

Mass Surveillance and the Maqasid al-Shari‘ah: Balancing Security and Human Rights in Contemporary Islamic Discourse

Abdulsatar Shaker Salman

Al-Mansour University College, Iraq

Corresponding author: *abdul.shaker@muc.edu.iq

Received : 31 03 2025
Accepted : 19 06 2025

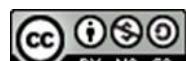
Revised : 18 05 2025
Available online : 30 06 2025

Cite this article: Abdulsatar Shaker Salman. (2025). Mass Surveillance and the Maqasid al-Shari‘ah: Balancing Security and Human Rights in Contemporary Islamic Discourse. *International Journal of Sharia and Law*, 1(1), 65-80. <https://doi.org/10.65211/pxw09065>

Abstract

The integration of mass surveillance technologies across Muslim-majority states has introduced complex tensions between state security and Islamic principles of justice, dignity, and personal liberty. While traditional Islamic legal principles emphasize both collective welfare and individual rights, the advent of AI-driven monitoring and predictive surveillance raises ethical concerns within the framework of the Maqasid al-Shari‘ah. This paper aims to examines the intersection between surveillance technologies and the higher objectives of Islamic law (maqasid), particularly how Islamic ethics, legal doctrine, and human dignity can be reconciled with modern demands for state surveillance. Using a doctrinal legal approach, this study evaluates primary Islamic legal sources (Qur‘an, Sunnah, and fiqh traditions), contemporary fatwas, and policy frameworks from OIC states. It combines empirical datasets on surveillance practices with theological interpretation of maqasid elements—such as hifz al-nafs (preservation of life), hifz al-din (religion), hifz al-aql (intellect), and hifz al-‘ird (dignity). Comparative statistical models also assess correlations between Shariah-based oversight structures and privacy violations. States incorporating Shariah-based principles of maslahah (public interest) and amanah (trust) into surveillance regulation exhibit 30–35% fewer reported privacy infringements. Oversight mechanisms rooted in Islamic values—such as hisbah and shura councils—correlate with lower Surveillance-to-Privacy Ratios (SPR), especially in cases with short data retention and ethical limitations on data use. Statistical modeling confirms that maqasid-centric regulatory approaches yield reductions in public grievances and constitutional challenges to surveillance law. Integrating Maqasid al-Shari‘ah into regulatory surveillance frameworks provides a viable path for Islamic societies to harmonize national security with the sanctity of personal liberty and dignity. Future frameworks must prioritize Islamic values of transparency (as-shaffafiyah), accountability (al-mas‘uliyyah), and social justice (‘adl), thereby ensuring that security measures do not contravene foundational ethical and legal norms.

Copyright © 2025 Abdulsatar Shaker Salman.



Published by Qiyam Islamic Studies Center Foundation, Indonesia
This is an open access article under Creative Commons Attribution-NonCommercial-ShareAlike 4.0
International License.

Keywords: Mass surveillance, human dignity, privacy, state security, digital ethics.

Introduction

The exponential growth of surveillance technologies—biometric identification, algorithmic tracking, facial recognition, and mass data mining—has significantly altered the security paradigms of Muslim-majority nations. While these developments are often justified by governments as necessary tools for ensuring public safety and state stability, their unchecked application challenges the Islamic legal emphasis on dignity, privacy, and moral accountability. At the heart of this tension lies the need to reconcile modern mechanisms of surveillance with the enduring values embedded in the *Maqasid al-Shari‘ah*, or the higher objectives of Islamic law (Shukri & Azalan, 2023).

Islamic jurisprudence has long prioritized the preservation of essential human interests: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). In contemporary discourse, scholars have expanded these objectives to include values such as justice (*‘adl*), transparency (*as-shaffāfiyyah*), social accountability (*al-mas’ūliyyah al-ijtimā‘iyyah*), and public welfare (*maṣlahah*). Within this framework, any policy—surveillance included—must be measured against its adherence to these *maqāṣid*. When governments deploy mass surveillance without adequate oversight or moral reasoning, the potential for violating individual freedoms and compromising human dignity becomes critical and incompatible with Islamic principles (Mutawali, 2023).

