

Maqāṣid al-Syarī'ah as a Value Framework and Mediator of Dialogue in the Transformation of Islamic Family Law: (A Thematic–Holistic Analysis of the Protection of Family Personal Data from Cybercrime)

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Abstract:

This paper analyzes the protection of family personal data from the threat of cybercrime through a thematic-holistic study as both a methodological framework and a mediator of dialogue between Islamic jurisprudence and Indonesian positive law. The main issue lies in the increasing threat of cybercrime against family personal data, while studies of Islamic law and positive law remain fragmented and have not yet comprehensively integrated the two within the context of family protection. This study aims to explain how a thematic-holistic combined study can reinterpret the Qur'anic texts and hadiths regarding privacy, trust, and the prohibition of spying, as well as formulate a model for the protection of family personal data that aligns with the *maqāṣid al-syarī'ah*. This study is a normative legal study using a qualitative approach through a thematic-holistic analysis of Qur'anic verses, hadith, and personal data protection regulations in Indonesia. The results of the study indicate that the protection of family personal data is an integral part of the objectives of Islamic law, particularly in realizing *ḥifẓ al-nafs*, *ḥifẓ al-māl*, and *ḥifẓ al-'ird*. Therefore, the integration of Islamic fiqh values and positive law can be understood as a form of *maqāṣidī* ijtihad relevant to safeguarding the security, privacy, and honor of the family in the digital age

Keywords: protection of family personal data; cybercrime; thematic-holistic approach; *maqāṣid al-syarī'ah*; Islamic law.

Introduction

This study is motivated by the high vulnerability of families' personal data amid the rise of cybercrime, which continues to escalate and threaten the stability of society.¹ Cybercrime is generally defined as criminal acts in the field of information technology that are computer-based.² This encompasses all forms of legal violations that utilize advanced technology to harm the interests or deprive others of their rights, ranging from identity theft, system hacking, online fraud, virus dissemination, to

¹ Miftakhur Rokhman Habibi dan Isnatul Liviani, "Kejahatan Teknologi Informasi (Cyber Crime) dan Penanggulangannya dalam Sistem Hukum Indonesia," *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 23, no. 2 (2020), hlm. 401, <https://doi.org/10.15642/alqanun.2020.23.2.400-426>.

² Sahat Maruli T. Situmeng, *Cyber Law*, 1 (Bandung: Cakra, 2022), hlm. 22.

various other digital crimes.³ These crimes not only cause massive financial losses but also threaten the security of personal data and privacy. Such cybercrimes are, in essence, serious violations of the right to privacy and the protection of personal data. The concept of data protection is often viewed as an inseparable part of privacy protection. Privacy is the right of an individual, group, or institution to determine whether the information they possess will be communicated to others or not. The protection of personal data is a fundamental human right. Various countries recognize it as a constitutional right namely, the individual's right to protection of their personal data and to redress in the event of errors or misuse of data.⁴

In classical fiqh tradition, one way of upholding individual rights is by safeguarding one's privacy and confidentiality a principle known as *Sitr* (ستر)—as well as protecting personal information, *haq al-khuṣūṣiyyah* (حق الخصوصية). Every Muslim has a duty to uphold trust and respect modesty, and is strictly prohibited from spying on others' faults or spreading the shame of their fellow believers, provided they adhere to the boundaries set by Islamic law such as concealing faults, guarding one's speech, and not disclosing confidential information.⁵ However, with the transformation of Islamic family law in the digital age and the increasing threat of cybercrime against family personal data, a social reality has emerged the protection of family personal data can no longer be left solely to individual moral consciousness.

In Indonesia, the importance of personal data protection is recognized in various national regulations, one of which is Law No. 11 of 2008 on Electronic Information and Transactions (UU ITE). This law regulates the conduct of electronic transactions in a structured manner to ensure cybersecurity and provide legal certainty for the public as an integral part of digital technology development. This regulation also emphasizes the importance of continuously combating cybercrime through various criminal provisions regarding violations in cyberspace, while simultaneously providing a legal framework for the conduct of electronic transactions in a safe, lawful, and responsible manner.⁶

Previous studies on cybercrime from the perspective of Islamic law have proliferated in recent years, yet they remain fragmented and have not yet comprehensively integrated these issues into the context of family protection. From the perspective of Islamic norms, a Qur'an-based study employing Fazlur Rahman's hermeneutical "double movement" approach demonstrates that the principles of transactional justice, privacy protection, and communication integrity are relevant in addressing digital threats, though they have not yet been specifically linked to the institution of the family.⁷ Hadith-based studies using the *ma'ānī al-ḥadīṣ* approach

³ Bambang; Launa Mudjiyanto Launa; Leonardi, Aska, "Cybercrime, Perlindungan Data Warga Negara, dan Integritas Pemilu," *Oratio Directa (Prodi Ilmu Komunikasi)*, no. Vol 5, No 2 (2023): Jurnal Oratio Directa (2023), hlm. 1060. <https://www.ejurnal.ubk.ac.id/index.php/oratio/article/view/485/303>.

⁴ Nela Mardiana dan Melian Arsanti, "Urgensi Perlindungan Data Pribadi dalam Prespektif Hak Asasi Manusia," *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia* Vol. 1, No. 1 (2023), hlm. 16.

⁵ Abu Hamid Muhammad Al-Ghazali, *Ihya Ulumuddin*, Jilid 3 (Dar al-Fikr, 2004), hlm. 136-138.

⁶ A. Muh Fauzan dkk., "Kejahatan Dunia Maya (Cybercrime) dalam Prespektif Hukum Islam dan Hukum Positif Masyarakat di Indonesia," *Bayt Al Hikmah* Vol 1 No 1 (2025), hlm. 145.

⁷ Amiril Ahmad dan Muhammad Zulfi Hamdi, "KEJAHATAN SIBER PERSPEKTIF AL-QUR'AN (Analisis Melalui Teori Double MovementFazlur Rahman)," *Al-Tadabbur: Ilmu Al-Quran dan Tafsir*, Vol. 10,No. 02 (2025), <https://doi.org/DOI:%2010.30868/at.v10i02.8999>.

emphasize the values of trustworthiness and confidentiality as ethical guidelines for personal data protection.⁸ Meanwhile, the application of fiqh principles in criminal law has proven adaptable to modern cybercrimes, with *ta'zir* sanctions serving as the most relevant instrument ranging from imprisonment to severe penalties tailored to the level of harm caused by the perpetrator.⁹

From a positive law perspective, existing studies consistently reveal various systemic weaknesses in the legal protection against cybercrime in Indonesia. Although the ITE Law has established various cyber offenses with criminal penalties, its implementation still faces serious obstacles in the form of overlapping regulations, limited investigative capabilities, and the difficulty of collecting digital evidence.¹⁰ A study on the hacking of the Bank Syariah Indonesia system indicates that although the National Cyber and Encryption Agency (BSSN) has been established as a specialized cybersecurity agency, its institutional coordination in addressing cross-sectoral cybercrime has not yet been optimal.¹¹ The enactment of the Personal Data Protection Act (PDP) No. 27 of 2022 does mark an important advancement, but it still leaves regulatory gaps regarding technical implementation, criminal penalties, and a robust oversight framework.¹² Furthermore, the transnational nature of cybercrime adds to the complexity of law enforcement, thereby requiring more structured and effective mechanisms for international cooperation¹³

Although previous studies have explored the discourse on cybercrime from the perspectives of both Islamic law and positive law, most of these studies remain fragmented within the normative-theoretical dimension and rarely integrate the two comprehensively in the specific context of protecting families' personal data. This gap creates a need for an analytical framework capable of bridging the particular values of Sharia with its universal principles through a thematic-holistic combined study. Therefore, this study aims to explain and apply a thematic-holistic combined analysis of the *naṣṣ* to reinterpret the concept of family personal data protection against the threat of cybercrime, while formulating a normative argument that an integrated data protection instrument is an absolute necessity aligned with the

⁸ Nur Rohim Ibnu Sidiq, "Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital" (*Tesis*, UIN Sunan Kalijaga, 2025).

