



Maqāṣid al-Sharī'ah in Contemporary Legal Systems: An Analysis of Digital Rights and Privacy Protection

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Abstract

Maqāṣid al-Sharī'ah, as the foundational framework of sharia's objectives, offers universal principles that remain highly relevant in addressing contemporary legal challenges. This article examines the application of maqāṣid al-sharī'ah within modern legal systems, with a particular focus on the protection of digital rights and privacy – an increasingly urgent issue in the era of digital transformation. Specifically, this study explores how the objectives of preserving intellect (*hifz al-aql*) and property (*hifz al-mal*) intersect with current data protection and privacy regulations in digital environments. Employing a qualitative methodology grounded in literature review and legal analysis, the article finds that maqāṣid al-sharī'ah offers a robust ethical framework capable of safeguarding both individual and collective interests in a balanced manner while upholding spiritual and moral values. The study also addresses the challenges of integrating maqāṣid al-sharī'ah with secular legal systems, especially amid globalization and rapid technological advancement. The findings suggest that embedding maqāṣid al-sharī'ah into digital privacy regulations could serve as a strategic approach to building legal systems that are more inclusive, adaptive, and just. Therefore, the article concludes by emphasizing the need to further elaborate the policy implications of this framework to enhance its practical relevance and academic contribution. Ultimately, maqāṣid al-sharī'ah is demonstrated to be both relevant and applicable as an ethical foundation for confronting legal challenges in the digital age.

Keywords: Contemporary Legal System, Digital Rights, Privacy, Maqāṣid al-Sharī'ah

Abstrak

Maqasid al-Shariah sebagai kerangka dasar dari tujuan-tujuan syariah, menawarkan prinsip-prinsip universal yang tetap sangat relevan dalam menghadapi tantangan hukum kontemporer. Artikel ini mengkaji penerapan maqasid al-shariah dalam sistem hukum modern, dengan fokus khusus pada perlindungan hak digital dan privasi – isu yang semakin mendesak di era transformasi digital. Secara khusus, studi ini mengeksplorasi bagaimana tujuan menjaga akal (*hifz al-'aql*) dan menjaga harta (*hifz al-māl*) beririsan dengan regulasi perlindungan data dan privasi di lingkungan digital saat ini. Dengan menggunakan metodologi kualitatif yang berbasis pada studi pustaka dan analisis hukum, artikel ini menemukan bahwa maqasid al-shariah menawarkan kerangka etis yang kokoh, mampu



melindungi kepentingan individu maupun kolektif secara seimbang, sembari tetap menjunjung nilai-nilai spiritual dan moral. Studi ini juga menyoroti tantangan dalam mengintegrasikan maqasid al-shariah dengan sistem hukum sekuler, terutama di tengah arus globalisasi dan kemajuan teknologi yang pesat. Temuan menunjukkan bahwa memasukkan maqāṣid al-sharī'ah ke dalam regulasi privasi digital dapat menjadi pendekatan strategis untuk membangun sistem hukum yang lebih inklusif, adaptif, dan adil. Oleh karena itu, artikel ini menyimpulkan dengan menekankan pentingnya mengelaborasi implikasi kebijakan dari kerangka ini guna meningkatkan relevansi praktis dan kontribusi akademiknya. Pada akhirnya, maqasid al-shariah terbukti relevan dan aplikatif sebagai fondasi etis dalam menghadapi tantangan hukum di era digital.

Kata Kunci: Sistem Hukum Kontemporer, Hak Digital, Privasi, Maqāṣid al-Sharī'ah.

Introduction

The digital era has brought about transformative changes in the way we live, work, and interact, largely due to the rapid advancement of information and communication technologies (ICT).¹ These developments have significantly expanded access to information and created new platforms for communication and expression. However, alongside these benefits, the digital age has introduced serious challenges – particularly regarding individual privacy and the protection of digital rights.² Personal data has become a highly valuable asset, frequently collected and utilized by large corporations for marketing and strategic purposes.³ This massive and often unregulated data collection raises critical concerns about the misuse of personal information, thereby threatening individual security, autonomy, and dignity.⁴ Consequently, there is an urgent need for a comprehensive and adaptive legal framework capable of safeguarding privacy and ensuring ethical use of technology.⁵

This research is motivated by the pressing issue of integrating ethical and religious values – specifically maqāṣid al-sharī'ah – into the development of such a legal framework.⁶ Maqāṣid al-Sharī'ah, as the core of Islamic law, refers to the essential objectives that sharia aims to achieve, namely the protection and preservation of five fundamental aspects of

¹ Alexander Oluka, "The Impact of Digital Platforms on Traditional Market Structures," *Technology Audit and Production Reserves* 2, no. 4(76) (2024): 21–29, <https://doi.org/10.15587/2706-5448.2024.303462>.

² Ica Karina et al., "Implications of Digital Technology for Criminal Law Enforcement: Challenges and Opportunities in the Age of Digitalization," *Unes Law Review* 6, no. 4 (2024): 10039–47, <https://doi.org/10.31933/unesrev.v6i4>.

³ Yogesh K. Dwivedi et al., "Setting the Future of Digital and Social Media Marketing Research: Perspectives and Research Propositions," *International Journal of Information Management* 59, no. June 2020 (2021): 102168, <https://doi.org/10.1016/j.ijinfomgt.2020.102168>.

⁴ Miftahul Heldra Sandiza and Sinta Dewi Rosadi, "Towards Personal Data Protection in Structural Leadership Training: An Analysis of Maqāṣid al-Sharī'ah Perspective Introduction Technological Innovations in Development, Information, and Communication Have Greatly Facilitated Data's Rapid and Sim," *Mazahib: Jurnal Pemikiran Hukum Islam* 23, no. 2 (2024): 631–68, <https://doi.org/10.21093/mj.v23i2.8986>.

⁵ Furizal et al., "Concerns of Ethical and Privacy in the Rapid Advancement of Artificial Intelligence: Directions, Challenges, and Solutions," *Journal of Robotics and Control (JRC)* 5, no. 6 (2024): 2015–26, <https://doi.org/10.18196/jrc.v5i6.24090>.

⁶ Mawloud Mohadi and Yasser M.A Tarshany, "Maqasid Al-Shari'ah and the Ethics of Artificial Intelligence: Contemporary Challenges," *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023): 79–102, <https://doi.org/10.52100/jcms.v2i2.107>.

human life: religion (*al-din*), life (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-mal*).⁷ These principles offer a philosophical and normative foundation for Islamic law, enabling it to respond dynamically to social, political, and technological changes.⁸ In the context of contemporary legal systems – often grounded in secular and universal values such as human rights, democracy, and social justice – maqāṣid al-sharī'ah holds unique potential as a bridge between traditional Islamic jurisprudence and modern legal standards.⁹ It offers a framework that supports not only religious observance but also broader human welfare and dignity, including rights related to digital privacy and security.¹⁰

However, integrating maqāṣid al-sharī'ah into secular legal frameworks is not without its challenges. One key difficulty lies in the need to reinterpret classical Islamic legal texts in light of contemporary realities, without compromising the integrity and essence of Sharia.¹¹ This process often involves *ijtihad*, a method of independent legal reasoning that requires both scholarly depth and contextual understanding. Additionally, differences in interpretation between traditional Islamic scholars and modern legal experts can result in conceptual and practical tensions that influence policymaking. Overcoming these challenges necessitates an interdisciplinary approach that draws from legal theory, Islamic jurisprudence, sociology, philosophy, and even economics.¹² Only through such a holistic perspective can maqāṣid al-sharī'ah be effectively applied to current issues like digital rights protection, gender justice, and environmental management.

Several recent studies have explored the ethical implications of emerging technologies from an Islamic perspective. For instance, *Artificial Intelligence (AI) in Islamic Ethics: Towards Pluralist Ethical Benchmarking for AI* and *Ethical Implications of Artificial Intelligence: An Islamic Perspective* have offered valuable insights into the role of Islamic ethics in guiding technological development.¹³ However, these works tend to focus on general moral principles rather than the legal dimensions of digital rights. Likewise, *Maqāṣid al-Sharī'ah-Based Ethics in Law and Syariah Programmes in Higher Education: Guarding Emerging Technology* and *Maqāṣid al-Sharī'ah in the AI Era: Balancing Innovation and Islamic Ethical Principles* highlight the importance of Islamic ethics in responding to technological change,

⁷ Suud Sarim Karimullah, "Exploration of Maqasid Al-Shariah Concepts in the Development of Islamic Economic Policies," *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 2, no. 2 (2023): 153, <https://doi.org/10.32332/muamalah.v2i2.7747>.

