the public education (*tarbiyah al-mujtama'*) so that their appearance must reflect the moral behavior (*akhlâq al-karîmah*). To fulfill the requirements of moral behavior, there are several criteria that must be considered, namely: (a) *Advertisers must wear Moslem clothes to cover body (aurat) politely. Aurat is a limb that must not be shown by men or women to others legally;* (b) *The behavior and language used must be polite and communicative;* (c) *The advertising that submitted must be in accordance with the reality of the products condition.*
2. The advertising can also use the props such as posters, writing, musical instruments and others. Regarding the poster there are two possibilities: (a) If the posters is in the form of thing or dead creature, the law is permissible; (b) If the picture is in the form of a life creature, then the provisions are: (i) It is possible if the image of the living thing is not perfect as the original; (ii) Unlawful if the image is perfect as the original. Therefore, as a form of caution, avoiding use the living creatures of poster is preferred according the hadits: "*Whoever has ever drawn a living picture in the world, he will be required to blow the spirit on the picture on the Day of Resurrection, and he will not be able to do it.*"⁴⁷
3. If the supporting instruments of advertising are in the form of writing, so the writing must use educative sentences. If the props use musical instruments, then make sure that the music does not conflict with sharia principles. In the Qur'an it is stated: "*And among men there are those who use useless words to lead astray from the way of Allah without knowledge and make the way of Allah ridicule. They will obtain a disgraceful punishment.*" (QS.Lukman [31]: 6). According Ibnu Katsir, the context of that verse is related to restriction of the music.⁴⁸

⁴⁶ Burhanuddin Susanto, "The Reconstruction of The Modern, p. 139.

⁴⁷ Imam Muslim, *Shahîh Muslim, Jilid II*, (Beirut: Dâr al-Kitab al-Ilmiyah, 2006), p. 2110.

⁴⁸ Ibnu Katsir, *Tafsîr Al-Qur'ân Al-'Adhîm, Jilid III*, ed. Riyad: Dar Thayyibah, 1997, p. 556.

Picture 2: The Method of Advertising Screening



Permissible and prohibited businesses in Islam has been clear. The nature of business in Islam is not only to seek material benefits but also to seek immaterial benefits. The immaterial profit in question is *ukhrawi* profit and happiness. It is in this context that the Qur'an offers profit with a business that never recognizes the loss that the Qur'an terms "*tijaratan lan tabura*". Because even if the Muslim businessman loses materially, in essence he is still lucky because he gets a reward for his commitment in running a sharia-compliant business.⁴⁹

Islamic tenets of lawful (*halal*) and prohibited (*haram*) has set the allowability and limitations for advertiser. In practice, an advertiser can advertise products directly or through the use of supporting instrument. If the advertising is delivered directly, the conditions are that advertiser must have ethical behavior (X1). If the advertiser is unethical, the law is *haram* (X2). The advertising broadcast can also be done through supporting instruments as long as does not conflict with the sharia principles (Y1). If there is instrument that conflict with sharia principles, the law is *haram* (Y2). The advertising can be delivered through a combination of the human role and supporting instrument as long as both are *halal* (X1 + Y1). If advertiser has ethical behavior and supporting instruments used are contrary to sharia principles (X1 + Y2), then the law is *haram*. On the contrary, if the advertiser behavior is unethical and supporting instrument is according to sharia principles (X2 + Y1), the law is still *haram*.⁵⁰

⁴⁹ Amina Intes, et.al., "Permissible and Prohibited Businesses in Islam," *Sharia Oikonomia Law Journal* 1, no. 4 (2023), p. 275–85.

