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PERSONAL DATA PROTECTION IN THE DIGITAL ERA: AN ISLAMIC LEGAL AND HUMAN RIGHTS PERSPECTIVE

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Abstract

The rapid expansion of digital technologies has transformed personal data into a valuable resource for economic, social, governmental, and technological activities. The increasing collection, processing, storage, and exchange of personal information, however, has generated serious concerns regarding privacy, surveillance, unauthorized access, data misuse, discrimination, and individual autonomy. Personal data protection has therefore become not only a technological and legal issue but also an ethical and human rights concern. This study aims to examine personal data protection in the digital era from the perspectives of Islamic law and human rights through a qualitative library research approach. The study critically analyzes relevant academic literature, Islamic legal sources, contemporary legal frameworks, international human rights instruments, and scholarly discussions concerning privacy and data protection. The findings indicate that personal data protection is consistent with fundamental principles of Islamic law, particularly the protection of human dignity, privacy, property, and the prevention of harm. Islamic legal principles concerning the prohibition of spying, unauthorized disclosure of private information, intrusion into personal affairs, and unlawful appropriation provide a normative foundation for protecting personal data. Furthermore, the objectives of maqāṣid al-sharīʿah provide a comprehensive framework for evaluating digital data practices according to their benefits, risks, proportionality, and consequences for human welfare. From a human rights perspective, personal data protection is closely connected with the rights to privacy, dignity, autonomy, equality, and freedom from arbitrary interference. The study argues that Islamic law and human rights share substantial normative convergence while offering complementary foundations for digital privacy governance. The study proposes an integrated framework based on consent, purpose limitation, data minimization, confidentiality, security, transparency, accountability, and prevention of harm. Such a framework can contribute to the development of ethically grounded and human-centered personal data protection policies in the digital era.

Keywords: *Personal Data Protection; Islamic Law; Human Rights*

INTRODUCTION

The digital transformation has fundamentally changed the way personal information is created, collected, processed, stored, and exchanged (da Silva & da Silva Rodrigues, 2018). Digital platforms, social media, electronic commerce, financial technologies, healthcare systems, educational platforms, and government services continuously generate enormous amounts of personal data (Murharyana et al., 2024). Names, identification numbers, locations, biometric information, financial records, health information, online behavior, and other forms of digital traces can be collected and analyzed to provide services, predict behavior, personalize content, and support institutional decision-making. While these developments provide substantial social and economic benefits, they simultaneously create significant risks to individual privacy and autonomy.

The increasing dependence on data-driven technologies has transformed personal data into an important economic and institutional asset. Organizations increasingly rely on personal information to improve services, develop artificial intelligence systems, conduct marketing activities, assess risks, and make decisions about individuals. The concentration and commercialization of personal data, however, create vulnerabilities when information is collected without meaningful consent, processed beyond its original purpose, shared with unauthorized parties, or exposed through security breaches. These developments raise a fundamental question concerning the extent to which technological innovation should be permitted to interfere with individual privacy and personal autonomy (Tinmaz et al., 2023).

Personal data protection has consequently become an important component of contemporary human rights discourse. The right to privacy is recognized within international human rights law, including Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights, both of which protect individuals against arbitrary or unlawful interference with privacy, family, home, and correspondence. The development of contemporary data protection frameworks further demonstrates that privacy is increasingly understood not merely as secrecy but as an individual's ability to exercise control over information concerning oneself (Al Ayyubi, Suryana, et al., 2024).

However, the technological dimension of data protection has developed faster than many existing ethical and legal frameworks. Digital platforms can process information at a scale and speed that makes traditional understandings of privacy increasingly difficult to apply. Automated profiling, facial recognition, behavioral tracking, targeted advertising, predictive analytics, and artificial intelligence can infer sensitive information that individuals may never have explicitly disclosed. Consequently, contemporary data protection requires more than rules concerning unauthorized access. It requires principles addressing consent, purpose limitation, proportionality, transparency, accountability, security, and individual control over personal information (Al Ayyubi, Hayati, et al., 2024).

From an Islamic perspective, privacy and personal dignity have long been recognized as important normative concerns. Islamic teachings prohibit unjustified intrusion into the private affairs of others and establish ethical restrictions against spying, suspicion, unauthorized entry, and disclosure of private information. Qur'anic principles concerning privacy and human dignity therefore provide a significant normative foundation for evaluating contemporary practices of digital data collection and surveillance. The Qur'an states, among other things, "Do not spy on one another" (Qur'an 49:12), establishing a principle that is particularly relevant to contemporary practices of digital surveillance, unauthorized data collection, and invasive information gathering (Al Ayyubi et al., 2025).

