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# A Study of The Food Fraud Regulations in Islamic Sharia Law: A Systematic Review Approach

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## Abstract

This study aims to examine how both secular and Islamic literature addressed the issue of food fraud from a pedagogical perspective. The study compared the aspects of differences and similarities about how both Islamic sharia literatures address the concept of food fraud and that of the secular literature and how each separate category affects the behaviors and the ethical code of conduct of the learners. The study has adopted a systematic review that standardized guidelines in systematic searching, reviewing, critiquing, analyzing synthesizing, and reporting of findings from multiple publications on a topic/domain of interest literature on food fraud prevention spanning from 2014 to 2021. The systematic of literature aims help to researcher to answer the following questions: what are the differences and similarities between food prevention in the Islamic sharia and the common laws? Could the Islamic sharia food regulations prevent the spread of food fraud? How do sharia food regulations work? What is the impact of the food regulations upon the spread of food fraud in the secular system? The study has found that the Islamic sharia law regulations of food fraud prevention could help prevent food fraud because it draws on both religious and legal aspects. Although the western laws concerning the prevention of food fraud depend only secular vision, they are more successful in preventing food fraud than the sharia regulations. This can be explained in relation two things: the first is that the secular laws are reinforced by the power of the law. The second is that secular are more consistent with the complexities of the contemporary world.

**Keywords:** Food Fraud, Islamic sharia law, Pedagogy, secular education.

## Introduction

Fraud has been fought by all cultures across the world (Sorunke, 2016; Salin, 2017; Vadivel, & Beena, 2019). The world cultures are interested in regulating the lives of the people by producing instructions and rules preventing food fraud (Robson et.al, 2021; Spink, 2017; Spink et.al, 2019). These regulations and laws cultivate in the minds of people how to unconsciously reject the concept of fraud in general and the food fraud in particular. Therefore, the purpose of the present study is to reveal how both secular educational system and religious pedagogical system foster in the minds of the younger learners the idea of resisting fraud temptation with a particular emphasis on the food fraud. Several studies may claim that why do the current research focus on the food fraud? Why is food fraud examined from a pedagogical perspective? The answer to these the two former questions is implicit in the idea that food safety is a human, economic, healthy and ethical requirement. However, achieving food safety requires implementing strict and comprehensive measures. The idea of preventing food fraud has two interrelated dimensions. The first is legal which is more popular and known to almost everyone. It includes the laws and the preventive measures that fight food fraud. These preventive measures and the procedures should consider both religious and the material aspects of food fraud (Spink, & Moyer, 2011; Scholliers, 2016; Soon, & Liu, 2020; Vadivel et al., 2021) The second dimension is the ethical and pedagogical one, without which man cannot be governed by the laws that fight food fraud (Spink et al, 2019; Cadieux, 2019; Cull, 2015). The second aspect is pedagogical that draws heavily on a set of ethical and moral values that build up people's awareness about what is morally accepted and what is against the code of conduct. Therefore, the present study is meant to highlight those ethical values provided by both secularism and Islamic sharia law regarding the issue of food fraud. The present study examines both common values in both secular and religious codes that fight food fraud (Liu et al., 2021). In other words, the present study addresses the food adulteration not only in terms of the laws of Islamic sharia— what are deduced by Islamic jurists from religious texts and hadith—but also in pursuant to the applicable secular laws at Gulf states including the regulations of the international organizations like World Health Organizations and FAO (Alawajee & Almutairi, 2022; Jamshidi Dolatabad et al., 2022; Shojaei et al., 2022).

The present study also tackles the vision of the Islamic sharia regarding food adulteration, which is identified as one of the biggest crimes banned in Islam. To achieve its end, the present study held a comparison between how both the secular laws and sharia law dealing with the food adulteration. In addition, the study focuses mainly on the effect of the both of secular and religious values on the making of human value system and human principles and values pertaining to food fraud.

### **The significance of the Study**

The significance of the present study appears in its systematic approach that holds reviews, interpret, evaluate, critically analyze the previous studies addressing the food fraud policies adopted by the Islamic sharia to fight cheating and those one implemented by the secular international organizations. In addition, the present study focuses on the food security, and the necessity of the end-user to enjoy healthy and nutritious food, which is void of low quality or spoiled ingredients. The study also presents the measures taken by the Islamic sharia to fight food adulteration in the form of the legal articles that include: the preventive measures; punishments imposed upon the practitioners of food adulteration.

### **The problem of the study:**

The problem of the study lies in answering the following inquiry that although the measures of food prevention is both religious and legal, food fraud in the Muslim world spread widely in the Eastern countries more than its spread in the Western world whose laws are secular, which is mostly confusing. That is to say, why do secular laws in the Western manage to achieve what the sharia laws have failed to achieve in the Eastern countries? Does the problem lies in the laws or in its application? Therefore, the present study adopted the systematic review to sort out such a dilemma and such a controversy over the contradiction between the theory and its applications.

