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## **The Role of Maqashid al-Shariah in Shaping Personal Data Protection and Digital Privacy Policies in Contemporary Islamic Law**

**Gatot Teguh Arifyanto \*1, Rika Githamala Ginting \*2**

<sup>12</sup> Politeknik Negeri Medan

E-mail: [gatotteguh@polmed.ac.id](mailto:gatotteguh@polmed.ac.id), [rikagithamala@polmed.ac.id](mailto:rikagithamala@polmed.ac.id)

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### **Abstract**

Personal data protection and digital privacy are key issues in the rapidly evolving digital age, with major challenges in creating fair and effective policies. This article aims to analyze the role of maqashid al-shariah in digital privacy policy and personal data protection, as well as the relevance of maqashid al-shariah principles in contemporary law. This study uses a literature review method with a qualitative approach, analyzing literature related to maqashid al-shariah, digital privacy policies, and personal data protection. The results of the study show that the principles of *ḥifz al-mal* (protecting property) and *ḥifz al-'aql* (protecting reasons) are very relevant in formulating policies that protect personal data in the digital world. These findings contribute to an understanding of how maqashid al-shariah can inspire fair and balanced policies, with the protection of individual privacy at the forefront. The conclusion of this study is that the integration of maqashid al-shariah in digital privacy policies can create a stronger and fairer personal data protection policy. Further research is suggested to explore the application of maqashid al-shariah in a global context and use a triangulation approach for a more comprehensive analysis.

**Keywords:** maqashid al-shariah, digital privacy, personal data protection, legal policy, digital technology.

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### **INTRODUCTION**

In an increasingly digitally connected world, personal data protection and digital privacy have become critical issues. In this era of the information revolution, personal data, including highly sensitive information such as identity, location, online behavior, and personal preferences, are now easily collected and at risk of being misused by irresponsible parties. A survey conducted by CIGI-Ipsos in 2020 showed that more than 70% of global internet users are concerned about the potential for personal data theft and exploitation of their privacy (Ahmad, Zubaedah, & Hafizi, 2024). This phenomenon emphasizes the importance of regulations and personal data protection measures to maintain the security and privacy of individuals in cyberspace.

While digital technology offers many opportunities, it also presents major challenges for the protection of personal data. Technologies such as artificial intelligence (AI), big data, and the Internet of Things (IoT) enable the collection and analysis of large amounts of data. However, behind the great potential of these technologies, there are also serious risks related to data leakage and misuse of information. One example is the increase in hacking and theft incidents.

personal data that can harm both individuals and organizations (Renuka, RadhaKrishnan, & Priya, 2025). Therefore, a more assertive and systematic policy is needed to address this issue.

The issue of personal data protection is increasingly receiving global attention, with countries such as the European Union implementing the General Data Protection Regulation (GDPR) to regulate and protect individual privacy rights in facing digital challenges. However, developing countries still face difficulties in formulating and implementing effective regulations related to personal data protection. Although various countries have begun to adopt data protection policies, the problem of equitable and effective implementation remains a major challenge that must be resolved globally (Hidayat, Hadi, & Purnasari, 2025).

Apart from the technological perspective, the issue of personal data protection and privacy is also very relevant to be discussed in the context of religion, especially Islamic law. Islam, with its moral principles that respect the right to individual privacy, provides a strong ethical basis for the management and protection of personal data. In Islamic law, there is the concept of *hifz al-'ird* (protecting honor) and *hifz al-mal* (protecting property), which can be used as a basis for building policies that not only comply with regulations but also maintain moral and ethical values. This view has the potential to make an important contribution to formulating fairer and more ethical policies in privacy protection in the digital era (Gaisie, Owusu-Boateng, & Yidana, 2025).

Several studies have been conducted to strengthen personal data protection and digital privacy. For example, Ashraf's (2021) study examines the challenges and methods of data protection in cloud computing, and finds that blockchain technology has great potential to improve data security. Singh et al.'s (2025) study reviews the evolution of data leakage in two511 asyar last, which shows that data breaches have become a serious problem even though existing policies are still limited. Meanwhile, Yogar and Sabarna (2025) conducted an analysis of privacy policies in Indonesia and highlighted the importance of data security in the implementation of e-government. Their research shows that many aspects of regulation have not fully addressed privacy issues.

