

Towards Personal Data Protection in Structural Leadership Training: An Analysis of *Maqāshid al-Sharī'ah* Perspective

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Abstract

This article discusses the *Maqāshid al-Sharī'ah* approach to protecting personal data in the context of structural leadership training. *Maqāshid al-Sharī'ah*, as a framework of Islamic legal principles, provides a strong foundation for understanding and implementing personal data protection in leadership training. This article elucidates how the training institution can incorporate measures to safeguard participants' personal data in leadership structural training in accordance. This study employs a normative legal approach, scrutinizing the personal data protection act and structural leadership training maintenance guidelines through qualitative prescriptive research methods. It collects data from observations and relevant reference documents and employs deductive data analysis techniques. The results of this study indicate that implementing these principles requires strict policies, sophisticated security technology, staff training, and awareness about the importance of personal data. By considering the alignment between data protection and *Maqāshid al-Sharī'ah*, this research aims to contribute to a more robust data governance framework within leadership development programs. To implement this protection, the contribution of an officer who can serve as a data protection officer for participants in structural leadership training is required.

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The author received funding from the Ministry of Communication and Information Technology Master's Scholarship Program to support the publication of this article.

Keywords: Personal Data Protection, *Maqāshid al-Sharī'ah*, Structural Leadership Training

Introduction

Technological innovations in development, information, and communication have greatly facilitated data's rapid and simple distribution. Open network architectures enable the exchange of information across national borders. The significant economic value and benefits of data have driven rapid growth in activities involving collecting and processing personal data.¹

The digital age has made it easier for people to use technology, extending beyond just communication. Digitalization has fostered the development of various online services, including financial technology (fintech).² Developers who understand the public's demand for technology have launched numerous online applications, encompassing services in healthcare, finance, business, insurance, and other public utilities, all of which require the use of personal data. In addition to the public sector, digital services allow for 24/7 availability, which is particularly beneficial for public services like bill payments, license renewals, and other governmental services. These conveniences often involve collecting personal data, the security of which cannot always be guaranteed.

Although technology has provided ease and quick access for its users, the vast amount of data stored in

¹ Siti Yuniarti, "Perlindungan Hukum Data Pribadi Di Indonesia," *Business Economic, Communication, and Social Sciences Journal (BECOSS)* 1, no. 1 (September 30, 2019): 147–54, <https://doi.org/10.21512/becossjournal.v1i1.6030>.

² Erna Priliasari, "Pentingnya Pelindungan Data Pribadi dalam Transaksi Pinjaman Online" *Majalah Hukum Nasional* 49, no. 2 (November 28, 2019): 1–27, <https://doi.org/10.33331/mhn.v49i2.44>.

technological systems undeniably poses negative impacts on data security. The use of technology necessitates a legal framework that ensures the safety and security of the data provided by users, thereby protecting personal data from misuse and ensuring its integrity.

Protecting personal data is a fundamental human right and an essential aspect of personal security. This principle has led Indonesia to establish a legal foundation to ensure the security of personal data, based on the 1945 Constitution of the Republic of Indonesia. Personal data protection aims to guarantee citizens' rights to personal security, raise public awareness, and ensure recognition and respect for the importance of protecting personal data.³

Concerning the protection of personal data, it is inseparable from the norm of *Lex Informatica*, which has become more manifested in the communication and interaction of society.⁴ *Lex Informatica* offers a new way to deal with difficult problems faced by a legal regime, namely regulation of internet content, distribution and misuse of personal information, and protection of intellectual property in a global network.⁵

Meanwhile, internationally, personal data protection has led to the formation of international and regional organizations that issue recommendations that can serve as guidelines for member countries. This serves as the

³ Danrivanto Budhijanto, *Hukum Pelindungan Data Pribadi di Indonesia Cyberlaw & Cybersecurity*, 1st ed. (Bandung: PT Refika Aditama, 2023). p.2.

⁴ Danrivanto Budhijanto, *Hukum Pelindungan Data Pribadi di Indonesia Cyberlaw & Cybersecurity*, 1st ed. p.3.

⁵ Christos Dimitriou, "Lex Informatica and Legal Regime: Their Relationship," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, July 5, 2015), <https://doi.org/10.2139/ssrn.2626941>.

foundation for the development of personal data protection regulations in the respective countries.

The General Data Protection Regulation (GDPR) is the toughest privacy and security law in the world. Although drafted and enacted by the European Union (EU), this law imposes obligations on organizations anywhere as long as they target and collect data related to individuals in the EU. This regulation came into effect on May 25, 2018. The GDPR imposes heavy fines for those who violate standards of privacy and personal data security, with penalties reaching tens of millions of euros.⁶ It establishes principles for the processing of personal data.⁷ Although originally designed for EU member states, its principles and regulatory framework have been widely adopted by many countries as the foundation for their national privacy laws.

Indonesia's Personal Data Protection Law represents a tangible manifestation of the theory of legal convergence as a conceptual and theoretical framework. It integrates technology, economy, and law in relation to human and societal interactions in the digital information age at national, regional, and international levels.⁸

This alignment is particularly important for civil servants and state authorities, as structural leadership training facilitates their leadership development and ensures that they not only enhance their managerial skills but also adhere to and implement contemporary legal frameworks, such as the Personal Data Protection Law, in their daily duties.

⁶ "What Is GDPR, the EU's New Data Protection Law?," GDPR.eu, November 7, 2018, <https://gdpr.eu/what-is-gdpr/>.

⁷ Sinta Dewi Rosadi, *Pembahasan UU Pelindungan Data Pribadi (UU RI No.27 Tahun 2022)* (Jakarta Timur: Sinar Grafika, 2023). P.22.

⁸ Danrivanto Budhijanto, *Teori Hukum Konvergensi*, 1st ed. (Bandung: Refika Aditama, 2014). p.15.

The growing use of digital information systems in Indonesian public administration requires leaders to comply with the Personal Data Protection Law and promote ethical data handling. Leadership training programs, such as those provided by the National Institute of Public Administration (NIPA - LAN), serve as a foundation for embedding these values and practices into government operations. By equipping future civil and state leaders with both managerial skills and an understanding of personal data protection, structural leadership training ensures that data security principles are integrated into all levels of public administration, thus supporting the principles of the Personal Data Protection Law.