⁸ A G Alidinar et al., "Project Financing Models for Small Medium Property Enterprises in the Framework of Maqasid Al-Shari'ah," in *Wealth Management and Investment in Islamic Settings: Opportunities and Challenges* (Springer Nature, 2022), 115–33, https://doi.org/10.1007/978-981-19-3686-9_8.

⁹ Iffatin Nur, Syahrul Adam, and M. Ngizzul Muttaqien, "Maqāṣid Al-Sharī'at: The Main Reference and Ethical-Spiritual Foundation for the Dynamization Process of Islamic Law," *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020): 331–60, <https://doi.org/10.15408/ajis.v20i2.18333>.

¹⁰ Kawthar Abdalla Bayoumi and Arieff Salleh Rosman, "Framing an Islamic Vision of Intellectual Property: Maqasid - Based Approach," *UMRAN - International Journal of Islamic and Civilizational Studies* 5, no. 3 (2018): 25–40, <https://doi.org/10.11113/umran2018.5n3.220>.

¹¹ M. Sulthon, "Integration of Islamic Sharia in National Legal System," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 7, no. 2 (2020): 95, <https://doi.org/10.29300/mzn.v7i2.3425>.

¹² Aprizal Sulthon Rasyidi, "The Significants and Arguments for the Renewal of Maqāṣ Id Al-Sharī'Ah," *Ulumuddin: Journal of Islamic Legal Studies* 13, no. 1 (2020): 45–67, <https://doi.org/10.22219/ulumuddin.v1i1.12723> Abstrak.

¹³ Mohadi and Tarshany, "Maqasid Al-Shari'ah and the Ethics of Artificial Intelligence: Contemporary Challenges."

particularly in educational contexts, but do not address the operationalization of maqāṣid within secular legal systems.¹⁴ Meanwhile, *The Role of Maqāṣid al-Sharī'ah as a Fundamental Ethics in Social Media Use* explores ethical behavior in digital platforms but remains centered on individual conduct rather than systemic legal protections. Therefore, despite the growing scholarly interest in Islamic ethics and technology, there remains a significant gap in research concerning how maqāṣid al-sharī'ah can be integrated into legal systems to protect digital rights and privacy.¹⁵

This study seeks to fill that gap by critically analyzing how maqāṣid al-sharī'ah can contribute to the development of contemporary legal frameworks, especially concerning digital rights and privacy. In doing so, it positions maqāṣid not only as a moral compass but as a viable legal framework that can be harmonized with universal legal standards. By applying a maqāṣid oriented approach, this study aims to show that Islamic legal values are not only compatible with, but can also enhance, modern legal systems in promoting justice, human dignity, and ethical governance in the digital age.¹⁶ This approach underscores the potential of Islamic law to serve as both a source of ethical guidance and a practical solution to complex modern challenges.

Therefore, the relevance of maqāṣid al-sharī'ah in the digital era extends beyond theoretical discourse—it holds practical implications for policymaking, technological ethics, and legal reform. The integration of maqāṣid principles into laws governing information technology can ensure that technological progress is accompanied by ethical integrity and social justice. This study, through a comprehensive analysis of existing theories and practices, aims to offer new insights into how Islamic legal values can remain adaptive and impactful amid the dynamics of globalization, legal pluralism, and the increasingly urgent demand for digital rights protection. Ultimately, it argues that maqāṣid al-sharī'ah can provide a strong, justice-oriented foundation for constructing inclusive, ethical, and future-oriented legal systems.

This research employs a qualitative approach aimed at gaining a deep understanding of the relevance and application of maqāṣid al-sharī'ah principles in addressing contemporary legal challenges, particularly those related to digital rights and privacy.¹⁷ The

¹⁴ Mohammed Ghaly, "What Makes Work 'Good' in the Age of Artificial Intelligence (AI)? Islamic Perspectives on AI-Mediated Work Ethics," *Journal of Ethics* 28 (2023): 429–53, <https://doi.org/10.1007/s10892-023-09456-3>.

¹⁵ Mawloud Mohadi and Yasser Tarshany, "Maqasid Al-Shari'ah and the Ethics of Artificial Intelligence," *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023): 79–102, <https://doi.org/10.52100/jcms.v2i2.107>.

¹⁶ M Ashraf Al Haq and Norazlina Abd Wahab, "The Maqasid Al Shariah and the Sustainability Paradigm: Literature Review and Proposed Mutual Framework for Asnaf Development," *Journal of Accounting and Finance in Emerging Economies* 5, no. 2 (2019): 179–96, <https://doi.org/10.26710/jafee.v5i2.854>.

¹⁷ He In Cheong et al., "Secondary Qualitative Research Methodology Using Online Data within the Context of Social Sciences," *International Journal of Qualitative Methods* 22 (2023): 1–19, <https://doi.org/10.1177/16094069231180160>.

qualitative nature of the study enables a detailed and interpretative examination of concepts, ideas, and legal texts that underpin both Islamic and modern legal systems.¹⁸

The research applies content analysis and document analysis as its primary methods. These methods are used to systematically review and interpret written materials—both classical and contemporary—in order to uncover how *maqāṣid al-sharīʿah* can be adapted to current digital legal issues. Rather than relying on empirical or quantitative data, this study focuses on understanding the normative values and conceptual frameworks that shape legal reasoning and policy-making in both Islamic jurisprudence and contemporary legal theory.

Data collection was conducted comprehensively, involving two main types of sources.¹⁹ First, primary literature that includes classical and contemporary sources in the study of *maqāṣid al-sharīʿah*, including key texts, fatwas, and official documents from relevant religious institutions. Second, secondary literature that includes scholarly articles, books, and other publications examining the application of *maqāṣid al-sharīʿah* in the context of modern law as well as issues related to digital rights and privacy.²⁰ In the document analysis stage, we examine various legal documents to see how the values of *maqāṣid al-sharīʿah* are interpreted and integrated into existing policies. This includes contextual understanding of legal and social aspects as well as comparisons between different legal systems in addressing issues of digital rights and privacy. Next, conduct in-depth interviews with experts in the fields of Sharia law and information technology. The goal is to gain deep insights into how *maqāṣid al-sharīʿah* can interact with and influence contemporary digital law, as well as to identify the challenges and practical solutions in its implementation.

The analysis of the collected data was conducted using thematic content analysis. Texts were read closely and categorized into key themes that reflect the five fundamental objectives of *maqāṣid al-sharīʿah*—namely the protection of religion, life, intellect, lineage, and property.²¹ These themes were then correlated with principles of digital rights and data protection as outlined in contemporary legal discourse. The analysis aimed to identify areas of convergence and divergence between Islamic legal principles and modern legal standards, offering insights into how *maqāṣid al-sharīʿah* can contribute to the development of ethical and rights-based legal frameworks in the digital era. The results of the data collection and analysis were then coded and categorized to identify important themes and the most

¹⁸ Isaac Tuffour, "A Critical Overview of Interpretative Phenomenological Analysis: A Contemporary Qualitative Research Approach," *Journal of Healthcare Communications* 02, no. 04 (2017): 1–5, <https://doi.org/10.4172/2472-1654.100093>.

¹⁹ Naila Iqbal Khan, "Case Study as a Method of Qualitative Research," *Research Anthology on Innovative Research Methodologies and Utilization Across Multiple Disciplines*, no. November (2022): 452–72, <https://doi.org/10.4018/978-1-6684-3881-7.ch023>.

²⁰ Mohammad Shihan and Abdulhamid Mohamed Ali Zaroum, "Applying the Islamic Law from the Viewpoint of Maqashid Al-Shariah: Analyzing Legal Opinions of Sri Lankan Muslim Scholars," *Asy-Syari'ah* 24, no. 1 (2022): 1–18, <https://doi.org/10.15575/as.v23i2.15032>.

²¹ Loraine Busetto, Wolfgang Wick, and Christoph Gumbinger, "How to Use and Assess Qualitative Research Methods," *Neurological Research and Practice* 2, no. 1 (2020), <https://doi.org/10.1186/s42466-020-00059-z>.

relevant maqāṣid al-sharī'ah principles related to the issue of digital rights and privacy protection.²² Through this process, we interpret the findings and draw relevant conclusions.

