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Contemporizing *Maqāṣid Sharīʿah*: Reinterpreting *Ḥifẓ al-Māl* in Response to Personal Data Monetization

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Abstract: Personal data is an interesting topic in today's digital era. Data is not only a pile of codes, numbers, or symbols, but can also be processed. Personal data processing is used by various sectors to maximize the potential and opportunities in developing existing businesses. The form of data use is often done through data monetization which is useful as a consideration for more accurate data-based decision making. However, there are many incidents of data theft or data misuse that are not in accordance with the principles of data protection. Therefore, it is necessary to contemporize maqāṣid syarīʿah in viewing personal data as property. The purpose of this study is to find the concept of monetization of personal data in accordance with the meaning of property in maqāṣid sharīʿah. This contemporization is useful in building legal insights based on the principles of maqāṣid sharīʿah. This research is a normative legal research (juridical normative) by collecting data through literature study related to data monetization. To answer these problems, this research uses a conceptual approach and a statutory approach. The data obtained were then analyzed qualitatively. Based on the results of this study, it can be found that data is recognized as property in maqāṣid syarīʿah. The reason personal data can be said to be a treasure in maqāṣid sharīʿah is because it has fulfilled the same characteristics as treasure. First, data has a beneficial value derived from data monetization. Second, data has economic value in its use. Third, data has legal legislation that protects it. The enactment of personal data in maqāṣid sharīʿah is a contemporization of Islamic law that is able to answer various problems of the times.

Keywords: Personal Data, Data Monetization, Maqāṣid Sharīʿah

Introduction

Data is an important topic of discussion in today's digital era. Various issues about data are both negative about privacy risks and positive about data utilization. However, progress on data utilization should be beneficial to the general public. Often, data utilization is used in broader business development. In another sense, it can be said that

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data can be monetized. Doug B. Laney states that data can be monetized or made money, but only a few are able to do so.[1] This data monetization is a new step in conducting data-based policies. Therefore, data is also defined as a high-value asset or commodity.[2] This monetization is generally used by various institutions, such as the financial sector, especially banking.

Banks in Indonesia will also study the monetization of banking customer data. For example, Bank Rakyat Indonesia (Persero) Tbk as a bank with the largest core capital, worth IDR 285.95 trillion will also monetize customer data. The data utilization by Bank BRI is through intelligent data analysis for business development. This utilization is useful in making more optimal strategic business decisions. For example, if forecasting business conditions can be done using self-service analytics both from transaction performance, loans, deposits, fee-based-income, profitability analytics, or from other aspects.[3] Contrive Datum Insights estimates the global data monetization market is projected to reach $9,421.4 million by 2030 and with a compound annual growth rate (CAGR)[4] calculation of 18.2 percent during the forecast period 2022 – 2030.[5] This data monetization is a study of data analytics to gain consumer insights as a business strategy. This aspect of data and data analysis is even a business discipline in capturing the potential for financial growth, one of which is in the banking aspect. Therefore, data can be said to be an asset that has value and can be utilized. However, data also encounters negative risks in its use.

Handika Fajar Nugranto and Muhammad Koprawi stated that transactions on the deep web have a percentage of 31 percent hacking, 29 percent drug transaction activities, 26 percent data leakage, 7 percent pornography, 7 percent weapons trading transactions.[6] Hacking activities are the largest presentation, but these activities are closely related to data hacking. Some hacking activities that result in the sale of hacked data also often occur, especially in Indonesia. For example, the hacking case of Bank Syaiah Indonesia (BSI) on May 8, 2023.[7] A total of 1.5 terabytes of data belonging to BSI was hacked by a hacker named Lockbit and asked BSI for a ransom of Rp295.6 billion. This not only shows about data hacking, but shows that data has value in its use. Therefore, government supervision is needed to overcome various violations of data misuse.[8]

The use and risk of using data in various sectors is the impact of digitalization. This aspect of digitization through data is a step in conducting in-depth analysis to demonstrate value creation. Value creation through data is a step in finding strategies to produce something new and efficient. Michael Porter as the initiator of value chain development emphasizes understanding and improving competitive advantage. Value chain understanding is also applied in data monetization, resulting in a data value chain to extract useful insights and correlations.[9] This shows that data has an important position in the development of value creation strategies today. Therefore, more insight is needed in securing the rights of data owners.

[1] Ardiansyah Salim, *Birokrasi 4.0: Pemanfaatan Artificial Intelligence*, 1st ed. (Depok: PT RajaGrafindo Persada, 2021): 152.

[2] Anne W. Branscomb, "Global Gorvenance of Global Network: A Survey of Transborder Data Flows in Transaction," *Vanderbit Law Review* 36 (1983).

[3] PT Bank Rakyat Indonesia (Persero) Tbk, *Transformasi Berkelanjutan Untuk Tumbuh Semakin Kuat Dan Hebat (Laporan Tahunan 2023 PT Bank Rakyat Indonesia (Persero) Tbk)* (Jakarta: PT Bank Rakyat Indonesia (Persero) Tbk, 2023): 300 – 431.