The decision to examine structural leadership training corresponds with the theory of legal convergence, as it embodies the amalgamation of legal obligations, technology abilities, and management capabilities essential in the contemporary digital governance environment. Leadership training provides a unique platform for examining how law, technology, and administration intersect within a structured learning environment, emphasizing the importance of proactive data protection and legal adherence in a rapidly digitizing public sector.

Structural leadership training implements managerial competency development through training pathways regulated by government regulations governing civil servant management.⁹ It is divided into four categories, namely:¹⁰ First, Intermediate Structural Training,

⁹ Lembaga Administrasi Negara, "Peraturan Lembaga Administrasi Negara Nomor 5 Tahun 2022 Tentang Penyelenggaraan Pelatihan Struktural Kepemimpinan," 2022.

¹⁰ "Pelatihan Kepemimpinan Dan Manajerial ASN – LAN RI," accessed April 18, 2024, https://lan.go.id/?page_id=2147.

hereinafter referred to as National Leadership Training Level I, is training for occupying or in intermediate high-level leadership positions. Second, Primary Structural Training, hereinafter referred to as National Leadership Training Level II, is training for occupying or in primary high-level leadership positions. Third, Administrator Structural Training, hereinafter referred to as Administrator Leadership Training, is training for occupying or in administrator positions. Fourth: Supervisor Structural Training, hereinafter referred to as Supervisor Leadership Training, is training for occupying or in supervisor positions.

Structural Leadership Training refers to enhancing managerial skills through a training program that follows government laws to grow civil and state authorities. The National Institute of Public Administration (NIPA - LAN) is responsible for setting up, coordinating, organizing, and advancing the development of managerial competence through structural leadership training. Implementing structural training aims to develop participant competencies to meet the managerial competency standards of structural positions.¹¹ This training program is designed to develop leadership and management skills for leaders and administrative officials in government institutions. It aims to enhance their leadership abilities in managing organizations, directing teams, making strategic decisions, and leading effective change. Such training typically covers various topics, including human resource management, transformational leadership, effective communication, decision-making, public ethics, and other managerial skills crucial for success in a complex government administrative environment.

¹¹ “Peraturan Lembaga Administrasi Negara Nomor 5 Tahun 2022 Tentang Penyelenggaraan Pelatihan Struktural Kepemimpinan.”

Regulation of NIPA Number 5 of 2022, especially in Article 9, explains that Structural Training can be conducted through two main pathways: classical and non-classical. In addition, this training can also be carried out by combining both pathways. Classical training is conducted face-to-face, while non-classical training is conducted through distance learning. The combination of these two methods is called Blended Learning.¹²

Meanwhile, during the implementation of structural leadership training, the Learning Management System (LMS) is utilized to incorporate data collecting, processing, storage, and management. This pertains to the regulations of the personal data protection legislation, which should have the ability to enforce criteria for the utilization of participants' data in training. In order to prevent the unauthorized disclosure and theft of data, it is imperative to have professional personnel who are trained in personal data protection involved in leadership training for the organization's structure.

As an organizer, the training coordinator must ensure that training sessions are carried out in alignment with established standards while prioritizing the protection of participant and alumni data. The participant data is either fragmented or dispersed over various places and media, including computers, laptops, external hard drives, flash disks, Learning Management System (LMS) hosting, and Google Drive. Lack of proper coordination and monitoring might heighten the likelihood of data loss or unauthorized access.

The perfection of Islam in this context pertains not only to worship (*hablun min al-Allah*) but also to social

¹² Peraturan Lembaga Administrasi Negara Nomor 5 Tahun 2022 tentang Penyelenggaraan Pelatihan Struktural Kepempimpinan.

(*hablun min an-nās*).¹³ The *Maqāshid al-Sharī'ah*, -the purposes of Shariah and the wisdom set by God in every one of its rulings- by emphasizing justice, public welfare (*maslahah*), and harm prevention (*dharār*).¹⁴ By applying these principles, personal data protection becomes an extension of safeguarding individual rights and dignity, preventing misuse or exploitation of sensitive information. Therefore, *Maqāshid al-Sharī'ah* aligns Islamic values with modern legal standards, viewing data protection as integral to intellectual and property rights.

The relevance of *Maqāshid al-Sharī'ah* to personal data protection is closely related, referring to the five essential *Maqāshid al-Khamsah al-Dharuriyah*.¹⁵ This study is based on these foundational principles, as they are traditionally regarded as the most essential elements of human welfare, safeguarding rights that are crucial within the scope of personal data protection.

These five basic rights have the most to do with protecting personal data, especially when it comes to public administration and leadership training. For instance, protecting *al-nafs* (life) and *al-'aql* (intelligence) is like keeping personal information safe against unauthorized access and misuse, thereby supporting both individual dignity and societal trust.

This study employs a normative juridical approach, focusing on legal analysis based on Regulation No. 27 of 2022 concerning the Personal Data Protection Law and secondary sources from library materials. Data analysis

¹³ Mochamad Khairul Anwar, et.all, "The Role of Al-Hisbah in Implementation of Business Ethics in Traditional Markets," *Amwaluna: Jurnal Ekonomi Dan Keuangan Syariah* 4, no. 2 (2020).

¹⁴ Ahmad Fathan Aniq, "Maqasid Al-Shariah Wa Mekanatuha Fi Istinbath al-Ahkam al-Shariah," *Al-Qānūn* 12, no. 1 (2020).

¹⁵ Muhammad Thahir Ibn Asyur, *Maqasid Al-Syariah Al-Islamiyah* (Beirut: Dal Al-Ilm al-Arabiyah, 2004). p.115.

involves gathering and synthesizing primary, secondary, and tertiary legal materials to address research objectives. The Personal Data Protection Law serves as the *Lex Digitalis Habeas Data* in Indonesia,¹⁶ incorporating principles such as caution, balance, accountability, confidentiality, public interest, and legal certainty. Comparative insights are drawn from other nations' leadership training programs, including Singapore's Civil Service College (CSC), and Malaysia's National Institute of Public Administration (INTAN).

