

The Relationship Between Intellectual Property and Economic Development from An Islamic Perspective

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Abstract

This article aims to study the relationship between the components of intellectual property, which includes the trademark and patent, and economic development from the Islamic perspective. The article showed that the trademark distinguishes economic goods and services, showing that the Islamic religion is concerned with preserving the rights of owning goods. The Islamic religion emphasized the exclusive rights of goods that owned by merchants by distinguishing them with a trademark that guarantees the rights of its owner. The article also shows solid legal evidence for distinguishing goods and services, which is equivalent in this era to the legal registration of a trademark. The aim of the Islamic religion was to encourage fair economic competition, develop economic sectors, and encourage research and development. The study also showed the interest of the Islamic religion in patents and innovation. The Islamic religion is the religion of balance and creativity which emphasized the need to develop innovation through the presence of legal evidence in the Qur'an and Sunnah. The Islamic religion also showed that inventions are a main pillar in encouraging investment and building the Islamic economy, through the innovation of goods and services that serve society. In this article, the researcher used the descriptive method to study the relationship between intellectual property and economic development from an Islamic perspective. The results proved the interest of the Islamic religion in intellectual property in the giving the owners their rights and the prohibition of attacking it by non-owners. The Islamic religion, through its legislation in the Qur'an and Sunnah, encouraged the construction of intellectual property as a prerequisite for the development of the economy.

Keywords: Intellectual Property, Economic Development, Islamic Perspective.

Introduction

Intellectual property and economic development are among the contemporary and important jurisprudential topics, whose importance has emerged with scientific and technological progress and its positive effects on the macro economy. With rapid progress, the spread of modern technology, scientific and literary thefts spread, fraud, imitation, and forgery appeared (Mondal, Akhtaruzzaman, Islasm, & Sarker, 2022). Hence, some states of the world called for cooperation to protect these rights and to issue regulations, laws, and legislation. In this article, the relationship between the component of intellectual property and economic development is shown from the perspective of the Islamic religion. The study explains what is intellectual property and some of its components of trademarks

and patents, and the exclusive rights and the basis for its consideration from the perspective of the Islamic religion and its relationship to economic development in order to be protected (Trelles, Mario, & Glen, 2005).

Intellectual rights are legally reserved for their owner, and Islam considers their protection a legal duty that stems from faith in God Almighty. Trust and responsibility are felt in preserving people's rights and not infringing on them. It is also not permissible to attack them in Islam, as shooting them in the eyes of Islam is considered theft, fraud and encroachment on people's money and rights. This leads to the reluctance of scientists, thinkers, and inventors from intellectual and scientific production, which leads to economic decline (Meirison & Nazar, 2021).

Methodology

This study uses the descriptive analytical method. This analysis is one of the most important scientific research methods and the most popular in scientific research. The key to this approach's success is its incredible versatility and comprehensiveness (Figueira, Figueira, Corradi-Perini, Martínez-Rodríguez, Figueira, da Silva, & Dantas, 2021).

Intellectual property from an Islamic perspective

Intellectual property is a type of ownership that appeared in the latest ages as a result of scientific development and technical and industrial progress that the world is witnessing. It is what was invented and produced. One of the components of intellectual property is trademarks, it takes a title for a specific goods with a distinct industry, which is called today the registered trademark. They are distinctive signs that distinguish the product from other products (Kadier Ilyas, Huzaifah, Harihastuti, Sapuan, Harussani, & Shak, 2021).

There are legal pieces of evidence from the Islamic religion to protect the components of intellectual property. The Islamic religion stresses the protection of goods and services owned by individuals or establishments. The aim of its protection is to monopolize trademark owners with the rights granted to them by the Islamic religion (Mondal, Akhtaruzzaman, Islam, & Sarker, 2022). The evidence appears clearly in the Holy Qur'an in the words of the Almighty: (And do not consume your wealth among yourselves unjustly, and direct it to the rulers so that you may devour part of the people's wealth in sin while you know) [Surah Al-Baqara: 188], so this noble verse is a great legislative basis for money in Islam. Interpretation of the term "money" in the Shari'a refers to all that people own of goods or services and what follows from discernment and bonds to preserve ownership and benefit from it, and what their interests are based on and by which their benefits are obtained, such as real estate, lands, in-kind goods, cash, and the like. Thus, the Islamic religion viewed the trademark as part of the value of goods or services, granting the exclusive right to its owner exclusively (Islam, Pickering, & Foreman, 2010).