[4] Mohamad Soedarman, Putrin Mar'ah Afifah, and Abdul Kadir Usri, "Pengaruh Compound Annual Growth Rate, Drawdown, Expense Ratio, dan Total Asset Under Management Terhadap Pengambilan Keputusan Berinvestasi Pada Dana Reksa," *Jurnal Akuntansi* 16, no. 1 (2022): 81.

[5] Contrive Datum Insights Pvt Ltd, "Data Monetization Market Is Projected to Reach $9,421.4 Milion by 2030, at a CAGR of 18.2% during the Forecast Period 2022-30, Data by Contrive Datum Insight," Contrive Datum Insight, 2023, https://www.globenewswire.com/news-release/2023/01/13/2588793/0/en/Data-Monetization-Market-is-projected-to-Reach-US-9-421-4-Million-by-2030-at-a-CAGR-of-18-2-during-the-forecast-period-2022-30-Data-by-Contrive-Datum-Insights.html.,

[6] Handika Fajar Nugranto and Muhammad Koprawi, "Investigasi Kejahatan Siber pada Surface Web dan Deep Web Menggunakan Metode NIST," *Jurnal JATISI (Jurnal Teknik Informatika dan Sistem Informasi)* 11, no. 1 (2024): 1 – 16.

[7] Balqis Fallahnda, "Kronologi LockBit Diduga Curi Data Nasabah BSI & Update Terkini," *Tirto.Id* (Jakarta), 2023.

[8] Armita Latif and Andi Muh Gufran Anwar, "Legal Protection for Online Loan Borrowers," *Indonesian Journal of Law and Islamic Law* 5, no. 2 (2023), https://doi.org/https://doi.org/10.35719/ijlil.v5i2.317.

[9] Abou Zakaria Faroukhi, Imane El Alaoui, and Youssef Gahi, "Big Data Monetization throughout Big Data Value Chain: A Comprehensive Review," *J Big Data* 7, no. 3 (2020), https://doi.org/https://doi.org/10.1186/s40537-019-0281-5.

The perspective on safeguarding personal data generally uses the theory of privacy protection. Data protection can basically be correlated specifically with privacy, and the idea can be said to be a broader category of privacy.[10] This view emphasizes that data protection as a part of privacy emphasizes the form of confidentiality, or the right to disclosure or closure of personal information. Personal data protection as privacy is also developed by Lawrence Lessig in code 2.0 theory which emphasizes laws, norms, markets, and architecture.[11] In addition, data protection was also initiated by Ann Cavaoukian who proposed the theory of privacy by design which emphasizes information technology systems and business practices.[12] The development of this concept and view of privacy emphasizes the importance of personal data and the growing challenge of protecting privacy as a human right.

Mohd Noor Omar et al. constructed a structured ijtihād procedure to qualify personal data and trained models as *māl mutaqawwam* across four Sunni schools, conditioning permissibility on *riḍā*, reduction of *gharar*, and *sadd al-dharāʾiʿ*, yet their framework operates at the level of technical jurisprudence oriented toward compliance instruments for international Islamic financial institutions without engaging the contemporisation discourse of *maqāṣid sharīʿah* within the Indonesian national legal context.[13] Meanwhile, Titis Thoriquttyas et al. integrates al-Shatibi's classical *maqāṣid* framework with Jasser Auda's systems-based theory to construct a normative Islamic foundation for digital data ownership, though that study operates at a philosophical-theoretical level without grounding its framework in any specific national legal system.[14]

Syikma Riyadlil Jannah, for her part, develops the concept of *al-milkiyyah al-maʿnawiyyah al-raqmiyyah* and proposes *fiqh al-khususiyyah* as a new branch of digital muamalah fiqh integrating classical ownership principles with modern cybersecurity realities, yet her primary focus remains on data theft and third-party data custody rather than on data monetisation as an economically exploitable activity requiring Sharīʿah legitimation.[15] Distinct from all three, this study addresses a more specific and hitherto uncharted problem, constructing a philosophical-normative legitimation for personal banking data monetisation through the contemporisation of *ḥifzh al-māl* within *maqāṣid sharīʿah*, integrated with Law No. 27 of 2022 as Indonesia's positive legal foundation, while advancing its actualisation through fatwa as an operational guideline for Islamic financial institutions

The development of personal data as part of privacy should also be discussed in Islamic law. This development can borrow the maqāṣid sharīʿah theory. Maqāṣid sharīʿah has a level of flexibility in Islamic law that is able to answer various challenges of the current era,[16] especially the need for Islamic views on personal data protection. The concept of hifzl maal in maqāṣid sharīʿah can be contemporized in viewing data as property. This contemporization effort is based on the fuqoha's opinions on property and compares its nature with the current use of data. In addition, if there is a philosophical basis for the concept of data as a treasure. Then it can be actualized in a fatwa. Given that data is widely developed in the financial sector, the actualization of fatwas in the economic field,

