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Maqasid al-Sharia and the digital data ownership: From al-Shatibi to Jasser Auda

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Abstract

Purpose – Contemporary secular data protection issues are structurally inadequate to address digital data ownership. Despite consent-based and privacy-centered models, data subjects often lack meaningful control over economically exploitable data assets, while large platforms relate to asymmetrical informational access. This study responds to this failure by integrating classical and systems-based maqasid al-Sharīa to construct a principled Islamic framework for digital data ownership.

Methodology – This study uses qualitative, doctrinal, and descriptive-analytical techniques based on library-based research. Al-Shatibi's traditional *maqāṣid* framework and Jasser Auda's systems-based theory are examples of primary sources in recent academic works on Islamic legal theory. Thematic analysis and conceptual synthesis were used in the analysis, focusing on methodological evolution and continuity within maqasid al-Sharīa rather than comparison.

Findings – This study finds that al-Shatibi's maqasid paradigm, which emphasizes harm reduction, public welfare, and the preservation of important interests, offers crucial normative underpinnings for digital data ownership. However, it also highlights the structural shortcomings in dealing with the intricacy and systemic characteristics of digital data operations. By adding human dignity, systemic responsibility, and future-focused ethical reasoning, Jasser Auda's systems-based approach improves upon classical maqasid.

Implications – By presenting maqasid al-Sharīa as a dynamic ethical system that can interact with digital governance and data ethics, the suggested integrated maqāṣid framework advances contemporary Islamic legal theory.

Originality – Rather than merely comparing classical and modern maqasid theories, this study reconstructs digital data ownership as an urgent normative-economic problem and advances an integrated Islamic solution that is responsive to contemporary technological power structures.

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Introduction

The nature of personal information has evolved substantially owing to the digital revolution, making digital data one of the most valuable resources available today. Personal data, such as Internet conduct, biometric identifiers, religious preferences, and social connections, now play an important role in economic production, political governance, and social control (Saleem, 2025). In this environment, digital data ownership is more than just a technical or legal issue; it is a deeply

ethical and normative dilemma that involves power, autonomy, dignity, and privacy. Regulations governing data protection and privacy have been the primary global reaction to these challenges; nevertheless, these frameworks frequently fail to address the ethical aspects of data exploitation, algorithmic spying, and people's unequal relationships with digital platforms (Chaudhary, 2020).

The emergence of the digital data economy poses a major theoretical challenge to Islamic legal thinking. Property (*māl*), harm (*darar*), and rights (*huquq*) were mostly understood in concrete or easily recognizable forms in the material and relational social circumstances in which classical Islamic jurisprudence formed legal categories. In contrast, digital data are deeply ingrained in intricate technological systems, are reproducible, and are intangible (Auladi & Muwahid, 2025).

Classical Islamic jurisprudence conceptualized ownership through the doctrine of *milk al-tāmm* (absolute ownership), which presupposes exclusivity, identifiable possession (*ḥiyāẓah*), and the ability to prevent others from benefiting from the owned object (Uula & Harahap, 2023). Digital data, however, fundamentally disrupts these assumptions. Personal data can be simultaneously stored, copied, processed, and monetized by multiple entities without diminishing the original holder's access. Consequently, neither traditional property doctrines nor customary validation mechanisms provide a stable juristic foundation for defining the status and protection of intangible digital assets. This situation generates a genuine normative tension within *Sharīʿah* reasoning regarding how digital data should be classified, controlled, and ethically governed. However, despite this innovation, digital data practices have a direct impact on fundamental Islamic ethical issues, such as the prevention of harm, the protection of property (*ḥifẓ al-māl*), intellect (*ḥifẓ al-aql*), and human dignity (*karamah al-insan*) (Nidhom & Murtadho, 2025).

Maqasid al-Sharia has become one of the most important frameworks for dealing with modern issues in Islamic law in recent decades. Maqāṣid theory provides a possible normative lens for addressing extraordinary social and technological transformations by concentrating on the higher goals and purposes of the Sharia rather than discrete legal pronouncements (Harefa, 2025; Melzatia et al., 2025). Two paradigmatic approaches stand out in this field: the modern reformulation put forth by Jasser Auda, which advances a systems-based, multidimensional understanding of maqāṣid capable of responding to complexity and change (Fatimawali et al., 2024; Gumanti, 2018), and the classical formulation of al-Shatibi, who conceptualized maqāṣid as a means of preserving a coherent normative and social order (Zuardi et al., 2025). The selection of al-Shatibi and Jasser Auda is therefore methodologically intentional: al-Shatibī provides the classical, causally structured and preservation-oriented foundation of maqāsid, while Auda reformulates it through a systems-based, complexity-aware approach. This study argues that Auda represents a methodological expansion—not a rupture—of Shatibi's purposive logic, enabling a disciplined yet adaptive *maqāṣid* framework for digital data ownership.