### **The objectives of the study**

Among the most important objectives of the present study is the following: offering the synonyms of the term “fraud” and its senses; introducing the material and moral aspects of the fraud crime in both Islamic sharia and secular systems; stating the major types of fraud, the traditional and the contemporary; focusing on the preventative measures fighting fraud in both Islamic sharia and law; referring to the most important international organizations combating cheating.

### **Review of literature**

The majority of the studies done in the area of food fraud from an Islamic perspective are much more related to halal food and how it is cheated in non-Muslim countries and what kind of suggestions adopted by Islamic sharia for dealing with such food fraud especially when in the cases where Muslims are unaware that their food is not halal (Ahmad, 2018; Balgan et al., 2022; Fadzlillah, 2011; Fuseini, 2017; Jiang, 2022; Ramli, 2017). Lotta (2014) explains that food fraud is a kind of intentional deception where food companies deceive their customers about the quality and the content of food. Food fraud is based on increasing the economic benefits without considering the fact that such a fraud represents a serious threat to the health of many people. Detecting food fraud is difficult since ordinary people alone cannot discover such a type of fraud. In addition, food fraudsters create innovative methods for making the process of discovering food fraud so difficult process. Johnson (2018) states the dangers and bad effects resulting from food fraud, as he also describes the process for food fraud prevention and the principles of the vulnerability assessment. The measures and the procedures necessary for deterring fraudsters were also described. Barrere et.al (2021) suggest a number of measures against the food fraud; first of all, determining the possible food fraud activities for the product by using authentic source and real data; secondly, assessing food fraud risk level; thirdly, assessing the need for additional preventative measures; finally, developing a plan for combating food fraud. Spink and Moyer (2011) describe the crimes resulting from the food fraud and methods of food fraud, and the measures and procedures necessary for preventing food fraud. Other studies have addressed have partially the food fraud within the general framework of the commercial crimes. For instance, Al-suqair (2001) addressed in brief the issue of food fraud within the general framework of the commercial fraud. Although these previous studies

are significant, they rely heavily on the civil laws applications for combating food fraud. Other studies have limited their examination and results to the issues regarding the regulations and laws imposed by secular systems (Al-Rubaat, 2022; Aziz et al., 2022; Bhatti et al., 2022; Koptleuova et al., 2022; Manning & Soon, 2016; Spink & Moyer, 2011; Ulberth, 2020). It seems that there is a clear gap in the studies dealing with the pedagogical aspects in combating food fraud in both Islamic and secular systems, as the majority of the previous studies neither compare the food fraud fighting philosophy in both Islamic culture and the secular system nor do they revisit it from a pedagogical perspective.

## Methodology

The methodology adopted in the study is a systematic review method research that draws heavily upon systematic researching, criticizing, analyzing, collecting, and reporting of findings from multiple publications on the subject of the study. (Baumeister, 1997; Huong et al., 2022; Nam et al., 2022; Snyder, 2019; Torraco, 2005). According to Web of Science database, the number of the studies concerned with food fraud prevention is 35, 518. Among from them, there are only 50 studies concerned with examining the relationship between food fraud and religion. In addition, there are only 137 concerned with food fraud and regulations. Therefore, the current is going to systemically review the most representative studies dealing with the relationship between food fraud and religion on one hand and the other studies addressing the relationship between food fraud and the regulations combating it on the other hand. In doing so, it is used to collect the aspects of differences and similarities between food fraud pedagogy and regulations in both secular and Islamic world. The methodology is meant to address concerns regarding the quality of the existing research on the topic under study issues, such as bias, replicability, and credibility. Therefore, a critical reflection upon the existing knowledge is used to evaluate the current status of food fraud practices in secular and sharia law systems. Critical examination of much research done by many Saudi, Arab and Western authors interested in approaches of food fraud pedagogy is also considered teaching. This systematic review is done in relation to a number of factors. The first factor is contextualization as the contextual elements affecting both—social, historical, cultural, religious—elements are taken into consideration when reviewing systemically the previous studies on food fraud. The second factor is pedagogical, as it compares the validity and the reliability of the application of Islamic sharia practices regarding food fraud and how far the research conducted in such area could manage to handle properly to deal with the problem of the present study. The third factor is critical reflection upon food fraud in Islamic sharia research and that of secular system done in secular system context is held to reflect on the Islamic and secular educationist perception of the food fraud pedagogy, the shortcomings in their application, and how to avoid falling into these shortcomings in future research. That is to say, the present research is built on a systematic review examination of the existing knowledge relating to food fraud pedagogy in both sharia law and Islamic laws.