Protection of Digital Rights from the Perspective of Maqāṣid al-Sharī'ah

The ever-evolving digital era has made digital rights one of the important issues significantly affecting human life. Digital rights encompass individual rights in the digital world, such as data privacy, freedom of expression, access to information, and protection from technology misuse. In the context of Islam, understanding and protecting these digital rights can be analyzed through the perspective of maqāṣid al-sharī'ah, which are the noble objectives of Sharia aimed at safeguarding the welfare of humanity in various aspects of life.²³

The protection of digital rights from the perspective of maqāṣid al-sharī'ah proposes an interesting and relevant approach to contemporary issues in information technology and the rights to privacy and data security. maqāṣid al-sharī'ah, which is a concept in Islamic law aimed at safeguarding essential human interests, encompasses the protection of religion, life, intellect, lineage, and property. In the digital context, the focus is often on the protection of intellect and wealth, which in this digital era can be interpreted as the protection of information and personal data. In an increasingly digitally connected world, data security and privacy become very important. Islam teaches that every individual has the right to maintain the confidentiality of their personal information. This is highly relevant to issues of data breaches, unauthorized data usage, and other privacy concerns that we often see today. From the perspective of maqāṣid al-sharī'ah, violating someone's privacy or using their information without consent is considered detrimental to that individual's rights and can negatively impact trust and social harmony.²⁴

Within the framework of implementing the principles of maqāṣid al-sharī'ah towards the protection of digital rights, several fatwas and official documents from religious institutions have shown attention to this issue. For example, Fatwa of the Indonesian Ulema Council (MUI) Number 24 of 2017 concerning the law and guidelines for transactions through social media emphasizes the importance of maintaining digital ethics, privacy, and the prohibition of spreading personal information without permission. This fatwa directly touches on the protection of *hifz al-'aql and hifz al-'ird* (honor), showing that the MUI has responded to the urgency of digital ethics through a normative Islamic approach.²⁵

At a practical level, the protection of digital rights within the framework of maqāṣid al-sharī'ah can be implemented through policies and technologies that ensure personal data is collected, processed, and stored in a safe and ethical manner. This includes ensuring that

²² Cheong et al., "Secondary Qualitative Research Methodology Using Online Data within the Context of Social Sciences."

²³ Hidayat Hidayat, Dhiauddin Tanjung, and Mhd. Yadi Harahap, "The Concept of Structural Legal Aid in Combating Corruption from the Maqashid Shariah Perspective," *AT-TURAS: Jurnal Studi Keislaman* 11, no. 1 (2024): 25-37, <https://doi.org/10.33650/at-turas.v11i1.7616>.

²⁴ Shihaan and Zaroum, "Applying the Islamic Law from the Viewpoint of Maqashid Al-Shariah: Analyzing Legal Opinions of Sri Lankan Muslim Scholars."

²⁵ Eneng Nenden Lestianingsih et al., "Maqāṣid Al-Sharī'ah Al-Shatibi in the Digital Era: Contemporary Perspectives on Halal Lifestyle and Technology in Indonesia," *JURNAL SYARI'AH & HUKUM* 7, no. 1 (2025).

only the necessary information is collected, that the data is used according to the approved purposes, and that it is deleted when no longer needed. In addition, there must be transparency in the collection and use of data, as well as secure access to that data to prevent misuse.²⁶

Policies and regulations also play an important role in achieving this goal. Strong regulations can support the creation and implementation of high security standards in information and communication technology, as well as in business practices. In many countries with a majority Muslim population, we are beginning to see the implementation of stricter regulations regarding data and privacy, many of which are influenced by the principles of *maqāṣid al-sharī'ah*, even if not explicitly mentioned.²⁷

From the perspective of institutions and companies, the application of *maqāṣid al-sharī'ah* principles in the protection of digital rights also reflects their commitment to ethics and social responsibility. This not only enhances consumer trust and public image but also ensures that their business operations align with the high ethical values demanded by Islamic law.²⁸

Thus, the *maqāṣid al-sharī'ah* perspective on the protection of digital rights underscores the importance of maintaining a balance between the benefits of technology and the protection of human rights. By maintaining a focus on justice, privacy, and security, *Maqāṣid al-Sharī'ah* provides a strong framework to address the challenges faced in the current digital era, ensuring that technology serves human interests without sacrificing their fundamental rights.²⁹

The concept of *maqāṣid al-sharī'ah* in the context of digital rights protection also requires us to consider the elements of justice and accessibility advocated by Islamic law. These aspects are particularly relevant in discussions about the digital divide, which refers to the differences in access to information and communication technology among individuals and communities. In the perspective of *maqāṣid al-sharī'ah*, social justice involves the accessibility and availability of technology for all layers of society, so that no one is excluded from the benefits of digitalization.³⁰

In addition, *maqāṣid al-sharī'ah* also emphasizes the importance of education and awareness about digital rights. From an Islamic perspective, the obligation to preserve the intellect includes the right to receive accurate information and education on how to use technology ethically and safely.³¹ This involves education about cybersecurity risks,

²⁶ Nur Kholish et al., "The Significance of Maqasid Syariah Principles in Improving Islamic," *International Journal of Innovation, Creativity and Change* 13, no. 3 (2020): 1342-53.

²⁷ Karimullah, "Exploration of Maqasid Al-Shariah Concepts in the Development of Islamic Economic Policies."

²⁸ Adnin Zahir, Tutik Hamidah, and Aunur Rofiq, "Metode Istinbath Hukum Abdul Qadir Hassan Dalam Perkara Shalat," *Asy-Syari'ah* 24, no. 1 (2022): 39-56, <https://doi.org/10.15575/as.v24i1.17515>.

²⁹ Annisa Kartika Ocktavia, Solahudin Al-Ayubi, and Sebastian Herman, "The Existence of Maqashid Syariah Principles on Fintech Islamic Securities Crowdfunding (I-SCF) (Study at Pt. Shafiq Digital Indonesia)," *Al-Infaq: Jurnal Ekonomi Islam* 15, no. 1 (2024): 15-29.

³⁰ Muhammad Ridhwan Ab. Aziz et al., "Islamic Digital Banking Based on Maqasid Al-Shariah for Financial Inclusion," *I-iECONS e-Proceedings*, 2023, 289-306, <https://doi.org/10.33102/iecons.v10i1.84>.

³¹ Mohadi and Tarshany, "Maqasid Al-Shari'ah and the Ethics of Artificial Intelligence."

introduction to digital privacy rights, and understanding the consequences of data breaches.³² Through education, individuals can better prepare themselves to protect personal information and make informed decisions in their interactions in the digital world.

Community involvement and dialogue among various stakeholders are also vital in the implementation of maqāṣid al-sharī'ah in digital technology.³³ This includes policy-making that involves input from scholars, technology experts, users, and authorities to ensure that all perspectives and concerns are recognized and addressed. Collaboration like this can help in drafting laws and policies that not only comply with Islamic law but are also responsive to technological developments and societal needs.³⁴

On the regulatory and monitoring side, the implementation of ethical and Sharia-compliant oversight of data collection and usage practices becomes crucial. This oversight not only audits compliance with laws and policies but also evaluates the social impact of technology and business practices related to data. This means examining how companies respect data privacy and security in accordance with Islamic values and ensuring that they do not exploit users or cause social harm.³⁵ Facing global challenges such as the spread of fake news and cybercrime, the maqāṣid al-sharī'ah perspective encourages the creation and implementation of solutions that are not only technically effective but also ethical and just. This includes the development of technology that can detect and address fake news, as well as policies that support justice in digital law enforcement without harming individual freedoms.³⁶

Thus, through the application of the principles of maqāṣid al-sharī'ah, we can see how technology and digital rights can be regulated and managed in a way that not only meets modern security standards but is also consistent with deep ethical values and social justice. This leads to a digital society that is safer, more inclusive, and fairer, where technology becomes a tool for human advancement in line with Islamic moral and spiritual values.³⁷

Protection of Privacy in the Objectives of Sharia

Privacy protection is an important aspect recognized in various legal systems around the world, including Islamic law. In the context of Islam, the concept of privacy protection is

³² Frank Cremer et al., "Cyber Risk and Cybersecurity: A Systematic Review of Data Availability," *Geneva Papers on Risk and Insurance: Issues and Practice* 47, no. 3 (2022): 698–736, <https://doi.org/10.1057/s41288-022-00266-6>.