Islamic law also provides broader principles that can be applied to emerging technological issues. The concept of *ḥifẓ al-ʿirḍ* concerning human honor and dignity, together with the established objectives of protecting life, intellect, lineage, religion, and property, provides a framework for evaluating whether digital practices protect or

threaten essential human interests. Personal data may also possess economic value and therefore intersect with the protection of property (*ḥifẓ al-māl*). At the same time, unauthorized disclosure of personal information may harm an individual's dignity, family, professional reputation, financial security, or psychological well-being.

The concept of *amanah* is also highly relevant to personal data governance. Organizations entrusted with personal information have a moral obligation to protect that information and use it only for legitimate purposes. The collection of data creates a relationship of trust between the data subject and the data controller. Violating that trust through unauthorized disclosure, manipulation, commercialization, or negligent protection may therefore be understood not merely as a technical failure but as an ethical violation. Similarly, the principles of *ʿadl* (justice), *maslahah* (public benefit), and *dafʿ al-ḍarar* (prevention of harm) provide additional foundations for evaluating digital data practices.

Despite the growing literature concerning data privacy, Islamic law, and human rights, these domains are frequently examined separately. Contemporary data protection scholarship tends to emphasize regulatory compliance, individual privacy rights, cybersecurity, and technological governance, while Islamic legal scholarship often focuses on privacy, confidentiality, and classical jurisprudential principles. Human rights scholarship, meanwhile, emphasizes dignity, autonomy, equality, and protection from arbitrary interference. A significant research gap therefore remains in developing an integrated normative framework that connects Islamic legal principles with contemporary human rights standards for personal data protection.

This study addresses this gap by examining personal data protection through an integrated Islamic legal and human rights perspective. The research focuses on three central dimensions: the normative foundations of privacy and personal data protection in Islamic law; the relationship between personal data protection and fundamental human rights; and the possibility of integrating Islamic legal principles with contemporary human rights standards into a coherent framework for digital data governance. The study aims to formulate a conceptual framework in which personal data protection is understood as a multidimensional obligation involving privacy, dignity, consent, justice, security, accountability, and prevention of harm.

METHOD

This study employed a qualitative library research approach (Creswell & Creswell, 2017), to examine personal data protection from Islamic legal and human rights perspectives. The approach was selected because the research focuses on conceptual, normative, and legal analysis of existing literature rather than empirical investigation. The study systematically identified, examined, compared, and synthesized scholarly and normative sources concerning personal privacy, personal data protection, Islamic law, maqāṣid al-sharīʿah, and human rights.

The sources consisted of peer-reviewed international and national journal articles, academic books, chapters, Islamic legal literature, Qur'anic interpretations, Hadith-related scholarship, international human rights instruments, national data protection regulations, and relevant digital

governance frameworks. Particular attention was given to recent literature addressing digital privacy, data governance, surveillance, information security, Islamic perspectives on privacy, and the relationship between data protection and human rights. Classical and contemporary Islamic legal sources were incorporated to establish the normative foundations of privacy and information protection within Islamic jurisprudence.

The literature was analyzed through thematic analysis. The first theme concerned the concept of privacy and personal data protection in contemporary legal and human rights discourse. The second examined Islamic legal principles relevant to privacy, including the prohibition of spying, protection of human dignity, confidentiality, trust, prevention of harm, and protection of property. The third theme focused on maqāṣid al-sharīʿah and its relevance to digital privacy. The fourth examined the relationship between personal data protection and human rights, particularly privacy, dignity, autonomy, equality, and freedom from arbitrary interference.

The final stage involved comparative and integrative analysis. Islamic legal principles were compared with contemporary human rights principles to identify areas of convergence, complementarity, and potential tension. The results were subsequently synthesized into a conceptual framework for personal data protection based on Islamic legal values and universal human rights principles. This framework emphasizes consent, legitimate purpose, proportionality, data minimization, confidentiality, security, transparency, accountability, and prevention of harm.