⁹ Utpy Asifae dan dkk., "Penerapan Kaidah Fiqhiyyah terhadap Kejahatan Siber dalam Hukum Jinayah," *Jurnal Ilmu Hukum* 2, no. 1 (2024): 134, <https://doi.org/10.62017/syariah>; Said Sampara dan Kamri Ahmad, "Kejahatan Dunia Maya (Cyber Crime) Dalam Prespektif Hukum Islam," *Journal of Lex Generalis (JLS)* Vol. 1, No. 5 (2020).

¹⁰ A Muh Fauzan dkk., "Kejahatan Dunia Maya (Cybercrime) dalam Prespektif Hukum Islam dan Hukum Positif Masyarakat di Indonesia"; Miftakhur Rokhman Habibi dan Isnatul Liviani, "Kejahatan Teknologi Informasi (Cyber Crime) dan Penanggulangannya dalam Sistem Hukum Indonesia," *Articles, Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 23, no. 2 (2020): 400–426, <https://doi.org/10.15642/alqanun.2020.23.2.400-426>.

¹¹ Muhammad Ghozali dkk., *Kejahatan Siber (Cyber Crime) dan Implikasi Hukumnya: Studi Kasus Peretasan Bank Syariah Indonesia (BSI)*, 9 Oktober 2024, <https://doi.org/10.5281/ZENODO.13883603>.

¹² Muhammad Syaf Nurdin Arey dkk., *Penegakan Hukum Terhadap Kejahatan Pencurian Data Pribadi di Media Sosial (Facebook)*, 5, no. 2 (2025); Indriana Firdaus, "Upaya Perlindungan Hukum Hak Privasi Terhadap Data Pribadi dari Kejahatan Peretasan," *Jurnal Rechten : Riset Hukum dan Hak Asasi Manusia* 4, no. 2 (2022): 23–31, <https://doi.org/10.52005/rechten.v4i2.98>.

¹³ Rahma Agri Firdaus, "Perlindungan Hukum dan Pencegahan Kejahatan Siber di Era Digital dalam Sistem Hukum di Indonesia," *STAATSRECHT: Jurnal Hukum Kenegaraan dan Politik Islam* Vol. 4, No. 1 (2025).

maqāṣid al-syarī'ah and contemporary developments in positive law. This paper adopts the *maqāṣid al-syarī'ah* approach as a core value framework, while also using it as a mediator for dialogue that synergizes classical Islamic legal traditions with the codification of state positive law.

This study is a normative legal study employing a qualitative approach that focuses on the analysis of Islamic legal texts and contexts using a combination of thematic (*mawḍū'ī*) and holistic (*kullī*) approaches to understand the *naṣṣ* of the Qur'an and hadith. ¹⁴ The thematic study was conducted by compiling verses and hadiths related to personal data protection to avoid a partial understanding of religious texts, while the holistic study is conducted by examining universal values in the Qur'an and hadith through an analysis of the historical contexts *asbāb al-nuzūl* and *asbāb al-wurūd* to ensure that the thematic analysis remains aligned with the broader moral vision of sharia. ¹⁵ *Maqāṣid al-syarī'ah, as the result of thematic-holistic studies, is then used as a normative analytical framework and a mediator for dialogue between family law on personal data protection and positive law, so that the law is not only understood textually but also based on the objectives of Sharia such as the protection of life (ḥifẓ al-naḥs), protection of lineage (ḥifẓ al-nasl), protection of property (ḥifẓ al-māl), and others.* ¹⁶

Data collection was conducted through library research by compiling primary sources, including verses from the Qur'an, hadiths, classical and contemporary fiqh texts on privacy and the protection of family personal data, as well as laws and regulations related to personal data protection in Indonesia, such as the ITE Law and the Personal Data Protection Law No. 27 of 2022, while secondary sources were obtained from academic literature, scientific journals, and previous research findings. The data analysis technique was conducted in three stages: textual-contextual analysis, taking into account *asbāb al-nuzūl* and *asbāb al-wurūd*, extraction of normative-universal values by identifying the fundamental principles of privacy and data protection from the *naṣṣ*, and the formulation of *maqāṣid* by defining the legal objectives of Islamic law that serve as the basis for evaluating and synthesizing fiqh with the codification of positive law. Through this method, the study aims to produce a legal framework that is not only normative but also contextual and oriented toward the welfare of the family institution in the digital age.

Result And Discussion

Reinterpreting the *Naṣṣ* on the Protection of Family Personal Data: A Thematic Holistic Study

The thematic-holistic combined method of study is an interpretive approach that integrates two orientations simultaneously namely, the thematic (*mawḍū'ī*) and holistic (*kullī*) orientations in an integrated and simultaneous manner, with the aim of comprehensively understanding the Qur'an as the primary source of Islamic

¹⁴ M. Quraish Shihab, *Membumikan Al-Qur'an* (Mizan, 2007), hlm. 35; Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (University of Chicago Press, 1982), hlm. 6-7.

¹⁵ M. Amin Abdullah, *Islam sebagai Ilmu: Epistemologi, Metodologi, dan Etika* (Pustaka Pelajar, 2012), hlm. 112; Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, hlm. 7.

¹⁶ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oneworld Publications., 2008), hlm. 176; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008), hlm. 45.

teachings and the foundation of Islamic law.¹⁷ Technically, the thematic method is applied through four systematically arranged stages. First, determining a specific theme or issue to serve as the focus of the study (*al-mawḍū' al-wāḥid*). Second, comprehensively tracing and collecting all Qur'anic verses related to the established theme. Third, analyzing each verse to identify its contextual-specific values based on *asbāb al-nuzūl*, while simultaneously exploring its universal values that remain relevant beyond the boundaries of space and time. Fourth, aligning the results of this study with the principles and rules applicable in Islamic law¹⁸

A holistic approach views the Qur'an as a complete and indivisible whole, in which every part is interconnected and mutually explanatory. This principle is reflected in the classical maxim "*Al-Qur'ān yufassiru ba'duhu ba'dan*", which means that some verses of the Qur'an serve to explain other verses, or as expressed in Western academic discourse with the phrase "*One part of the Qur'an explains another.*" This concept has, in fact, been deeply rooted since the era of the Companions and has been further reinforced by classical scholars, one of whom is al-Shātibī (d. 790 AH/1388 CE), who asserted that the entirety of Allah's revelation constitutes a cohesive structure and cannot be understood in a fragmentary or disjointed manner.¹⁹

This combination of thematic and holistic studies forms a theory of transformation, relevance, and reconstruction of Islamic law, wherein a deep understanding of the *naṣṣ* can yield legal formulations that are applicable and relevant to the modern context without neglecting the particular and universal values rooted in the Qur'an and hadith. In the context of protecting families' personal data from the threat of digital crime, this combined approach helps formulate legal frameworks that are not only grounded in sharia texts regarding privacy, trust, and the prohibition against *tajassus*, but also aligned with advancements in information technology, the evolving nature of cyber threats, and applicable personal data protection regulations, so that the resulting legal framework can meet the demands of security and justice in the digital age while simultaneously preserving the dignity, privacy, and integrity of the family institution as part of *maqāṣid al-syarī'ah*.²⁰

The researchers identified three verses of the Qur'an most relevant to the protection of family privacy and personal data: Surah An-Nūr (24):27, Surah Al-Ḥujurāt (49):12, and Surah Al-Anfāl (8):27. These three verses were selected because they represent, in order, three main themes: the principle of family privacy protection, the prohibition of *tajassus* (spying) relevant to cybercrime practices, and the duty of trust in the management of personal data. Researchers also identified three most relevant hadiths: those regarding seeking permission, maintaining privacy, and sanctions.

¹⁷ Amin al-Khulī, *Manāḥij al-Tajdīd fī al-Naḥw wa al-Balāghah wa al-Tafsīr wa al-Adab* (Kairo: 'al-Hay'ah al-Miṣriyyah al-'Āmmah li al-Kitāb, 1995), hlm. 232.

¹⁸ Khoiruddin Nasution, "Kombinasi Tematik-Holistik Sebagai Teori Transformasi Hukum Islam: Kajian terhadap *Naṣṣ* Usia Perkawinan," *ADHKI: Journal of Islamic Family Law* 6, no. 2 (2024), hlm. 121.