³³ Khairunnisa Musari and Sutan Emir Hidayat, *The Role of Green Sukuk in Maqasid Al-Shariah and SDGs: Evidence from Indonesia* (Qatar: Palgrave Macmillan, 2023), https://doi.org/10.1007/978-3-031-13302-2_9.

³⁴ Eduardo Sánchez-García et al., "Revolutionizing the Circular Economy through New Technologies: A New Era of Sustainable Progress," *Environmental Technology and Innovation* 33, no. September 2023 (2024), <https://doi.org/10.1016/j.eti.2023.103509>.

³⁵ Rubini Rubini, Haura Salil Jinan Murtadlo Hirtsa, and Ratri Nuria, "Theoretical Study: Ethics in the Use of Technology in Islam," *Islam in World Perspectives* 4, no. 2 (2025): 333–50.

³⁶ Karina et al., "Implications of Digital Technology for Criminal Law Enforcement: Challenges and Opportunities in the Age of Digitalization."

³⁷ Muslim Muslim, "Internalizing Digital Technology in Islamic Education," *Scaffolding: Jurnal Pendidikan Islam Dan Multikulturalisme* 6, no. 3 (2024): 180–97, <https://doi.org/10.37680/scaffolding.v6i3.6309>.

not only viewed as an individual right but also as an essential part of the principles of Sharia, known as *maqāṣid al-sharī'ah*.³⁸ *Maqāṣid al-Sharī'ah*, or the objectives of Islamic law, is a concept developed by scholars to explain the reasons behind the provisions of Islamic law with the primary aim of protecting human interests and maintaining social order.³⁹

One important aspect of *maqāṣid al-sharī'ah* is the preservation of individual privacy and honor. In Islamic tradition, individual privacy is highly valued and strictly protected.⁴⁰ The Qur'an and Hadith, the primary sources of law and moral guidance in Islam, contain various provisions that underscore the importance of maintaining individual secrets and privacy.⁴¹ For example, the Qur'an emphasizes the importance of not entering someone else's house without permission, which shows respect for personal space and individual privacy.

In Islamic law practice, there are various laws designed to protect individual privacy, including prohibitions against eavesdropping, gossip, and disseminating personal information without consent.⁴² This is not only to protect individual freedom but also to maintain social harmony and prevent conflict within society.⁴³ In addition, the concept of *aib*, or covering up the shortcomings and mistakes of others, is also highly emphasized in Islam. This aims to protect the honor and privacy of individuals, and to encourage an atmosphere of mutual respect and non-judgment in society. This concept reinforces the idea that every individual has the right not to have their weaknesses and personal life exposed.⁴⁴

Modern Muslim scholars also emphasize the importance of understanding and implementing privacy protection in the contemporary context, especially considering the developments in information and communication technology.⁴⁵ They argue that the principles of *maqāṣid al-sharī'ah* must be interpreted and adapted to remain relevant to the needs and challenges of the times. This includes addressing issues such as electronic surveillance, data security, and online privacy rights, which are increasingly becoming concerns in today's global society.⁴⁶

³⁸ Erna Tri Rusmala Ratnawati and Rizqi Samera Al Farizi, "Protection of Intellectual Property Rights in the Perspective of Islamic Law," *Millah: Journal of Religious Studies* 22, no. 2 (2023): 377–408, <https://doi.org/10.20885/millah.vol22.iss2.art4>.

³⁹ Nur, Adam, and Muttaqien, "Maqāṣid Al-Sharī'at: The Main Reference and Ethical-Spiritual Foundation for the Dynamization Process of Islamic Law."

⁴⁰ Sandiza and Rosadi, "Towards Personal Data Protection in Structural Leadership Training: An Analysis of Maqāṣid al-Sharī'ah Perspective Introduction Technological Innovations in Development, Information, and Communication Have Greatly Facilitated Data's Rapid and Sim."

⁴¹ Ni'mah Khairatun, Ahmad Arifi, and Indal Abror, "Hadith as a Source of Islamic Law: Its Role and Significance," *Studi Multidisipliner: Jurnal Kajian Keislaman* 11, no. 2 (2024): 193–204, <https://doi.org/10.24952/multidisipliner.v11i2.13302>.

⁴² Deny Susanto, "Sharia-Based Legal Formula for Personal Data Protection in the Financial Services Industry Post-Covid-19 Pandemic," *BULLET: Jurnal Multidisiplin Ilmu* 1, no. 4 (2022): 545–52.

⁴³ Mohammad Jamin, "Social Conflict Resolution Through Empowerment of Local Wisdoms," *Yustisia Jurnal Hukum* 9, no. 1 (2020): 1, <https://doi.org/10.20961/yustisia.v9i1.39430>.

⁴⁴ Andrew M. Song, "Human Dignity: A Fundamental Guiding Value for a Human Rights Approach to Fisheries?," *Marine Policy* 61 (2015): 164–70, <https://doi.org/10.1016/j.marpol.2015.08.013>.

⁴⁵ Giat Karyono, "Privacy, Ethics, and Security on Social Media: An Islamic Overview," *International Journal of Advanced Trends in Computer Science and Engineering* 8, no. 1 (2019): 288–93, <https://doi.org/10.30534/ijatcse/2019/5081.52019>.

⁴⁶ Chong Wang, Nan Zhang, and Cong Wang, "Managing Privacy in the Digital Economy," *Fundamental Research* 1, no. 5 (2021): 543–51, <https://doi.org/10.1016/j.fmre.2021.08.009>.

Thus, in the maqāṣid al-sharī'ah, the protection of privacy is not only seen as a legal obligation but also as an important component of broader welfare and social justice. This protection helps maintain a balance between individual freedom and moral and social integrity, all of which are highly valued in the Islamic worldview.⁴⁷

Privacy protection in Islam, as an integral part of maqāṣid al-sharī'ah, carries broad and profound implications in the social and legal life of Muslims. In continuing this discussion, it is important to understand how these principles are applied in various legal and cultural contexts in majority Muslim countries, as well as how these principles are adapted to address contemporary issues related to technology and globalization.⁴⁸

When reviewing the application of privacy laws in the context of Muslim countries, we see significant variations. Some countries, such as Saudi Arabia and Iran, enforce privacy laws very strictly based on traditional interpretations of Sharia, while countries like Turkey and Indonesia might take a more flexible approach, attempting to integrate Islamic legal norms with modern legal principles and human rights. This approach reflects an effort to create a balance between the eternal principles of sharia and the need to adapt to the ever-changing legal and social context. In the international realm, privacy protection within maqāṣid al-sharī'ah also offers a potential framework for intercultural dialogue regarding privacy standards and data protection. For example, in discussions regarding data protection regulations such as the General Data Protection Regulation (GDPR) in Europe, Muslim scholars have begun to explore how Sharia principles can provide guidance or even an ethical foundation for the interpretation and application of these laws, especially in contexts related to the Muslim population.⁴⁹

Furthermore, in the digital era, the challenge of maintaining privacy is becoming increasingly complex. Digital recording, large-scale data processing, and the use of artificial intelligence (AI) raise new questions about how to ensure that these practices remain aligned with the privacy principles outlined in Islam.⁵⁰ Therefore, many scholars and practitioners of Islamic law are currently calling for updates and adjustments in the interpretation of Sharia law to more effectively address and integrate contemporary privacy issues.⁵¹

As a concrete example, the tension between secular legal principles and the objectives of maqāṣid al-sharī'ah is evident in the legal discourse on digital content censorship. In many Muslim-majority countries, content deemed to be contrary to moral or religious values such as pornography, religiously motivated hate speech, or the desecration of symbols of

⁴⁷ Yusuf Daeng et al., "Perlindungan Data Pribadi Dalam Era Digital: Tinjauan Terhadap Kerangka Hukum Perlindungan Privasi," *Innovative: Journal of Social Science Research* 3, no. 6 (2023): 2898–2905.

⁴⁸ Firamia Dyah Pawestri and Jumino Jumino, "Analisis Hubungan Information Privacy Concern Dan Perilaku Perlindungan Privasi Pengguna Twitter di Indonesia," *Anuva: Jurnal Kajian Budaya, Perpustakaan, Dan Informasi* 5, no. 2 (2021): 221–36, <https://doi.org/10.14710/anuva.5.2.221-236>.