Despite the growing relevance of digital data in modern life, Islamic legal literature lacks a comprehensive theoretical framework for determining its juristic status and ownership structure within maqasid al-Sharia. Existing approaches either analogize digital data to traditional property categories without interrogating the structural assumptions of *milk al-tāmm* or invoke maqāṣid principles in a general manner without addressing the epistemological shift required by digital ecosystems (Fageh & Solikhawati, 2022; Jannah, 2025). Consequently, Islamic legal discourse risks oscillating between the "overextension" of classical analogies and normative ambiguity regarding control and ethical consent.

This study defines digital data ownership as more than just legal possession or proprietary control in the context of contemporary technology. Instead, it refers to a normative relationship between an individual and their personal data that encompasses control rights, consent, protection from harm, and human dignity-based moral demands. This conception situates digital data inside *maqāṣid*-based ethical analysis, allowing for scrutiny as both property (*māl*) and an extension of personal identity and moral agency (Ardiyanti et al., 2023; Auladi & Muwahid, 2025; Chaudhary, 2020). This study addresses the theoretical insufficiency of existing maqāṣid formulations in accounting for the complexity of digital data ownership, especially when applied without critical comparison or methodical reflection. While fundamental, Al-Shatibi's maqāṣid theory was created within a socio-legal setting defined by relative stability and material forms of property, raising issues

about its ability to confront system-driven digital realities (Uula & Harahap, 2023). Jasser Auda's systems-based *maqāṣid* approach provides conceptual tools for dealing with multiplicity and technological mediation, but its implications for data ownership are not fully understood (Gumanti, 2018).

Therefore, the methodological challenge is not merely to extend classical *maqāṣid* to a new object but to reassess whether preservation-oriented reasoning alone can address the structural complexity of digital ecosystems. Here, the systems-based reformulation proposed by Auda becomes methodologically significant. This gap is important for both theoretical and practical reasons as follows. Without a clear understanding of how *maqāṣid* frameworks approach digital data, Islamic legal reasoning may become reactive to technological advancements. The lack of a strong *maqāṣid*-based framework hinders attempts to establish Islamic ethical perspectives on data protection, monitoring and digital exploitation. This study aims to fill this gap by providing a comparative analysis of digital data ownership protection, examining the transition from al-Shāṭibī's normative order to Jasser Auda's systems-based approach, and demonstrating how maqasid al-Sharia can serve as a principled and adaptive framework for digital data ethics.

Literature Review

This study advances a structured *maqāṣid*-based framework for evaluating digital data ownership within the digital economy by explicitly identifying the analytical pillars of Abu Ishaq al-Shatibi and Jasser Auda. Al-Shatibi's framework provides doctrinal tools grounded in the preservation of the *darūriyyāt*, particularly *hifẓ al-māl* (protection of property) for assessing electronic wealth and unjust enrichment, *hifẓ al-ʿaql* (protection of intellect) for evaluating algorithmic manipulation and informational harm, and a structured hierarchy of *maslahah* that constrains utilitarian reasoning in digital markets (Khaliq & Pangestu, 2025). His emphasis on legal causation (*ʿillah*) and harm prevention establishes normative thresholds for digital transactions. In contrast, Auda's systems approach contributes methodological instruments suited to the complexity of the digital economy, including multidimensional analysis, interconnected systems thinking (Gumanti, 2018), cognitive awareness, and future-oriented evaluation (*iʿtibār al-maʾālāt*), enabling assessment of platform power, data commodification, and long-term structural harm.

The first strand includes classical and contemporary writings on maqasid al-Sharia, focusing on al-Shatibi's foundational theory and its later advancements. Al-Shatibi's *al-Muwāfaqāt* is the foundation of maqāṣid theory, emphasizing the preservation of essential interests (*darūriyyāt*) through a stable normative system built on community welfare (*maslahah ʿāmmah*) (Zuardi et al., 2025). Scholars have refined the *maqāṣid* framework to address government, economics, and social justice. However, these studies are generally located in pre-digital or early modern contexts.

The second strand includes contemporary *maqāṣid*-oriented reformist research, particularly that of Auda. Auda uses systems theory, complexity science, and human rights to challenge reductionist and rule-centric approaches to Islamic law and proposes a dynamic multidimensional maqāṣid framework (Fatimawali et al., 2024; Rofi'i & Fata, 2025). His work has been widely used in areas such as governance, education, and ethical changes. Although Auda emphasizes flexibility in addressing current issues, his systems-based maqāṣid theory has received little attention for its practical application to digital data ownership.