RESULTS AND DISCUSSION

RESULT

Personal Data as an Extension of Individual Privacy and Dignity

The literature indicates that personal data should not be understood merely as technical information stored within digital systems. Personal data represents information that can reveal aspects of an individual's identity, behavior, relationships, preferences, location, economic circumstances, and personal characteristics. Consequently, unauthorized collection or disclosure of personal data may directly affect privacy, dignity, autonomy, and social security.

From the Islamic legal perspective, this understanding corresponds with the broader protection of private life and human dignity. Islamic teachings establish restrictions against spying, unauthorized intrusion, and disclosure of private matters. These principles can be extended to contemporary digital environments in which personal information may be accessed without physical intrusion. Digital surveillance, unauthorized data collection, and the disclosure of private information can therefore be understood as contemporary forms of interference with personal privacy.

Islamic Legal Foundations for Personal Data Protection

The literature identifies several Islamic legal principles that provide foundations for personal data protection. The prohibition of tajassus (spying) establishes an important restriction against unjustified attempts to obtain information about others. The principle of amanah establishes an obligation to protect information entrusted to an individual or institution. The principle of ʿird emphasizes the protection of human honor and reputation, while maslahah

requires information practices to serve legitimate public or individual interests.

The principle of daf‘ al-ḍarar further requires the prevention of foreseeable harm arising from data misuse. A data controller that collects excessive information, fails to protect sensitive information, or transfers data irresponsibly may create financial, reputational, social, or psychological harm. From this perspective, data protection is not merely an administrative requirement but part of a broader Islamic obligation to prevent harm and preserve human dignity.

Personal Data Protection as a Human Right

The analysis demonstrates that personal data protection is closely connected with the human right to privacy. Privacy enables individuals to maintain control over aspects of their personal lives and protects them from arbitrary surveillance and interference. In the digital environment, this protection extends to information concerning identity, communication, location, health, financial activity, and online behavior.

The human rights perspective also demonstrates that data protection intersects with other fundamental rights. Unauthorized processing of personal data can affect freedom of expression, equality, freedom of association, dignity, and access to services. Automated profiling and algorithmic decision-making may also generate discriminatory outcomes when personal information is processed without adequate safeguards.

Thus, personal data protection should be regarded as part of a broader human-centered governance system rather than as a narrow technical issue concerning cybersecurity.

Convergence between Islamic Law and Human Rights

The comparative analysis reveals substantial convergence between Islamic legal principles and contemporary human rights standards. Both frameworks emphasize the protection of human dignity, privacy, prevention of arbitrary interference, fairness, and protection from harm. Both also recognize that individual interests cannot be completely separated from social responsibility.

However, the foundations of these frameworks are not identical. Human rights discourse generally grounds privacy protection in human dignity, autonomy, liberty, and legal rights, whereas Islamic law additionally connects privacy with religious obligations, moral accountability, social responsibility, and divine commands. This difference does not necessarily create incompatibility. Instead, the two frameworks can be understood as complementary normative systems.

The integration of these principles produces a broader understanding of personal data protection in which individuals possess rights over their personal information while organizations and institutions have corresponding ethical and legal responsibilities to protect those rights.

DISCUSSION

From Privacy to Data Sovereignty

The findings indicate that the concept of privacy must be expanded in response to the characteristics of the digital environment. Traditional privacy frameworks often focus on preventing unauthorized observation or disclosure. Digital technologies, however, create

more complex forms of informational control. Individuals may voluntarily provide information while remaining unaware of how it will be combined, analyzed, sold, transferred, or used for automated profiling (Ganai & Hussain, 2025).

Therefore, personal data protection requires a concept of informational self-determination or data sovereignty. Individuals should have meaningful control over how their personal information is collected and processed. This principle is compatible with Islamic ethics because amanah requires information entrusted to institutions to be managed responsibly, while maslahah requires data processing to pursue legitimate and beneficial objectives.

The Islamic framework consequently challenges practices in which consent is technically obtained but practically meaningless. Clicking an agreement without understanding extensive data-processing practices should not automatically be regarded as sufficient ethical justification. Meaningful consent requires transparency, comprehensibility, and the absence of coercive conditions.

Maqāṣid al-Sharīʿah and Digital Privacy

Maqāṣid al-sharīʿah provides an important analytical mechanism for evaluating digital data governance. The protection of intellect, property, life, family, religion, and human dignity can be affected by the collection and processing of personal data.