[10] Sinta Dewi Rosadi, *Cyber Law Aspek Data Privasi Menurut Hukum Internasional, Regional, Dan Nasional*, 1st ed. (Bandung: PT. Refika Aditama, 2022): 30.
[11] Lawrence Lessig, *Code*, Version 2.0 (New York: Basic Books, 2006): 200.
[12] Ann Cavaoukian, "Privacy by Design: The Definitive Workshop. A Foreword by Ann Cavoukian, Ph.D," *IDIS* 3 (2010): 247–51, https://doi.org/https://doi.org/10.1007/s12394-010-0062-y.
[13] Mohd Noor Omar and Muhammad Iqbal Munir Ahmad Badar, "An Islamic Juristic Framework for Data and Algorithmic Monetisation in the Digital Economy," *International Journal of Islamic Finance and Sustainable Development* 18, no. 2 (June 2026): 107–27, https://doi.org/10.55188/ijifsd.v18i2.1255.
[14] Titis Thoriquttyas and Nita Rohmawati, "Maqasid Al-Sharia and the Digital Data Ownership: From al-Shatibi to Jasser Auda," *Journal of Islamic Law on Digital Economy and Business*, February 27, 2026, 168–81, https://doi.org/10.20885/JILDEB.vol1.iss2.art5.
[15] Syikma Riyadlil Jannah Syikma Riyadlil Jannah, "Hifz Al-Khususiyyah: A Contemporary Fiqh Analysis of Personal Data Theft from the Perspective of Property Rights and Maqashid Sharia," *International Conference on Interdisciplinary Gender Studies* 7, no. 1 (February 2025): 191–200.
[16] Syamsul Anwar, *Studi Hukum Islam Kontemporer Bagian Kedua*, 1st ed. (Yogyakarta: UAD Press, 2020): 30.

especially Islamic economics, can strengthen the legitimacy of data protection.[17] The purpose of this research seeks to do ijtihad discourse on personal data with maqāṣid sharīʿah. Thus, the formulation of the view of data as property is expected to build a view of Islamic law that is in accordance with the challenges of the times (*shalih li kulli zaman wa makan*).

Research Methods

The method used in this study is juridical-normative, which examines positive legal norms as the object of research study.[18] The study employs several approaches to analyze the issue. First, a statutory approach is used to examine various regulations relevant to the issue of personal data protection, specifically Law Number 27 of 2022 on Personal Data Protection (UU PDP) and related banking regulations.[19] Second, a conceptual approach is utilized by examining and formulating legal concepts derived from theories, doctrines, and principles developed within legal science and Islamic jurisprudence, particularly regarding the concept of wealth (*al-māl*) within the contemporary framework of *maqāṣid sharīʿah*. The operational procedure of this research utilizes two categories of legal sources, primary and secondary sources. Primary sources consist of relevant legislation and supporting regulations, while secondary sources are obtained from legal literature, including books, scientific journals, and banking annual reports detailing data monetization activities. Data collection is conducted through a structured literature review of these legal documents. Subsequently, data analysis is performed qualitatively using a descriptive approach to assess the quality of legal norms and evaluate the conceptual alignment[20] between positive law instruments and the hierarchy of public interest (*marātib al-maqāṣid*).

Results and Discussion

Concept of Personal Data, Data Monetization, and Financial Data Monetization Case Study

Personal data are facts or parts of facts that contain meaning connected by symbols, pictures, words, numbers, letters, or symbols that indicate an idea, object, condition, or other situation.[21] Through this definition, it explains that personal data can be something that can be understood directly or also requires prior analysis to explain what is meant by personal data. This is because data can be in the form of words that can be understood immediately, or also codes or symbols that must be further examined to find the meaning of the existing data.

The General Data Protection Regulation defines personal data in article 4 paragraph (1) that "personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.".[22] This definition emphasizes personal data as something that can be used to identify a person. For example, if a blank paper has a phone number and the name of the owner, it is called personal data because it can identify a person. Meanwhile, if the phone number is just a phone number, it cannot be called personal data because it cannot identify

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[17] May Shinta Retnowati and Namira Muthia Rosalina, "The Actualization of Mui Fatwa on Positive Law as Islamic Legal Opinion in Indonesia," *Indonesian Journal of Law and Islamic Law* 4 (2022): 186–209.

[18] E. Saefullah Wiradipradja, *Penuntun Praktis Metode Penelitian Dan Penulisan Karya Ilmiah Hukum* (Bandung: Keni Media, 2015): 5.

[19] Johnny Ibrahim, *Teori Dan Metode Penelitian Hukum Normatif* (Malang: Bayumedia, 2005): 300.

[20] Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020): 68.

[21] Sinta Dewi Rosadi, *Perlindungan Privasi Atas Informasi Pribadi Dalam E-Commerce Menurut Hukum Internasional* (Bandung: Widya Padjadjaran, 2009): 36.

[22] General Data Protection Regulation, No. 2016/679 (2016), https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679.

a person.[23] However, if there is some data that can essentially identify a person, then the data is said to be personal data.

Law Number 27 Year 2022 on Personal Data Protection as the legal basis for data protection in Indonesia also provides data classification. The classification divides personal data into specific personal data and general personal data. This data classification is regulated in Article 4 paragraph (1), (2), and (3) Specific personal data is data that has greater protection and impact if misused. In particular, personal financial data is also part of specific personal data. Meanwhile, general personal data is data that also has an impact if misused, but not as big as specific personal data.