The third body of literature focuses on Islamic ethics and digital technology, encompassing research on digital finance (Ardiyanti et al., 2023), artificial intelligence (Ulya & Nurliana, 2025), and privacy (Rofiq et al., 2025). Several academics have attempted to address data-related challenges using ideas such as privacy (*hurma al-khuṣūṣiyyah*), trust (*amānah*), and harm prevention. Although advantageous, these studies frequently remain fragmented and concentrate on specific legal decisions or ethical principles rather than creating a thorough maqāṣid-based theory of data ownership (Chaudhary, 2020; Rofiq et al., 2025). Furthermore, in the context of digital data, few studies have provided a methodical comparison between traditional and modern maqāṣid frameworks (Ghozali et al., 2025; Zuardi et al., 2025). Although there is a growing awareness of

the ethical challenges posed by digital technologies in Islamic thought, there is a significant gap in the literature: there is no theoretically grounded comparative analysis of digital data ownership that bridges al-Shatibi's classical framework and Auda's systems-based approach.

Research Methods

This study employs a qualitative, doctrinal, and descriptive-analytical research methodology to investigate digital data ownership from maqasid al-Sharia's perspective. Rather than testing empirical hypotheses or establishing causal relationships, the research is primarily normative, with the goal of developing a conceptual and theoretical framework (Huberman & Miles, 2002). Given the study's goal of examining Islamic legal philosophy and its methodological development in response to current digital challenges, this strategy is appropriate. The qualitative method enables a thorough analysis (Miles vd., 2014) of both traditional and modern Islamic legal theories pertaining to maqāṣid, with a focus on the writings of Jasser Auda and al-Shatibi. The study methodically introduces important ideas and theoretical presumptions using a descriptive-analytical approach before evaluating their applicability and relevance to the problem of the digital sphere.

Primary and secondary data from the related literature were used in this study. Classical Islamic legal texts, such as al-Shatibi's *al-Muwāfaqāt* and Jasser Auda's influential works on maqāṣid theory and systems-based Islamic legal methodology, are examples of primary sources. These texts are the main theoretical sources used to build the maqāṣid framework for this study. Peer-reviewed journal articles published between 2016-2026, scholarly articles on maqasid al-Sharia, Islamic legal theory, digital ethics, data ownership, and information governance are examples of secondary sources.

To contextualize digital data ownership as a modern normative issue, pertinent interdisciplinary literature from technology studies, ethics, and law was consulted. To identify important *maqāṣid* principles, methodological presumptions, and normative orientations within the chosen texts, data analysis is conducted through thematic and conceptual content analysis. The analysis process involves three steps (Miles et al., 2014).

Data analysis follows established qualitative content analysis procedures as outlined by Matthew B. Miles and A. Michael Huberman, proceeding in three stages: (1) identification and categorization of core maqāṣid principles—particularly *hifẓ*, *maṣlahah*, *dar' al-mafsadah*, and human dignity; (2) analytical application of these principles to the structure of digital data ownership and electronic wealth; and (3) integrative synthesis to construct a coherent framework that combines preservation-oriented and systems-oriented reasoning. This synthetic doctrinal method aligns with established models of theory-building in normative legal research (Miles et al., 2014), enhancing reproducibility by transparent conceptual mapping. While the research does not involve human subjects and therefore does not require ethical clearance, its limitations lie in its normative focus. The findings advance theoretical clarity and provide a structured foundation for future empirical or policy-oriented research on digital data governance in Islamic legal thought.

By situating the analysis within established *maqāṣid* principles and cross-referencing classical and contemporary sources, consistency in interpretation is maintained to ensure the credibility of the research findings. As a contribution to Islamic legal theory, this methodological rigor strengthens the validity and reliability of the study's conclusions. This research does not require ethical clearance or the use of human subjects because it is a doctrinal and conceptual study based on publicly available texts (Huberman & Miles, 2002; Miles et al., 2014). However, this study is limited by its emphasis on theoretical and normative analysis rather than empirical data or case studies. Therefore, rather than providing immediate policy recommendations, the findings are intended to contribute to conceptual and ethical discussions.

Results and Discussion

This study examines digital data ownership as a normative problem, analyzes al-Shāṭibī's maqāṣid framework and Jasser Auda's systems-based approach, and compares their implications for protecting digital data ownership.

Conceptualizing digital data ownership in *maqāṣid* terms

The first analytical finding of this study is that digital data ownership cannot be appropriately characterized within Islamic legal theory using classical ideas of property (*māl*) or contractual permission alone. Digital data are normative objects that combine material interests, moral agency, and systemic power dynamics. From a *maqāṣid* perspective, this requires a multidimensional conception that embraces the greater purposes of *Sharīʿah* at both the individual and societal levels, rather than reductive legal comparisons (Nabilah et al., 2024).

Digital data are considered *maṣlahah* because they promote social engagement, economic activity, access to services, and knowledge development (Arifani & Yuzerman, 2025). Simultaneously, unregulated personal data mining and exploitation lead to substantial mafsadah, such as spying, behavioral manipulation, discrimination, and loss of human autonomy (Fageh & Solikhawati, 2022). Digital data align with the *maqāṣid* framework, which aims to balance benefits and harms for human welfare. Unlike traditional legal objects, digital data are not static; they are constantly generated, gathered, and repurposed by technological processes. *Maqāṣid* analysis must consider processes and results beyond single acts, thereby challenging the linear theories of ownership. Consequently, digital data protection must be viewed as an ongoing normative commitment to protect human interests over time and across settings.