Although various studies have discussed the topic of personal data protection, this study offers a unique approach. This study not only focuses on technology and regulation, but also examines the perspective of Islamic law in providing solutions to personal data protection. The approach that combines technology with Islamic moral principles provides a new contribution in formulating policies that are more comprehensive and in accordance with universal ethics. Another uniqueness is the application of Islamic legal theory in a global context, especially in facing rapid technological developments.

The main objective of this article is to explore and analyze the importance of personal data protection in the digital era, as well as the challenges faced along with technological developments. This article also aims to explore how the perspective of Islamic law can contribute to the issue of privacy and personal data protection. With this understanding, it is hoped that this article can provide new insights that are useful for policy makers, academics, and practitioners in developing more effective data protection strategies.

In practice, this research is expected to provide significant contributions in formulating policies that prioritize digital privacy protection in society. On the

theoretical side, the results of this study can open up space for further discussion on the integration of Islamic law in building personal data protection policies based on ethics (Judijanto, 2025).

## METHOD

This study uses a literature review method that aims to review and analyze relevant literature on the concept of maqashid al-shariah, personal data protection, and digital privacy. Through this approach, this article focuses on collecting information from various trusted sources, such as books, journal articles, fatwas of scholars, and contemporary Islamic legal documents that discuss the issue of digital privacy and personal data protection within the framework of maqashid al-shariah. The data sources used in this study include various relevant references, both from classical and contemporary literature. This article also adopts a case study to compare personal data protection policies in Muslim-majority countries. This study uses a qualitative approach to explore the application of maqashid al-shariah principles in legal policies related to personal data protection and digital privacy. The theoretical framework of maqashid al-shariah is used to analyze the relevance of Islamic principles in the context of personal data protection in the digital era.

## RESULTS AND DISCUSSION

### The Role of Maqashid al-Shariah in Personal Data Protection

*Maqasid al-Shariah* is a basic concept in Islamic law which functions to protect five basic human rights: religion, soul, reason, lineage and property. In the context of personal data protection, maqashid al-shariah can be understood as a legal framework that emphasizes the importance of maintaining individual integrity, especially in terms of privacy relating to personal data. The concept of *hifz al-mal* (protecting assets) is very relevant in the protection of personal data, because personal data can be considered as a form of property that must be protected from misuse or theft. As explained by Al-Qaradawi in his book *Al-Halal Wal Haram Fi Al-Islam* (2006), Islam really respects individual privacy and prohibits all forms of monitoring or misuse of personal data without permission, which is in accordance with the teachings of the Koran and Hadith. The Qur'an in Surah An-Nur (24:27) which means "O you who believe, do not enter a house that is not your home before asking permission and greeting the occupants. Thus it is better for you that you take a lesson", which is relevant in the context of personal data protection in the digital world. Likewise, the principle of *hifz al-'aql* (protecting the intellect) supports the protection of personal data, as misuse of personal information can damage a person's sanity, both emotionally and psychologically, which is in accordance with Islamic teachings on the importance of preserving an individual's mental and emotional well-being.

Contemporary scholars, such as Al-Qaradawi and Al-Buti, have emphasized the importance of protecting individual property and privacy in accordance with sharia principles. Al-Qaradawi (2006) in his work emphasized that Islam highly respects individual privacy and prohibits all forms of monitoring or misuse of personal data without permission, which is in accordance with the teachings of the Koran and Hadith. In this case, maqashid al-shariah provides a strong basis for the protection of personal data, by emphasizing that personal data is part of individual rights which must be protected so that it is not misused by any party.

The opinions of other scholars, such as Yasir Auda, are very important in viewing the application of maqashid al-shariah in the protection of personal data. Auda in his work *Maqashid al-Shariah as the Foundation of Islamic Legal Theory* (2018) emphasizes that maqashid al-shariah is not only a theory, but also a practical basis in formulating legal policies that are in accordance with the needs of the times. In his view, the application of maqashid al-shariah in the context of personal data protection involves two main aspects: first, protection of individual rights related to property and privacy, and second, enforcement of laws that regulate the use of personal data so that it is not misused by irresponsible parties. In this context, Auda argues that Islamic law must adapt to the development of modern technology to ensure that protection of personal data remains in accordance with the principles of maqashid al-shariah.