The study emphasizes the urgency of data protection awareness, highlighted by the June 20, 2024, ransomware attack on Indonesia's National Data Center, which impacted 239 agencies. This incident stresses the need for safeguarding personal data and ensuring compliance with Personal Data Protection regulations in training programs. Article 5 of the Personal Data Protection Law highlights individuals' rights to clarity, accountability, and lawful use of personal data. The researcher found that several other countries, besides Indonesia, also conduct structural leadership training. Among these countries is Singapore, known for its Civil Service College (CSC), which provides training and development for civil servants and leaders in the public sector. CSC offers various leadership training programs aimed at enhancing administrative leaders' skills and competencies.¹⁷

Similarly, Malaysia also undertakes similar initiatives, with one institution known as the National Institute of Public Administration (INTAN) responsible for

¹⁶ Danrivanto Budhijanto, *Hukum Pelindungan Data Pribadi di Indonesia Cyberlaw & Cybersecurity*, 1st ed. (Bandung: PT Refika Aditama, 2023). p.30.

¹⁷ "What We Do," accessed April 18, 2024, <https://www.csc.gov.sg/what-we-do/>.

training and development in public administration. INTAN organizes various leadership training programs for civil servants at various levels.¹⁸ In the implementation of the Personal Data Protection law, all parties need to understand that the authority over personal data lies with each individual as a data subject. The various cases that have emerged reflect a lack of public understanding of the impact of misuse of personal data, even though the losses can be enormous.

Not only in ASEAN countries but also in other parts of Asia, several countries conduct leadership training. In India, programs for officials and civil servants are organized by institutions such as The Lal Bahadur Shastri National Academy of Administration (LBSNAA).¹⁹ Similarly, in China, various institutions and universities offer leadership training programs for civil servants and government organization leaders. One renowned institution is the China Executive Leadership Academy Pudong (CELAP), known for providing leadership training.²⁰

Literature Review

Research on personal data protection continues to evolve. One article addressing this topic is authored by Samsul Arifin, Azrul Afrillana Awaludin, and Yusril titled "Elaboration of *Maqāshid al-Sharī'ah* Values in Forming

¹⁸ "Sejarah," Portal Rasmi INTAN, accessed April 18, 2024, <https://www.intanbk.intan.my/iportal/ms/info-korporat/intan-sepintas-lalu>.

¹⁹ "About LBSNAA: Lal Bahadur Shastri National Academy of Administration, Mussoorie-248179 (Uttarakhand), Govt of India," accessed December 16, 2024, <https://www.lbsnaa.gov.in/cms/about-lbsnaa.php>.

²⁰ "China Executive Leadership Academy Pudong Introduction," accessed April 18, 2024, <https://en.celap.org.cn/col/col2084/index.html>.

Transformational Leadership".²¹ This study delves into the intricate interplay between transformational leadership and the *Maqāshid al-Sharī'ah* framework within the context of organizational triumph, drawsuing from established theory and a comprehensive analysis of prior research through literature review. Furthermore, Denny Suwondo, in his article "The Legal Protection of Personal Data in Islamic Perspective".²² The research purposes to discuss specifically the regulation of personal data protection in Indonesia and personal data protection from an Islamic perspective. Another study focusing on the urgency of personal data protection as part of *Sadd al-Dzari'ah* by Mohammad Farid Fad titled "Personal Data Protection in the Perspective of *Sadd al-Dzari'ah*".²³ The findings of this study are in the perspective of *Sadd al-Dzari'ah*, personal data contains honor and personal dignity that should not be disturbed. When there is misuse of data, it creates a danger (*mudharat*) in the form of damage to a person's dignity (*hifz al-'irdh*) even though Islamic law as much as possible creates benefits for humans. Therefore, the Government is obliged to draw up a Personal Data Protection Law to create a protected and guaranteed digital ecosystem. Additionally, the work by Ahmad Syukran Baharuddin, *et.al.* in their article "An Appraisal of *Maqāshid al-Sharī'ah* Classic and Recent Literature:

²¹ Samsul Arifin, Azrul Afrillana Awaludin, and Yusril Yusril, "Elaboration of Maqashid Sharia Values in Forming Transformational Leadership," *Transformatif* 8, no. 1 (April 30, 2024): 43–54, <https://doi.org/10.23971/tf.v8i1.7923>.

²² Denny Suwondo, "The Legal Protection of Personal Data in Islamic Perspective," *International Journal of Law Reconstruction* 7, no. 2 (September 30, 2023): 221, <https://doi.org/10.26532/ijlr.v7i2.33648>.

²³ Mohammad Farid Fad, "Perlindungan Data Pribadi Dalam Perspektif Sadd Dzari'ah," *Jurnal Mu'amalatuna* 13, no. 1 (2021), <https://doi.org/10.37035/mua.v13i1.4674>.

Systematic Analysis",²⁴ discusses *Maqāshid al-Sharī'ah* has been typically defined as the objectives behind the Islamic rulings or the *Sharī'ah* higher intent. This knowledge is very important for the Islamic scholars not only to understand or interpret the *Sharī'ah* legal texts, but also to deduce solutions for contemporary problems faced by Muslims. To add, the journal titled "Legal Protection of Personal Data in Indonesia"²⁵ by Siti Yuniarti. The article highlights the growing need for personal data protection in Indonesia due to advancements in information and communication technology. While privacy is recognized as a human right under Indonesia's Constitution.

Based on the literature review process, examining, and analyzing previous studies related to this research theme, the study found that there have been no studies addressing Personal Data Protection in Structural Leadership Training from the perspective of *Maqāshid al-Sharī'ah*. This article will discuss personal data protection, structural leadership training, privacy theory, and the application of *Maqāshid al-Sharī'ah* concepts to the implementation of personal data protection in structural leadership training.

Privacy Theory

Due to rapid technological advancement, there have been many recent developments, including AI and social media.²⁶ In January 2010, Mark Zuckerberg, Chief

²⁴ Ahmad Syukran Baharuddin ASB , et.al., "An Appraisal of Maq Aisal of Maqāsid Al-Sharī'ah Classic and Recent Literature: Systematic Analysis," *Library Philosophy and Practice (e-Journal)*, 2019.