This analysis revealed that digital data partially align with the traditional concept of *hifẓ al-māl* (property protection). While personal data has indisputable economic worth and is regularly traded in digital markets, it is fundamentally different from actual property. Digital data are non-rivalrous, infinitely repeatable, and frequently generated unintentionally via everyday social contact. These characteristics challenge the accepted belief that ownership implies exclusive control and transferability (Melzatia et al., 2025).

From a maqāṣid perspective, the classification of digital data first requires engagement with the contemporary juristic debate on intangible assets (*al-amwāl al-maʿnawiyyah*) (Rosele et al., 2022). Modern Islamic legal scholarship has expanded the concept of *māl* beyond purely tangible objects to include rights, intellectual property, and other non-physical interests, provided they possess recognized value (*qīmah*) and lawful benefit (*manfaʿah*) within the social practice. Recent conceptual frameworks in Islamic jurisprudence argue that the determinative criterion of *māl* is not materiality per se, but economic and legal recognizability within transactional contexts (Rosele et al., 2022). Within this expanded understanding, digital data may qualify as *māl* inasmuch as it carries exchange value, generates revenue, and is subject to transfer and commercial exploitation.

However, even if digital data are accepted as a form of intangible *māl*, their protection cannot be reduced to purely economic considerations. The *maqāṣid* of *hifẓ al-māl* remains relevant in addressing unlawful appropriation, unjust enrichment and exploitative monetization. Treating it exclusively through a proprietary lens risks legitimizing intrusive or manipulative practices through formal consent or contractual exchange, thereby narrowing ethical evaluation to market logic alone (Rosele et al., 2022). Consequently, the *maqāṣid* of *hifẓ al-ʿaql*—traditionally concerned with safeguarding rational and moral agency— are directly implicated. The misuse of digital data thus represents not only economic harm but also epistemic and moral injury, requiring a multidimensional maqāṣid analysis that transcends property-based classification.

Protection against epistemic harm, such as false information, cognitive manipulation, and algorithmic bias, must be added to the maqṣad of *hifẓ al-ʿaql*. In this sense, digital data ownership encompasses more than just information control; it also involves protecting the circumstances that allow people to make independent and well-informed decisions. Thus, a *maqāṣid*-based framework requires that data practices be assessed for their effects on moral responsibility and intellectual integrity, in addition to their legality (Syihab, 2023). The relationship between digital data ownership and human dignity is the most important *maqāṣid* implication (*karāmah al-insān*). In technological systems, people are reduced to objects of calculation when such data are extracted, commodified, or weaponized without meaningful consent.

From a *maqāṣid* perspective, this violates human dignity, which is the foundation of the *Sharīʿah's* ethical framework (Syihab, 2023). According to a previous study, *Sharīʿah's* commitment

to upholding humanity's moral standing as a responsible agent (*mukallaf*) should be extended to the protection of digital data ownership (Busari et al., 2023). The *maqāṣid's* emphasis on human honor, responsibility, and justice is at odds with data practices that compromise agency, take advantage of vulnerabilities, or normalize widespread surveillance. Consequently, *maqāṣid*-based conceptualization shifts the emphasis from discrete individual transactions to systemic ethical assessment (Arifani & Yuzerman, 2025). This involves evaluating the combined effects of corporate practices, digital infrastructure, and governance frameworks on societal justice and human welfare. This change is consistent with the maqāṣid's concern for collective interests (*maṣlahah ʿāmmah*) and long-term consequences (*maʾālāt al-afʿāl*).

In summary, this study frames digital data ownership as a multifaceted *maqāṣid* issue encompassing property, intellect, dignity, and systemic justice. This idea differs from both traditional property-based and modern legalistic models. Instead, it offers a normative framework based on the higher goals of *Sharīʿah*. This study establishes digital data ownership as a maqāṣid-relevant normative issue, enabling a critical evaluation of the differences between al-Shatibi's classical *maqāṣid* framework and Jasser Auda's systems-based approach in addressing the ethical and legal challenges of the digital data economy.