⁵⁰ Susamto, "The Reconstruction of The Modern Advertising Concept: An Islamic Law Perspective." p. 141

Table 3: Probability of Screening Result

Human Role	Supporting Instrument	
	Halal (Y1)	Haram (Y2)
Halal (X1)	√	X
Haram (X2)	X	X

The discussion above is an explanation of the concept of Islamic advertising and screening methods to determine the legality of an advertisement. The Islamic advertising must be built through the paradigm derived from Qur’an and hadiths. Therefore, if the advertising broadcasting can provide kindness and benefit (*maslahah or istihsan*) for consumers, of course the result is reward from Allah for advertisers.⁵¹ Vice versa, if the advertising broadcasting is controversial and produce badness and the damage (*mudharat*) then the result is a sin for the advertisers. The *syara’* evidence of the importance inviting goodness and preventing ignorance through advertising is: “From Abu Hurairah r.a that the Messenger of Allah said: “Whoever invites Allah's guidance, for him there is a reward as the reward of those who follow the instructions without any reduction. Anyone who leads to perverted, for him there is sin as the sins of those who follow that perverted without any reduction.”⁵²

In the perspective of state law, deviations of advertising practice can be sanctioned by the government. According to legal theory, the purpose of legal sanctions is to create a deterrent effect.⁵³ In the perspective of Islamic law, sanctions related to violations of the code of ethics advertising is in the form of *ta'zir*, namely the determination of punishment by the government through the enforcement of regulations. In the Article 20 Consumer Protection Law Number 8/1999 stated that: “Advertising business actors are responsible for the advertisements that are produced and all the consequences that are caused by these advertisements.” Part of the advertiser liability is the imposition of legal sanctions that can in the form of administrative punishment and criminal punishment for those who violate the advertising law.⁵⁴

⁵¹ Johari Johari, et.al., “Istihsān Method and Its Relevance to Islamic Law Reform: Content Analysis of Fatwa of Majelis Ulama Indonesia on Corneal Transplant,” *De Jure: Jurnal Hukum dan Syariah* 15, No. 1 (2023). Hudzaifah Achmad Qotadah, et.al., “Cultured Meat for Indonesian Muslim Communities: A Review of Maslahah and Prospect,” *Istinbath: Jurnal Hukum Islam* 7, No. (2022).

⁵²Muslim, *Shahih Muslim, Jilid II*. p. 2674

⁵³ Joel H. Garner, et.al., “The Specific Deterrent Effects of Criminal Sanctions for Intimate Partner Violence: A Meta-Analysis,” *Journal of Criminal Law and Criminology* 111, no. 1 (2021), 227–74. Fajar Sukma and Zulheldi Zulheldi, “Government Policies in Economic Empowerment of Muslim Communities in the Digital Economy Era,” *El-Mashlahah* 11, No. 2 (2021).

⁵⁴ Article 60-61 Law Number 8/1999 on Customer Protection

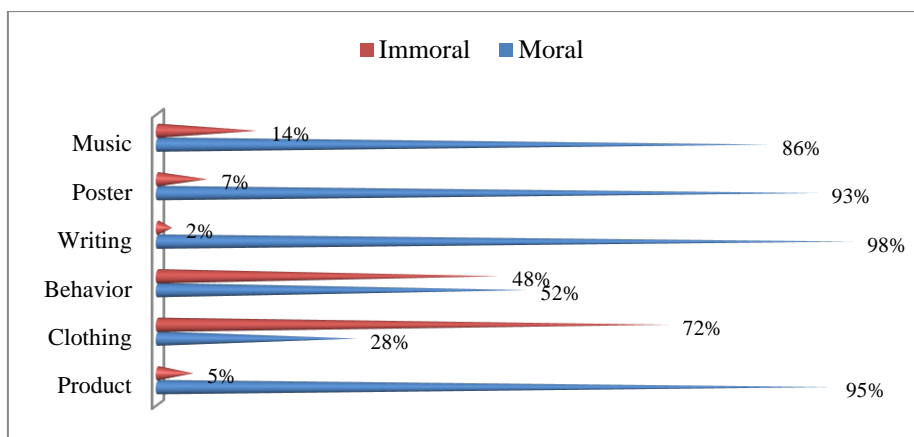
Morality of Commercial Advertising Broadcast in Indonesian Television

In this section, the author will describe systematically the result of calculation related to level of controversy of commercial advertising on television in Indonesia. The object of analysis is focused on controversy of advertised products as well as the ethical behavior of advertiser and the use of supporting instruments when they are viewed from an Islamic perspective. From one hundred advertisements which are broadcast by ten televisions, the calculation results are as follows:

Table 4: Data Research for Each Televisions

NO	TV STASIUN	Product	Acting of Advertiser		Supporting Instrument		
			Clothing	Behaviour	Poster	Writing	Music
1	TVRI	10/10	01/10	05/10	09/10	10/10	09/10
2	TV ONE	10/10	04/10	04/10	09/10	10/10	06/10
3	Trans TV	10/10	01/10	04/10	09/10	09/10	08/10
4	Trans 7	10/10	02/10	06/10	10/10	10/10	10/10
5	SCTV	08/10	04/10	05/10	08/10	10/10	10/10
6	RCTI	10/10	01/10	06/10	09/10	10/10	09/10
7	MNC TV	09/10	05/10	08/10	10/10	09/10	08/10
8	Kompas TV	09/10	05/10	06/10	09/10	10/10	10/10
9	Indosiar	09/10	04/10	07/10	10/10	10/10	07/10
10	Global TV	10/10	01/10	02/10	10/10	10/10	09/10
Total Number		95/100	28/100	53/100	93/100	98/100	86/100
Percentage		95%	28%	53%	93%	98%	86%

Graph 1: Level of Morality for Each Indicators



Permissible and prohibited businesses in Islam has been clear. The nature of business in Islam is not only to seek material benefits but also to seek immaterial benefits. The immaterial profit in question is *ukhrawi* profit and happiness. It is in this context that the Qur'an offers profit with a business that

never recognizes the loss that the Qur'an terms "*tijaratan lan tabura*". Because even if the Muslim businessman loses materially, in essence he is still lucky because he gets a reward for his commitment in running a sharia-compliant business.⁵⁵

Advertising halal products is a consumer right and an obligation for business companies.⁵⁶ The fact that Indonesian television still advertises products that are controversial in public, such as alcohol, cigarettes, and usury-based financial institutions. It is said to be controversial because if those products are advertised can cause pro and contra in society. The muslim has understood that alcoholic drinks (*khamr*) and usury (*riba*) are prohibited (*haram*) by Islamic law, so it should not be promoted. In addition, the television also still promote the cigarette as one of products that are controversial in the society. Advertise cigarette is said controversial because there are some fatwa which forbid it⁵⁷ while other fatwa condemn it *makruh*.⁵⁸ Despite causing controversy, the fact that cigarette products are still advertised on television.

The second aspect analyzed is related to the way of advertising broadcasting. In this case, there are two indicators used to measure the level of controversy, namely: (1) Ethical behavior of advertiser, both in terms of behavior courtesy and clothing propriety; and (2) Propriety of advertising props including poster, writing, and music. The following paragraphs are descriptions of the calculation results of two indicators.

An advertiser who has good morality will certainly keep the ethic when acting on television. The unethical behavior of advertiser will cause controversy in society. The controversy of advertiser can be observed from the wearing of clothes whether it cover their bodies properly or not. Besides that, the controversy can also be observed from the politeness of the advertiser behavior when they act in front of the camera. The fact that large number of advertisers, especially women have worn the clothes openly and transparently so that show sensuality to the public who watch television. So far, advertisers' acting with the controversial clothes is still ongoing because it is considered a habit in world of advertising. Then from the behavioral aspect, there are immoral behavior of advertisers on television media. This means that many of advertisers still exhibit inappropriate behavior, such as hedonism, consumerism, violence, vandalism, and others uneducated behavior. Inappropriate of clothing and behavior of course they can

⁵⁵ Intes, Barroso, and Mark, "Permissible and Prohibited Businesses in Islam."

⁵⁶ Susamto and Ruslan, Legal Renewing of Consumer Protection (Himã Yah Al-Mustahlaki) Through Islamic Law Perspective.

⁵⁷ Ijtima' of Indonesian Ulema Council (MUI) January 31, 2009 Stipulates Fatwa That Smoking Is Haram; Fatwa of the Council of Tarjih and Tajdid of PP Muhammadiyah No. 6/SM/MTT/III/2010 on Cigarette Law .