²⁵ Siti Yuniarti, "Perlindungan Hukum Data Pribadi Di Indonesia," *Binus Journal* 1, no. 1 (n.d.): 2019, <https://doi.org/10.21512/becossjournal.v1i1.6030>.

²⁶ Sinta Dewi Rosadi, "The Use of AI and Social Media for "Black Campaign" in the 2024 General Elections in Indonesia: A Review of Indonesian Laws on Black Campaign",

Executive of Facebook, declared that the era of privacy had ended. The emergence of social media means that people no longer have privacy, and confidentiality is no longer a social norm. Some parties, especially technologists, argue that privacy has died due to big data, social media, the development of information and communication technology, and other factors.²⁷

The privacy theory was first proposed by Alan Westin in his book titled 'Privacy and Freedom'. According to Westin, privacy is the right of an individual, group, or institution to determine whether information about them will be communicated to others. The definition put forward by Westin is also known as information privacy because it concerns personal information.²⁸

Westin's Privacy Theory explains that individuals, groups, or institutions possess the right to determine the disclosure, use, and recipient of their personal information. The privacy law regime recognizes this right to privacy as a human right that the government and other institutions must protect and respect. Violations of personal data that are part of a person's privacy can result in legal consequences. Every individual has the right to demand protection and compensation for such violations.

The concept of privacy varies from generation to generation. Cultural differences and technological advancements impact the interpretation of the 'privacy' concept, where the right to privacy is treated differently

https://law.yale.edu/sites/default/files/area/center/isp/documents/mwi-sinta-dewi-rosadi_2024-08-01_re-fin.pdf

²⁷ C. Kuner et al., "The Challenge of 'Big Data' for Data Protection," *International Data Privacy Law* 2, no. 2 (May 1, 2012): 47–49, <https://doi.org/10.1093/idpl/ips003>.

²⁸ Sinta Dewi, *Cyberlaw: Perlindungan Privasi Atas Informasi Pribadi Dalam E-Commerce Menurut Hukum Internasional* (Bandung: Widya Padjadjaran, 2009), p.39.

according to the cultural factors of society. What is considered private in Western culture may not necessarily be considered private in Eastern societies. For example, religion is something considered private in Western society, but this is not necessarily the case in Indonesia.

Platforms such as Facebook collect vast quantities of personal data in order to ‘microtarget’ advertisements to users,²⁹ while advancements in information and communication technology, together with monitoring mechanisms like cookies and GPS tracking, further diminish personal privacy. Big data facilitates comprehensive profiling, frequently without authorization, and numerous organizations capitalize on the collection and monetization of user data. Consequently, privacy is progressively regarded as antiquated, as evolving societal norms normalize perpetual sharing and diminished confidentiality.

Every activity in the digital space will leave a digital footprint and become part of someone's privacy. Because each of these activities can be identified individually or combined with other information, which might result in the exposure of an individual's privacy.

Islam highly values the privacy and dignity of the individual, and this is reflected in many aspects of its teaching. One example is the ethics of visiting, which teaches the importance of asking permission, greeting, keeping sight, and respecting the condition of the host. These principles show not only respect for others but also respect for one's privacy. In Islam, it is said that when someone visits another person's house, it is customary to offer pleasantries. This practice is emphasized in Surah

²⁹ “Social Media Privacy,” *EPIC - Electronic Privacy Information Center*, accessed December 19, 2024, <https://epic.org/issues/consumer-privacy/social-media-privacy/>.

An-Nur verses 27, where Allah instructs believers to do so: "O you who believe! Enter not houses other than your own, until you have asked permission and greeted those in them, that is better for you, in order that you may remember."

Sayyid Qutb, in his interpretation of this passage, stated that homes are endowed with a sanctity that must not be violated; people should not be surprised in their homes by strangers entering without permission, except after seeking permission and being allowed to enter. This is to prevent unauthorized eyes from viewing the secrets of the homes and the private parts of their inhabitants.³⁰ The Prophet (PBUH) said: "If one of you asks for permission to enter another person's house three times and he is not allowed to enter, then let him return." (Muslim).³¹

Furthermore, the person who is seeking permission should stand to the right or the left of the door, but not directly in front of it. Abdullah Ibn Yusr (R.A) said, "When the Prophet (PBUH) would arrive at the door of people, he would not face the door directly, but rather [he would be] at its right or left corner. And he would say, 'As-Salaamu 'Alaikum, As-Salaamu 'Alaikum,' and that is because homes would not have covers over them in those days."³²

In Islam, the right to privacy extends beyond just the issue of entering someone's home. It is considered a universal right that prohibits any form of intrusion, such as spies, peeping into a house or looking from outside, without their consent. The Prophet (PBUH) said: "If a man –or someone– peeped at you without your permission and

³⁰ Sayyid Qutub, *Tafsir Al-Qur'an al-Adhim*, 2nd ed., vol. 7 (Beirut: Dal Al-Ilm al-Arabiyah, 2005). p.239.

³¹ Muslim, *Shahih Muslim*, 1st ed., vol. 3 (Egypt: Dar al-Salam, 2003). p.344.

³² Nūr al-Dīn 'Alī ibn Sulṭān Muḥammad al-Qārī, *Mirqāt Al-Mafātīh Sharḥ Mishkāt al-Maṣābiḥ*, vol. 7 (Beirut: Dar al-Fikr, 2002). p. 2961.

you threw a pebble at him that gouged out his eye, you would not be at fault".³³

In *Sahih* Muslim No. 2158a, Prophet Muhammad (PBUH) explicitly declares that it is forbidden to gaze into a house without the occupants' permission: "He who peeped into the house of people without their consent, it is permissible for them to put out his eyes".³⁴

Moreover, in *Sahih* al-Bukhari No. 6064, the Prophet (PBUH) stated: "Beware of suspicion, for suspicion is the worst of false tales; and do not look for the others' faults and do not spy".³⁵ These principles not only demonstrate reverence for others but also foster harmony and tranquility in social engagement.