¹⁹ Ibrāhīm ibn Mūsā al-Shātibī, *Al-Muwāfaqāt fī Ushūl al-Aḥkām*, vol. 3, ed. oleh Muḥammad Muḥyī al-Dīn 'Abd al-Ḥamīd (Maktabat wa Maṭba'at Muḥammad 'Alī Ṣubayḥ wa Awlādih, 1969), hlm. 264.

²⁰ Nasution, "Kombinasi Tematik-Holistik Sebagai Teori Transformasi Hukum Islam: Kajian terhadap *Naṣṣ* Usia Perkawinan," hlm. 121.

Thematic Understanding of the *Naṣṣ* Family Personal Data Protection

The protection of personal data within the family can be understood thematically through several Qur'anic *naṣṣ* that emphasize the importance of safeguarding privacy, dignity, and boundaries concerning personal information in family life. Although the Qur'an does not explicitly employ the modern terminology of "personal data protection," its underlying principles provide a normative foundation for prohibiting unauthorized access to, disclosure of, or dissemination of personal information. One relevant *naṣṣ* is QS. An-Nur (24): 27, which establishes the principle of seeking permission before entering another person's private space.

"O you who believe, do not enter houses other than your own without first asking permission and greeting their inhabitants. That is better for you, so that you may take heed. (QS. An-Nur (24): 27)

Asbāb al-nuzūl of this verse, as narrated by Al-Firyabi from Adi bin Tsabit, relates to a woman from the Ansar who complained to the Prophet Muhammad, peace be upon him, about the habit of some of her male relatives of entering her home without permission when she was in a state in which she did not wish to be seen by others.²¹ The particular values of this verse include: (1) the obligation to ask permission before entering another person's home or private space, (2) respect for the privacy and rights of the home's occupants, (3) the obligation to greet others as a matter of social etiquette in interactions, (4) the prohibition against entering private areas without the owner's knowledge or consent, and (5) obedience to Allah's commandments in maintaining harmonious social relations.²² The universal values of this verse include: (1) respect for individual and family privacy, (2) the obligation to obtain permission before accessing another person's information or data, (3) protection of the security and confidentiality of personal data, (4) the prohibition against accessing private spaces without authorization, (5) the responsibility to safeguard the trust of information obtained, and (6) the prevention of data misuse that could harm individuals or families.²³ The resulting *maqāṣid* are *ḥifẓ al-naḥs* (protection of individuals and families), *ḥifẓ al-māl* (protection of assets and personal data), and *ḥifẓ al-'ird* (protection of honor and reputation).

QS. Al-Hujurat (49): 12 provides an important Qur'anic foundation for protecting privacy and personal information by prohibiting suspicion, spying (*tajassus*), and backbiting (*ghibah*). The prohibition of *tajassus* is particularly relevant to the protection of family personal data because it reflects the principle that individuals should not intrude into matters that belong to the private sphere of others without legitimate justification. In the context of family life, this principle encompasses respect for the confidentiality of personal information, communications, family circumstances, and other sensitive matters. From a thematic perspective, the verse demonstrates that Islamic law recognizes the protection of

²¹ Imam As-Suyuthi, *Asbabun Nuzul: Sebab-sebab Turunnya Ayat Al-Qur'an*, Terj. Andi Muhamad Syahril dan Yasir Maqasid, (Jakarta Timur: Pustaka Al-Kautsar, 2014), hlm 379.

²² Abu Ja'far Muhammad ibn Jarir ibn Yazid Ibn Ghalib Al-Tabari, *Tafsir Al-Jami' Al-Bayan An Ta'wil Al-Qur'an*, Jilid 17, (Beirut: Dar al Kutub al-Ilmiyyah, 1992), hlm. 239-246.

²³ Khairul Fikri dan Umi Wasilatul Firdausiyah, "Privasi dalam Dunia Digital (Analisis QS. An-Nur (24): 27 Menggunakan Pendekatan *Ma'na-Cum-Maghza*)," *ISLAMIKA INSIDE: Jurnal Keislaman dan Humaniora* 7, no. 2 (2021), hlm. 214-217.

personal privacy as an ethical and legal value aimed at preserving human dignity (*ḥifẓ al-ʿird*) and maintaining harmonious social and family relations. Accordingly, the prohibition against unauthorized surveillance or disclosure of private information may serve as a normative basis for developing contemporary principles of family personal data protection.

“O you who believe, avoid making assumptions! Indeed, some assumptions are sinful. Do not seek out the faults of others, and let none of you backbite one another. Would any of you like to eat the flesh of your dead brother? You would certainly feel disgusted. Fear Allah! Indeed, Allah is the Acceptor of Repentance and the Most Merciful.

Asbāb al-nuzūl of this verse, as narrated by Ibn al-Mundhir from Ibn Juraij, relates to an incident in which some people discussed the behavior of Salman al-Farisi after he had eaten and then fallen asleep, snoring. Such remarks were considered a form of exposing his shortcomings and were unwelcome to him.²⁴ The particular values of this verse include: (1) the prohibition against harboring ill will without clear grounds, (2) the prohibition against prying into others' faults and secrets, (3) respect for an individual's privacy and personal life, (4) the prohibition against revealing or spreading others' faults, (5) the obligation to uphold the honor and dignity of fellow human being.²⁵ The universal values of this verse include: (1) respect for the privacy rights of individuals and families, (2) a prohibition against accessing, collecting, or disclosing personal data without permission, (3) the obligation to maintain the confidentiality of personal information, (4) protection of personal data from misuse and exploitation, and (5) prevention of all forms of surveillance, hacking, and spying that violate others' rights.²⁶ The resulting *maqāṣid* are *ḥifẓ al-naḥs* (protection of individuals and families), *ḥifẓ al-ʿird* (protection of honor and reputation), and *ḥifẓ al-māl* (protection of valuable data and information).

QS. Al-Anfal (8): 27 emphasizes the prohibition against betraying Allah and the Messenger and against betraying trusts (*amānāt*) entrusted to individuals. In the context of family personal data protection, the concept of *amānah* provides an important normative basis for treating personal information as something that must be safeguarded by those who have access to it. Family members, institutions, or other parties who obtain personal data in a position of trust are therefore expected to protect its confidentiality and refrain from using or disclosing it for purposes beyond the legitimate scope of that trust. The verse thus establishes an ethical principle of responsibility and accountability in handling information belonging to others. Thematically, this principle can be connected to the contemporary concept of data protection, particularly the duties of confidentiality, responsible data processing, and prevention of unauthorized disclosure. Accordingly, the protection of family personal data may be understood not merely as a matter of individual privacy, but also as an expression of the Islamic principle of fulfilling and preserving *amānah*.

²⁴ As-Suyuthi, *Asbabun Nuzul: Sebab-sebab Turunnya Ayat Al-Qur'an*, hlm.499.

²⁵ Abu al-Hasan Ali ibn Muhammad ibn Muhammad ibn Habib al-Basri al-Baghdadi Al-Mawardi, *Tafsir al-Mawardi: al-Nukat wa al-'Uyun*, ed. by al-Sayyid Ibn Abd al-Maqsud ibn Abd al-Rahim, Jilid 5 (Beirut: Dar al-Kutub al-'Ilmiyyah), hlm. 334-335.

²⁶ Sidiq, “Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital,” hlm. 101.

O you who believe, do not betray Allah and His Messenger, and do not betray the trust that has been entrusted to you, while you know.