⁴⁹ Widita Kurniasari, "Developing Halal Tourism in a Rural Context: The Role of Islamic Spiritual Capital," *Al-Uqud: Journal of Islamic Economics* 7, no. 2 (2023): 296–310, <https://doi.org/10.26740/aluqud.v7n2.p296-310>.

⁵⁰ Furizal et al., "Concerns of Ethical and Privacy in the Rapid Advancement of Artificial Intelligence: Directions, Challenges, and Solutions."

⁵¹ Dwi Asmoro and Ade Saptomo, "Islamic Law in the Development of Indonesian Law," *Riwayat: Educational Journal of History and Humanities* 7, no. 1 (2024): 138–47, <https://doi.org/10.24815/jr.v7i1.36816>.

faith—is often restricted or blocked by state authorities based on the principles of *hifz al-'ird* (preservation of honor) and *hifz al-din* (protection of religion). However, this approach is often debated in the public sphere, especially when confronted with the principle of freedom of expression upheld in secular legal systems and international human rights.⁵²

This case shows how complex it is to align the protection of public morality based on *maqāṣid al-sharī'ah* with civil liberties in the digital space. This tension is not only legal in dimension, but also touches on political, ethical, and sociological realms. Therefore, the renewal of Islamic law in the field of privacy and digital freedom of expression needs to consider the values of *maslahat* (public interest) and *Maqāṣidiyah* (legal objectives) holistically, so that it can accommodate the demands of the times without losing the substance of Islamic ethics.

The existence of this effort opens opportunities for Muslims not only to protect individual rights in accordance with the demands of the times but also to contribute to the global discussion on technology ethics and regulation.⁵³ Through this dialogue, Islam can demonstrate its ability to adapt and respond to the moral and ethical needs of various aspects of life, including in the fast-paced and technological context of today.⁵⁴

So, the protection of privacy in the *maqāṣid* of sharia not only represents a commitment to traditional values but also a dynamic engagement with future challenges, ensuring that Islamic law remains relevant and beneficial to its followers worldwide in various changing social and technological conditions.⁵⁵

With the advancement of information and communication technology, new challenges continue to emerge, requiring Muslim scholars and intellectuals to delve deeper into the sources of Sharia and update their approaches. The focus on privacy in Islam, which traditionally emphasized social interaction and personal honor, must now be expanded to address issues such as big data, mass surveillance, and the right to online anonymity. In addressing these issues, the perspective of *maqāṣid al-sharī'ah* offers a strong framework. For example, mass surveillance that may be used for national security must be carefully weighed against the individual's right to privacy and personal freedom.⁵⁶ Islam teaches a balance between collective needs and individual rights, a principle that can guide policies on surveillance technology.⁵⁷ These principles can help formulate ethical boundaries for the use

⁵² Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought, 2008), <https://doi.org/10.2307/j.ctvkc67tg>; Merryta Suciana, "Hate Speech Joseph Paul Zhang Dalam Kasus Penistaan Agama di Media Sosial Youtube Perspektif Semiotika Ferdinand De Saussure" (Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2023).

⁵³ Ghaly, "What Makes Work 'Good' in the Age of Artificial Intelligence (AI)? Islamic Perspectives on AI-Mediated Work Ethics."

⁵⁴ Ghaly.

⁵⁵ Haq and Wahab, "The Maqasid Al Shariah and the Sustainability Paradigm: Literature Review and Proposed Mutual Framework for Asnaf Development."

⁵⁶ Karimullah, "Exploration of Maqasid Al-Shariah Concepts in the Development of Islamic Economic Policies."

⁵⁷ Mohammad Musyfiqur Rahman, "Islamization: A Sociological Approach," *Indonesian Journal of Islamization Studies* 1, no. 2 (2024): 197–231, <https://doi.org/10.21111/injas.v1i2.10793>.

of technology that ensure security does not sacrifice the fundamental ethical values and humanitarian principles upheld by Sharia.⁵⁸

Furthermore, in this digital era, the issue of identity theft and misuse of personal data has become very relevant. Sharia, through its maqāṣid that prioritize the protection of wealth (*maal*), honor (*ird*), and personal identity, offers ethical guidance on how personal data should be respected and protected.⁵⁹ This encourages the need for stricter and more transparent regulations regarding the collection, storage, and processing of data, in line with Sharia ethics that emphasize justice and transparency.⁶⁰

At the community level, mosques and Islamic educational institutions can play an important role in raising awareness about the importance of privacy and how to protect personal data.⁶¹ Workshops and seminars can be held to educate Muslims about the risks of technology and how to manage their online privacy in accordance with Islamic principles. This also paves the way for Muslim scholars to collaborate with technology, legal, and ethics experts from various backgrounds to create sustainable and inclusive solutions.

In addition, the role of international and regional organizations in formulating ethical privacy policies is also important.⁶² Muslims must actively engage in international and regional forums that discuss privacy and data protection to ensure that the policies created reflect the universal values respected in Islam, while also considering the specific needs of various social and legal contexts in which Muslims live.

Thus, privacy protection in Islam, as reflected in the maqāṣid al-sharī'ah, is not only about safeguarding personal information but also about maintaining social trust, integrity, and societal harmony. Through this holistic and adaptive approach, Islam continues to offer relevant and practical guidance to face contemporary challenges, while ensuring that technological and social progress aligns with profound ethical and moral values.

Maqāṣid Al-Sharī'ah and Contemporary Legal Approaches to Digital Rights and Privacy

Exploring the relationship between the principles of maqāṣid al-sharī'ah and contemporary legal approaches to digital rights and privacy, we enter an intriguing realm where classical values meet modern challenges.⁶³ Maqāṣid al-Sharī'ah, which means the

⁵⁸ Mursyidi Abror, "Implementation of Maqashid Sharia and Islamic Corporate Social Reponbility in Production Ethics," *Implementasi Manajemen & Kewirausahaan* 1, no. 2 (2021): 93–114, <https://doi.org/10.38156/imka.v1i2.74>.

⁵⁹ Dwi Ardiyanti et al., "Human Security Identification in Maqoshid Sharia Concept as Implementation in Debt Trap of Digital Finance," *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 19, no. 1 (2023), <https://doi.org/10.18196/afkaruna.v19i1.17136>.

⁶⁰ Singgih Muheramtohad and Zuhdan Ady Fataron, "Improving the Performance of Islamic Banking through Technological Innovation and Human Resource Management," *JBMA: Jurnal Bisnis Manajemen Dan Akuntansi* 11, no. 2 (2024): 1–13.

⁶¹ Suud Sarim Karimullah, "The Role Mosque as Centers for Education and Social Engagement in Islamic Communities," *Jurnal Bina Ummat Stidnatsir* 6, no. 2 (2023): 5–10.

⁶² Massimo Marelli, "The Law and Practice of International Organizations' Interactions with Personal Data Protection Domestic Regulation: At the Crossroads between the International and Domestic Legal Orders," *Computer Law and Security Review* 50 (2023): 105849, <https://doi.org/10.1016/j.clsr.2023.105849>.

⁶³ Febrian Maulana Putra, Syamsul Hilal, and Hanif Hanif, "Islamic Legal Approach to Privacy and Cybersecurity in the Digital Age: Implications for the Sharia-Compliant Digital Economy," *Jurnal Manjamen Dan Akuntansi* 2, no. 1 (2024): 200–204, <https://doi.org/10.62017/wanarg>.

objectives or purposes of sharia law, guides the understanding and implementation of Islamic law by emphasizing the protection and fulfillment of five basic aspects of human life: religion, life, intellect, lineage, and property. This principle offers a comprehensive framework for assessing the legality and morality of actions within the Islamic context, ensuring that every regulation or legal decision supports the welfare of humanity.⁶⁴

In line with that, contemporary law, especially concerning digital rights and privacy, aims to protect individuals in the increasingly evolving digital ecosystem. This legal approach recognizes the importance of maintaining privacy and the security of personal data as fundamental elements in preserving individual dignity and freedom. In an era where digital interactions are becoming increasingly common, there is a need to protect individuals from the exploitation and misuse of personal information.⁶⁵ When comparing these two approaches, it is clear that both value systems share a common end goal: the protection of fundamental human interests. Maqāṣid al-Sharī'ah protects reason by preventing abuse and fraud, similar to how contemporary privacy laws strive to protect individuals from the misuse of personal data that could harm their freedom and security.⁶⁶

Furthermore, in the context of maqāṣid al-sharī'ah, the protection of property can be seen as a profound analogy for intellectual property rights and copyrights in the digital context, where intellectual works are considered possessions that need to be protected from theft and unauthorized exploitation. On the other hand, contemporary legal approaches to digital rights also advocate for similar protections through various laws designed to secure the rights of creators and users in the digital world.⁶⁷

However, there are differences in the way the two systems are implemented. Maqāṣid al-Sharī'ah is based on the interpretation of Islamic values that may not always have a direct parallel with secular law, which is often more pragmatic and oriented towards specific and detailed regulations. The contemporary legal approach tends to focus more on practical application and conflict prevention through a clear and universally applicable legal system, not limited by religious context.