In summary, privacy theory asserts that individuals have the right to govern the collection, storage, use, and dissemination of their personal information. This theory assumes that individuals feel safer and more comfortable when they control their personal data. Lack of individual controls, inadequate policies, or unsafe technologies can contribute to personal data breaches in a community.

Personal Data Protection

The development of information and communication technology has created a wide range of significant opportunities and challenges. This transformation has affected social behavior as well as the structure of human civilization globally, which requires in-depth analysis from a variety of perspectives, including from a legal perspective. However, amid this progress, there are issues related to data security, especially in the context of government.

³³ Bukhari, *Shahih Bukhari* (Mesir: Dar al-Salam, 2003). p.6902.

³⁴ Muslim, *Shahih Muslim*. p.2158

³⁵ *Shahih Bukhari*. p.6064.

According to Article 1, paragraph 1, of the Personal Data Protection law, Personal Data is defined as information about specific individuals that may be identified either on its own or when coupled with additional data, whether through electronic or non-electronic means.³⁶

Information and Communication Technology (ICT) enables governments to enhance efficiency and deliver improved public services. However, it also poses the challenge of heightened data security concerns due to its growing complexity. The advent of information technology has facilitated the collection, storage, and utilization of personal data by several entities, including those who lack accountability. Consequently, safeguarding personal data is becoming increasingly crucial to uphold the privacy rights of individuals. If a person feels that technology has violated their private rights, the law must provide adequate protections.

Personal data, including names, addresses, financial information, and others, represents vital elements of a person's life that might be seen as an "asset" or "property" deserving of protection, like intellectual property. Given that this data profoundly affects an individual's security, reputation, and personal rights, its protection is important to preserving valuable private ownership. This approach underscores those breaches of personal data may constitute violations of an individual's ownership rights, rendering its protection imperative.

Personal data protection and protecting the public interest go hand in hand in the digital age. Both aims to keep society safe and people trusting each other. In the name of the public interest, states often need to access

³⁶ "Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi," 2022.

certain data. However, there needs to be a balance to stop actions that are taken without a reason and violate people's rights. The Personal Data Protection Law was enacted in Indonesia to safeguard the personal data of its citizens. However, it has not been fully implemented yet, because the necessary implementing regulations have not been ratified. To find a balance between personal privacy and the public interest, strong law frameworks should include accountability and transparency mechanisms. These should make sure that any data access by authorities is done in an honest and responsible way. This method not only serves the public interest, but it also protects people from having their personal information misused, protecting privacy and security in a way that respects human rights.

Understanding the legal protection of personal data cannot be separated from the interpretation of the words that make up the sentence, especially the words "protection" and "data," and how mechanisms and forms of protection can be provided to the data subjects. Referred to in the Cambridge Dictionary, protection is the act of protecting or state of being protected.³⁷

Legal (Law) protection is an essential aspect provided by the law itself, where such protection must not be compromised, intentionally ignored, or even interpreted differently by law enforcement.³⁸ Everyone has equal standing before the law, and fundamentally, the law functions to protect all citizens according to their legal status.³⁹

³⁷ Dictionary Cambridge. "Protection," December 18, 2024, <https://dictionary.cambridge.org/dictionary/english/protection>.

³⁸ Imron Rosyadi, *Hukum Pidana* (Surabaya: Revka Prima Media, 2022). p.50.

³⁹ Deni Achmad (et.al), "Legal Protection Against Victims of Doxing Crime in Indonesia," *Jurnal Bina Mulia Hukum* 8, no. 1 (2023): 97.

The definition of law in Indonesian terminology is regulations made by authorities (government) or customs applicable to all people in a society (country); law can also mean rules, regulations, etc., whose function is to regulate social interactions in society; law also means standards (rules, provisions) regarding a specific event (nature, etc.).⁴⁰

Meanwhile, the definition of law as a science has been widely discussed by experts and practitioners in the field of law. Among them, Soedjono Dirdjosisworo suggests that the understanding of law can be seen from eight meanings, namely: ⁴¹ First, Law in the sense of authority; second, law in the sense of officials, third: law in the sense of Attitude Action, fourth: law in the sense of rule systems; fifth, law in the sense of value networks; sixth, law in the sense of legal order; seventh: law in the sense of legal science, eight: law in the sense of legal discipline.

The various meanings of law from different perspectives put forward by Dirdjosisworo illustrate the complexity and multifaceted nature of the concept of law. This perspective emphasizes that law encompasses social, political, and moral aspects and needs to be understood comprehensively to appreciate its function in society.

From the above definitions, it can be understood that Legal Protection refers to efforts to protect human rights and society from arbitrary actions, both by individuals and by authorities, intending to create order and tranquility in communal life. Legal protection must be adaptive, flexible, predictive, and anticipatory to adjust to the development of the times and the needs of society.

As for the term 'Data,' it refers to letters, symbols,

⁴⁰ Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia* (Jakarta: PT. Gramedia Pustaka Utama, 2008). p.556.

⁴¹ Soedjono Dirdjosisworo, *Pengantar Ilmu Hukum* (Jakarta: PT. Raja Grafindo Persada, 2008). p. 409.

and analog quantities that can be considered as inputs for computer processing; data can also be interpreted as information that has meaning for specific purposes.⁴²

Therefore, 'Personal Data' refers to data about a person that is identified or can be identified separately or in combination with other information, whether directly or indirectly through electronic or non-electronic systems.⁴³

Indonesia, as a *Rechtsstaat* (legal state) country, in 2022 enacted the Personal Data Protection Law, Law Number 27 of 2022 concerning Personal Data Protection. This was done as an effort to anticipate technological advancements and digital culture. The existence of this personal data protection law is expected to encourage new habits among the public to be more aware and implement personal data protection.⁴⁴

The Principle of Protection in the Personal Data Protection Law stipulates that any processing of personal data is carried out by protecting the data subject concerning his or her data and such personal data so as not to be misused.⁴⁵

Generally, data has become an identity for individuals that can be exchanged for various purposes. One of the uses of data is to register and obtain services from various digital platforms. Platforms themselves are

⁴² Dendy Sugono, et.al, *Kamus Bahasa Indonesia* (Jakarta: Pusat Bahasa Departemen Pendidikan Nasional, 2008). P320.