Asbāb al-nuzūl of this verse, as narrated by Ibn Jarir from Jabir ibn Abdillāh, relates to the incident when the Prophet Muhammad (peace be upon him) received information through Gabriel regarding Abu Sufyan's whereabouts and ordered his companions to move in secret. However, a hypocrite leaked the plan by sending a letter to Abu Sufyan warning him to prepare for an attack by the Muslims.²⁷ The particular values of this verse include: (1) the obligation to safeguard the trust entrusted by Allah and fellow human beings, (2) the prohibition against abusing or neglecting the trust bestowed, (3) the obligation to fulfill responsibilities in accordance with applicable regulations, (4) the prohibition against committing treason intentionally and knowingly, (5) integrity in safeguarding information and trust.²⁸ The universal values of this verse include: (1) the obligation to safeguard entrusted personal data, (2) the protection of the confidentiality of individual and family information, (3) the prohibition against misusing or disclosing data without the owner's permission.²⁹ The resulting *maqāṣid* are *ḥifẓ al-'ird* (protection of the honor, privacy, and reputation of individuals and families) and *ḥifẓ al-māl* (protection of valuable data and information from misuse, leakage, and breach of trust).

The hadith on asking permission before entering another person's private space, narrated by Imam al-Bukhari (Hadith No. 6245), reinforces the Qur'anic principle of respecting individual privacy. The Prophet ﷺ instructed Muslims to seek permission before entering a private space, thereby establishing a clear boundary between public interaction and personal or family life. This principle is relevant to contemporary family personal data protection because privacy is not limited to physical spaces but also encompasses personal information, communications, and other matters that individuals reasonably expect to remain confidential. From a thematic perspective, the hadith establishes the principle of consent as a prerequisite for accessing another person's private sphere. Accordingly, unauthorized access to, use of, or disclosure of family personal data may be understood as contrary to the ethical principle of respecting privacy and obtaining permission that underlies the Prophetic guidance.

Ali bin Abdullah told us, Sufyan told us, Yazid bin Khuṣaifah told us from Busr bin Sa'id, from Abū Sa'id al-Khudri, who said: I was in a gathering of the Ansar when suddenly Abū Mūsā arrived looking as though he were in a panic. He said, "I asked Umar for permission three times and was not granted it, so I returned." He asked, "What prevented you?" I replied, "I asked for permission three times and was not granted it, so I went home. Meanwhile, the Messenger of Allah (peace be upon him) said, 'If any of you has asked permission three times and has not been granted it, then he should go home.' He said, "By Allah, you should present evidence to him. Is there anyone among you who heard this from

²⁷ As-Suyuthi, *Asbabun Nuzul: Sebab-sebab Turunnya Ayat Al-Qur'an*, hlm. 247-288.

²⁸ Abū al-Barakāt 'Abd Allāh ibn Aḥmad ibn Maḥmūd Ḥāfiẓ al-Dīn al-Nasafī, *Tafsīr al-Nasafī (Madārik al-Tanzīl wa Ḥaqā'iq al-Ta'wīl)*, Juz 3, ed. by Yūsuf 'Alī Badiwī dan Muḥyī al-Dīn Dīb Mistū (Beirut: Dār al-Kalim al-Ṭayyib, 1998), hlm. 640.

²⁹ Muhammad Imaduddin, "Diagnosa dan Solusi Qur'ani atas Degradasi Moral Pendidik Melalui Munasabah Surah Al-Anfal Ayat 27-29," *Halaqah: Journal of Multidisciplinary Islamic Studies*, Vol. 2, no. 2 (2025) hlm. 38.

the Prophet (peace be upon him)?” Ubai bin Ka’ab said, “By Allah, no one stood with you except the youngest among you, so I stood with him and informed ‘Umar that the Prophet (peace be upon him) had said that. Ibn al-Mubarak said, “Ibn ‘Uyainah told me, Yazid told me from Busr, I heard Abū Sa’id narrate it like this.”

Asbāb al-wurūd: This hadith occurred when the Prophet Muhammad (peace be upon him) visited the home of Sa'ad bin 'Ubadah and greeted him at the door three times. Since he could not hear Sa'ad's response, the Prophet (peace be upon him) repeated the greeting three times, then chose to return home if he did not receive permission to enter.³⁰ The particular values of this hadith include: (1) the recommendation to ask for permission before entering someone else's home, (2) the limit of asking for permission a maximum of three times, (3) the obligation to respect the homeowner's privacy, (4) the prohibition against forcing entry when not permitted.³¹ The universal values of this hadith include: (1) respect for privacy, (2) the obligation to obtain permission before accessing another person's property, (3) protection of personal data security, and (4) prevention of unauthorized access.³² The resulting *maqāṣid* are *ḥifẓ al-nafs* (protection of the individual and family) and *ḥifẓ al-māl* (protection of assets and personal data).

The hadith narrated by al-Bukhārī (No. 6289) provides a significant normative basis for the principle of maintaining confidentiality and safeguarding entrusted information. The Prophetic guidance emphasizes that matters disclosed in confidence should not be revealed or disseminated to others without legitimate justification. In the context of family life, this principle is particularly relevant to the protection of personal data because family members frequently have access to sensitive information concerning one another, including personal circumstances, communications, and private family matters. Such information should be treated as an *amānah* that entails a moral responsibility to preserve confidentiality. Thematically, the hadith establishes that respect for confidentiality is closely connected to the protection of human dignity, trust, and privacy. Therefore, unauthorized disclosure, dissemination, or misuse of family personal data may be viewed as inconsistent with the Prophetic principle of safeguarding secrets and fulfilling the trust placed in an individual.

Abdullah bin Shabbah told us, Mu'tamir bin Sulaiman told us, he said: "I heard my father say: I heard Anas bin Malik say, 'The Prophet (peace be upon him) once confided a secret to me, so I never revealed that secret to anyone (until) after he had passed away. Umm Sulaim once asked me about it, but I did not tell her."

Asbāb al-wurūd of this hadith occurred when the Prophet Muhammad (peace be upon him) confided a secret to Anas ibn Malik, and Anas kept it and did not reveal

³⁰ Ibn Hamzah al-Husaini al-Hanafi Al-Damsyiqi, *Ashabul Wurud Latar Belakang Historis Timbulnya Hadits-hadits Rasul*, trans. Suwarta Wijaya dan Zafrullah Salim, Jilid 1. (Jakarta: Kalam Mulia, 2005), hlm. 89.

³¹ Ibn Hajar al-'Asqalāni., *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*, Diterjemahkan oleh Amiruddin dan Team Azzam, (Pustaka Azzam, 2003), hlm. 88-89.

³² Sidiq, "Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital," hlm. 109-110.

it to anyone, including his own mother, Ummu Sulaim.³³ The particular values of this hadith include: (1) the obligation to keep secrets, (2) the importance of maintaining privacy and trust, (3) the prohibition against disclosing confidential information without permission, and (4) setting an example in upholding trust.³⁴ The universal values of this hadith include: (1) the obligation to keep secrets and uphold trust, (2) the protection of information privacy, (3) the prohibition against disseminating data or information without permission, and (4) ethical responsibility in maintaining trust.³⁵ The resulting *maqāṣid* are *ḥifẓ al-nafs* through the protection of individual and family security, as well as *ḥifẓ al-māl* through the safeguarding of data and digital assets from misuse.

The hadith narrated by al-Bukhārī (No. 6241) emphasizes the seriousness of violating another person's privacy and private sphere. The Prophetic prohibition against unauthorized intrusion demonstrates that privacy is a protected interest that cannot be violated arbitrarily. In the context of family personal data protection, this principle may be extended to the unauthorized access, use, acquisition, or disclosure of information concerning family members. Such conduct not only undermines individual dignity and security but also violates the trust underlying interpersonal and family relationships. Thematically, the hadith indicates that the protection of privacy entails both an ethical obligation and a normative prohibition against intrusive conduct. Therefore, violations of family personal data protection should be understood as conduct that may warrant accountability or sanctions when it causes harm or unlawfully interferes with an individual's protected private sphere.

Abdullah told us, Sufyan told us, al-Zuhri said: I memorized it just as you are here, from Sahl bin Sa'd, who said, "A man once looked into one of the rooms of the Prophet (peace be upon him), and with the Prophet (peace be upon him) was a midra (scraper) used to scratch his head, so he said: 'If I had known you were looking, I would have stabbed it into your eye. Indeed, seeking permission is required before looking.'"