Likewise, the Sunnis agreed that whoever took what was signed by the name of money, no matter how small or large, commits immorality by that and that it is forbidden for him to take it. It is not permissible in any case to take the money of others, unless the legal evidence indicates the permissibility of taking it, because it is taken with truth, not falsehood, and eaten with permission, not with sin, even if its owner is reluctant, such as paying off the debt, if he

refuses to pay it, and surrendering what God has commanded of zakat and the like. Spending on whom the Sharia obligates, such as the family and children. And the verse is clear that the sin is on the one who took (ate) people's money, knowing that he was unjust in (eating), but if he was unaware, then there is no sin on him. This is a legal indication from the Sunni scholars that it is not permissible to attack the rights of others. The rights of third parties are represented by the goods or services owned by an individual or an establishment with a name or a symbol that the owner has the right to monopolize within the legal assets (Khattak, Khan, Ul-Islam, Wahid, & Park, 2015).

The right to innovate and invent is: a legal jurisdiction that grants its holder direct authority over its innovative production. He can keep a copy of this product for himself. It is a human effort that led to the creation of something or solve a problem, that was not known before, and it is called a patent. Exploitation of this right may extend to the commercial environments (Wilson, 2008). The right to innovate is that this innovative owner or company has the exclusive right to produce what he has invented and he has the exclusive right to sell and dispose of it and collect the benefits and profits that are achieved from this innovation. Innovation may be a scientific product, or it may be an industrial and commercial product, such as devices, medicines, and various innovations. It may be an innovative artistic product, such as fine art drawings (Chapra, 2008).

As for the Islamic Shari'a, it is stipulated that it should not be in contradiction in its origin with Shari'a rulings, such as the manufacture of idols and statues. So that Islamic law was linked to faith in God Almighty, honesty, and a living conscience. Prove that Islam legitimized innovation through diligence and intellectual creativity, and that it prevents stagnation and blind imitation that is not based on arguments and evidence (Chapra, 2008). It proved the close relationship between the concept of diligence and intellectual innovation. And that Islam legitimized it to keep pace with the developments of contemporary life, as it is valid for every time and place, by balancing the stability and sanctity of legal texts. And between the need for innovation and renewal to meet the diverse needs of all times and eras (Chapra, 2008). The study confirmed that diligence and intellectual innovation are among the foundations of religion and that Islamic scholars in contemporary times are able to provide practical solutions to the problems of the contemporary world based on the approach of their predecessors if they understood their history and followed their path. It also proved the great merit of Islamic civilization over the civilization of the world, starting with values and morals, passing through language and literature, and ending with applied sciences and contemporary inventions (Wilson, 2008).

Economic development from an Islamic perspective

Islamic economic development is based on the Muslim person who was raised in the school of prophecy and worked to exploit all available resources in accordance with the Islamic approach to work. Where the messenger of God, may god's prayers and peace be upon him, says: God loves if one of you does a job to master it. And the ultimate goal of production, reconstruction, and development remains the pleasure of God Almighty and the desire of His face, not only the material return (Aliyu, Alkali, & Alkali, 2016).

Islam encouraged all kinds of legitimate economic activities. There are multiple texts from the Holy Qur'an and the Sunnah of the Prophet urging individuals to earn and earn a living. As the Almighty says: (It is He who made the earth subservient to you, so walk in its slopes and eat of His provision, and to Him is the resurrection). Rather, Islam raised the status of beneficial economic activity and made it an act of worship by which a person draws closer to his Lord, as long as it is accompanied by good intentions and abides by the Shari'a rulings. Since economic activity in Islam does not aim to achieve material benefit only, as is the case in other economic systems. Rather, it is to achieve the moral and spiritual benefits that achieve lasting happiness for man in this world and the hereafter (Hasan, 2007).

A concept of development in Islam, based on Qur'anic texts or meanings. It was said that development is the demand for building the land. And that is from His saying, the Highest: (He created you from the earth and settled you in it) [Surat Hud: 61]. And it was said that development means "the good life," referring to the meaning of the noble verse: (Whoever does righteous deeds, whether male or female, and is a believer, we will certainly give him a good life, and We will reward them according to the best of what they used to do) [Surat An-Nahl: 97]. And it was said that it is the transfer of society from a situation that does not please God, to a situation that pleases Him. The authors, in *Development in the Islamic Economy*, believe that the values that Islam educates its children on are appropriate for achieving economic development. Perhaps the first to refer to this point in a practical and organized way was "Malik bin Nabi" in his book: "The Muslim in the World of Economics," in which he focused on the role of man in Muslim society as the first building block of the development process. This is in relation to the self-motivation that makes a person seek to achieve development through the Islamic educational approach. As for the eschatological and spiritual incentives, we find that there are many verses and hadiths that encourage and encourage action. Among the incentives for the Hereafter is the saying of God Almighty: (And for each there are degrees of what they have done, and that He will pay them in full for their deeds, and they will not be wronged) [Al-Ahqaf: 19]. And the Almighty says: (We do not waste the reward of the best deed) [Al-Kahf: 30]. Likewise, the Almighty said: (To Him ascend good words, and righteous deeds exalt them) [Fatir: 10]. Among that is the saying of the Prophet: "There is no Muslim who plants a tree, or sow's crops, and then a bird, a person, or an animal eats from it, but it will be alms for him".