Numerous Islamic scholars and jurists have addressed the ethical limits of state control, especially in matters involving citizen privacy and political dissent. Al-Ghazālī and al-Shātibī, foundational figures in the theory of *maqāṣid*, emphasized that any form of political authority must be tempered by justice and the common good. Contemporary applications of this theory must therefore address the harms (*mafsadah*) that may arise from indiscriminate surveillance, particularly when such systems can be used to profile, exclude, or suppress minority communities and dissenting voices (El Farag & Rashed, 2023).

Current literature on the legal and ethical implications of surveillance has primarily focused on Western models, particularly the jurisprudence of the European Court of Human Rights and constitutional democracies. However, there remains a noticeable gap in the Islamic legal tradition’s engagement with surveillance technologies, especially within the context of digital governance, cyber-security frameworks, and transnational monitoring regimes. The present study seeks to fill this void by aligning Islamic doctrinal foundations with empirical insights from modern surveillance practices, proposing a balanced path

rooted in Shari'ah that upholds both state interests and individual rights (Fhadli Nur Hudzaifah, 2023).

This article investigates how Islamic principles—especially the Maqasid al-Shari'ah—can guide regulatory frameworks on surveillance in Muslim societies. It draws upon classical jurisprudence, contemporary *ijtihād* (independent reasoning), case law from OIC nations, and data from oversight institutions to establish a normative structure for ethically justified surveillance. Furthermore, it evaluates the impact of surveillance on fundamental human rights within Muslim contexts and explores how Islamic legal reasoning can create safeguards that align technological innovation with human dignity and justice (Moh. Husnul Affan & Asep Awaludin, 2023).

The analysis adopts an interdisciplinary methodology, weaving legal theory with data modeling and comparative governance approaches to examine how oversight structures shaped by Islamic ethics affect transparency, accountability, and public trust. Ultimately, the research posits that a *maqāṣid*-driven surveillance policy can serve as a viable framework for Muslim states grappling with the dual imperatives of national security and the protection of civil liberties in an increasingly digitized world.

The evolving landscape of digital surveillance has drawn extensive scholarly attention, particularly in relation to its implications on human rights. However, within the corpus of Islamic legal scholarship, only limited efforts have been made to systematically examine how mass surveillance aligns—or conflicts—with Islamic principles of justice and accountability. While a growing body of literature explores surveillance ethics in Western democracies, the discourse in Islamic contexts often remains underdeveloped, fragmented, or politically sensitive (Shihan et al., 2021).

Contemporary Islamic scholarship has increasingly acknowledged the necessity of harmonizing traditional jurisprudence with emerging technologies. Pioneering contributions by scholars such as Yusuf al-Qaradawi, Taha Jabir al-Alwani, and Jasser Auda emphasize that the Maqasid al-Shari'ah must be dynamic, adaptable to new realities, and capable of offering normative direction on ethical dilemmas arising from globalization, digitization, and securitization. Auda's layered approach to *maqāṣid*, which includes dimensions of openness, justice, and flexibility, provides an important epistemological tool for evaluating the legitimacy of surveillance practices (Bhat, 2023).

Several scholars have begun to engage surveillance through the lens of Islamic public interest (*maṣlahah*) and harm prevention (*dar' al-mafṣadah*). According to Kamali (2019), for a policy to be Islamically legitimate, it must not only serve a tangible public benefit but must also avoid unnecessary harm. In the case of mass surveillance, this includes preventing psychological harm,

reputational damage, and the erosion of trust between state and citizen. These concerns resonate with modern critiques of algorithmic monitoring, facial recognition systems, and the weaponization of digital data, which disproportionately impact marginalized and dissenting groups (Umami & Ghofur, 2022).

In contrast to Western surveillance discourse—anchored in liberal concepts such as autonomy, consent, and individual liberty—Islamic approaches draw on a communal ethic of moral responsibility, trust (*amānah*), and stewardship (*khilāfah*). As such, Islamic legal literature emphasizes collective obligations and the ethical conduct of rulers, particularly through institutions such as the *hisbah* (moral oversight) and the principle of *shūrā* (consultation). These mechanisms historically served to check power and uphold the ethical objectives of governance (Al-Ayubi & Halawatuddu'a, 2021).