Personal data is specific, especially financial data, which has great potential to be monetized. The concept of data monetization aims to generate measurable, good, and accurate economic benefits derived from data. This concept can be generated from two ways, namely directly by selling or sharing data called explicit monetization or indirectly by improving data-based products or known as implicit monetization.[24] Therefore, the current data monetization efforts for companies that adopt strategies and business models involving data are an effective and efficient step. The step that needs to be considered is how the provisions and data processing aspects are in accordance with legal provisions and benefits for the company.

The use of data previously focused more on data visualization approaches. However, the advent of business intelligence (BI) has had many impacts, such as the use of big data that can assist in more comprehensive analytic capabilities. BI is a technology-based data analysis tool that can extract usable information easily. This tool can be used to create reports, dashboards, and data visualizations so that the analysis results can be used for decision-making.[25] This data monetization is very useful for driving business policy decisions and providing data-driven products and services.

There are many methods of monetizing data in business development. For example, global financial group BBVA's (a global financial group) data monetization across multiple domains. The findings relate to obtaining direct benefits from data by selling information solutions to customers outside the company, improving core business operations that can provide benefits, and implementing product analysis processing. The move utilized several approaches, such as building and developing data science, acquiring information technology infrastructure, data analytics capabilities as skilled workers, and implementing product analytics processing.[26]

Monetization of financial data is also carried out in the banking industry in Indonesia, for example by banks with a standard classification of core capital 4 (KBMI 4) which is regulated in Article 147 of the Financial Services Authority Regulation Number 12/POJK.03/2021 concerning Commercial Banks. A KBMI 4 registered bank is a bank that has a core capital of at least 70 trillion rupiah. The large amount of core capital is of course directly proportional to the number of existing customers. Thus, the processing of customer personal data is also at a large scope. For example, some banks with KBMI 4 include Bank Rakyat Indonesia (BRI), Bank Mandiri, Bank Central Asia (BCA), and Bank Negara Indonesia (BNI).

BRI as the bank with the largest core capital in Indonesia in its annual report stated that it would monetize customer data. Increased use of big data is carried out to achieve best-in-class data & analytics. Data management at BRI is carried out with the Big Data Platform, Enterprise Data Warehouse, and Master Data Management in data management. In addition, optimizing strategic business decisions is also done through data-based

[23] Dewi Rosadi, *Cyber Law Aspek Data Privasi Menurut Hukum Internasional, Regional, Dan Nasional*: 30.
[24] Ahmed Elragal and Ralf Klischeski, "Theory-Driven or Process-Driven Prediction? Epistemological Challenges of Big Data Analytics," *Journal of Big Data* 4, no. 19 (2017), https://doi.org/https://doi.org/10.1186/s40537-017-0079-2.
[25] Mohammad S. Najjar and William J. Kettinger, "Data Monetization: Lessons from a Retailer's Journey," *Mis Quarterly Executive* 12, no. 4 (2013): 213–26.
[26] Elena Alfaro et al., "BBVA's Data Monetization Journey.," *MIS Quarterly Executive* 18, no. 2 (2019): 177, https://doi.org/10.17705/2msqe.00011.

policies. This step is done by conducting business intelligence dashboards and reports that can facilitate monitoring of BRI's business achievements.

Data modeling as support or other data analytics on the front-end or BRI business applications are carried out with services owned by Data Hub. This is what can provide product recommendations in cross-selling and through profiling BRI customer data. This performance comes from the Data Governance and Management side, which is a pillar of the formation of a Data-driven Organization. Utilization of Master Data Management to perform customer data merging activities will produce Golden Data CIF (Customer Information File) which is a single source of truth for valid customer data at BRI. Data Quality Criteria, Data Classification, Personal Data Protection also play an important role in improving Data Quality and Security at BRI. Increased data security will move straight with increased BRI customer loyalty, and increased investor interest in investing in BRI.[27] The step taken by BRI is to monetize customer data to maximize the potential of data-based businesses.

Personal Data Protection from International Law and Law in Indonesia

Legal protection for personal data has been widely regulated in various regulations, especially international conventions on human rights. Some conventions that regulate privacy include the United Nations Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Cairo Declaration on Islamic Human Rights, and various other conventions. In Indonesian law, there are specific laws, such as Act No. 27 of 2022 on Personal Data Protection (UU PDP) and various other regulations governing data protection in general.

In the UDHR the regulation of privacy is regulated in Article 12 which explains that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."[28] The article has a very broad discussion, including:

1. Phisical privacy is the protection of privacy related to one's residence. Some cases of privacy violations regarding residence such as wiretapping, warrantless searches, or tracking of residence based on data from the global positioning system.
2. Decisional privacy is the protection of privacy over the right to determine one's own life. For example, the right to organize a family, the right to determine the fate of the household, and the right to educate children.
3. Dignity is the protection of a person's reputation and dignity or also called a person's self-esteem.
4. Informational privacy is the protection of the privacy of one's own personal information. Privacy can also be defined as the way a person conducts and stores their own personal information.