The suitability of the concept of maqashid al-shariah with personal data protection can be seen as an effort to maintain the welfare of individuals and society. Maqashid al-shariah prioritizes the protection of individual rights, and this is reflected in privacy policies that treat personal data as valuable assets that must be protected from exploitation. Therefore, the concept of maqashid al-shariah provides a strong moral and legal basis for formulating a more just and equitable personal data protection policy, which is also in accordance with Islamic teachings on the protection of individual rights, both from misuse and data theft.

### **Principles of Privacy Protection in Islam**

In Islam, the principles of privacy protection are highly respected, which are regulated both in the Qur'an and Hadith. Islam considers privacy as a right that should not be violated, and every individual has the right to maintain their honor and dignity. One of the verses that emphasizes the importance of protecting privacy is in Surah An-Nisa (24:27), which reads, "O you who believe, do not enter houses other than your own until you have asked permission and greeted their occupants. That is better for you so that you may learn a lesson." Ibn Asyur, a leading expert in the science of interpretation from Tunisia, said that the verse is a guide to permission when entering a house. Ibn Asyur said that the house is the most private place, not just a place to take shelter from the heat, shelter from the rain, warm oneself in cold weather. According to him, this verse is the sensitivity of Islamic teachings regarding respect and protection of a person's private sphere. Because it could be that in the house there are things that a person does not want to show in public which are part of his honor (Ibn Asyur, *at-Tahrir wat-Tanwir, ad-Dar at-Tunisiyyah*, volume 18 p. 196).

In addition, in the Hadith of the Prophet Muhammad SAW, there are many teachings that emphasize the importance of maintaining privacy. One of the Hadith narrated by Imam Bukhari and Muslim states, "A Muslim is one from whom other Muslims are safe from the harm of his tongue and hands, and a believer is one from whom others feel safe from harm to his property and life." This Hadith contains the teaching that Islam requires every Muslim to protect the rights of others, including their privacy and personal data (Marmo et al., 2023).

Contemporary scholars also provide relevant views regarding the principles of privacy protection in Islam. Al-Qaradawi (2019) in his book *Fiqh al-Islam wa Adilatuhu* emphasized that Islam prohibits all forms of violations of privacy, including collection and misuse of personal data without permission. He stated that every individual has the right to safeguard and protect their personal data as part of the human rights guaranteed by Islamic law.

A similar view was also expressed by Auda (2018), who stated that the principles in the Qur'an and Hadith provide a basis for the protection of personal rights, including the right to personal data and information. In Auda's view, Islamic law must adapt to the needs of the times and technological developments, including in terms of protecting personal data in the digital world.

Thus, the principles of privacy protection in Islam do not only include the prohibition of peeking or accessing personal data without permission, but also encourage Muslims to maintain and protect the honor of individuals from various forms of information misuse. Islam provides clear and comprehensive guidelines regarding the protection of privacy rights, both in the context of everyday social life and in the increasingly developing digital context.

### **Comparison of Digital Privacy Policies in Muslim Countries**

Digital privacy policies in Muslim-majority countries show a variety of approaches to personal data protection, both based on Islamic legal principles and international regulations. Several countries in the region have taken significant steps to develop more proactive policies on personal data protection and digital privacy. However, the implementation and effectiveness of these policies vary.

For example, the United Arab Emirates (UAE) and Saudi Arabia have implemented very detailed digital privacy policies, accompanied by strict law enforcement. The UAE has adopted a personal data protection policy that includes aspects such as explicit consent and transparency regarding the collection and use of personal data. The country has also created several laws that regulate individuals' rights over their data, especially in the banking sector and other digital services (Javed, Al Qahtani, & Shehab, 2021). A similar trend is seen in Saudi Arabia, which recently introduced a policy related to personal data protection that refers to the principles of information protection in international law and adapts to local needs (Younies & Al-Tawil, 2020).