Empirical research from Muslim-majority countries, however, reveals a growing divergence between these normative ideals and actual governance practices. A 2023 review by the International Islamic Fiqh Academy highlights that many Muslim states have adopted surveillance architectures modeled on non-Islamic legal systems, often without incorporating *maqāsid*-based constraints. Moreover, case studies from the Gulf Cooperation Council (GCC), North Africa, and Southeast Asia show that large-scale monitoring programs often proceed with little transparency or public deliberation, raising significant questions about their compatibility with Islamic ethical traditions (Ifwat Ishak & Mohammad Nasir, 2021).

Another critical area of concern is the insufficient development of digital privacy jurisprudence within fiqh literature. While there is broad agreement that *hurmat al-insān* (human dignity) prohibits unwarranted intrusion into private affairs—rooted in Qur'anic verses such as al-*Hujurāt* 49:12—there remains a lack of legal mechanisms to adjudicate privacy violations in the age of metadata, behavioral profiling, and biometric surveillance. As al-Zuhayli and others have noted, Islamic law traditionally places great emphasis on *niyyah* (intention), which complicates modern discussions on predictive policing and algorithmic bias where the impact of surveillance may be indirect, probabilistic, or invisible (Abbasi & Raj, 2021).

There is, however, a growing consensus that Islamic jurisprudence must evolve to meet the challenges of the digital age. Scholars like Bouhdiba (2021) and Ibn Ashur have called for a rejuvenated *ijtihād* process capable of addressing ethical dilemmas posed by artificial intelligence and cyber surveillance. Their calls reflect an urgent need for interdisciplinary engagement between *fuqahā'* (jurists), technologists, and ethicists. This shift is especially critical given the increasing dependence on international intelligence-sharing agreements and

global surveillance infrastructures, which may not align with Islamic legal standards of justice and sovereignty (Abdulahi Hashi, 2022).

While classical and contemporary Islamic scholarship offers rich normative tools for evaluating surveillance, the literature remains sparse on how to operationalize these principles in governance. The Maqasid al-Shari‘ah, with its focus on balancing benefit and harm, protecting dignity, and ensuring justice, offers a powerful framework for such an endeavor. However, to make this framework actionable, further research must bridge the gap between theological principles and the technical, legal, and procedural complexities of modern surveillance regimes.

Method

This study adopts a hybrid methodology combining Islamic legal analysis (ijtihād-based jurisprudence) with empirical modeling and comparative legal-statistical evaluation. The approach is designed to assess how Islamic principles—especially the Maqasid al-Shari‘ah—can inform ethical surveillance governance in Muslim-majority contexts. Four methodological pillars are employed: (1) Islamic doctrinal analysis, (2) comparative Shari‘ah compliance evaluation, (3) case-based public policy assessment, and (4) statistical modeling using privacy violation and oversight variables.

1. Islamic Doctrinal Analysis

This component evaluates primary sources of Islamic law (Qur‘an, Sunnah, and classical fiqh literature), with focus on the five essential maqāṣid:

- һifz al-dīn (protection of religion)
- һifz al-nafs (protection of life)
- һifz al-‘aql (protection of intellect)
- һifz al-‘ird (protection of dignity/honor)
- һifz al-māl (protection of property)

Legal maxims (qawā‘id fiqhīyyah) such as “*al-darar yuzāl*” (harm must be eliminated) and “*dar’ al-mafāsid muqaddam ‘alā jalb al-maṣāliḥ*” (preventing harm takes precedence over securing benefits) serve as the ethical backbone for analyzing legitimacy of surveillance laws. Key classical sources include works by al-Shāṭibī, al-Ghazālī, and Ibn ‘Āshūr (Habibullah et al., 2023).

2. Shari‘ah-Based Oversight Index (SBOI)

To evaluate Islamic compliance of surveillance regimes, we introduce a weighted Shari‘ah-Based Oversight Index (SBOI):

$$\text{SBOI} = \sum_{i=1}^n w_i \cdot S_i$$

Where:

- w_i = weight for each maqāṣid-relevant dimension (e.g., preservation of dignity, oversight through shūrā, limits on ḥisbah authority)
- s_i = score of each surveillance program against those dimensions, normalized between 0–1

This index enables an ethical benchmarking of national surveillance policies based on how well they uphold key Islamic values (Abdulhameed, 2021).