Some of the above discussions show the importance of privacy in humans as part of human rights. The UDHR itself is a common standard of achievement for all people and all nations that regulates various human rights comprehensively. The above discussion is the basis for the expansion of privacy over personal data that can be misused and interfere with privacy. In addition to disturbing privacy, the misuse of personal data can also have an impact on the loss of the data subject.

The ICCPR also regulates privacy, especially in Article 17. The covenant not only protects privacy, but also prohibits interference with privacy. The covenant states that:[29]

[27] *Transformasi Berkelanjutan Untuk Tumbuh Semakin Kuat Dan Hebat (Laporan Tahunan 2023 PT Bank Rakyat Indonesia (Persero) Tbk)*: 431.
[28] Universal Declaration of Human Rights (1948), https://www.un.org/en/about-us/universal-declaration-of-human-rights.
[29] International Covenant on Civil and Political Rights (1966), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

The Cairo Declaration on Islamic Human Rights also explains the importance of privacy in human rights from an Islamic perspective. The Cairo Declaration on Islamic Human Rights states that:[30]

1. Everyone shall have the right to live in security for himself, his religion, his dependents, his honor and his property.
2. Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, w ith regar d to his property and his relationships. It is not permitted to spy on him, to place him under surveillance or to besmirch his good name. The State shall protect him from arbitrary interference.
3. A private residence is inviolable in all cases. It w ill not be entered w ithout permission from its inhabitants or in any unlaw ful manner, nor shall it be demolished or confiscated and its dw ellers evicted.

UU PDP is the most complete and general legislation in regulating data protection in Indonesia. The PDP Law uses the term 'protection' instead of 'safeguard' for several reasons. The words 'protection' and 'protection' have the same root word. However, their affixes and derivation processes are different. The word 'pelindungan' is derived from the words lindung, melindungi, and pelindungan. Meanwhile, the word 'protection' is derived from protect, shelter, and protection. Therefore, the right word to use is protection because the concept of personal data is how the state protects the personal data of data subjects through principles and rules. The PDP Act provides an explanation of personal data protection in Article 1 point 2 that:

> "Personal Data Protection is an overall effort to protect Personal Data in the course of Personal Data processing in order to guarantee the constitutional rights of Personal Data subjects."

In the article, it is explained that what is meant by protection is the entire data processing. Data processing in its protection aims to guarantee the constitutional rights of data subjects. The constitutional rights of data subjects are explained in Chapter IV of the PDP Law. In addition to the PDP Law that regulates in general, there are also many laws and regulations in Indonesia that regulate personal data. Some of these regulations, for example, Law Number 11 of 2008 on Electronic Information and Transactions jo Law Number 19 of 2016 on Amendments to Law Number 11 of 2008 on Electronic Information and Transactions jo Law Number 1 of 2024 on the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions and other technical regulations passed by the Financial Services Authority, Deposit Insurance Corporation, and Bank Indonesia (in the financial sector) as well as in the information technology sector, many of which are issued by the Ministry of Communication and Information of the Republic of Indonesia.

The conceptual framing of personal data protection under international instruments and national laws demonstrates a global consensus on securing the informational rights of individuals. However, since data monetization explicitly operates as an economic instrument driven by commercial value, this phenomenon cannot be detached from the domain of Islamic jurisprudence. To establish a comprehensive ethical framework that balances economic utility and individual rights, it is necessary to examine how classical and contemporary Islamic jurists define the legal status of objects and assets. Therefore, the subsequent section explores the ontological definition of wealth (*al-māl*) within the

[30] Cairo Declaration on Islamic Human Right Menyatakan Bahwa: (1990), https://elearning.icrc.org/detention/en/story_content/external_files/Human%20Rights%20in%20Islam%20(1990).pdf.

framework of *maqāṣid sharīʿah* to evaluate if personal data fits the paradigm of a legally protected asset.

The Concept of Treasure in Maqāṣid Sharīʿah

Property in Arabic is called al-mal which comes from the word maala-yamiilu-mailan which means leaning, sloping, liking, and happy.[31] Through this understanding, it can be seen that wealth is something that humans are inclined or like. However, not everything that is favored by humans is treasure. Next, we will explain the definition of property from various opinions in terminology. The explanation of the definition of property aims to find common ground that data is part of the property that must be protected and compensated if violated/stolen.

Several terminological definitions of property are also explained by the scholars. Hanafiyah scholars explain the meaning of treasure with the definition:[32]

ما يميل اليه طبع الانسان ويمكن اذخاره الى وقت الحاجة

Translation: "Anything that human nature is fond of and that can be stored until the time of need."

كل ما له قيمة يلزم متلفها بضنما نه

Translation: "Anything that has value and is subject to compensation for the one who damages or destroys it."