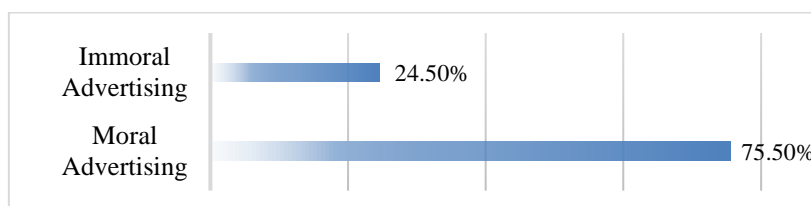
⁵⁸ Miftakul Akla, "Hukum Rokok Menurut Muhammadiyah dan NU" (2011), <https://digilib.uin-suka.ac.id/id/eprint/5669/.https://islam.nu.or.id/syariah/bahtsul-masail-tentang-hukum-merokok-70mqA;>

have a negative impact on society, namely the decline in moral standards in the public sphere.

Advertising on television media also often equipped with supporting instruments like as posters, writing, and musical. The use of them in advertising can serve as a complement or even a substitute for humans as advertisers. The purpose of those using is to help convey a message or just to attract the attention of television viewers. According to the author, the basic law of the use of advertising instruments is permissible as long as they are not contradicting with ethical values stipulated by the Islamic law.

1. The writing is the main source of advertisement text that commonly used to accompany the acting of advertisers to convey information of a product. From the research findings, there are also controversial writing on commercial advertising even though the scale is only small. In this case, controversy of writing is related to ad text which means sensuality and hyperbole.
2. Poster is illustrations of images used to convey information of products. Among the posters used for television advertisement, there are some controversial namely poster that illustrate a women dancing with sensual clothes, poster of cigarette advertisement showing people making love in public places, poster of smoking person, and poster of underwear product. Although it is just a picture, but such illustration is tends to be controversial when viewed from Islamic law.
3. Music is also often used as an instrument of the acting of advertisers because it can be entertainment and captivate the audience. From the data collected shows that the most use of musical instruments in television advertisements uphold proper ethics, while only a small number are controversial because of tacky and invite sensuality along with the inappropriate behavior of advertisers.

The paragraph above are results of calculating and explanation of each indicator for measuring separately the level of controversy. From each indicator can be calculated the average percentage which showed the level of morality on instrument advertising broadcast reached 75,5%. This means that the level of controversy in broadcasting of commercial advertisements on Indonesian television is still good. However, if those deviations are not evaluated, the immorality of commercial advertising will cause a negative impact on society continuously. The following graph is the level of morality for commercial advertising on television media:

Graph 2: Level of Morality for Commercial Advertising Broadcast

From data and graphs above are known that there are some violations of Islamic law in broadcasting of commercial advertisings on television media. From all indicators, the fact that there are violations of moral values although at different levels. On average, the morality level of commercial advertising broadcasting is in the relatively good category, but separately there are indicators that the level of morality is very low. The lowest level of morality is related to the advertiser's role to broadcast the commercial advertising, especially with regard to the behavior and appearance of clothing. The immorality of advertisers will be a hidden threat behind the advertising itself where its impact is not only undermines their own dignity but also can harm the society massively.

Conclusion

Islamic economic law contains principles that can be used to review whether advertising broadcasts uphold the principles of morality or not. The measurement of advertising morality can be seen from the aspect of the products being advertised and the way the advertising is broadcast. From the results of the review, it was found that there were violations of Islamic economic law in broadcasting of commercial advertising on television media. The existence of these violations causes the morality of advertising broadcasting on Indonesian television to be categorized as less good. The most dominant violation is related to the advertiser's role to broadcast the commercial advertising, especially with regard to the behavior and appearance of clothing. From the research data, it is found that there are some exploitations of advertisers to expose the sensuality for business purposes. These exploitations have the potential to damage morality not only for advertisers, but also for the public who use television services. To prevent negative impacts, immoral advertising needs to be evaluated by giving warnings and even legal sanctions to providers of advertising services. The implication of this research is the need to increase the standard of ethical code values by adopting the principles of Islamic economic law to serve as a guideline for the practice of broadcasting commercial advertising on television.

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