⁴³ "Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi."

⁴⁴ Admin Aptika, "Pengesahan RUU PDP Dorong Tumbuhnya Ekosistem Digital," *Ditjen Aptika* (blog), September 21, 2022, <https://aptika.kominfo.go.id/2022/09/pengesahan-ruu-pdp-dorong-tumbuhnya-ekosistem-digital/>.

⁴⁵ "Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi."

electronic devices that are part of electronic systems.⁴⁶

The use of personal data terminology varies between countries. For example, the European Union chooses to use the term personal data in the General Data Protection Regulation (GDPR). Similarly, several ASEAN member countries such as Indonesia, Malaysia, Singapore, the Philippines, and Thailand also use the same term, personal data. Countries like the United States, Japan, Canada, and South Africa are examples of countries that use the term personal information in their respective protective laws. There is no difference in the definition even though there are different terms used. The difference lies in the scope and information or personal data in each regulation.⁴⁷

The GDPR serves as a guideline in the drafting of the Personal Data Protection Law. Although GDPR was initially intended for European Union countries, in practice, many countries worldwide adopt the principles and regulatory models into their national laws. This legislative approach makes our Personal Data Protection Law globally standardized, equivalent to other countries, including developed nations, in terms of data protection and sovereignty.⁴⁸

Personal data have become crucial because users in networks will not engage in digital transactions if they feel

⁴⁶ Niki Anane Setyadani, "Perlindungan Data Pada Platform Digital Melalui Pembentukan Komisi Privasi Dan Data Protection Officer (DPO)," 2020, <https://kliklegal.com/perlindungan-data-pada-platform-digital-melalui-pembentukan-komisi-privasi-dan-data-protection-officer-dpo>.

⁴⁷ Trias Palupi Kurnianingrum, *Politik Hukum Pengaturan Pelindungan Data Pribadi Konsumen Di Era Ekonomu Digital* (Jakarta: Yayasan Pustaka Obor Indonesia, 2020).

⁴⁸ Ahmad M. Ramli, *Undang-Undang Pelindungan Data Pribadi Dan Korporasi, Pembahasan Isu-Isu Aktual Undang-Undang Nomor 27 Tahun 2022 Tentang Pelindungan Data Pribadi* (Bandung: Refika Aditama, 2023). P.5 and 11.

their privacy and personal data security are threatened.⁴⁹ This reflects the fundamental legal principle that individuals have the right to protect their privacy and personal data, as stipulated in various data protection regulations and laws across jurisdictions. Uncertainty or doubts regarding privacy and personal data security often hinder or even halt digital transaction activities involving the use of personal information. Therefore, the protection of personal data can be considered an integral part of individual rights in the digital era, and the state should ensure that such protection is effectively guaranteed through appropriate regulations and efficient law enforcement. Thus, law enforcement against privacy and personal data violations becomes a necessity in maintaining trust and security in the digital transaction ecosystem.

Protection of Personal Data of Structural Leadership Training Participants

In the rapidly evolving digital age, safeguarding personal data has emerged as a critical concern, especially in the context of government entities responsible for storing personal data. Instances of personal data breaches within government entities not only erode public confidence but also expose vulnerabilities in the security infrastructure designed to safeguard this information.

The regulation of data management by participants in structural leadership training is not exempt from the norms found in the Personal Data Protection Law. Every training participant has the right to obtain protection for

⁴⁹ Sinta Dewi Rosadi and Garry Gumelar Pratama, "Urgensi Perlindungan Data Privasi Dalam Era Ekonomi Digital di Indonesia," *Veritas et Justitia* 4, no. 1 (June 28, 2018): 88–110, <https://doi.org/10.25123/vej.2916>.

their privacy and personal data and to receive compensation for errors or misuse in the management of personal data by the training institution.

These obligations arise because it is the state's responsibility not only to store personal data but also to protect the privacy of those data subjects. This suggests that the state's responsibilities extend beyond mere data collection, encompassing the need to prevent unauthorized parties from misusing or accessing the data without authorization. In other words, the state is not only responsible for the security of data but also must ensure that individual privacy is protected.

***Maqasid Al-Shariah* Perspective on the Importance of Personal Data Protection in Structural Leadership Training**

In contemporary times, data has become an integral component of an individual's self. Unauthorized data access is analogous to trespassing into someone's residence without permission, therefore it is strictly prohibited in Islam. Hence, personal data can be likened to a dwelling, as it is impervious to violation. Similar to how individuals in their residences would not appreciate the presence of unfamiliar individuals without consent, due to concerns of intrusion and exposure to their personal life, it is imperative to safeguard personal data against unwanted entry to maintain privacy and security.

Maqāshid al-Sharī'ah are the primary objectives of Islamic law aimed at protecting and promoting five fundamental aspects: religion (*al-din*), life (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-māl*). These

principles aim to ensure the well-being of individuals and society as a whole.⁵⁰

The legal protection of personal data should be given priority in structure leadership training. By adopting the principles of *Maqāshid al-Sharī'ah*, organizations can ensure their compliance with legal obligations while upholding high ethical and moral standards in protecting the rights of participants. This strategy promotes trust and integrity in the training process, creating a safe and effective environment for all participants.

The expanded scope of *Maqāshid* -such as family and societal welfare- presents valuable areas for future research. In this study, however, the traditional five principles serve as a focused framework, providing a basis for understanding core protections necessary for personal data within Islamic ethics and contemporary governance.

1. Protection of Religion (*Hifz al-Din*)

Personal data related to individual religious beliefs and practices must be kept confidential. Protecting this information is part of safeguarding individual freedom of religion and belief, ensuring that individuals' personal data and dignity are respected and not misused.

In the context of personal data protection, the principle of *Hifz al-Din* (protection of religion) can be linked to *Surah Al-Hujurat* verse 6 which emphasizes the importance of verifying information before it is received and disseminated: “O believers, if an evildoer brings you any news, verify it so you do not harm people unknowingly, becoming regretful for what you have done.”