Through the two explanations above, an understanding of harti can be drawn, namely something that humans love, can be stored, has value, and is subject to compensation if damaged or destroyed. In addition, according to the majority of scholars, property is not only material, but also the benefits of an object. The majority of ulama state that the benefits of an object are an important element in property. For example, Mustafa Ahmad az-Zarqa and Wahbah az-Zuhaili argue that the definition of property also includes the benefits of the property. Both scholars argue that in this day and age, sometimes the benefits of an object produce more additional wealth than the form of the object itself.[33] Al-Zarkasyi argues that property is something that is beneficial to its owner either in the form of material or taking its benefits.[34] Jalaluddin al-Suyuthi gave the opinion that what is called property is something that has value.[35] Al-Sanhuri also stated that property rights are a benefit that has economic value and is protected by law.[36]

Property itself in the maqāṣid sharīʿah is classified as adh- dharūriyāt as the protection of property. The protection of property in principle is to prohibit Muslims from committing theft and unlawful transaction efforts. In addition, the principle of maintaining property, such as the maintenance of intellectual treasures, such as books, Islamic knowledge scripts, maintenance of mosques, Islamic tombs, gravestones and others. However, contemporary Islamic jurists provide implementation with various aspects, such as social assistance, Islamic cooperatives, Islamic banking, and something else that is considered to have valuable value. This contemporization of maqāṣid sharīʿah is useful to see Islam's view on new issues.

The construction of progressive Islamic legal thought, namely through the development of Islamic law through contemporary maqāṣid sharīʿah theory. The relevance of contemporary maqāṣid sharīʿah to the issue of personal data on data protection is closely related to the scope of value, especially in the protection of property. The protection of property is due to the assumption that personal data is the same as property that can be

[31] AW Munawwir, *Kamus Al-Munawwir Arab-Indonesia TerlengkapKamus al-Munawwir Arab-Indonesia Terlengkap* (Surabaya: Pustaka Progressif, 1997): 1372.

[32] Rusdan, "Konsep Harta (Al-Maal) Dalam Perspektif Ekonomi Islam (Studi Kedudukan Dan Konsekuensi Hukum Atas Klasifikasi Harta)," *EL-HIKAM: Jurnal Pendidikan Dan Kajian Keislaman* X, no. 2 (2017): 369.

[33] Abdul Aziz Dahlan, *Ensiklopedia Hukum Islam Jilid V* (Jakarta: PT. Ichtiar Baru van Hoeve, 1996): 525 – 526.

[34] Abd. Salam Arief, "Konsep al-Mal dalam Perspektif Hukum Islam (Studi Terhadap Ijtihad Fuqaha')," *Al-Mawaris* IX (2003): 51.

[35] Jalaluddin Al-Suyuthi, *Al-Asybah a wal-Nadhair* (Beirut: Dar al-Fikri, 1995): 197.

[36] Abd Razaq al-Sanhuri, *Mashadir al-Haq fi al-Fiqh al-Islami* (Beirut: Dar al-Fikri, 1954): 2.

monetized. The development of contemporary maqāṣid sharīʿah in the context of recognizing personal data as property is the basis for contemporaryization.

Contemporization of Maqāṣid Sharīʿah Through Hifzl Mal against Personal Data Monetization

Personal data not only has a commercial element and can be monetized, but also has a normative privacy element. Therefore, it is important to analyze personal data as property in Islam. This analysis is very important in order to build a discourse of Islamic law that can answer various challenges of the times. In addition, the interpretation of data as property will build the insight of maqāṣid syarī'ah which aims to build moral law. This legitimacy shows that Islamic law is able to contribute to building civilization in today's digital era. This contextualization effort is to build the initial foundation of using maqāṣid sharī'ah in various issues that will be faced in the future.

In the previous section on data monetization and the concept of property in maqāṣid sharīʿa, it was explained that property as property has 3 (three) concepts. The concept is actualized in data as a property. Data is something valuable today, for example, as various financial companies explain their commitment to using data to support their business expansion. For example, BRI uses Master Data Management to carry out customer data merging activities which aim to produce Golden Data CIF (Customer Information File). This means that data has something that can be taken advantage of. Utilization of this data, for example, is also in providing business solutions to corporate clients / business banking, including by providing product recommendations according to business profiles and behavior transactions.

Data also has economic value in its utilization. The economic value of this data is as explained in research conducted by Contrive Datum Insight. Data can be used as an economic tool, this data monetization condition is more about the impact of using data, for example, a more precise behavior transaction analysis. However, other economic values are also valuable in buying and selling customer data. In fact, according to the study, it also explains the increasing value of data monetization transactions, which is predicted that each year will continue to grow and increase in size.

Finally, data has specific laws protecting it. The assumption that something is a treasure that must be protected through law is al-Sanhuri's opinion. Even at the global or international level, personal data as part of privacy is regulated by various international conventions. Therefore, based on the description in the previous section about policies that protect data. Data is regulated by various legal legislative and regulatory policies in Indonesia. Thus, data as property has found its equivalent through the opinions/doctrines of the scholars. If data has been recognized as property, it is included in hifzl maal. This recognition can be used as a benchmark that data protection as part of hifzl maal is part of maqāṣid sharīʿah. Therefore, protecting data is part of adh- dharūriyāt.

Data protection as hifzl maal and part of adh-dharūriyāt has profound implications. If adh-dharūriyāt is not upheld, it will lead to life chaos. The chaos of life in data protection, such as data hacking or loss of rights of data owners, is likely to harm them. These hacks will have implications for hacking m-banking, debit/credit cards, online loans, and others.