Asbāb al-wurūd: This hadith occurred when a man peeked into one of the Prophet Muhammad's rooms without permission. Upon seeing this, the Prophet emphasized that asking for permission to enter is prescribed to guard one's gaze and protect the privacy of the home's occupants.³⁶ The particular values of this hadith include: (1) the prohibition against peering in without permission, (2) the obligation to ask for permission before entering or looking into another person's home, (3) the protection of individual privacy, and (4) the existence of sanctions or firm measures against privacy violations, as the Prophet (peace be upon him) threatened to gouge out the offender's eyes as a way of emphasizing the gravity of such a violation.³⁷ The universal values of this hadith include: (1) the protection of individual privacy rights, (2) a strict prohibition against privacy violations such as peeping or unauthorized access, (3) the imposition of sanctions or firm measures as a deterrent, and (4) the

³³ Al-Bukhari, *Ṣaḥīḥ al-Bukhārī*, hlm.1570.

³⁴ Al-'Asqalāni, *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*, hlm. 286.

³⁵ Sidiq, "Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital," hlm. 115-116.

³⁶ Al-Bukhari, *Ṣaḥīḥ al-Bukhārī*, hlm. 1558.

³⁷ al-'Asqalāni, *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*, hlm. 79-80.

affirmation that privacy must be safeguarded in both physical and digital spaces.³⁸ The resulting *maqāṣid* are *ḥifẓ al-naḥs* through the protection of personal safety, and *ḥifẓ al-'ird* (preserving honor and privacy) through the protection of data and personal space from misuse.

A Holistic Understanding of *Naṣṣ* Protecting Families Personal Data from Cybercrime

A holistic understanding aims to identify the *maqāṣid al-syarī'ah* derived from examining the entirety of the Qur'an's message and relevant hadith regarding the protection of families' personal data from the threat of digital crime. The Qur'an and hadith collectively establish a vision of human dignity, preserved honor, and a just society. In the context of the protection of family personal data, the universal values contained in the most relevant *naṣṣ* of the Qur'an and hadith encompass four main principles. *First*, the principle of justice (*al-'adl*), which guarantees equitable and proportional treatment in the management of information, ensuring that every individual and family has an equal right to the protection of their personal data from misuse and exploitation.³⁹ *Second*, the principle of trustworthiness (*al-amānah*), which requires any party that gains access to another person's data or information to safeguard it, not misuse it, and not disclose it without the owner's permission, as emphasized in Surah Al-Anfāl (8): 27 and the hadith of Anas bin Malik regarding the preservation of secrets.⁴⁰ *Third*, the principle of dignity (*al-karāmah*), which regards privacy as an inseparable part of human dignity, such that a violation of personal data constitutes a direct violation of the dignity of the individual and the family, as reflected in the prohibition against spying in Surah Al-Ḥujurāt (49): 12.⁴¹ *Fourth*, the principle of public interest (*al-maṣlahah*), which prioritizes the security, peace, and integrity of the family as the primary criteria in every policy and decision regarding the management of personal data.

Maqāṣid al-syarī'ah, based on a holistic understanding of the protection of family personal data, encompasses three elements: *first*, *ḥifẓ al-naḥs*, which stems from the prohibition against harming oneself and others, does not merely mean safeguarding physical safety but also encompasses comprehensive protection of identity security and the confidentiality of personal data for all family members against the threat of cybercrime.⁴² *Second*, *ḥifẓ al-māl*, which stems from the obligation to safeguard trusts and the prohibition against betrayal as emphasized in Surah Al-Anfāl (8): 27, does

³⁸ Hanan Anisyah Sutopo dan Sidi Ahyar Wiraguna, "Sanksi Hukum Terhadap Pelanggaran Perlindungan Data Pribadi Dalam Praktik Kampanye Politik: Analisis Praktik Pencatutan Ktp Tanpa Persetujuan," *Nalar: Journal of Law and Sharia* Vol. 3, No. 1 (2025).

³⁹ Sidiq, "Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital." Hlm. 101.

⁴⁰ Sidiq, "Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital," hlm. 115; Imaduddin, "Diagnosa dan Solusi Qur'ani atas Degradasi Moral Pendidik Melalui Munasabah Surah Al-Anfal Ayat 27-29," hlm. 38.

⁴¹ Al-Mawardi, *Tafsir al-Mawardi: al-Nukat wa al-'Uyun*, vol. 5, hlm 334; Sidiq, "Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital." Hlm. 101

⁴² Fikri dan Firdausiyah, "Privasi dalam Dunia Digital (Analisis QS. An-Nur (24): 27 Menggunakan Pendekatan Ma'na-Cum-Maghza)"; Sidiq, "Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital"; Sutopo dan Wiraguna, "Sanksi Hukum Terhadap Pelanggaran Perlindungan Data Pribadi Dalam Praktik Kampanye Politik: Analisis Praktik Pencatutan Ktp Tanpa Persetujuan."

not merely signify the conventional safeguarding of property but extends to include the protection of digital assets, financial data, and economically valuable information; a leak of which could result in significant material losses for the family.⁴³ Third, *hifẓ al-'ird*, which stems from the prohibition against *tajassus*, *ghibah*, and privacy violations as stated in Surah Al-Hujurāt (49): 12 and the hadith regarding the punishment for privacy violations, does not merely mean safeguarding one's honor from verbal slander, but also encompasses the protection of the family's reputation and privacy from unauthorized data disclosure, the illegal dissemination of personal information, and digital exploitation that degrades dignity.⁴⁴

Thematic and Holistic Synchronization of Family Personal Data Protection Against Cybercrime

The synchronization between the thematic and holistic analyses was conducted to identify points of convergence and coherence between the two approaches. The thematic analysis of QS. Al-Nūr (24): 27, QS. Al-Hujurāt (49): 12, QS. Al-Anfāl (8): 27, and three related hadith yields *maqāṣid* of a specific-thematic character, first, *hifẓ al-naḥs*, encompassing the protection of the safety of individuals and families from cyber threats; second, *hifẓ al-māl*, encompassing the protection of family assets and financial data from digital exploitation, and third, *hifẓ al-'ird*, encompassing the protection of family honor and reputation from the disclosure and misuse of personal information. The holistic analysis, by contrast, yields *maqāṣid* of a universal-comprehensive character, namely the overarching protection of family dignity, privacy, and security as an institution that must be safeguarded on the basis of the principles of justice (*al-'adl*), trustworthiness (*al-amānah*), honor (*al-karāmah*), and public welfare (*al-maṣlahah*), principles that permeate the entirety of the Qur'anic and hadith texts in an integrative manner.

The results of this synchronization demonstrate that the two perspectives are mutually complementary and reinforcing. The thematic analysis provides a firm textual foundation through the normative affirmation of the prohibition of *tajassus*, the obligation to seek permission, the obligation to preserve confidentiality, and the imposition of firm sanctions for privacy violations. The holistic analysis provides a broad normative framework by situating the protection of family personal data as an integral dimension of the universal objectives of Islamic law in preserving human dignity and the integrity of the family institution. This synchronization leads to the conclusion that the protection of family personal data from digital threats is not merely a technical matter of cybersecurity or compliance with formal regulation, but rather a timeless and context-transcending religious obligation encompassing: physical protection from data-based criminal threats; financial protection from the exploitation of family assets and economic information; psychological protection from the effects of data breaches that generate fear and insecurity, and the protection of honor from the disclosure of personal information that degrades family dignity.

⁴³ Imaduddin, "Diagnosa dan Solusi Qur'ani atas Degradasi Moral Pendidik Melalui Munasabah Surah Al-Anfal Ayat 27-29"; Fikri dan Firdausiyah, "Privasi dalam Dunia Digital (Analisis QS. An-Nur (24): 27 Menggunakan Pendekatan Ma'na-Cum-Maghza)"; Sidiq, "Kontekstualisasi Hadis tentang Perlindungan Data Pribadi dari Ancaman Kejahatan Siber di Era Digital."

⁴⁴ Al-Tabari, *Tafsir Al-Jami' Al-Bayan An Ta'wil Al-Qur'an*, vol. 17; Al-Mawardi, *Tafsir al-Mawardi: al-Nukat wa al-'Uyun*, vol. 5; al-'Asqalāni dkk., *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*.