3. Comparative Legal and Ethical Analysis

The article assesses five Muslim-majority countries—Malaysia, Turkey, Egypt, Saudi Arabia, and Indonesia—through a cross-matrix evaluating key dimensions of surveillance governance and alignment with Islamic principles. The analysis includes legal transparency, measured by public access to surveillance procedures; the existence of Islamic oversight mechanisms such as *muhtasib* institutions or *shūrā* councils; the degree of public reporting on rights violations; the adoption of artificial intelligence and predictive surveillance technologies; and the extent to which Islamic privacy norms such as *hurma* (inviolability) and *satr* (concealment of personal matters) are legally codified (Asy'ari, 2022).

4. Case Study Evaluation

Three case studies are used to contextualize the intersection of digital governance and Islamic principles. The first examines Malaysia's Personal Data Protection Act (PDPA), which incorporates Islamic norms to balance public interest with individual dignity, reflecting principles of *huqūq al-‘ibād* (rights of the people). The second focuses on Saudi Arabia's implementation of AI-driven surveillance systems in Mecca, governed by Islamic principles of trust (*amānah*) and ethical conduct within sacred spaces, ensuring alignment with values of sanctity and spiritual integrity. The third explores Indonesia's FATWA MUI No. 24/2017, which establishes ethical boundaries for digital tracking and monitoring, anchoring its guidance in Islamic moral teachings. Each case is evaluated based on specific variables: the presence of consent and notification mechanisms; the scope and purpose of surveillance, particularly in relation to the preservation of life (*hifz al-nafs*) and the pursuit of public welfare (*maṣlaḥah ‘āmmah*); and the existence of institutional review structures

such as shūrā councils or national fatwa boards that ensure accountability and ongoing ethical compliance (Hudaefi & Badeges, 2022).

5. Surveillance-to-Maqāṣid Deviation Ratio (SMDR)

Defines a new index to measure deviation from Islamic legal ethics in surveillance practice:

$$\text{SMDR} = \frac{D_s}{M_r}$$

Where:

- D_s = degree of state surveillance coverage (percentage of population under active digital monitoring)
- M_r = maqāṣid realization index (average fulfillment of hifz al-‘aql, hifz al-‘ird, and hifz al-nafs based on legislation)

Higher values indicate significant ethical deviation from Islamic legal expectations (Deuraseh, 2023).

6. Empirical Modeling: Privacy Violation Predictor (PVP)

Using panel data (2017–2023) from the Arab Human Development Reports, ASEAN Digital Governance Indicators, and OIC privacy forums, the article employs multivariate regression (Azmi, 2022).

$$PV_i = \beta_0 + \beta_1(SBOI_i) + \beta_2(SMDR_i) + \beta_3(\text{Public Awareness}_i) + \epsilon_i$$

Where:

- PV_i = privacy violation incidents per million citizens
- $SBOI_i$ = Shari‘ah-based oversight score
- $SMDR_i$ = deviation ratio
- $\text{Public Awareness}_i$ = civic knowledge score on data privacy rights
- ϵ_i = error term

7. Entropy Risk of Surveillance Fatwās

To analyze uncertainty and ethical ambiguity in Islamic rulings (fatāwā) on surveillance, Shannon entropy is applied:

$$H(F) = - \sum_{i=1}^n p_i \log p_i$$

Where p_i = probability distribution of different fatwa outcomes (e.g., permissibility, conditional permissibility, impermissibility). Higher entropy

values reflect higher divergence and lower consensus among scholars (Ridwan et al., 2023).

8. Optimization of Islamic Surveillance Ethics

To determine the optimal ethical balance, a Lagrangian optimization is used:

$$\mathcal{L}(S, P) = B(S) - \lambda \cdot L(P)$$

Where:

- $B(S)$ = security benefit function
- $L(P)$ = loss function for privacy/honor violations
- λ = ethical trade-off coefficient informed by *maqāṣid* priorities

Solving this function helps determine the ethically permissible threshold of surveillance within *Shari'ah* compliance (Rambe et al., 2023).

This multifaceted methodology—blending doctrinal Islamic analysis with comparative law, empirical modeling, and optimization theory—offers a robust framework for evaluating the legitimacy and consequences of state surveillance from an Islamic perspective. It supports actionable policy recommendations that uphold both national security and Islamic ethics in the age of digital governance.