Several verses of the Qur'an and hadith emphasize fulfillment of the privacy rights as manners. The Qur'an and hadith are the sources of Islamic law in seeing the objectives of Islamic law. Therefore, departing from the foundation of sharia through the interpretation of the values in the text, the objectives of Islamic law will be found. So the discovery of the objectives of Islamic law must go through the text first. The following are some verses of the Qur'an and hadith related to privacy:

Allah Swt. says in An-Nur verse 27:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَدْخُلُوْا بُيُوْتًا غَيْرَ بُيُوْتِكُمْ حَتّٰى تَسْتَأْنِسُوْا وَتُسَلِّمُوْا عَلٰٓى اَهْلِهَاۗ ذٰلِكُمْ خَيْرٌ لَّكُمْ لَعَلَّكُمْ تَذَكَّرُوْنَ[37]

[37] An-Nur (24): 27.

Translation: "O you who believe, do not enter a house that is not your own before asking permission and greeting the occupants. That is better for you, that you may learn a lesson."

Tafsir Zubdatut Tafsir gives the interpretation that:

(يٰٓاَيُّها الَّذِيْن اٰمنوْا لا تدْخلوْا بيوْتا غيْر بيوْتكمْ حتّٰى تسْتأْنسوْا) حتى تعلموا أن صاحب البيت قد علم بكم، وتعلموا أنه قد أذن بدخولكم، فإذا علمتم ذلك دخلتم (وتسلّموْا علٰى اهْلهاۗ) يقول: السلام عليكم أأدخل؟ مرّة أو مرتين أوْ شلاشا (ذلكمْ خيْرٌ لّكمْ) من الدخول بغتة (لعلّكمْ تذكّروْن) والمراد بالتذكر الاتعاظ، والعمل بما أمروا به[38]

Translation: "(O you who have believed, do not enter a house that is not your own until you have asked permission) i.e. until the host knows who you are and until you know the host has given you permission to enter. If you know that, then enter. (And greet the occupants) i.e. by saying 'Assalamualaikum, may I enter?' This sentence is said once, twice, or three times. (That is better for you) than entering the house directly. (So that you may remember) What is meant is that you should take this advice and do what is commanded to them."

In An-Nur: 27 is the basis of the Qur'ānic foundation on privacy in terms of households. The verse prohibits a person from entering a house before obtaining permission (*tasta'nisū*), the prohibition comes from the word lā. The verse emphasizes respect for the occupants of the house inside. The verse contains the concept of fath al-dhara'i because the existence of permission symbolizes a positive path.

Allah swt. says in An-Nur verse 28:

فانْ لّمْ تجدوْا فيْها احدا فلا تدْخلوْها حتّٰى يؤْذن لكمْ وانْ قيْل لكم ارْجعوْا فارْجعوْا هو ازْكٰى لكمْۗ والله بما تعْملوْن عليْمٌ[39]

Translation: "If you find no one therein, do not enter until you have received permission. If it is said to you, "Return," (let) you return. That is more sacred for you. Allah knows best what you do."

Tafsir Zubdatut Tafsir gives the interpretation that:

(وإن قيل لكم ار جعوا فارجعوا) أي: إن قال لكم أهل البيت ار جعوا فار جعوا، ول تعادوهم بلا ستئذ ان مرّة أخرى (هو ازْكٰى لكمْ) أي: أفضل وأطهر من الصدر، والبعد من الريبة، والفر ار من الدناأة [40]

Translation: "(before you get permission) i.e. permission to enter the house from the one who is entitled to give permission. (And if it is said to you, "Go back," then go back) i.e. if the master of the house says to you, "go," then go, and do not return to ask permission again. (It is better for you) i.e. more holy and free from the evil of forcing your way in. This is because it is more freeing to the heart, more distant from doubtful matters, and avoids impoliteness." In An-Nur: 28 explains when someone does not find anyone in the house when they want to visit. Then the verse tells back (far-ir'ji'ū) not to visit the house you want to visit. The verse contains the concept of sadz al-dzariah or closing on a negative path by ordering to return. An-Nur: 27-28 and the explanation in Tafsir Zubdatut provide an explanation of the ethics in sharia taught by Allah Swt. to His servants. Requesting permission to enter someone else's house is a form of fath al-dhara'i. Then, when no one is found in the house, it is ordered to return home.

Through the two explanations of An-Nur: 27-28 above, it is clear that privacy is a manners. The preservation of privacy itself becomes the value of the honor of the owner of privacy - *ḥifzh al-Ịrḍ*. Thus, one of the objectives of maqāṣid sharīʿah is the preservation of honor, one of which is through privacy in this modern era. However, ḥifzh al-Ịrḍ itself can be a part of *ḥifzh al-Aql*-the protection of the intellect. However, since personal data is part of privacy, the preservation of privacy is also one of the objectives of maqāṣid sharīʿah. Therefore, it can be said that the protection of personal data is an objective of maqāṣid sharīʿah in terms of the preservation of dignity while also protecting personal data is part of protecting property owned due to its monetization potential. These two concepts need to be applied together and interconnected.