For example, unauthorized disclosure of health information may threaten dignity and social well-being. Financial data breaches may threaten property. Excessive surveillance may interfere with personal autonomy and freedom of expression. Data manipulation can affect intellectual autonomy and individual decision-making. Consequently, data protection can be interpreted as a multidimensional maqāṣid concern rather than being restricted to one particular legal category (Padil et al., 2021).

The advantage of a maqāṣid-based approach is that it allows Islamic legal analysis to respond to technological developments that did not exist in classical jurisprudence. Rather than searching for a direct classical rule for every technological practice, scholars can evaluate contemporary data practices according to their objectives, consequences, benefits, harms, and proportionality.

Consent, Amanah, and the Responsibility of Data Controllers

The principle of consent occupies an important position in contemporary data protection frameworks. From an Islamic perspective, however, consent should be accompanied by amanah. The existence of consent does not automatically justify every form of data processing. Data controllers remain responsible for using information within legitimate boundaries (Idris et al., 2023).

For example, an individual may provide an email address to register for an educational service. Such consent should not automatically authorize the institution to sell the information to unrelated commercial entities. The original purpose of collection creates an ethical boundary. This illustrates the relevance of purpose limitation within an Islamic framework.

The principle of amanah therefore complements contemporary legal concepts such as data controller responsibility, purpose limitation, confidentiality, and accountability. Institutions that possess personal data

should understand themselves not simply as owners of information but as trustees with obligations toward data subjects.

Prevention of Harm and Data Security

Data security represents another area where Islamic legal principles and contemporary data protection converge. Cyberattacks, unauthorized disclosure, identity theft, financial fraud, and misuse of sensitive information can produce substantial harm. The Islamic principle of daf‘ al-ḍarar establishes a strong normative basis for requiring reasonable preventive measures (Aziz, 2025).

This principle also introduces a proactive dimension to data protection. Institutions should not wait until a breach occurs before responding. They should conduct risk assessments, implement appropriate security measures, limit unnecessary data collection, and establish procedures for responding to violations.

The prevention-of-harm principle is particularly important when sensitive information is involved. Health data, biometric information, religious information, financial records, and information concerning children may require stronger protection because their misuse can generate disproportionate consequences (Zaakiyyah, 2024).

Human Rights and Islamic Law: Convergence without Identical Foundations

The comparison between Islamic law and human rights demonstrates that the two frameworks should neither be treated as completely identical nor as fundamentally incompatible. Their normative foundations differ, but they frequently converge in their practical commitment to protecting human dignity and preventing unjustified interference.

Human rights frameworks generally emphasize individual autonomy and legal entitlement, while Islamic law combines individual rights with moral obligations and accountability before God. This difference can strengthen rather than weaken data protection. Human rights establish enforceable claims against institutions, while Islamic ethics provides an additional moral foundation encouraging responsible behavior even when legal enforcement is incomplete (Kirabaev & Chistyakova, 2023).

An integrated framework can therefore combine the enforceability of contemporary data protection law with the ethical accountability emphasized in Islamic jurisprudence. This approach is particularly valuable in societies where Islamic ethical norms influence social and institutional behavior.

CONCLUSION

This study concludes that personal data protection in the digital era represents a multidimensional issue involving privacy, human dignity, autonomy, security, justice, and social responsibility. The library research demonstrates that Islamic law provides substantial normative foundations for protecting personal information through principles such as the prohibition of spying, *amanah*, *ʿadl*, *maslahah*, *daf‘ al-ḍarar*, and the protection of human dignity. These principles demonstrate that personal information should not be treated merely as an economic or technological resource but as information closely connected with the dignity, rights, and welfare of individuals.

The study further demonstrates significant convergence between Islamic legal principles and contemporary human rights standards concerning

privacy and personal data protection. Although the two frameworks have different philosophical and normative foundations, both emphasize protection against unjustified interference, respect for human dignity, prevention of harm, and responsible institutional conduct. The study therefore proposes an integrated framework based on meaningful consent, purpose limitation, data minimization, confidentiality, security, justice, transparency, accountability, and harm prevention. The main contribution of the study lies in integrating Islamic legal principles with human rights into a coherent framework for digital data governance. However, because this research is based on library sources, further empirical and comparative research is required to examine how the proposed framework can be implemented within national data protection regulations, digital platforms, financial institutions, educational institutions, healthcare systems, and other data-intensive environments.

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