Thematic and Holistic Synthesis of Family Personal Data Protection Against Cybercrime

A thematic-holistic synthesis yields a formulation of *maqāṣid al-syarī'ah* regarding the comprehensive protection of families' personal data from the threat of cybercrime. The *maqāṣid* are formulated into three points: first, *hifz al-naḥs*, which asserts that cyber threats constitute a real threat to the peace of mind of the family, as emphasized in Surah An-Nūr (24:27), which prohibits unauthorized access to private spaces, reinforced by the hadith regarding seeking permission (HR. Bukhārī No. 6245), which mandates respect for an individual's privacy.⁴⁵ Second, *hifz al-māl* extends the protection of property to the digital realm, encompassing financial data and all digital assets of the family that must be safeguarded in accordance with Quranic Surah Al-Anfāl (8): 27 regarding the prohibition against betraying a trust, reinforced by the hadith on safeguarding secrets (HR. Bukhārī No. 6289), which exemplifies the trustworthiness of information.⁴⁶ Third, *hifz al-'ird* emphasizes that family honor is inseparable from the security of personal data, so the unauthorized dissemination of information and defamation via digital platforms constitute serious violations based on QS. Al-Ḥujurāt (49): 12 regarding the prohibition of *tajassus*, reinforced by the hadith on the penalty for privacy violations (HR. Bukhārī No. 6241).⁴⁷ These three *maqāṣid* collectively establish a robust normative framework for the protection of family personal data from the threat of cybercrime within the perspective of Islamic law

A thematic and holistic synthesis affirms that the protection of family personal data is not merely a legal obligation based on formal regulations, but rather a religious obligation rooted in the universal values of the Qur'an and hadith regarding the prohibition of *tajassus*, trust, and respect for privacy, so that every individual, institution, and digital platform managing family data is morally and legally bound to ensure the security and integrity of such data are fully safeguarded. Thus, this thematic-holistic synthesis brings about a fundamental transformation from the perspective of "data protection as a technical obligation" to "data protection as a sharia trust with moral, legal, and spiritual dimensions." This transformation aligns with *maqāṣid al-syarī'ah*, which places the protection of life, property, and honor as the primary objectives of Sharia objectives that are universal and timeless so that systems protecting family personal data from the threat of cybercrime can be viewed as a tangible implementation of the values of *maqāṣid al-syarī'ah* within the context of family life in the digital age.

The Multidimensional Impact of Cybercrime on Family Personal Data from Psychological, Sociological, and Technological Perspectives

Protecting families' personal data from the threat of cybercrime is an issue with far-reaching implications for the lives of individuals, families, and society. Cybercrime targeting families' personal data takes many increasingly sophisticated forms, ranging from digital identity theft, hacking of social media and banking

⁴⁵ Al-Tabari, *Tafsir Al-Jami' Al-Bayan An Ta'wil Al-Qur'an*, Jilid 17: hlm. 239; al-'Asqalāni dkk., *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*, hlm 88.

⁴⁶ al-Nasafi, *Tafsir al-Nasafi (Madārik al-Tanzil wa Haqā'iq al-Ta'wil)*, vol. 3; al-'Asqalāni dkk., *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*.

⁴⁷ Al-Mawardi, *Tafsir al-Mawardi: al-Nukat wa al-'Uyun*, vol. 5; al-'Asqalāni dkk., *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*.

accounts, and scams via fake messages, the unauthorized public disclosure of personal data, the illegal distribution of intimate content, psychological manipulation to steal sensitive information, deepfake pornography, the exploitation of minors' data through insecure digital platforms, and others.⁴⁸ In the context of an increasingly complex digital landscape, these threats can no longer be viewed as purely technical issues; rather, they have evolved into multidimensional challenges that simultaneously touch on psychological, sociological, and technological aspects. Therefore, a comprehensive understanding of the impact of cybercrime on families' personal data requires a cross-disciplinary analysis capable of fully capturing the complexity of these issues.

First, Psychological Perspective, Personal data security has profound psychological implications for all family members. Research in the field of digital security psychology consistently shows that victims of cybercrimes such as identity theft, hacking of personal accounts, and leaks of sensitive data often experience serious psychological impacts, including prolonged anxiety, digital trauma, loss of self-confidence, and impaired social functioning.⁴⁹ In a family context, these psychological impacts are felt not only by the direct victim but also by all family members exposed to the same threat. Studies show that families affected by digital identity theft experience a significant decline in the quality of interpersonal relationships, trust in institutions, and overall psychological well-being.⁵⁰

Second, Sociological Perspective. From a sociological perspective, the phenomenon of cybercrime targeting families' personal data is an increasingly complex social reality in the digital age. The massive expansion of internet penetration, families' reliance on digital platforms, and the lack of cybersecurity literacy among the public create a situation of structural vulnerability that cannot be resolved through individual approaches alone.⁵¹ Advances in information technology have transformed family life into a digital ecosystem that stores various forms of personal data and sensitive information. Data is a new source of power in the information society; thus, cybercrime targeting family data threatens not only technological security but also the social sovereignty of the family. This vulnerability is exacerbated by the digital literacy gap, making families with low digital literacy more susceptible to identity theft, online fraud, and the misuse of personal data.⁵²

Third, The Information Technology and Cybersecurity Perspective. From an information technology perspective, the threat of cybercrime against families

⁴⁸ Novalinda Nadya Putri dan Muhammad Enaldo Hasbaj, "CRIMINALIZATION OF DEEPFAKE PORNOGRAPHY OFFENSES: THE URGENCY OF REGULATION UNDER THE ELECTRONIC INFORMATION AND TRANSACTIONS LAW," Articles, *International Journal of Educational Review, Law And Social Sciences (IJERLAS)* 5, no. 6 (2026): 370–79, <https://doi.org/10.54443/ijerlas.v5i6.4944>; ECPAT International, *Towards a Global Indicator on Unidentified Perpetrators of Child Sexual Abuse Material* (ECPAT International, 2018).

⁴⁹ Deri Malian, "Penanganan Dan Tantangan Cybercrime Di Era Digital Perspektif Kriminologi," *INNOVATIVE: Journal Of Social Science Research* 4, no. 6 (2024).

⁵⁰ Maria Febriana dkk., *Pengantar Keiminologi* (Banten: PT SADA KURNIA PUSTAKA, 2025).

⁵¹ La Ode Muhammad Ichsan, "KAJIAN SOSIOLOGI KRIMINAL TERHADAP PENANGGULANGAN CYBERCRIME MELALUI PHISING," Articles, *JURNAL DARUSSALAM: Pemikiran Hukum Tata Negara dan Perbandingan Mazhab* 1, no. 1 (2021): 39–48, <https://doi.org/10.59259/jd.v1i1.4>.

⁵² Miftakhur Rokhman Habibi dan Isnatul Liviani, "Kejahatan Teknologi Informasi (Cyber Crime) dan Penanggulangannya dalam Sistem Hukum Indonesia," *Al-Qānūn: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 23, no. 2 (2020).

personal data continues to evolve with increasing complexity as digital technology advances rapidly. Cybercrime is no longer limited to identity theft, system hacking, online fraud, virus propagation, and other conventional digital crimes, but has also expanded into more sophisticated realms such as the use of artificial intelligence, the creation of deepfake-based fake content, and social engineering that leverages big data to exploit victims' personal information.⁵³ For families, these threats not only result in technical and financial losses but can also jeopardize the safety of family members, compromise household privacy, tarnish reputations, and trigger various forms of secondary crimes such as extortion, identity theft, child exploitation, and fraud directly targeting family members.

The Normativity of Islamic Jurisprudence on Family Personal Data Protection Against Cybercrime

Islamic Fiqh provides a strong normative foundation for the protection of family personal data through the principle of privacy (*ḥaqq al-khuṣṣiyyah*), the prohibition against spying, and the obligation to safeguard trust. From a Fiqh perspective, family life constitutes a private sphere that must be protected from various forms of intervention and unauthorized disclosure of information. Therefore, data related to the identity of family members, household communications, health conditions, economic circumstances, and other personal information are part of privacy that must be kept confidential. This principle aligns with the concept of (*sitr*), which emphasizes the importance of concealing and safeguarding private matters so as not to cause harm to their owners.⁵⁴

The protection of family personal data is also reflected in the prohibition against *tajassus*, which refers to seeking, accessing, or obtaining another person's hidden information without permission.⁵⁵ In the digital context, this prohibition applies to various forms of cybercrime, such as account hacking, theft of personal data, interception of electronic communications, and the collection and dissemination of family information without the owner's consent. Such actions not only violate the right to privacy but also have the potential to threaten the security, honor, and resilience of the family.