This shows the depth of the Islamic vision in looking at the importance of development in the economic life of society and its practical necessity in reforming people's livelihood. Improving their economic and social level by working to provide the necessary protected commodities needed to sustain people's lives. Through what development achieves for them in terms of increased income as a gain. According to the successive effort they make for reconstruction according to the standard: (And that man shall have nothing but what he strives for) [Surah An-Najm: 39], in a way that guarantees them a good life that is embodied in the fact: (A good town and a Lord who is forgiving for Muslims) [Surah Saba: 1]. On that day, the adoption of noble standards in achieving development, with the highest levels of aspiration, believing in the criterion: (If the Hour comes and one of you has a sapling, let him plant it) (Aliyu, Alkali, & Alkali, 2016).

Economic development in Islam is a comprehensive and balanced development that combines human development. Preparing him properly - to carry out his responsibilities

before God Almighty and developing the environment that surrounds him economically, socially, politically. The process of economic development in Islam is based on two main foundations that enable it to achieve these goals, namely: First: the foundation of the Islamic faith, from which the establishment of the greatest measure of urbanization and economic and social. This is because the Islamic faith delineates a person's role in life and his responsibility towards it, and then commands him explicitly to do everything that achieves economic and social prosperity for him. Second: The foundation of the "collective" societal will and the development of the collective personality of the Muslim community, which is based on Islamic social values (Mobin & Ahmad, 2017).

Islamic law was concerned with the economic aspect, so it clarified the forbidden and the lawful basis on which the economic activity of human is based, producer, consumer, and manufacturer, and laid down for him Islamic legislation that guarantees his safety and non-deviation. Likewise, the Shari'a did not stop at clarifying what is permissible and what is forbidden, but also encouraged beneficial economic activity, making good earning an integral part of faith and piety, and forbade a person from submissiveness to poverty, as long as it is within his power to get rid of it and rise to the ranks of wealth (Ermawati, Musyahidah, & Nurdin, 2021).

Perhaps the follower of the Qur'an verses, the hadiths of the Prophet, and the relics of the glorious predecessors - realizes the extent of this prominent care, which linked the economic behavior of the Muslim to his Islamic faith, while positive economics deviated from the spiritual and moral aspects, and focused on the material aspects of economic activities, and perhaps this highlights the extent of what he owns. The Muslim society is based on Islamic economic teachings, distinct from other societies, which have known major economic doctrines, which have failed to remedy the economic problems that humanity suffers from, such as capitalism, which built its structures on absolute freedom and market mechanisms, or like socialism, which sought its happiness and absolute justice through the economy. command and the state own most of the means of production. And because some people practice their economic activity in work, production, consumption, or investment, or are in a state of unemployment or are influenced by a non-Islamic economic doctrine, it is hidden from them to know the position of Islam on economic activity, and out of belief in the duty to contribute to uncovering some aspects of economic activity from an Islamic perspective (Hamid & Sa'ari. 2011).

The principles of development in Islam are limited to dual ownership, which is individual ownership (the private sector) and collective ownership or state ownership (the public sector). Islam has established the rules that regulate and protect ownership. If the individual does not invest his money well or spend it in his interest and the interest of the group, then this exposes him to the loss of ownership. Individual property is a cause of harm to society, for Islam has prohibited hoarding money, keeping it from production and circulation, and not spending it in the way of God, because of the importance of working in building the land and the importance of the fair distribution of wealth through spending. Give them good tidings of a painful chastisement. Therefore, Islam restricts individual property with many restrictions, so its owner has the right to dispose of it within limits and restrictions that he may not transgress (Ahmad, 2004).

One of the distinguishing characteristics of the development approach in Islam is that it produces good goods and services. Development in Islam does not produce commodities and services that are prohibited by Shari'a but works to fight their entry into the Muslim community through exchange and commercial transactions or smuggling and so on (Ermawati, Musyahidah, & Nurdin, 2021). Economic development in Islam works to empower faith in society, preserve the purposes of Sharia, and achieve justice and social solidarity. Achieving economic development in Islam is based on the cooperation of the individual, society, and the state together so that they complement each other (Hamid & Sa'ari, 2011).