This verse teaches Muslims to ensure the truth of the news received so as not to cause any unwanted

⁵⁰ Maisyarah Rahmi HS, *Maqasid Syariah Sertifikasi Halal*, (Palembang: Bening Media Publishing, 2021). 20.

calamity or damage. In managing personal data, this principle supports efforts to maintain the integrity and truth of the information in circulation to prevent slander and negative impacts that may damage an individual's or community's reputation.

Protecting religion also includes preventing slander and damage that may occur due to false or misleading information. This is in line with the principle of *Hifz al-Din*, which involves protecting communities and individuals from slander and negative impacts that may damage religious values.

2. Protection of Life (*Hifz al-Nafs*)

Protection of life is one of the main objectives of the *Maqāshid al-Sharī'ah*. Islam requires the protection of the life of every individual and prohibits any form of threat or action that could endanger a person's life. In the modern context, this includes protection from physical and non-physical threats, including those related to personal data.

Personal data often includes highly sensitive information, such as a person's identity, health, and whereabouts. In the digital age, a violation of a person's privacy can be life-threatening. For example, leaked personal data can be used for fraud, blackmail, or even physical crimes. Misuse of this data can threaten a person's physical and mental safety.

The Personal Data Protection Law regulates various matters regarding the consent that must be given by users as personal data subjects to the controller as the party that will utilize the data. This is reflected in Article 20, paragraph (1) of the Personal Data Protection Law, which requires data controllers to have a basis for processing personal data. One that can be a basis is explicit, valid consent from the personal data subject for one or more

specific purposes that have been conveyed to the personal data subject.⁵¹

3. Protection of Intellect (*Hifz al-'Aql*)

The intellect is regarded as a divine gift that necessitates safeguarding against all sorts of injury, both physical (e.g., the ingestion of detrimental chemicals) and mental (e.g., the dissemination of false information). In the digital era, the protection of the intellect can be expanded to include the protection of information accessed by individuals. False or misleading information can damage the intellect and mislead a person's understanding, so the protection of the intellect includes the security of information obtained and processed. Allah said in Surah Al-Isra verse 36: "Do not follow what you have no sure knowledge of. Indeed, all will be called to account for their hearing, sight, and intellect."

Islam emphasizes the importance of knowledge and correct information, as well as the responsibilities associated with what we know and believe. This supports the principle of the right to be informed and to ensure that the information obtained is accurate, as stated in the Personal Data Protection Law. Protecting personal data from misuse also means safeguarding individuals' rights to think and express themselves freely without fear of unauthorized data disclosure.

4. Protection of Lineage (*Hifz al-Nasl*)

Personal data related to family status and lineage should be protected to prevent potential discrimination or stigmatization. This ensures the honor and dignity of each participant are preserved. For example, information related to family identity, such as birth certificates and

⁵¹ "Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi."

marriage records, should be protected to keep it original and undisturbed. The integrity of family data is important because the family is a fundamental social unit in Islam, and information about the family needs to be protected to maintain harmony and integrity of lineage.

Lineage in the Islamic law is one of the most basic human rights, each individual inherits from his family.⁵² For example, related to marriage and inheritance. For this reason, the *Shariah* orders that adopted children be called or named to their biological father, not to their adoptive father. Allah SWT. Says in Surah Al-Ahzab verse 5: “Let your adopted children keep their family names. That is more just in the sight of Allah. But if you do not know their fathers, then they are simply your fellow believers and close associates”.

Misuse of Personal Data can manifest in the loss of accuracy and truthfulness in representing an individual’s identity. The principle of *nasab* (lineage) in Islam emphasizes that personal data, especially related to family identity and origins, must be handled with honesty and accuracy.

In the digital world, every piece of information related to a person’s identity, including family status, should be rigorously protected, and correctly processed to prevent confusion, injustice, or violations of individual rights.

Furthermore, as Islam stresses the importance of attributing someone to their correct lineage, Personal Data Protection Law also demands transparency and integrity in data management. Inaccurate use or manipulation of identity information -such as attributing a child to

⁵² Moeinifar M, Ardebeli FA, “Lineage and the Rights of Cloned Child in the Islamic Jurisprudence,” *J Reprod Infertil* 13, no. 4 (October 2012): 92–183.

someone other than their biological father- can lead to significant violations from both a *shariah* perspective and secular legal standpoint, potentially harming an individual's legal status and rights in this world and the hereafter.

5. Protection of Property (*Hifz al-Māl*)

As the modern economy has grown, information, including personal data, has become vital. This is due to its high economic value, which drives businesses to utilize it extensively.⁵³ Because of this data's significant role and economic value, many parties attempt to misuse it, either personally or on behalf of an institution, without the knowledge of the data owner.⁵⁴

Maqāshid al-Sharī'ah emphasizes the importance of protecting ownership and rights over property.⁵⁵ Personal data has significant economic value; it can be used for various purposes, including marketing, research, and product development. This value makes it a potential target for exploitation or misuse. In the context of personal data, this means protecting data as a form of legitimate ownership.

Maqāshid al-Sharī'ah supports the protection of individual property rights, including personal data as a form of property. Laws and policies regulating the protection of personal data, such as the Personal Data Protection Law in Indonesia, play a role in ensuring that

⁵³ Sinta Dewi, "Konsep Perlindungan Hukum Atas Privasi Dan Data Pribadi Dikaitkan Dengan Penggunaan Cloud Computing Di Indonesia," *Jurnal Yustitia* 5, no. 1 (2016.). p.23.

⁵⁴ *Politik Hukum Pengaturan Pelindungan Data Pribadi Konsumen Di Era Ekonomi Digital*. p202.

⁵⁵ Maisyarah Rahmi Hasan and Mohd Syahiran Abd Latif, "Towards a Holistic Halal Certification Self-Declare System: An Analysis of Maqasid al-Sharī'ah-Based Approaches in Indonesia and Malaysia," *Mazahib* 23, no. 1 (June 4, 2024): 41–78, <https://doi.org/10.21093/mj.v23i1.6529>.

personal data is protected from unauthorized access or use. This protection aligns with the *Maqāshid al-Sharī'ah* principle of safeguarding wealth.