Although there are differences in focus and implementation, both maqāṣid al-sharī'ah and contemporary legal systems share core values such as the pursuit of justice, the protection of human dignity, and the promotion of public welfare. Maqāṣid al-Sharī'ah emphasizes the preservation of five fundamental objectives—religion (*al-din*), life (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-mal*)—which, when viewed through a modern lens, align closely with many universal legal principles such as human rights, personal freedom, and social responsibility. Both systems, therefore, seek to protect individuals and promote societal well-being, although they derive their justifications from

⁶⁴ Andri Siregar and Abd Rahman Harahap, "Journal Equity of Law and Consumer Protection Regarding the Circulation of Non-SNI Certified Electronic Goods from the Perspective of Maqashid Sharia: A Case Study of an Electronics Store in Medan Denai District," *Journal Equity of Law and Governance* 5, no. 2 (2022): 24–33.

⁶⁵ Khofidhotur Rovida, "Digital Human Rights Protection: Legal Transplantation Strategies to Realize Sustainable Development in indonesia's Digitalization Era," *Domus Legalis Cogitatio* 1, No. 2 (2024): 690–703.

⁶⁶ Ardiyanti et al., "Human Security Identification in Maqoshid Sharia Concept as Implementation in Debt Trap of Digital Finance."

⁶⁷ Bayoumi and Rosman, "Framing an Islamic Vision of Intellectual Property: Maqasid - Based Approach."

different epistemological sources: religious revelation in the case of maqāṣid al-sharī'ah, and secular philosophy in the case of contemporary law.⁶⁸

The key difference lies in their normative foundation and legal reasoning. While maqāṣid al-sharī'ah is rooted in Islamic jurisprudence and moral theology, contemporary legal systems are often based on secular rationalism, democratic values, and international human rights conventions. This results in distinct approaches to legal interpretation, especially on issues such as privacy, freedom of expression, or gender equality. However, these differences need not be seen as contradictions. Instead, they offer complementary perspectives that, if thoughtfully integrated, can enrich legal discourse and policy development.

To move toward a more inclusive and responsive legal framework in the digital age, it is crucial to systematically organize these similarities and differences. Understanding their points of convergence—such as the mutual commitment to human welfare and justice—allows for the development of hybrid legal models that incorporate the ethical depth of maqāṣid al-sharī'ah with the procedural flexibility of modern legal systems. At the same time, acknowledging their differences provides an opportunity for dialogue, adaptation, and mutual learning, ensuring that legal responses to technological advancement remain contextually grounded and culturally respectful.

In this way, the integration of maqāṣid al-sharī'ah into contemporary legal frameworks can provide an additional ethical dimension, ensuring that laws are not only efficient and enforceable but also morally conscious and socially beneficial. By combining the intrinsic values of both systems, we can work toward creating a more robust, just, and humane legal order that is well-equipped to address the challenges of the digital era while respecting the diversity of beliefs and global legal cultures.

The principles of maqāṣid al-sharī'ah can specifically contribute to addressing privacy and digital rights issues from a more holistic perspective. One important aspect of maqāṣid al-sharī'ah is the concept of protecting the intellect, which not only includes protection against fraud or abuse but also protection against misleading or damaging information. In the digital context, this means that there is intrinsic value in ensuring that the content consumed through digital media is true, accurate, and not misleading, a principle that aligns with many contemporary laws regarding copyright and information ethics.⁶⁹

Maqāṣid al-Sharī'ah also emphasizes the protection of individual honor and privacy, which is highly relevant in discussions about digital rights. This reinforces the principle that individuals should have control over their personal data and that personal information should not be misused or accessed without clear consent. In practice, this could lead to the addition of an ethical layer in existing privacy and data security regulations, where businesses and institutions might be required not only to comply with technical regulations but also to ensure that their practices align with the principles of welfare and justice.⁷⁰

⁶⁸ Abror, "Implementation of Maqashid Sharia and Islamic Corporate Social Reponbility in Production Ethics."

⁶⁹ Musari and Hidayat, *The Role of Green Sukuk in Maqasid Al-Shariah and SDGs: Evidence from Indonesia*.

⁷⁰ Ocktavia, Al-Ayubi, and Herman, "The Existence of Maqashid Syariah Principles on Fintech Islamic Securities Crowdfunding (I-Scf) (Study At Pt. Shafiq Digital Indonesia)."

To harmonize technology, legal frameworks, and moral values, it is important to adopt a normative approach that integrates the principles of *maqāṣid al-sharīʿah* into contemporary legal systems. *Maqāṣid al-Sharīʿah*, which aims to protect essential human interests such as life, intellect, and property, can offer a strong ethical foundation for addressing modern challenges like digital privacy and data protection. Laws concerning digital rights should not only follow international standards, such as the GDPR, but also reflect the moral values found in Islamic teachings, especially in Muslim-majority societies. This integration can ensure that legal regulations are both effective and culturally relevant. At the same time, technology developers and policymakers should work together with scholars and religious authorities to develop ethical guidelines and legal frameworks that are informed by both global norms and Islamic values. Educational institutions should also play a role by incorporating digital ethics rooted in *maqāṣid al-sharīʿah* into legal and technology-related curricula. Public awareness campaigns led by religious leaders and legal experts can further help society understand the importance of ethical behavior in the digital world. Through such efforts, *maqāṣid al-sharīʿah* can serve as a bridge between tradition and modernity, ensuring that technological advancements uphold justice, human dignity, and the common good.

Conclusion

The analysis of *maqāṣid al-sharīʿah* within the framework of contemporary legal systems highlights its significant potential to contribute to the protection of digital rights and privacy in the modern era. Rather than functioning as a separate or antiquated legal paradigm, *maqāṣid al-sharīʿah* offers a normative and ethical foundation that is highly adaptable to technological and societal shifts. By focusing on the preservation of religion, life, intellect, lineage, and property, Islamic legal principles align with core concerns in today's digital world—particularly around data protection, online dignity, intellectual ownership, and access to information. The convergence between *maqāṣid al-sharīʿah* and contemporary legal approaches reveals not only shared objectives but also complementary strengths: where secular law offers technical precision and universal standards, *maqāṣid al-sharīʿah* adds ethical depth and contextual relevance, particularly in Muslim-majority societies.

However, for this synergy to be impactful in practice, a deeper institutional and policy-level integration is necessary. The study finds that the successful application of *maqāṣid al-sharīʿah* to digital rights issues requires an interdisciplinary and collaborative approach. It is not enough to recognize the philosophical compatibility between these legal traditions; there must also be efforts to translate values into regulatory frameworks that are enforceable, culturally respectful, and technologically informed. The preservation of human dignity, justice, and welfare—central to both Islamic and secular legal norms—can become the common ground for crafting policies that are inclusive and ethically robust in managing digital transformations.

In light of these findings, this study recommends a multi-pronged approach to enhance both the academic relevance and practical application of *maqāṣid al-sharīʿah* in the field of digital rights. First, governments and academic institutions should promote interdisciplinary dialogue that brings together Islamic legal scholars, technology experts, and

legal practitioners to collaboratively interpret and apply maqāṣid al-sharī'ah in the context of current digital challenges. This can help bridge traditional values with modern realities. Second, national legislation—particularly in Muslim-majority countries—should begin to integrate maqāṣid al-sharī'ah explicitly into data protection and privacy laws, ensuring that legal systems not only meet international standards but also resonate with local ethical frameworks. Third, public education initiatives led by mosques, schools, and digital platforms should raise awareness about digital ethics from an Islamic perspective, empowering individuals to understand their rights and responsibilities in cyberspace. Furthermore, Muslim scholars and policymakers should engage actively in global forums on digital regulation to contribute Islamic perspectives to international conversations, ensuring that global norms are shaped by diverse moral traditions. Lastly, further research is encouraged to explore how principles such as *ijtihad* can be applied to new areas such as artificial intelligence, cybercrime, and algorithmic fairness—demonstrating that maqāṣid al-sharī'ah is not static, but a living system capable of addressing future legal complexities.