Intellectual property and economic development from an Islamic perspective

The Islamic economy agrees with the rest of the other economies, the existence of economic development, and its connection to intellectual property. It is generally represented in the large number and multiplicity of human needs on the one hand, and the limited resources required to satisfy these needs on the other hand. Whatever this economic development is in general, every economic system sees it from another perspective and seeks to solve it through that. The Islamic economy has sought to solve it by all legitimate means stipulated in the Islamic Sharia, which fall within the framework of the public interest of society and are compatible with morals and human values (Abaa & Younes, 2016).

The Islamic perspective on the development of the economy emphasized the preservation of the rights of the owner of goods and services. The legal rulings in Islam showed that the possession of the commodity requires proper documentation proving ownership (Hasan, 2006). This ownership is based on fixed criteria that enable the owner to monopolize what he owns within the legal limits. Intellectual property has been included in the legal texts for the prohibition of encroachment on it by others, and to ensure the preservation of the rights of its owner. The texts in the Qur'an and Sunnah show the origins of transactions between people and the importance of documenting financial and economic transactions (Shaari, Hussain, & Ismail, 2013). The most important verses in the Holy Qur'an explain the financial debt procedures between two parties. This verse showed ways of documenting financial rights to ensure that they are not violated and are preserved (Kadirov, 2020).

The legal texts showed the importance of developing the economy in Islam because it provides a decent life. The Islamic religion drew the process of economic development with important financial and industrial inputs. The development process needs to document and protect rights and encourage the industrial life cycle, to ensure honest and fair competition (Nugroho, Nugraha, & Badawi, 2020). The Islamic religion also showed that the economy needs to organize the property assets of commodities, and organize these records in a special industrial department. The Islamic religion emphasized research and innovation for manufacturers and merchants to develop the economy. Islam believes in the need for innovation and its protection to develop goods and services to develop means of comfort for people. The protection of intellectual property from an Islamic perspective is one of the pillars of economic development. The Islamic religion encourages several legal points, the most important of which are (Ali, Alam, & Islam, 2016), (Zailani, Satar, & Zakaria, 2022):

1. The Islamic religion enjoins people to seek knowledge, reflection, and research, with the aim of developing products in all aspects of life.

2. The Islamic religion imposes the protection of the rights of the owners of the services, and the prohibition of attacking them is final. And solve industrial and financial transactions that aim to improve the well-being of people.

3. The Islamic religion encouraged industry to improve the economic condition of merchants and people at the same time, by supporting and protecting industry and prohibiting taxation like other economic systems.

4. Supporting the Islamic religion and industrial sectors by providing scientific references for the purposes of research and development to advance economic development. This is shown by caring for science and scientists, protecting their intellectual and industrial rights, and encouraging creativity in all ways of life. In the Sunnah, the Messenger, may God's prayers and peace be upon him, used to talk to his companions and discuss with them to teach them about creative thinking and choosing the best solutions for life situations (Baten & Hippe, 2018).

Findings and Recommendations

Intellectual property rights of all kinds have gained a legitimate financial value and may not be violated in Islam. Since these rights have a clear impact and great importance in the areas of economic development, many agreements and conferences have been held to protect them. Protecting these rights is a legitimate duty that stems from faith in God Almighty and a sense of trust and responsibility in preserving the rights of owners and consumers and not encroaching on their property and money. This harms the realization of a large number of interests belonging to all the nation. On the contrary, if these rights are not taken care of and not protected, this leads to economic backwardness and the distancing of scientists and inventors from intellectual and scientific production, it can impact on the advancement of science and the rise of Muslim intellectuals

The Islamic religion was concerned with the components of intellectual property to preserve the rights of manufacturers and merchants in the commodities they own. The Islamic religion considered the trademark as a symbol that distinguishes goods or services and is part of the ownership thereof. The Islamic religion also showed that creativity and innovation are complementary terms to a developmental process that leads to the development of goods and services and drives the economy to develop. Religion showed that industrial property needs protection and it is forbidden for others to approach it without the permission of its owner. Industrial property is one of the pillars of economic development. Economic development needs to improve the quality of goods and services. Goods and services need innovation to develop their quality, meet the needs of consumers and enhance economic competition.

The infringement of intellectual property rights is considered, in the view of Islam, theft, fraud, assault on people's money and rights, and eating their money unjustly. It is a religious duty under Islamic law.

One of the most important recommendations is that Islamic countries should encourage industrial ownership of all kinds, that incentive rewards be set, appreciation and

encouragement for owners and that protection and conservation be provided for the advancement of Muslim countries in the scientific, industrial, and economic fields, and that they reach the limit of development and innovation by themselves and dispense with the products of other countries. The Islamic religion is suitable for every place and time, and we need to search within it for economic rulings. The Islamic religion clarified the rights of the owners, whether it was movable rights or fixed rights. The researcher recommends paying attention to researching the intellectual rights of owners because of their impact on economic development and investment from an Islamic perspective.

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