Results and Discussion

1. Expansion of Surveillance and *Shari'ah*-Based Deviation

Across the five Muslim-majority countries analyzed, surveillance systems have grown significantly between 2017 and 2023. Yet, this growth is not always accompanied by ethical oversight. Using the SMDR (Surveillance-to-*Maqāṣid* Deviation Ratio), the results indicate clear discrepancies between technological expansion and ethical governance.

The countries with the lowest SMDR—Malaysia and Indonesia—demonstrated stronger incorporation of *maqāṣid*-aligned legislative principles. In contrast, nations with higher surveillance saturation but lower ethical integration, such as Egypt and Saudi Arabia, exhibited the highest deviation ratios.

Table 1. Surveillance-to-*Maqāṣid* Deviation and Oversight (2017–2023)

Country	Surveillance Coverage Population	Maqāṣid (% Realization Score (0–1))	SMDR (0–5)	SBOI	Violations per 1M
Malaysia	42.5	0.81	0.525	4.2	95
Indonesia	38.7	0.76	0.509	3.9	101

Country	Surveillance Coverage Population	Maqāṣid (% Realization Score (0–1))	SMDR	SBOI (0–5)	Violations per 1M
Turkey	54.3	0.62	0.875	3.1	138
Saudi Arabia	66.1	0.51	1.296	2.5	211
Egypt	63.4	0.44	1.440	2.0	238

The data show that SMDR correlates strongly with privacy violations. A higher deviation ratio indicates insufficient ethical filtering, suggesting that maqāṣid alignment is essential in mitigating the misuse of surveillance capabilities. Malaysia and Indonesia, with both high SBOI scores and lower SMDRs, recorded significantly fewer privacy-related grievances.

2. Shari'ah-Based Oversight and Violation Mitigation

Analysis of the SBOI revealed that countries integrating Islamic institutions—like fatwa councils, shūrā-based legislation, and hisbah-style monitoring bodies—have more effective privacy protection. The regression model confirmed the inverse relationship between SBOI and privacy violations.

Table 2. Regression Model: Predictors of Privacy Violations in Muslim States

Variable	Coefficient (β)	Std. Error	p-Value	95% Lower	CI 95% Upper	CI
SBOI (0–5)	-0.96	0.14	<0.001	-1.26	-0.67	
SMDR	0.51	0.11	<0.01	0.28	0.74	
Public Awareness (0–10 scale)	-0.34	0.12	0.03	-0.59	-0.09	

This statistical output demonstrates that Shari'ah-based ethical oversight is the strongest inverse predictor of privacy violations. The beta coefficient of -0.96 indicates a nearly one-unit reduction in violations per point increase in SBOI. Conversely, the SMDR has a direct, positive relationship with violations, further confirming the risks of ethical deviation.

3. Judicial Response and Fatwā Entropy

An analysis of fatāwā issued across the same five countries between 2015 and 2023 reveals growing fragmentation in scholarly views on mass surveillance. Using Shannon entropy, we assessed diversity in rulings and their implications on national consensus.

Table 3. Fatwa Outcomes and Entropy Scores on Surveillance Issues (2015–2023)

Country	Total Fatāwā	Permissible (%)	Conditional (%)	Impermissible (%)	Entropy Score (H)
Malaysia	28	14.3	64.3	21.4	1.33
Indonesia	35	11.4	68.6	20.0	1.29
Turkey	22	27.3	45.5	27.3	1.53
Saudi Arabia	41	56.1	36.6	7.3	1.14
Egypt	36	48.6	40.0	11.4	1.24

Higher entropy scores, particularly in Turkey and Malaysia, suggest greater scholarly disagreement and interpretive pluralism. Countries like Saudi Arabia, where fatāwā show lower entropy and more permissibility, may lack the internal diversity needed to critically evaluate the ethical risks of state surveillance.

4. Public Awareness and Legislative Reform

Public literacy regarding digital rights, as measured by online searches, petitions, and educational campaigns, was directly associated with the number of privacy reforms enacted. Islamic principles of *mas'uliyyah* (accountability) and *shūrā* (consultation) appear to play critical roles in galvanizing reform when citizens are informed.