Table 1. The key dimensions on digital data ownership as a maqāṣid normative concern

Analytical Dimension	Classical Legal Assumption	Digital Data Reality	*Maqāṣid*-Based Reinterpretation
Ontological status of data	Tangible, finite objects	Intangible, replicable, continuously generated	Digital data is a normative object rather than a purely material.
Economic value (*hifẓ al-māl*)	Property implies exclusivity	Data was exploited without possession's loss	*Hifẓ al-māl* applies partially; economic value alone is insufficient for protection
Cognitive impact (*hifẓ al-ʿaql*)	Protection from intoxication and moral corruption	Algorithmic manipulation and misinformation.	Expansion of *hifẓ al-ʿaql* to include epistemic integrity and autonomy.
Nature of harm (*darar*)	Direct, observable harm	Diffuse, cumulative, often invisible harm	*Maqāṣid* must address structural and long-term concerned.
Consent and responsibility	Individual consent assumed meaningful	Consent often coerced or uninformed	Shift from individual consent to systemic ethical responsibility.
Scope of ethical evaluation	Individual acts (*afʿāl*)	Platform-level and algorithmic systems	Focus on systems, outcomes, and *maʾālāt al-afʿāl*
Normative objective	Legal compliance	Efficiency and profit maximization	Human welfare (*maṣlahah*), justice, and dignity

Source: Processed by Authors

Digital data ownership from al-Shatibi's *maqāṣid* framework

Al-Shatibi's *maqāṣid* theory, as presented in *al-Muwāfaqāt*, defines *Sharīʿah* as a cohesive normative framework (*nizām tashrīʿī*) designed to ensure human welfare by safeguarding essential interests (*al-darūriyyāt al-khams*) (Nazaruddin & Kamilullah, 2020). Religion, life, intellect, lineage, and property are not separate values; they are all parts of a stable social and moral system that depends on each other. Legal decisions derive their power from their ability to maintain order and prevent society from falling apart.

In this context, protection (*hifẓ*) primarily functions at the level of collective welfare (*maṣlahah ʿāmmah*). Individual interests are acknowledged, but they are fundamentally integrated within the overarching social good. This focus on stability, continuity, and social coherence reflects the time when al-Shatibi developed his theory. At that time, the social structures and material forms of harm were fairly predictable (Alfikri, 2021). According to al-Shatibi, digital data would most likely be compared to property (*māl*) because it has value, can be used for good or bad, and can be taken without permission. The *maqṣad* of *hifẓ al-māl* seeks to ensure economic stability, avert exploitation, and govern transactions to maintain social order (Jumiati, 2023).

This *maqasid* provides a normative foundation for criticizing actions such as data theft, unlawful appropriation, and financial exploitation regarding digital data ownership. Additionally, it is in favor of regulating data markets to stop unfair enrichment and financial damage. In this regard, al-Shatibi's paradigm offers a useful basis for dealing with particular aspects of data misuse. However, this parallel has serious conceptual drawbacks. Digital data do not always meet the requirements of tangibility and recognizable transfer, which are prerequisites for classical *māl* (Zuardi et al., 2025). Therefore, applying *hifẓ al-māl* to digital data risks simplifying complicated ethical issues to economic terms, ignoring non-material problems that are essential to modern data practices. As a result, applying *hifẓ al-māl* to digital data risks reducing complex ethical concerns to economic terms, thereby overlooking non-material harms that are central to contemporary data practices.

Al-Shatibi's *maqasid* of *hifẓ al-ʿaql*, on the other hand, is mainly concerned with maintaining moral and rational ability by prohibiting actions that weaken judgment, including moral corruption and intoxication (Fahmi et al., 2025). This perspective demonstrates an appreciation of the intellect as a quality necessary for moral accountability (*taklīf*). *hifẓ al-ʿaql* can be expanded to address specific cognitive problems regarding digital data ownership, especially when data-driven practices encourage manipulation, fraud, or misinformation. However, while digital cognitive harm is frequently indirect, cumulative, and systematically produced, al-Shatibi's approach conceptualizes intellectual harm in relatively straightforward and observable terms (Zainuddin, 2024).

Therefore, al-Shatibi's theory lacks the conceptual tools to adequately account for the algorithmic impact, epistemic asymmetry, and the long-term shaping of perception through data-driven systems, while *hifẓ al-ʿaql* offers an ethical starting point for criticizing digital manipulation. Al-Shatibi does not clearly define human dignity (*karāmah*) as a separate *maqṣad*, unlike modern *maqāṣid* thinkers. However, his understanding of *Sharīʿah* as a religion that respects human moral agency and social responsibility necessarily incorporates dignity (Mayyadah 2018). This implicit dignity-based reasoning permits the denunciation of actions that denigrate people, subject them to shame, or compromise their moral standing in the context of digital data ownership. However, because dignity is not organized as a separate *maqṣad*, its application remains indirect and derivative, often in relation to legal stability and public order issues (Khaliq & Pangestu, 2025).

This restriction is especially noticeable in digital environments, where injury often takes the form of loss of autonomy, invisibility of surveillance, or normalization of exploitation—forms of suffering that significantly impair individual dignity but are difficult to disrupt visible social order. The most important conclusion of the analysis is that, although al-Shatibi's *maqāṣid* framework is normatively sound, its capacity to handle digital data ownership is structurally limited. These constraints stem not from theoretical weaknesses but from the framework's orientation toward:

1. Stable social conditions, rather than rapidly evolving technological systems
2. Material and observable harms, rather than diffuse and systemic ones
3. Collective order, rather than individual autonomy and informational self-determination.