The cyberattack on Bank Syariah Indonesia (BSI) in May 2023, which resulted in the leakage of 1.5 terabytes of data and a ransom demand of Rp295.6 billion, serves as a clear

[38] Muhammad Al-Asyqar, *Zubdatut Tafsir Min Fathil Qadir* (Madinah: Universitas Islam Madinah, 2007)., hlm. 352.
[39] An-Nur (24): 28.
[40] Al-Asyqar, *Zubdatut Tafsir Min Fathil Qadir*., hlm. 353.

empirical manifestation that personal data carries immense economic value. Evaluated through the lens of *maqāṣid sharīʿah*, specifically *ḥifzh al-māl* (preservation of wealth), this incident exemplifies an unauthorized breach of a valuable asset. However, a critical theoretical disclaimer must be established regarding the levels of *maqāṣid* (*marātib al-maqāṣid*). While some contemporary scholars rush to classify data protection as a *dharūriyāt* (essential) necessity,[41] this case demonstrates that it does not strictly reach that ultimate level, as data leaks do not inherently result in the immediate loss of human life or the total collapse of religion. Instead, personal data leaks are more accurately positioned within the realm of *ḥājiyāt* (complementary needs) or even *taḥsīniyāt* (embellishments/luxuries), given that the unauthorized breach by hackers constitutes an act of *ghasb* or unlawful appropriation of wealth that causes severe financial distress and systemic inconvenience (*darar*), rather than the absolute destruction of human existence.

In contrast to the BSI case, Bank Rakyat Indonesia (Persero) Tbk demonstrates a proactive utilization of customer data through its Big Data Platform and Master Data Management to generate Golden Data CIF. Normatively, BRI's strategy of utilizing data profiling for cross-selling and strategic business decisions aligns with the positive dimension of *ḥifzh al-māl*, which encourages the development, productivity, and investment of wealth (*tanmiyat al-māl*). However, from a *maqāṣid* perspective, this internal commercialization must remain balanced with *ḥifzh al-ʿird* (preservation of honor and dignity) by respecting customer privacy as implicitly highlighted in Surah An-Nur verses 27-28. The optimization of economic benefits via explicit or implicit data monetization is legitimate under sharia, provided it adheres to the principle of *an-taradin* (mutual consent) through transparent licensing and robust data protection measures to ensure that wealth creation does not violate human dignity.

A comparative evaluation reveals a profound substantial convergence between the objectives of Law Number 27 of 2022 (UU PDP) and the teleological goals of *maqāṣid sharīʿah*. Article 1 point 2 of the UU PDP stipulates that personal data protection aims to guarantee the constitutional rights of data subjects. In Islamic jurisprudence, this constitutional guarantee aligns with the protection of public interests, specifically the preservation of *al-māl al-mutaqawwim* (wealth that has clear legal and economic utility) as reflected in the classification of specific personal data in Article 4 of the UU PDP. Nevertheless, an essential nuance arises when assessing the degree of emergency.

While the UU PDP treats data protection as a fundamental constitutional right, under the *maqāṣid* framework, it is vital to offer a disclaimer that this protection generally falls under *ḥājiyāt* or *taḥsīniyāt* rather than *dharūriyāt*. The strict assumption holds that a *dharūriyāt* status is only invoked if a violation directly causes fatal consequences, such as an individual's immediate death or the total annihilation of society's basic pillars. Thus, while the UU PDP provides a rigid statutory mechanism for digital governance, *maqāṣid sharīʿah* complements it by framing data protection as an ethical-moral duty to prevent financial harm (*ḥifzh al-māl*) and protect human dignity (*ḥifzh al-ʿird*) within a flexible, non-fatalistic hierarchy of human needs.

Conclusion

According to the previous description that discusses the concept of personal data, data monetization, data protection policies, and the concept of property in maqāṣid syarīʿah. It can be concluded that, first, personal data can be monetized in various ways, either to be sold directly or processed for data-based policy making. Second, the concept of property from various Islamic jurists, such as having a useful value, has a selling/economic

[41] Muhammad Taufik and Fatimah Zahara, "Pengaturan Perlindungan Data Pribadi Dalam E-Commerce Menurut Perspektif Maqashid Syariah (Studi Kasus Marketplace Facebook)," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 4, no. 6 (September 2024): 2378–92, https://doi.org/10.38035/jihhp.v4i6.2744.

value, and has a legal regulation in its protection. Third, based on the similarity between personal data and the concept of property, there are similarities and compatibility that personal data is a property that must be protected. Regarding the strategic direction for implementation, this study recommends three critical dimensions. First, in the regulatory and fatwa domain, the National Sharia Board-Indonesian Ulema Council (DSN-MUI) needs to formulate a specific fatwa regarding the legal status of digital data as *al-māl*, accompanied by sharia-compliant ethics for data processing and explicit consent mechanisms. Second, financial institutions and state regulators must integrate these *maqāṣid* principles into concrete institutional data governance guidelines to prevent systemic digital harm.

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