## Discussion and Analysis

### Fraud & Islamic Sharia

The systematic review used in this study based mostly on symmetrically reviewing a number of papers published in the web of science, whose main concern is to focus on the pitfalls, the problematic issues, the points of weaknesses, the uncovered areas in the previous and existing research that studied food fraud from Islamic perspective, food fraud from legal perspective and food fraud from secular perspective. While reviewing the existing knowledge and research, the current review of literature focuses on answering the following questions: What is the current theoretical framework/understanding on the topic of food fraud? What are some gaps in existing published literature? What is the most proper study focusing on food fraud? Which research question/topic will provide the best return on investment? According to the web of science database, the number of studies dealing with the relationship between Food fraud and religion is 50 studies. The majority of these studies were focused on the Halal food and the methods of adding pig meats, which is forbidden to Muslims, to their food ingredients without being informed and the related consequences (Azizah, 2021; Razzak et al. 2015; Jaapar et al. 2021; Ahmad et al. 2018; McElwee et al. 2017). Islamic sharia fights fraud through cultivating highly ethical values of honesty and sincerity and God's fear into the minds of man since his very childhood. The Spiritual pedagogical of Islam prohibited all types of fraud as the Prophet Muhammad said: "Whoever cheats people does not belong to Muslims." Therefore, fraud is against the laws of Islamic sharia and also violates human's interests. It violates the code of conduct and the good

morality. Fraud behavior is fueled by deception, greediness and wicked nature. Since fraud is connected with bad morality, it causes serious harms to humanity. Therefore, it is necessary to resist fraud. Islam takes many actions to fight fraud and adopts a set of regulations and laws to prevent cheating and punishing people who practice it.

Understanding food fraud from a pedagogical perspective in Islamic culture, one should evaluate its meaning both linguistically and terminologically. The linguistic meaning is so important in the sense that it paves the way for understanding the shades of the terminological concept behind the linguistic meaning. The dictionary of the Contemporary Arabic defines “*ghishh*” fraud, as an object whose appearance seems to be good but its essence contradicts it, or an object which is mixed with bad components. It seems that these definitions are also used to define fraud terminologically. International food organizations may describe food fraud before defining it to count its features and its cases as much as possible.

The traditional Islamic jurists provided comprehensive and meaningful definitions for the concept of cheating Duriana (2015) defines it as “a common designation given to any object whose description is different from its essence (p. 227). Ibn Arafah(2014) defines it from a different perspective focusing on fraudulence, as he wrote, “cheating happens when a salesperson provides false information about his commodity, claiming that is perfect but it contradicts its truth or when he hides its defect”(424). Generally, fuqahaa (Islamic jurists) focuses on the actions taken in cheating which includes “reducing weight, spoiling food by adding low quality materials, deceiving the buyers by making food appear in a quality better than its real quality.” The Saudi law defines fraud as any kind of cheating in product either in its description, exhibition, or in its marketing by using deceptive or illusive information different from its reality. In other words, cheating is a deliberate deception that includes any process of fraud whether it occurs to food or something else (Köprü & Ayas, 2020).

The spiritual pedagogy of Islam is reflected in the idea that Islamic fiqh has banned all types of fraud particularly food fraud, as evidenced by the following Hadith: That the Messenger of Allah (ﷺ) passed by a pile of food. He put his fingers in it and felt wetness. He said: 'O owner of the food! What is this?' He replied: 'It was rained upon O Messenger of Allah.' He said: 'Why not put it on top of the food so the people can see it?' Then he said: 'Whoever cheats, he is not one of us.'"He said: There are narrations on this topic from Ibn 'Umar, Abu Al-Hamra', Ibn 'Abbas, Buraidah, Abu Burdah bin Niyar, and Hudhaifah bin Al-Yaman.[Abu 'Eisa said:] The Hadith of Abu Hurairah is Hasan Sahih Hadith. This is acted upon according to the people of knowledge. They dislike cheating and they say that cheating is unlawful. In another Hadith, Prophet said, "Don't keep camels and sheep unmilked for a long time, for whoever buys such an animal has the option to milk it and then either to keep it or return it to the owner along with one Sa of dates." Some narrated from Ibn Seereen (that the Prophet had said), "One Sa of wheat, and he has the option for three days." And some narrated from Ibn Seereen, " ... a Sa of dates," not mentioning the option for three days. But a Sa of dates is mentioned in most narrations. These two hadiths are adequate to clarify the Islamic and its pedagogical values entailing the prohibition of all kinds of fraud specifically food fraud (Jabbar, 2012; Nachbagauer, 2022; Phumsiri, 2022; Rakkarnsil & Butsalee, 2022).