References

- Ab. Aziz, Muhammad Ridhwan, Mohd Zalisham Jali, Mohd Nazri Mohd Noor, Syahnaz Sulaiman, Mohd Shukor Harun, and Muhammad Zakirol Izat Mustafar. "Islamic Digital Banking Based on Maqasid Al-Shariah for Financial Inclusion." *I-iECONS e-Proceedings*, 2023, 289–306. <https://doi.org/10.33102/iecons.v10i1.84>.
- Abror, Mursyidi. "Implementation of Maqashid Sharia and Islamic Corporate Social Reponbility in Production Ethics." *Implementasi Manajemen & Kewirausahaan* 1, no. 2 (2021): 93–114. <https://doi.org/10.38156/imka.v1i2.74>.
- Alidinar, A G, A Ascarya, N Huda, and A Devi. "Project Financing Models for Small Medium Property Enterprises in the Framework of Maqasid Al-Shari'ah." In *Wealth Management and Investment in Islamic Settings: Opportunities and Challenges*, 115–33. Springer Nature, 2022. https://doi.org/10.1007/978-981-19-3686-9_8.
- Ardiyanti, Dwi, Surwandono Surwandono, Puspa Devi Maharani, and Novi Rizka Amalia. "Human Security Identification in Maqoshid Sharia Concept as Implementation in Debt Trap of Digital Finance." *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 19, no. 1 (2023). <https://doi.org/10.18196/afkaruna.v19i1.17136>.
- Asmoro, Dwi, and Ade Saptomo. "Islamic Law in the Development of Indonesian Law." *Riwayat: Educational Journal of History and Humanities* 7, no. 1 (2024): 138–47. <https://doi.org/10.24815/jr.v7i1.36816>.
- Auda, Jasser. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought, 2008. <https://doi.org/10.2307/j.ctvkc67tg>.
- Bayoumi, Kawthar Abdalla, and Arieff Salleh Rosman. "Framing an Islamic Vision of Intellectual Property: Maqasid - Based Approach." *UMRAN - International Journal of Islamic and Civilizational Studies* 5, no. 3 (2018): 25–40. <https://doi.org/10.11113/umran2018.5n3.220>.
- Busetto, Loraine, Wolfgang Wick, and Christoph Gumbinger. "How to Use and Assess Qualitative Research Methods." *Neurological Research and Practice* 2, no. 1 (2020). <https://doi.org/10.1186/s42466-020-00059-z>.

- Cheong, He In, Agnieszka Lyons, Robert Houghton, and Arnab Majumdar. "Secondary Qualitative Research Methodology Using Online Data within the Context of Social Sciences." *International Journal of Qualitative Methods* 22 (2023): 1-19. <https://doi.org/10.1177/16094069231180160>.
- Cremer, Frank, Barry Sheehan, Michael Fortmann, Arash N. Kia, Martin Mullins, Finbarr Murphy, and Stefan Materne. "Cyber Risk and Cybersecurity: A Systematic Review of Data Availability." *Geneva Papers on Risk and Insurance: Issues and Practice* 47, no. 3 (2022): 698-736. <https://doi.org/10.1057/s41288-022-00266-6>.
- Daeng, Yusuf, Nasri Linra, Atan Darham, Derry Handrianto, Risky Risandy Sianturi, Denny Martin, Rendy Pratama Putra, and Hendi Saputra. "Perlindungan Data Pribadi Dalam Era Digital: Tinjauan Terhadap Kerangka Hukum Perlindungan Privasi." *Innovative: Journal Of Social Science Research* 3, no. 6 (2023): 2898-2905.
- Dwivedi, Yogesh K., Elvira Ismagilova, D. Laurie Hughes, Jamie Carlson, Raffaele Filieri, Jenna Jacobson, Varsha Jain, et al. "Setting the Future of Digital and Social Media Marketing Research: Perspectives and Research Propositions." *International Journal of Information Management* 59, no. June 2020 (2021): 102168. <https://doi.org/10.1016/j.ijinfomgt.2020.102168>.
- Furizal, Agus Ramelan, Feri Adriyanto, Hari Maghfiroh, Alfian Ma'arif, Kariyamin, Alya Masitha, and Aldi Bastiatul Fawait. "Concerns of Ethical and Privacy in the Rapid Advancement of Artificial Intelligence: Directions, Challenges, and Solutions." *Journal of Robotics and Control (JRC)* 5, no. 6 (2024): 2015-26. <https://doi.org/10.18196/jrc.v5i6.24090>.
- Ghaly, Mohammed. "What Makes Work 'Good' in the Age of Artificial Intelligence (AI)? Islamic Perspectives on AI-Mediated Work Ethics." *Journal of Ethics* 28 (2023): 429-53. <https://doi.org/10.1007/s10892-023-09456-3>.
- Haq, M Ashraf Al, and Norazlina Abd Wahab. "The Maqasid Al Shariah and the Sustainability Paradigm: Literature Review and Proposed Mutual Framework for Asnaf Development." *Journal of Accounting and Finance in Emerging Economies* 5, no. 2 (2019): 179-96. <https://doi.org/10.26710/jafee.v5i2.854>.
- Hidayat, Hidayat, Dhiauddin Tanjung, and Mhd. Yadi Harahap. "The Concept of Structural Legal Aid in Combating Corruption from the Maqashid Shariah Perspective." *AT-TURAS: Jurnal Studi Keislaman* 11, no. 1 (2024): 25-37. <https://doi.org/10.33650/at-turas.v11i1.7616>.
- Jamin, Mohammad. "Social Conflict Resolution Through Empowerment of Local Wisdoms." *Yustisia Jurnal Hukum* 9, no. 1 (2020): 1. <https://doi.org/10.20961/yustisia.v9i1.39430>.
- Karimullah, Suud Sarim. "Exploration of Maqasid Al-Shariah Concepts in the Development of Islamic Economic Policies." *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 2, no. 2 (2023): 153. <https://doi.org/10.32332/muamalah.v2i2.7747>.
- — —. "The Role Mosque As Centers For Education And Social Engagement In Islamic Communities." *Jurnal Bina Ummat Stidnatsir* 6, no. 2 (2023): 5-10.
- Karina, Ica, Maidin Gultom, Henny Saida Flora, Janus Sidabalok, and Nurhaini Butarbutar. "Implications of Digital Technology for Criminal Law Enforcement : Challenges and Opportunities in the Age of Digitalization." *Unes Law Review* 6, no. 4 (2024): 10039-47. <https://doi.org/10.31933/unesrev.v6i4>.