Therefore, rather than the design and functioning of digital systems, al-Shatibi's approach is more appropriate for controlling the consequences of data misuse (Khaliq & Pangestu, 2025). Instead of actively managing intricate technological infrastructures, it responds to harm when it becomes socially apparent.

This approach does not imply that the ownership of digital data is unrelated to al-Shatibi's maqāṣid framework. Conversely, it offers crucial normative underpinnings for social stability, economic justice and harm reduction. However, its application to digital data is still analogous and incomplete, necessitating conceptual development to handle the entire range of digital ills (Mayyadah, 2018). These results highlight the need for a *maqāṣid* framework that can address intangible damages, complex systems, and changing power dynamics. This need lays the groundwork for the next section's analysis of Auda's systems-based approach.

Digital data ownership from Jasser Auda's systems-based approach

The paradigm shift from rule-centered and preservation-oriented legal thinking to a systems-based, purpose-driven, and human-centered framework is represented by Jasser Auda's contribution to

maqasid al-Sharia. The main idea of Auda's argument is that Islamic law should be viewed as a multifaceted moral system, rather than a set of isolated decisions or predefined objectives (Jamrozi et al., 2022; Luqman, 2022). This rethinking has significant implications for how Islamic legal theory assesses new phenomena, such as digital data ownership.

Multidimensionality, openness, interconnectedness, cognitive awareness, and future orientation are some of the interconnected tenets that form the foundation of Auda's systems approach (Hidayat et al., 2023). These ideas enable *maqāṣid* thinking to interact with nonlinear social realities, such as asymmetrical power relations, algorithmic decision-making, and technology systems that function through feedback loops. As a result of these systems, digital data ownership cannot be sufficiently handled by an analogical extension of traditional property laws; instead, it must be assessed in terms of its systemic effects on justice, human welfare and dignity.

According to Auda, digital data is a structural element of digital ecosystems that influences social outcomes and human behavior rather than being an item of ownership (Al-basyar & Yuliana, 2020). Through interactions with digital platforms, personal data are constantly created and processed in ways that frequently escape personal awareness or control. Because of its systemic nature, data ownership becomes an ethical dilemma concerning how socio-technical systems control human agency. Therefore, a *maqāṣid*-based assessment focuses on the entire ethical orientation of data systems, including their design, motivations, and consequences, rather than on particular behaviors of consent or transfer.

The elevation of human dignity (*karāmah al-insān*) as a fundamental goal of the *Sharīʿah* is central to Auda's maqāṣid theory (Syihab 2023). Auda views dignity as a fundamental normative value that guides rights, freedoms, and ethical boundaries, in contrast to classical frameworks, where it is implicit and derivative. When it comes to digital data ownership, this emphasis reframes data protection as a duty to safeguard human dignity from being reduced to a behavioral profile or a data subject. Thus, practices such as widespread monitoring, predictive profiling, and data-driven manipulation are assessed based on their compatibility with human dignity and moral agency rather than just legality or consent.

Auda's method also provides a critical reconsideration of *ḥifẓ al-ʿaql* in the context of data-driven technologies. The protection of intellect must include preserving epistemic autonomy and cognitive integrity in a digital world where algorithms select information, direct attention, and mold beliefs (Chaudhary 2020). The conditions required for ethical responsibility and informed decision-making are compromised when personal data are misused to influence political behavior, preferences, or emotions. By incorporating epistemic considerations into *maqāṣid* reasoning, Auda's paradigm allows Islamic legal theory to address indirect, cumulative, and structurally created injuries.

Auda's criticism of consent-based and individualistic theories of ethical responsibility is equally significant (Rofi'i & Fata, 2025). Despite extensive evidence of knowledge asymmetry and a lack of meaningful choice, formal consent is frequently used as a legitimizing technique in modern governance. Auda's systems-based maqāṣid approach acknowledges that individual choices cannot adequately address moral responsibility in complex systems. Rather, institutions, platform designers, businesses, and regulatory agencies must share this accountability. From this perspective, ownership of digital data becomes a systemic accountability issue, where ethical assessment considers long-term societal consequences, power dynamics, and structural motivations.

Auda's maqāṣid philosophy is characterized by its focus on future-oriented ethical reasoning (*iʿtibār al-maʾālāt*) (Harefa 2025). Digital data practices frequently result in cumulative and delayed negative effects, such as the entrenchment of inequality, a decline in trust, and the normalization of recording. According to Auda's paradigm, these long-term effects may be viewed as essential to legal and ethical assessments rather than incidental issues (Fadhilah et al., 2025). Because of its anticipatory orientation, maqasid al-Sharia can serve as a proactive framework for digital governance rather than a reactive mechanism that only reacts when harm is evident.