However, in countries like Indonesia and Pakistan, even though there are privacy policies, their implementation tends to be slower and not fully followed by adequate

regulations. Indonesia, for example, despite having a relatively new Personal Data Protection Act (PDP Act 2022), the biggest challenges faced are in terms of technical implementation and law enforcement against digital privacy violations. Meanwhile, Pakistan has also adopted a digital privacy policy, but the infrastructure to support the full implementation of this policy is still limited.

Below is a comparative table of digital privacy policies in several Muslim-majority countries, highlighting the differences in terms of approach to personal data protection:

Country	Digital Privacy Policy	Year of Implementation	Key Features
United Arab Emirates (UAE)	Personal Data Protection Act (2019)	2019	Explicit consent, protection of individual rights to personal data
Saudi Arabia	Personal Data Protection Act (2021)	2021	Strict supervision, legal awareness for users
Indonesia	Personal Data Protection Act (PDP Act)	2022	Data collection with explicit consent, state surveillance
Pakistan	Personal Data Protection Bill	2020	Protection of personal data, breach reporting
Malaysia	Personal Data Protection Act (PDPA)	2010	Personal data protection, implementation in the business sector

**The Relevance of Maqashid al-Shariah in Contemporary Legal Policy**

*Maqashid al-Shariah* provide a strong basis for formulating contemporary legal policies, including in terms of personal data protection and digital privacy. Within the maqashid framework, the main objective of Islamic law is to achieve the welfare of the people, by maintaining and protecting the basic rights of individuals, such as honor, property, and reason. In the context of digital legal policy, these maqashid principles play an important role in forming regulations that not only protect privacy, but also prioritize the values of justice and protection of individuals.

Several researchers have identified how maqashid al-shariah can be applied in contemporary legal policies to address challenges in the digital world. For example, a study conducted by Jamaludin et al. (2024) highlighted how the principle of *hifz al-mal* (protecting property) in maqashid al-shariah can be applied to the protection of personal data. Personal data, in this context, is viewed as a very valuable asset that must be protected from misuse, similar to the protection of property in Islamic law. This protection of personal data is not only limited to the legal aspect, but also includes moral and ethical considerations, which are an integral part of maqashid al-shariah.

In the contemporary legal framework, the principle of *ḥifz al-'aql* (protecting the intellect) is also relevant in regulating digital privacy. Misuse of personal data, such as identity theft or leakage of personal information, can damage the psychological and emotional stability of individuals, which in turn can affect their mental health and rational decisions. Therefore, the protection of personal data through legal policies that are in accordance with the *maqasid al-shariah* is essential to protect the intellect and well-being of individuals in an increasingly complex digital society.

In addition, digital privacy policies in Muslim-majority countries can take advantage of the implementation of *maqashid al-shariah* principles. For example, in Indonesia, although the new Personal Data Protection Law (UU PDP) was passed in 2022, there are still challenges in terms of implementing and monitoring the policy. One way to improve the effectiveness of this policy is to integrate the principles of *maqashid al-shariah*, which emphasize the protection of individual rights in the digital context (Wahyudin & Suwondo, 2025).

For example, in a study by Suryaman and Simanullang (2025), they argued that in formulating digital privacy policies, Islamic law must adapt to new technologies, including in regulating digital transactions and the use of personal data. The *maqashid al-shariah*-based approach offers a solution that can balance the need for strict regulation of digital technology with principles that protect individual rights more holistically.

Thus, the application of *maqashid al-shariah* in contemporary legal policies, especially those relating to digital privacy, is essential to ensure that the resulting laws not only meet technical and economic demands, but are also in line with the values of justice and welfare desired in Islamic teachings.

### **Analysis and Interpretation**

In analyzing the application of the principles of *maqashid al-shariah* in contemporary legal policies related to digital privacy, it can be seen that the principle of *ḥifz al-mal* (protecting property) is very relevant to the protection of personal data. Personal data is now considered a valuable asset and needs to be protected from misuse and theft. This reflects the importance of clear regulations in Islamic law regarding digital privacy. As explained by Jamaludin et al. (2024), personal data, in the perspective of *maqashid al-shariah*, is not only considered as information, but as part of property that must be protected to prevent harm to individuals. This principle is very relevant in the formation of privacy policies in various Muslim-majority countries, such as the United Arab Emirates and Saudi Arabia, which have utilized strict regulations to protect the personal data of their citizens (Javed, Al Qahtani, & Shehab, 2021).