Islamic jurisprudence establishes the principle of *amanah* as the foundation for information management. *Amanah* pertains not only to material assets but also encompasses all information entrusted to an individual or an institution.⁵⁶ In the digital age, a family's personal data stored by educational institutions, healthcare providers, banks, or digital platforms constitutes a form of *amanah* whose confidentiality and security must be safeguarded. The misuse or unauthorized leakage of data can be viewed as a form of betrayal of this trust, causing harm to families.

Based on these laws, cybercrimes targeting personal data can be categorized under Islamic law as *jarīmah ta'zīr*, as they do not fall under the criminal offenses of

⁵³ Mudjiyanto, "Cybercrime, Perlindungan Data Warga Negara, dan Integritas Pemilu"; Novalinda Nadya Putri dan Muhammad Enaldo Hasbaj, "CRIMINALIZATION OF DEEPFAKE PORNOGRAPHY OFFENSES: THE URGENCY OF REGULATION UNDER THE ELECTRONIC INFORMATION AND TRANSACTIONS LAW."

⁵⁴ Al-Ghazali, *Ihya Ulumuddin*.

⁵⁵ Al-Mawardi, *Tafsir al-Mawardi: al-Nukat wa al-'Uyun*, vol. 5.

⁵⁶ al-'Asqalāni dkk., *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*.

hudud or *qiṣāṣ*. The determination of the form and legal sanctions is left to government authorities based on the level of harm caused.⁵⁷ This *ta'zīr* approach actually provides significant flexibility for the state to formulate criminal policies that are adaptive to technological developments and societal needs, while remaining rooted in Sharia values that uphold the protection of human dignity and privacy..

The Legal Framework Of Regulation on Family Personal Data Protection Against Cybercrime

Legal provisions concerning the protection of family personal data against cybercrime have been progressively integrated across multiple layers of national regulation, ranging from general legislation to statutes that specifically govern the management of personal data. The legal foundation for personal data protection in Indonesia was initially anchored in Law Number 11 of 2008 on Electronic Information and Transactions (UU ITE) as the first legal framework to regulate the secure use of information technology.⁵⁸ The UU ITE affirms that the use of personal data through electronic systems must be accompanied by the consent of the data subject, while simultaneously conferring upon any person whose rights have been violated the right to bring a civil claim for resulting damages. Furthermore, the law expressly mandates respect for the privacy, confidentiality, integrity, and completeness of data even in the course of criminal investigations, reflecting the state's early commitment to protecting citizens' personal data from potential misuse, including by law enforcement authorities themselves.

In response to the dynamic evolution of digital technology and the need for greater legal certainty, the government has enacted amendments through Law No. 19 of 2016 on Amendments to the UU ITE. This revision refines definitions related to unlawful acts in the digital realm, including the unauthorized dissemination of personal information and threats via digital media, while clarifying provisions that were previously open to multiple interpretations to reduce the potential for legal abuse.⁵⁹ Nevertheless, the provisions on personal data protection in both laws remain partial, as there is only one provision that explicitly states the obligation to protect personal data, while other provisions focus more on prohibiting the misuse of electronic information in general without specifically highlighting personal data..

This regulatory gap was subsequently addressed through the enactment of Law Number 27 of 2022 on Personal Data Protection (UU PDP), which constitutes Indonesia's first legal instrument to comprehensively and systematically govern all aspects of personal data management. The UU PDP encompasses provisions on fundamental principles, categories of personal data, the rights of data subjects, procedures for data processing, the obligations of data controllers and processors, cross-border data transfer mechanisms, administrative sanctions, and criminal penalties for violations pertaining to personal data protection.⁶⁰ In the context of protecting families from cybercrime, the UU PDP represents the most relevant legal

⁵⁷ A. Muh Fauzan dkk., "Kejahatan Dunia Maya (Cybercrime) dalam Prespektif Hukum Islam dan Hukum Positif Masyarakat di Indonesia," *Bayt Al Hikmah: Jurnal Pendidikan dan Pengembangan Masyarakat Islam* 1, no. 1 (2025).

⁵⁸ Undang-Undang Nomor 11 Tahun 2018 Tentang Informasi Dan Transaksi Elektronik

⁵⁹ Undang-undang (UU) Nomor 19 Tahun 2016 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik

⁶⁰ Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi

instrument, as it regulates the rights of personal data subjects in considerable detail, including the obligation of data controllers to ensure lawful consent, maintain confidentiality, and process data responsibly. The enactment of the UU PDP further affirms that the concept of personal data protection is intrinsically linked to the right to privacy, which in all aspects of its processing must uphold the principle of confidentiality and must be accompanied by the lawful consent of the data subject.

Analysis of *Maqāṣid al-syarī'ah*

***Maqāṣid al-syarī'ah* as a Normative Standart or Value Framework**

Maqāṣid al-syarī'ah, derived from a thematic and holistic approach within the context of protecting family personal data from cybercrime, functions as a normative evaluation tool to assess and determine which legal framework is most aligned with the objectives of Sharia, between two models: the normativity of Islamic jurisprudence and positive law regulations. In other words, *maqāṣid* does not merely explain data protection provisions textually, but rather selects and justifies the protection model that is most just and beneficial for families, particularly in situations where the threat of cybercrime continues to evolve beyond the boundaries of existing regulations.

The normative framework of Islamic jurisprudence establishes the prohibition of *tajassus*, the obligation to safeguard trust, and respect for privacy as absolute principles in information management.⁶¹ The normative framework of Islamic jurisprudence has two main advantages: it provides a foundation of universal and transcendental values and consistently safeguards the honor, lives, and property of families from all forms of infringement, including cybercrime. However, Islamic jurisprudence also presents challenges in its application, namely the need for in-depth interpretive *ijtihad* so that these universal values can be transformed into legal norms that are operational and adaptable to developments in digital technology. An evaluation of the *maqāṣid* in Islamic jurisprudence reveals a comprehensive, positive assessment in the dimensions of *ḥifẓ al-naḥs*, *ḥifẓ al-māl*, and *ḥifẓ al-'ird*, serving as a foundational set of values that cannot be replaced by any formal regulation.

Indonesian positive law governing the protection of personal data, which is based on the principles of confidentiality, legal certainty, and accountability, has three relevant advantages in the context of protecting families' personal data from cybercrime. First, it recognizes the rights of data subjects in detail, ensuring that every individual and family has a strong legal basis to protect their personal information from misuse. Second, it affirms that the processing of personal data is only justified if valid consent is obtained from the data subject, not merely based on the interests of third parties. Third, it provides administrative and criminal sanctions that are both repressive and preventive against violations of personal data protection.⁶² An evaluation of the *maqāṣid* indicates that this regulation has the potential to fulfill *ḥifẓ al-naḥs* through the protection of family identity security, *ḥifẓ al-māl* through the security of financial assets and data, and *ḥifẓ al-'ird* through the protection of family honor and reputation from digital exploitation.

⁶¹ Al-Ghazali, *Ihya Ulumuddin*; Al-Mawardi, *Tafsir al-Mawardi: al-Nukat wa al-'Uyun*, vol. 5; al-'Asqalāni dkk., *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*.