When considered together, Auda's systems-based approach redefines digital data ownership as a multifaceted maqāṣid concern that intersects justice, dignity, intellect, and collective welfare within intricate socio-technical systems. Auda's paradigm offers conceptual tools for

addressing complexity, technological mediation, and changing power arrangements, in contrast to al-Shatibi's normative order, which excels in maintaining stability and preventing overt harm. This is not a deviation from traditional maqāṣid theory; rather, it is a methodological development that enables Islamic legal normativity to respond to the moral dilemmas of the digital age in a morally sound and rational manner.

Toward an integrated *maqāṣid* framework for digital data ownership

This study does not present a systems-based *maqāṣid* methodology from a normative perspective. While Jasser Auda's systems approach offers analytical tools for addressing complexity, critics have cautioned that excessive abstraction from specific *ʿillah* (effective legal causes) toward general purposes risks weakening the doctrinal discipline of Fiqh. If *maqāṣid* are detached from their juristic architecture, legal determinations may become overly policy-driven, potentially "de-legalizing" *Sharīʿah* by reducing it to a flexible ethical discourse. This concern is particularly acute in the domain of digital data ownership, where expansive appeals to public interest (*maṣlahah*) could inadvertently recast proprietary entitlements as purely utilitarian constructs (Khaliq & Pangestu 2025).

To prevent this outcome, the proposed framework anchors system reasoning within the normative stability articulated by Abu Ishaq al-Shatibi. Al-Shatibi's *maqāṣid* theory does not dissolve law into abstract welfare; rather, it preserves the hierarchical structure of the *darūriyyāt*, including *hifẓ al-māl* (protection of property), as legally operative objectives grounded in identifiable causes and enforceable rulings (Hidayat et al., 2023). In this light, digital data—where it embodies economic value, proprietary control, and exclusionary entitlement— cannot be reduced to a collective resource governed solely by aggregate benefits. Wealth sanctity remains a binding normative constraint. Therefore, any systems-based evaluation must demonstrate continuity with established doctrines of ownership (*milkiyyah*), liability, and unjust appropriation (*ghasb*), rather than bypassing them (Khaliq & Pangestu, 2025).

Simultaneously, Auda's systems methodology does not function as a substitute for doctrinal reasoning but as an epistemological expansion of its field of vision. This enables jurists to trace causal chains across platforms, algorithms, and institutional incentives while remaining tethered to legally cognizable harms. Within this integrated paradigm, digital data ownership is conceptualized simultaneously as a protected proprietary interest under *hifẓ al-māl* and as a governance concern implicating structural injustice (Ghozali et al., 2025). The former prevents utilitarian dilution by affirming that individuals possess morally weighty claims to economically exploitable data. The latter ensures that these claims are not interpreted narrowly in transactional terms but are evaluated in light of their long-term systemic consequences. Thus, systems analysis operates under normative thresholds derived from classical maqāṣid rather than replacing them.

Furthermore, safeguarding intellect (*hifẓ al-ʿaql*) and protecting human dignity (*karāmah al-insān*) reinforce this structure (Daroini & Hastriana, 2025). These objectives do not override property protections but interact with them, especially where data practices manipulate cognition or distort meaningful consent. By maintaining the doctrinal integrity of specific *ʿillah* while allowing a systemic analysis of modern causal complexity, the framework avoids reducing digital data ownership to instrumental welfare (Khaliq & Pangestu, 2025). Instead, it preserves the sanctity of property as a principled limitation on technological and commercial power, ensuring that maqasid al-Sharia regulates both immediate transactions and broader institutional structures.

Digital data ownership is viewed in this integrated paradigm as both a systemic governance issue and a legal protection issue. While Auda's systems logic broadens this examination to encompass algorithmic design, platform incentives, and long-term social implications, Al-Shatibi's idea of identity guarantees that data practices are assessed against explicit normative thresholds—preventing theft, exploitation, and overt damage (Saputra, 2021). When combined, they allow *maqasid al-Sharīa* to control both structures and activities. *Karāmah al-insān*, or human dignity, serves as a notion that connects the two systems. Dignity appears in this synthesis as a "fresh-*maqṣad*" that guides both progress and preservation (*tahqīq al-maslahah*), despite being implicit in al-Shatibi's theory and explicit in Auda's (Ghozali et al., 2025). According to this integrated interpretation, digital data ownership becomes a means of protecting people's moral standing from surveillance,

commercialization, and behavioral manipulation—harms that might not upend social order but nevertheless compromise the moral objectives of the Sharīʿah.

Positioning digital data as *māl* (legally protected property), conflicts between the benefits of collective Big Data and an individual's right to erasure must be resolved through established juristic principles rather than general appeals to systemic welfare (Ghozali et al., 2025). Within the maqāṣid framework of al-Shatibi, *hifẓ al-māl* establishes a presumption of proprietary control: the continued use of personal data is impermissible without consent unless justified by necessity (*darūrah*) or a verified public need (*hājah ʿāmmah*). The systems approach associated with Jasser Auda operates here by assessing long-term consequences (*maʾālāt al-afʿāl*) and distributed harms, not by overriding ownership. Where data retention causes reputational, economic, or dignity-based harm, the maxim *al-darar yuzāl* (harm must be removed) supports erasure.