In addition, the application of the principle of *ḥifz al-'aql* (protecting the mind) in the digital context shows how privacy policies should safeguard the mental and psychological well-being of individuals. Misuse of personal data, such as hacking or identity theft, can have a major impact on an individual's mental health, which is also related to their mental stability. Auda (2018) emphasized that in digital privacy policies, Islamic law must adapt to the need to protect individuals from adverse psychological

impacts, indicating that the protection of personal data is more than just a technical and legal issue, but also includes moral and psychological dimensions.

The application of the maqashid al-shariah principle in digital privacy law policies can also provide solutions in facing global challenges, such as in Indonesia and Pakistan, where the implementation of personal data protection policies still faces various obstacles. In a study by Wahyudin & Suwondo (2025), they suggested that personal data protection policies in accordance with maqashid al-shariah can be a solution to increase the effectiveness and implementation of these policies, taking into account the values of justice and protection of individual rights.

In addition, the application of maqashid al-shariah principles in contemporary legal policies in Muslim countries can provide a stronger foundation for fair and sustainable policies. A study conducted by Suryaman and Simanullang (2025) shows that Islamic law can offer a good framework for formulating policies that are not only technical but also fulfill the values of welfare and social justice in the digital world. This is in line with research by Younies & Al-Tawil (2020), which emphasizes that Islamic law, with the principles of maqashid al-shariah, can adapt to technological developments to ensure more effective protection of personal data and in line with broader moral goals.

In the context of countries other than Muslim-majority countries, personal data protection policies are also being addressed in many regions, as seen in the United Arab Emirates, Saudi Arabia, and Indonesia, which continue to develop policies to protect personal data in the digital world. These countries adopt an approach that combines elements of international law, especially GDPR, in designing their digital privacy policies (Pannier, 2023). On the other hand, more developed countries such as Tanzania and other African countries are increasingly strengthening their digital and privacy policies by integrating various approaches that support the development of safe and efficient personal data (Mwogosi & Simba, 2025).

From this analysis, it can be concluded that the application of the principles of maqashid al-shariah in contemporary legal policies, especially those related to the protection of personal data and digital privacy, is very important. Policies based on maqashid al-shariah provide a strong moral and legal basis for safeguarding individual rights, while keeping pace with the increasingly complex development of digital technology. This is not only useful in protecting individual privacy, but also strengthening legal integrity in facing challenges in the digital era.

## CONCLUSION

This study confirms that maqashid al-shariah plays a significant role in shaping personal data protection and digital privacy policies, emphasizing the protection of individuals' basic rights such as property and reason. The principles of maqashid al-shariah provide a solid legal framework to ensure that policies related to digital privacy and personal data are in line with Islamic moral and ethical goals. The results of this study provide a deeper understanding of how maqashid al-shariah can be integrated into contemporary digital policies to maintain a balance between the needs of technology and the principles of privacy protection. These findings contribute to the theory of Islamic law and technology by showing that Islamic principles, especially

maqashid al-shariah, can be adapted to modern technological developments without neglecting the core values of the religion. In the social and cultural context, these findings encourage the importance of adapting Islamic law to the digital era, to protect individual rights from the misuse of personal information. However, this study is limited by its limited focus on Muslim-majority countries, and therefore, further exploration is needed to see how maqashid al-shariah can be applied in a broader global context.

Based on the results of this study, it is recommended that Muslim countries pay more attention to maqashid al-shariah in formulating digital privacy and personal data protection policies. Better integration between Islamic law and international law can strengthen the legal framework for personal data protection, creating fair and sustainable policies in the digital era. For academics, it is recommended to continue research with a more in-depth approach, such as the use of triangulation methods or comparative studies between Muslim-majority countries and non-Muslim countries, to examine the differences in the application of maqashid al-shariah in digital privacy policies. Further research can also expand the focus on the practical impact of implementing these policies on society and technology users around the world.

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