### **Food fraud crime elements in Islamic Sharia**

The food fraud can be labeled as a crime, which deserves the legal penalty stipulated by the law, when a number of elements are to be fulfilled. The secular law sets three corners for the food fraud crime, which are as follows: The first element is the material aspect of the crime that covers any action taken to change the substance which can take one of the following forms in food fraud: A-Mixing bad quality or spoiled food with good food using illusive methods which are difficult to reveal by the common consumer. B-Adding different materials to food, e.g. mixing milk with water, and sugar with honey, and corn oil with olive oil. c-Writing data on the label of the product contradicting its truth as the Saudi ministry of commerce has stipulated that information written on the label of product like its origin, quantity, weight, capacity and so on must be corresponding to its reality. Similarly, the Islamic sharia set a number of a very strict rules that would help combat food fraud, which are as follows: a- Concealing the faults of the commodity with a prior knowledge. b- selling the adulterated products with a prior knowledge, f- promoting the adulterated products with a prior knowledge (Levine, 2022; Nawawi, 2017; Salomäki et al., 2022; Uygur et al., 2022). Therefore, the positive actions in the material corner in food fraud can fall into several categories: 1-producing corrupt material, as reflected in the above-mentioned articles A & B- Selling adulterated products as reflected in the articles E &D 3-Incitement as reflected in the Article F.

The mental aspect in fighting fraud explains why fraud is a kind of a practical crime involving the deliberate intention as a necessary condition for criminalizing the perpetrator. In the case of food fraud, the perpetrator has a deliberate intention to cheat food. If the intentionality condition has been fulfilled, it is proven that the frauder is involved either directly or indirectly in the fraud crime and therefore the food fraud is classified as an intentional crim (Ghadermarzi & Mohamadi, 2022; Spink, 2019; Tonekaboni & Nasiri, 2022).

### **The punishment of food fraud in the Islamic Fiqh:**

Onyeaka et al (2022) argued that the punishments imposed upon the food fraud crimes are taken from the Islamic *fiqh* rules, which are as follows:

1-The salesman is obliged to take his adulterated goods, if the purchaser claimed for his money and if there is a decrease in price between the sale and the return, the salesperson is committed to paying it. If there is an increase in the value, the purchaser has to take only his capital (Alnamrouti et al., 2022; Nawawi, 2017; Sunday Adebayo et al., 2022).

2-To confiscate the adulterated food (p.3), as the confiscation should consider two important issues:

A-The impossibility of clearing up food from any kind of adulteration and in such a case, the confiscated food should be damaged as what was done by the companion Omar bin Al-khatib to the adulterated milk. It can be also given to the poor on the condition that the adulterated food will not cause any harm to the health as its harms are confined to the quality and its kind.

B- The food is not valid for the human consumption and this has been done by the Prophet Muhammad during the day of Khaybar when he damaged the red meat and banned people from eating it.

3-The punishment ranges from imprisonment, hitting, to depriving the trader from practicing his trade in the market unless his manners demonstrate honesty and sincerity (p.2).

4-The trader is to pay a small fine which is directed to the poor and he is not fined with lots of money.

5-The punishment of cheating is estimated by the concerned authorities (the ruler, judge, or the concerned authorities) and it should be equal to the consequences of the crime).

What is strikingly noticed about the Islamic sharia punishment is that it has two aspects; the first relates to confiscation and the second is related to imposing fine. In addition, the mere idea of expelling the frauder from the market is considered to be another kind of the financial loss. Therefore, the little amount of fine is regarded as a kind of discipline. The second type of punishment is the physical one like hitting, which is estimated by the judge and in the major cases, it cannot exceed 79 strikes. The physical punishment is also represented in the imprisonment, which is explicitly expressed as the restriction of freedom. The secular law system stipulates a number of punishments for the fraud crimes. First of all, there is an imprisonment punishment for no more than two years, and a financial fin.

### **Conclusion**

Both secular system and religious system agree on fighting food fraud. The Islamic sharia has set a number of laws derived from Prophet's Muhammad sayings and Koran's warnings against food fraud. The pedagogical aspects of the Islamic sharia teachings played a major role in cultivating the principles and values of honesty and transparency into peoples' mind that prevent them unconsciously from practicing food fraud. The secular values also enforce regulations and laws that fight food fraud without using any religious background upon which it establishes its values or principles. The pedagogical role of secular system in combating food fraud is more effective and powerful than the impact of the Islamic pedagogy. This sharp difference can be found in the statistics showing the increasing rate of food fraud in the East more than in the Western countries. Despite the idea that the Islamic sharia pedagogically fights food fraud, the food fraud in the countries implementing their principles is more widely spread than the countries adopting the secular laws. The idea is that pedagogical values without the enforcement of laws cannot be as effective as the secular values which are based on the sound enforcement of law. That is to say, the good Islamic sharia values without being restricted by the force of laws are not effective and powerful. Pedagogy and good morals and honesty are ineffective if they are not connected without power of law, punishment and laws.

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