Table 2. An integrated maqāṣid framework for digital data ownership

Analytical Dimension	Shatibi: Normative Order	Jasser Auda: Systems Approach	Integrated Maqāṣid Synthesis for Digital Data Ownership
Nature of *Maqāṣid*	Fixed yet universal objectives ensuring social stability	Open, dynamic, and context-responsive objectives	Maqāṣid as *stable ethical foundations with adaptive methodologies*
Primary Legal Orientation	Preservation (*hifẓ*) of essential interests	Development, reform, and ethical enhancement	Protection and ethical governance
Concept of Harm	Direct, visible, and socially disruptive harm	Diffuse, cumulative, and systemic harm	Recognition of both immediate and long-term digital harms
Digital Data Ontology	Analogized to property (*māl*) or protected interest	Understood as a systemic socio- phenomenon	Digital data as a normative–systemic object
Hifẓ al-ʿAql	Protection of rational and moral capacity	Protection of epistemic autonomy and cognition	Safeguarding intellect against both moral and algorithmic manipulation
Ethical Responsibility	Emphasis on communal welfare and moral order	Distributed responsibility across institutions	Shared accountability among individuals, platforms, and regulators
Role of Consent	Not central; subordinated to public welfare	Critiqued as insufficient in asymmetric systems	Consent complemented by systemic safeguards
Temporal Orientation	Stability and continuity of society	Future-oriented and consequence-aware (*maʾālāt*)	Proactive *maqāṣid* governance of digital futures
Contribution to Digital Ethics	Normative legitimacy and moral grounding	Analytical capacity for complexity and power	A coherent Islamic framework for ethical digital data ownership

Source: Processed by Author

Conclusion

This study aims to address the following central question: How can maqasid al-Sharia provide a coherent normative framework for digital data ownership in an era marked by data commodification, algorithmic governance, and structural power asymmetries? By comparatively examining the preservation-oriented maqāṣid theory of Abu Ishaq al-Shatibi and the systems-based reformulation proposed by Jasser Auda, this study demonstrates that Islamic legal philosophy possesses both doctrinal stability and methodological adaptability necessary to respond to digital economic realities. Digital data ownership is not merely a technical or contractual matter; it constitutes a multidimensional maqāṣid concern implicating *hifẓ al-māl* (protection of wealth), *hifẓ al-ʿaql* (protection of intellect), and human dignity.

The findings show that al-Shatibi's framework establishes normative thresholds grounded in harm prevention, public welfare, and preservation of essential interests, thereby preventing digital data from being reduced to a purely utilitarian commodities. However, classical preservation logic alone is insufficient to address cumulative, systemic, and algorithmically mediated harm. Auda's systems approach extends this foundation by incorporating multidimensional analysis, complexity awareness, and future-oriented evaluation (*iʿtibār al-maʾālāt*), enabling maqāṣid reasoning to regulate not only individual transactions but also digital infrastructure and institutional power. The study concludes that Auda represents a methodological evolution rather than a rupture and that an integrated framework provides the most coherent Islamic response to digital data governance.

The broader implications of this research are both theoretical and practical. This study contributes to the development of maqasid theory by demonstrating how its core structure can govern emerging forms of electronic wealth and digital ecosystems. Nevertheless, this research is limited by its doctrinal and conceptual orientations. It does not test the proposed framework through empirical case studies, judicial decisions or regulatory models in Muslim-majority jurisdictions. Future research should therefore (1) examine the application of this integrated *maqāṣid* framework to concrete disputes, such as data monetization or the right to erasure; (2) conduct a comparative analysis with international data protection regimes; and (3) explore policy-oriented or fatwa-based operationalization within contemporary Islamic legal institutions. Such studies would enhance the practical relevance and institutional translation of the maqāṣid-based digital governance.

Instead of merely applying maqasid theory to a new issue, this integrated framework advances maqṣid theory itself, benefiting modern Islamic legal studies. It shows how the *Sharīʿah's* higher goals of Sharīʿah can serve as a forward-thinking ethical framework that can direct digital governance, uphold human dignity, and advance justice in data-driven communities. The paradigm presented here offers a conceptual basis for addressing various new technical issues within Islamic legal theory, going beyond the particular problem of digital data ownership. This framework may be expanded in the future to include empirical research on data governance in Muslim communities, comparisons with international data protection laws, and the formulation of specific policy recommendations based on maqasid al-Sharia. Such initiatives will strengthen Islamic legal theory's position as a constructive and critical participant in international conversations on digital ethics and human-centered technology.

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