- Karyono, Giat. "Privacy, Ethics, and Security on Social Media: An Islamic Overview." *International Journal of Advanced Trends in Computer Science and Engineering* 8, no. 1 (2019): 288–93. <https://doi.org/10.30534/ijatcse/2019/5081.52019>.
- Khairatun, Ni'mah, Ahmad Arifi, and Indal Abror. "Hadith as a Source of Islamic Law : Its Role and Significance." *Studi Multisipliner: Jurnal Kajian Keislaman* 11, no. 2 (2024): 193–204. <https://doi.org/10.24952/multidisipliner.v11i2.13302>.
- Khan, Naila Iqbal. "Case Study as a Method of Qualitative Research." *Research Anthology on Innovative Research Methodologies and Utilization Across Multiple Disciplines*, no. November (2022): 452–72. <https://doi.org/10.4018/978-1-6684-3881-7.ch023>.
- Kholish, Nur, Muhammad Roy Purwanto, Supriadi, Tamyiz Mukahrrom, and Hamidullah Marazi. "The Significance of Maqasid Syariah Principles in Improving Islamic." *International Journal of Innovation, Creativity and Change* 13, no. 3 (2020): 1342–53.
- Kurniasari, Widita. "Developing Halal Tourism in a Rural Context: The Role of Islamic Spiritual Capital." *Al-Uqud: Journal of Islamic Economics* 7, no. 2 (2023): 296–310. <https://doi.org/10.26740/aluqud.v7n2.p296-310>.
- Lestianingsih, Eneng Nenden, Hisam Ahyani, Muharir, Agus Munjirin Mukhotib Lathif, Sérgio, António Neves Lousada, Naeli Mutmainah, and & Umi Atiqoh. "Maqāṣid Al-Sharī'ah Al-Shatibi in the Digital Era: Contemporary Perspectives on Halal Lifestyle and Technology in Indonesia." *JURNAL SYARI'AH & HUKUM* 7, no. 1 (2025).
- Marelli, Massimo. "The Law and Practice of International Organizations' Interactions with Personal Data Protection Domestic Regulation: At the Crossroads between the International and Domestic Legal Orders." *Computer Law and Security Review* 50 (2023): 105849. <https://doi.org/10.1016/j.clsr.2023.105849>.
- Mohadi, Mawloud, and Yasser Tarshany. "Maqasid Al-Sharī'ah and the Ethics of Artificial Intelligence." *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023): 79–102. <https://doi.org/10.52100/jcms.v2i2.107>.
- Mohadi, Mawloud, and Yasser M.A Tarshany. "Maqasid Al-Sharī'ah and the Ethics of Artificial Intelligence: Contemporary Challenges." *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023): 79–102. <https://doi.org/10.52100/jcms.v2i2.107>.
- Muheramtahadi, Singgih, and Zuhdan Ady Fataron. "Improving the Performance of Islamic Banking through Technological Innovation and Human Resource Management." *JBMA: Jurnal Bisnis Manajemen Dan Akuntansi* 11, no. 2 (2024): 1–13.
- Musari, Khairunnisa, and Sutan Emir Hidayat. *The Role of Green Sukuk in Maqasid Al-Shariah and SDGs: Evidence from Indonesia*. Qatar: Palgrave Macmillan, 2023. https://doi.org/10.1007/978-3-031-13302-2_9.
- Muslim, Muslim. "Internalizing Digital Technology in Islamic Education." *Scaffolding: Jurnal Pendidikan Islam Dan Multikulturalisme* 6, no. 3 (2024): 180–97. <https://doi.org/10.37680/scaffolding.v6i3.6309>.
- Nur, Iffatin, Syahrul Adam, and M. Ngizzul Muttaqien. "Maqāṣid Al-Sharī'at: The Main Reference and Ethical-Spiritual Foundation for the Dynamization Process of Islamic Law." *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020): 331–60. <https://doi.org/10.15408/ajis.v20i2.18333>.

- Ocktavia, Annisa Kartika, Solahudin Al-Ayubi, and Sebastian Herman. "the existence of maqashid syariah principles on fintech islamic securities crowdfunding (i-scf) (study at pt. Shafiq digital indonesia)." *Al-Infaq: Jurnal Ekonomi Islam* 15, no. 1 (2024): 15–29.
- Oluka, Alexander. "The Impact of Digital Platforms on Traditional Market Structures." *Technology Audit and Production Reserves* 2, no. 4(76) (2024): 21–29. <https://doi.org/10.15587/2706-5448.2024.303462>.
- Pawestri, Firamia Dyah, and Jumino Jumino. "Analisis Hubungan Information Privacy Concern Dan Perilaku Perlindungan Privasi Pengguna Twitter Di Indonesia." *Anuva: Jurnal Kajian Budaya, Perpustakaan, Dan Informasi* 5, no. 2 (2021): 221–36. <https://doi.org/10.14710/anuva.5.2.221-236>.
- Putra, Febrian Maulana, Syamsul Hilal, and Hanif Hanif. "Islamic Legal Approach to Privacy and Cybersecurity in the Digital Age : Implications for the Sharia-Compliant Digital Economy." *Jurnal Manajemen Dan Akuntansi* 2, no. 1 (2024): 200–204. <https://doi.org/10.62017/wanarg>.
- Rahman, Mohammad Musyfiqur. "Islamization: A Sociological Approach." *Indonesian Journal of Islamization Studies* 1, no. 2 (2024): 197–231. <https://doi.org/10.21111/injas.v1i2.10793>.
- Rasyidi, Aprizal Sulthon. "The Significants and Arguments for the Renewal of Maqāṣ Id Al-Sharī ' Ah." *Ulumuddin: Journal of Islamic Legal Studies* 13, no. 1 (2020): 45–67. <https://doi.org/10.22219/ulumuddin.v1i1.12723> Abstrak.
- Ratnawati, Erna Tri Rusmala, and Rizqi Samera Al Farizi. "Protection of Intellectual Property Rights in the Perspective of Islamic Law." *Millah: Journal of Religious Studies* 22, no. 2 (2023): 377–408. <https://doi.org/10.20885/millah.vol22.iss2.art4>.
- Rovida, Khofidhotur. "Digital Human Rights Protection : Legal Transplantation Strategies To Realize Sustainable Development In indonesia's Digitalization Era." *Domus Legalis Cogitatio* 1, no. 2 (2024): 690–703.
- Rubini, Rubini, Haura Salil Jinan Murtadlo Hirtsa, and Ratri Nuria. "Theoretical Study : Ethics in the Use of Technology in Islam." *Islam in World Perspectives* 4, no. 2 (2025): 333–50.
- Sánchez-García, Eduardo, Javier Martínez-Falcó, Bartolomé Marco-Lajara, and Encarnación Manresa-Marhuenda. "Revolutionizing the Circular Economy through New Technologies: A New Era of Sustainable Progress." *Environmental Technology and Innovation* 33, no. September 2023 (2024). <https://doi.org/10.1016/j.eti.2023.103509>.
- Sandiza, Miftahul Heldra, and Sinta Dewi Rosadi. "Towards Personal Data Protection in Structural Leadership Training : An Analysis of Maqāshid al- Sharī ' Ah Perspective Introduction Technological Innovations in Development , Information , and Communication Have Greatly Facilitated Data ' s Rapid and Sim." *Mazahib : Jurnal Pemikiran Hukum Islam* 23, no. 2 (2024): 631–68. <https://doi.org/10.21093/mj.v23i2.8986>.
- Shihan, Mohammad, and Abdulhamid Mohamed Ali Zaroum. "Applying the Islamic Law From the Viewpoint of Maqashid Al-Shariah: Analyzing Legal Opinions of Sri Lankan Muslim Scholars." *Asy-Syari'ah* 24, no. 1 (2022): 1–18. <https://doi.org/10.15575/as.v23i2.15032>.

- Siregar, Andri, and Abd Rahman Harahap. "Journal Equity of Law and Consumer Protection Regarding the Circulation of Non-SNI Certified Electronic Goods from the Perspective of Maqashid Sharia: A Case Study of an Electronics Store in Medan Denai District." *Journal Equity of Law and Governance* 5, no. 2 (2022): 24–33.
- Song, Andrew M. "Human Dignity: A Fundamental Guiding Value for a Human Rights Approach to Fisheries?" *Marine Policy* 61 (2015): 164–70. <https://doi.org/10.1016/j.marpol.2015.08.013>.
- Suciana, Merryta. "Hate Speech Joseph Paul Zhang Dalam Kasus Penistaan Agama Di Media Sosial Youtube Perspektif Semiotika Ferdinand De Saussure." Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2023.
- Sulthon, M. "Integration of Islamic Sharia in National Legal System." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 7, no. 2 (2020): 95. <https://doi.org/10.29300/mzn.v7i2.3425>.
- Susanto, Deny. "Sharia-Based Legal Formula For Personal Data Protection In The Financial Services Industry Post-Covid-19 Pandemic." *BULLET: Jurnal Multidisiplin Ilmu* 1, no. 4 (2022): 545–52.
- Tuffour, Isaac. "A Critical Overview of Interpretative Phenomenological Analysis: A Contemporary Qualitative Research Approach." *Journal of Healthcare Communications* 02, no. 04 (2017): 1–5. <https://doi.org/10.4172/2472-1654.100093>.
- Wang, Chong, Nan Zhang, and Cong Wang. "Managing Privacy in the Digital Economy." *Fundamental Research* 1, no. 5 (2021): 543–51. <https://doi.org/10.1016/j.fmre.2021.08.009>.
- Zahir, Adnin, Tutik Hamidah, and Aunur Rofiq. "Metode Istimbath Hukum Abdul Qadir Hassan Dalam Perkara Shalat." *Asy-Syari'ah* 24, no. 1 (2022): 39–56. <https://doi.org/10.15575/as.v24i1.17515>.