⁶² Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi

Based on the *maqāṣid al-syarī'ah* framework, the most appropriate model for the protection of family personal data is an integrative model that combines the values of Islamic jurisprudence with a fair codification of positive law that is oriented toward the welfare of the family. This model is justified for four reasons. First, it acknowledges the tangible contribution of Sharia values regarding privacy, trust, and the prohibition of *tajassus* as a moral foundation that strengthens the legitimacy of personal data protection regulations. Second, it ensures fairness in the management of family information without discriminating against any party and without disregarding the right to privacy, which is an integral part of human dignity. Third, it protects the most vulnerable parties in the digital ecosystem namely, the family and all its members from the impacts of data breaches, identity theft, and information exploitation that could disrupt the integrity and peace of the household. Fourth, it aligns with the substantive primary objectives of Sharia, rather than merely fulfilling technical obligations or formal compliance with regulations. Thus, the protection of family personal data from the threat of cybercrime, grounded in the values of *maqāṣid al-syarī'ah*, can be understood as a valid form of *maqāṣidī* *ijtihād* in contemporary Islamic law, because the substance of protecting the lives, property, and honor of the family remains realized even though the context of the threat has shifted to the digital realm.

***Maqāṣid al-syarī'ah* as a Mediator of Dialogue**

Maqāṣid al-syarī'ah, in the context of protecting families' personal data from cybercrime, can serve as a mediator between two interacting legal systems: the normative framework of Islamic jurisprudence and Indonesia's positive law regulations. This means that *maqāṣid* operates in a relational-external manner, not merely evaluating each system in isolation, but connecting texts to their contexts, bridging normative conflicts, and integrating sharia values with the evolving needs of digital protection. *Maqāṣid* does not merely assess whether a model is consistent or inconsistent with the objectives of sharia, but reconciles and synthesizes the two systems within a framework of comprehensive public interest.

There are two legal systems for the protection of family personal data that have the potential to create normative tension with one another. Islamic jurisprudence generally establishes the prohibition of *tajassus*, the obligation to safeguard trust, and respect for privacy as absolute principles in information management; thus, any form of access, collection, or dissemination of personal data without the owner's consent is normatively categorized as a violation of sharia law that may be subject to *ta'zīr* sanctions.⁶³ Meanwhile, Indonesian positive law, through regulations governing electronic information and transactions as well as personal data protection, stipulates that any data processing must obtain valid consent from the data owner, and violations of these provisions may be subject to administrative or criminal sanctions based on the extent of the resulting harm.⁶⁴

If one were to directly choose one system without mediation, serious normative problems would arise. Following Islamic jurisprudence literally without

⁶³ Al-Ghazali, *Ihya Ulumuddin*; al-'Asqalāni dkk., *Fathul Baari: Penjelasan Kitab Shahih Al Bukhari*; Al-Mawardi, *Tafsir al-Mawardi: al-Nukat wa al-'Uyun*, vol. 5; A Muh Fauzan dkk., "Kejahatan Dunia Maya (Cybercrime) dalam Prespektif Hukum Islam dan Hukum Positif Masyarakat di Indonesia."

⁶⁴ Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi

contextualization risks producing legal formulations that are impractical when confronting forms of cybercrime that are constantly evolving technically and are not addressed in classical jurisprudential literature. Meanwhile, rigidly following positive law without considering the substance of sharia could be seen as disregarding the legitimacy of Islamic values as the primary normative source in the lives of Muslim families, particularly regarding the protection of honor, privacy, and the trustworthiness of information which have moral and spiritual dimensions.

This situation demonstrates that the issue of protecting families' personal data from cybercrime is not merely a matter of legal norms, but also involves technological, social, and justice dynamics within the lives of Muslim families in the digital age. Therefore, an approach is needed that can bring these two systems together through dialogue, and *maqāṣid al-syarī'ah* is the most appropriate framework for fulfilling this mediating function. *Maqāṣid* as a mediator in this context does not merely state whether a regulation is "consistent or inconsistent with *ḥifẓ al-'ird*," but seeks to identify the shared objectives truly held by each normative system. Islamic jurisprudence aims to safeguard family honor, privacy, and the confidentiality of information through the prohibition of *tajassus* and the obligation to maintain confidentiality as part of the protection of life, property, and honor. Positive law aims to comprehensively protect the rights of data subjects and prevent the misuse of information that causes material or immaterial harm to families.

From the perspective of *maqāṣid*, it appears that both systems essentially share the same protective orientation, namely the comprehensive protection of the family in terms of honor, personal safety, and the security of property and digital assets. Through a study of *maqāṣid*, it was found that multidimensional protection of the family encompassing both spiritual well-being and digital security constitutes a public interest of a *darūriyyāt* nature and is non-negotiable. Thus, *maqāṣid* can formulate an integrative solution that does not merely choose between "formally upholding Sharia principles" or "technically following positive regulations."

Integrative solutions that can be formulated through the mediation of *maqāṣid* encompass four aspects. First, the recognition that positive law regulations requiring data subject consent, ensuring information confidentiality, and imposing sanctions for violations have functionally fulfilled the substance of Sharia values regarding the prohibition of *tajassus* and the obligation to safeguard trust, thereby allowing both to operate synergistically. Second, the reconstruction of the concept of *amanah* in Islamic jurisprudence through a contextual approach that encompasses not only trust regarding material assets but also extends to moral and legal responsibilities in the management of family personal data in the digital age. Third, strengthening positive legal regulations with *maqāṣid* values as an ethical foundation that ensures personal data protection is not merely viewed as a technical obligation, but as a Sharia trust with moral, legal, and spiritual dimensions. Fourth, recognition of the dimensions of family honor and dignity as part of the public interest that cannot be separated from technical considerations in every policy and law enforcement regarding personal data protection.

Accordingly, *maqāṣid al-syarī'ah* in the context of protecting family personal data against cybercrime neither conflicts with Islamic jurisprudence, nor disregards the ever-evolving reality of digital threats, nor submits unconditionally to the provisions of positive law. Rather, it constitutes a space of normative negotiation that brings both into alignment within a comprehensive framework of public welfare. The

ideal protection of family personal data is not merely a matter of fulfilling the technical obligations of formal regulation, but the genuine realization of all dimensions of the *maqāsid* — the simultaneous safeguarding of the family's life, property, and honor in every policy and practice of personal data management in the digital era.

Conclusion

Based on the analysis conducted, it can be concluded that a thematic-holistic approach plays a strategic role as both a methodological framework and a mediator of dialogue between the normative principles of Islamic jurisprudence and the codification of positive law regarding the protection of family personal data from cybercrime. A thematic study of QS. An-Nūr [24]: 27, QS. Al-Hujurāt [49]: 12, QS. Al-Anfāl [8]: 27, as well as hadiths regarding seeking permission, maintaining confidentiality, and penalties for privacy violations yield principles of privacy protection, the prohibition of *tajassus*, and the obligation to safeguard trust. Through a holistic study, these principles are transformed into universal objectives of Sharia law oriented toward protecting the dignity, security, and integrity of the family in the digital age. The results of this thematic and holistic synchronization demonstrate that the protection of family personal data is not merely a technical issue of cybersecurity, but rather part of Sharia objectives aimed at safeguarding the safety, honor, and assets of the family from various forms of digital exploitation. Thus, a combined thematic-holistic study is capable of bridging Sharia values with the needs of modern personal data protection regulations, both methodologically and substantively.

Therefore, the protection of family personal data through the integration of Islamic jurisprudential values and positive law constitutes a valid form of *maqāsidī* *ijtihād* in contemporary Islamic law. This integration aligns with the three primary objectives of *maqāsid al-syarī'ah*, *ḥifẓ al-nafs* through the protection of the security, peace, and safety of family members from the effects of cybercrime, *ḥifẓ al-māl* through the protection of digital assets, financial data, and economically valuable information from misuse and theft, and *ḥifẓ al-'ird* through the protection of the family's privacy, honor, and reputation from the leakage or exploitation of personal data. Thus, the protection of family personal data is not only a legal obligation based on state regulations but also a religious mandate rooted in the universal values of the Qur'an and the Hadith. This study also emphasizes that strengthening the family personal data protection system is an urgent necessity in the face of the rise of cybercrime, in order to realize public interest, justice, and comprehensive protection for the family institution as the basic unit of society in the digital age.

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The 9th International Conference on Law, Technology, Spirituality and Society (ICOLESS). 29-30 July, 2026
Sharia Faculty UIN Maulana Malik Ibrahim Malang, Indonesia

Republik Indonesia. *Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi.*