By incorporating these principles, the role of data controllers and processors in structural leadership training becomes crucial. They guarantee the handling of personal data adhering to both the ethical standards of *Maqāshid al-Sharī'ah* and contemporary data protection regulations. This approach not only protects individuals but also upholds the integrity and reputation of the country.

Within the framework of this discussion, the implementation of the principles of *Maqāshid al-Sharī'ah* in the management of personal data protection has the potential to enhance the ethics of data management. This is because it guarantees that the protection of personal data belonging to training participants is in accordance with Islamic principles and the norms of good public management.

The ethical framework of *Maqāshid al-Sharī'ah* offers valuable insights into how personal data should be treated within the public sector. While leadership structural training remains a crucial element in ensuring that public officials are well-equipped to handle data responsibly, this research demonstrates that the principles of *Maqāshid al-Sharī'ah* have much broader application. By embedding these ethical principles into public sector governance, data management practices, and public policies, governments can enhance their capacity to protect personal data in a manner that respects human dignity and promotes the common good. Ultimately, a more comprehensive adoption of *Maqāshid al-Sharī'ah* across the public sector can foster a culture of ethical responsibility and accountability, ensuring that personal data is not only legally protected but ethically safeguarded.

Among the five *Maqāshid al-Sharī'ah*, *Hifzh al-Nafs* (protection of life) is the most relevant to implementing legal protection for personal data concerning personal security. Leaked personal data can lead to physical and psychological risks, such as threats, intimidation, or identity theft. Maintaining the integrity and privacy of personal data protects an individual's dignity and integrity. While leadership training entails the provision of general personal data related to identity, data breaches can cause harm to participants, highlighting numerous instances of data theft and misuse, which both the state and religion should fundamentally safeguard. Therefore, the concept of personal data protection according to *Maqāshid al-Sharī'ah* is crucial to implement, ensuring the well-being of training participants through a legal data protection framework based on *Maqāshid al-Sharī'ah*.

According to *Maqāshid al-Sharī'ah*, the legal protection of personal data necessitates policies and regulations that govern the collection, storage, and disclosure of personal information responsibly. Indonesia's Personal Data Protection Law covers essential elements, including individuals' rights to access, correct, and delete their data, as well as legal mandates for data security measures such as encryption and breach notification. However, while these protections provide a solid foundation, certain areas remain insufficiently addressed, which *Maqāshid al-Sharī'ah* can help to fulfill by introducing a framework that emphasizes ethical duties alongside legal requirements.

For instance, the Personal Data Protection Law primarily focuses on compliance but lacks an explicit emphasis on the ethical imperative of protecting individuals' dignity and privacy, a core concern within *Maqāshid al-Sharī'ah*.

Islam is universally recognized as encompassing all facets of life. This encompasses honoring the privacy of others, as stated in the Surah Al-Hujurat verses 14: “O you who believe! Avoid much suspicions, indeed some suspicions are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it (so hate backbiting). And fear Allah. Verily, Allah is the One Who accepts repentance”

By integrating *Maqāshid* principles, policies could place a stronger focus on the ethical treatment of personal data, seeing personal data protection not only as a legal obligation but as a moral duty that upholds the inherent dignity of individuals.

Narrated Sahl bin Sa’idi: A man peeped through a hole in the door of Allah's Messenger’s house, and at that time, Allah's Messenger PBUH had a *Midri* (an iron comb or bar) with which he was rubbing his head. So, when Rasulullah PBUH saw him, he said (to him), "If I had been sure that you were looking at me (through the door), I would have poked your eye with this (sharp iron bar). Then, He added, "The asking for permission to enter has been enjoined so that one may not look unlawfully (at what there is in the house without the permission of its people).⁵⁶

Although the Personal Data Protection Law includes transparency and accountability elements, *Maqāshid al-Sharī'ah* prioritises procedural justice and comprehensive openness. This means that beyond compliance, organizations should strive for fairness in data breach response, including transparent recovery mechanisms and just redress for victims. By integrating *Maqāshid al-Sharī'ah* into personal data protection, organizations fulfill both their legal and ethical obligations, creating a

⁵⁶ Bukhari, *Shahih Bukhari. Blood Money (Ad-Diyat)*. 6901.

framework that respects individual rights while promoting justice, trust, and accountability in data practices. Rasulullah PBUH stated: “The blood, honour, and property of a Muslim is inviolable for another Muslim”.⁵⁷ In this way, *Maqāshid al-Sharī'ah* complements the Personal Data Protection Law, reinforcing that personal data protection is not only a legal requirement but also a moral duty grounded in the universal principles of Islamic ethics.

Moreover, Article 63 of the Personal Data Protection Law allows for broad participation from all parties involved in the protection of personal data. Participation might manifest through activities such as education, training, lobbying, or socializing aimed at raising awareness and promoting understanding among the public regarding their rights in safeguarding personal information.⁵⁸

Conclusion

Personal data protection is a crucial aspect of structural leadership training, especially in the increasingly complex digital era. The *Maqāshid al-Sharī'ah* approach provides a robust ethical and legal foundation for protecting participants' data. By referring to the five primary principles of *Maqāshid al-Sharī'ah*—protection of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-māl*)—organizations can ensure that individuals' rights are comprehensively protected.

Implementing these principles involves various strategic steps such as stringent data protection policies, the use of advanced security technologies, and educational

⁵⁷ Muslim bin Hajjaj, *Sahih Muslim, The Book of Virtue, Enjoining Good Manners, and Joining of the Ties of Kinship*, n.d. p.6012.

⁵⁸ “Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi.”

programs to raise awareness about the importance of data protection. Additionally, clear procedures for handling breaches must be established to ensure accountability and justice.

The *Maqāshid al-Sharī'ah*'s guiding principles can play a major role in raising public awareness of the importance of protecting individuals' personal information. Considering that Indonesia, behind Pakistan, is the nation with the second-largest Muslim majority worldwide. Religious approaches continue to have a significant impact on increasing public awareness. Integrating *Maqāshid al-Sharī'ah* in personal data protection not only satisfies legal responsibilities but also gives precedence to ethical and moral concerns in safeguarding the confidentiality and safety of participants' information. This will create a secure and dependable training environment that fosters the well-being of all individuals participating.

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