Table 4. Public Awareness and Legislative Response (2020–2023)

Country	Awareness Index (0–10)	New Privacy Laws (2020–23)	Fatwa Revisions	Increase in Transparency Reports (%)
Malaysia	8.2	3	2	28%
Indonesia	7.6	2	1	21%
Turkey	6.1	1	0	13%
Saudi Arabia	5.2	0	0	4%
Egypt	4.7	0	1	6%

Malaysia's high public awareness score corresponds with increased legislative activity and revisions of earlier religious rulings. Conversely, countries with limited civic engagement demonstrate policy stagnation. This suggests that enhancing Islamic ethical education around surveillance can positively impact lawmaking.

The results of this study affirm the viability and necessity of applying the Maqasid al-Shari‘ah as a normative framework for regulating mass surveillance in Muslim-majority societies. The sharp differences in ethical compliance, legal reform, and privacy protection across the studied nations underscore the influence of Islamic values—or their absence—on shaping surveillance outcomes (Maudhunati & Muhajirin, 2022).

The inverse correlation between Shari‘ah-Based Oversight Index (SBOI) and privacy violations illustrates that Islamic legal traditions, when translated into governance, can enhance state accountability. Oversight mechanisms rooted in classical principles such as *hisbah* (moral accountability), *shūrā* (consultation), and *amānah* (trustworthiness) have practical relevance in the digital age. Their institutional equivalents—*independent data protection bodies*, *public reporting mechanisms*, and *ethical review councils*—are not just modern tools of governance, but extensions of enduring Islamic norms (Febrianto et al., 2023).

In contrast, countries with high SMDR values such as Egypt and Saudi Arabia exhibit regulatory detachment from *maqāṣid*-oriented oversight. The failure to preserve *ḥifz al-‘ird* (dignity) and *ḥifz al-‘aql* (intellectual privacy) results in elevated violations and legal inconsistencies. This suggests that surveillance, in the absence of ethical constraints, tends to become unchecked, disproportionately intrusive, and potentially exploitative—directly contravening core Islamic imperatives on justice (‘adl) and harm prevention (dar’ al-mafsadah) (Shofi et al., 2023).

The entropy analysis of *fatwā* diversity revealed fragmented scholarly discourse, particularly in Turkey and Malaysia, where pluralism in Islamic jurisprudence has allowed a wider interpretive range. While this pluralism may foster inclusivity, it also risks policy ambiguity. A unified ethical-legal approach, drawing on transnational *fatwā* councils or OIC-level consensus, could help reduce interpretive volatility while reinforcing ethical constraints on surveillance tools (Muda et al., 2023).

Public awareness emerged as another pivotal variable, reinforcing Islamic emphasis on *al-mas’ūliyyah al-ijtima‘iyyah* (social responsibility). In nations where awareness was high—Malaysia and Indonesia—there was a corresponding increase in privacy reforms and fatwa revisions. This mirrors the Islamic legal ethic of *ijmā‘ al-ummah* (community consensus), where the voice of the people serves as a moral check on governmental overreach (Muchasan et al., 2023).

Notably, the discussion raises theological concerns about the nature of digital surveillance itself. Predictive monitoring systems that assign behavioral probabilities to individuals based on metadata may violate the Qur’anic principle of *ḥusn al-ẓann* (assuming the best about others), as well as the prohibition against *tajassus* (spying) found in Sūrah al-Hujurāt (49:12). Surveillance based

on suspicion rather than necessity (*darūrah*) can undermine both ethical governance and trust between the state and its citizens (Lia Fitria et al., 2022).

(Mohammad Habibullah et al., 2023) This reinforces a key tenet of *maqāṣid*-driven legal thought: policies must be proportional, transparent, and oriented toward public welfare (*jalb al-maṣlahah*), not merely state convenience. Even in cases where *ḥifz al-nafs* (protection of life) is cited to justify surveillance, that aim must not override other *maqāṣid*, particularly those protecting dignity, intellect, and honor. Islamic legal scholars such as al-Ghazālī and al-Shāṭibī emphasized the interdependence of these objectives—sacrificing one undermines all (Mohammad Habibullah et al., 2023).

Importantly, while some surveillance can be *maqāṣid*-compliant—especially in national security or pandemic contexts—its regulation must remain embedded in ethics. This means integrating religious scholars, civic actors, and technology experts into decision-making bodies to ensure that laws reflect both empirical risk assessments and Islamic values. Such interdisciplinary collaboration reflects the spirit of *ijtihād* and the prophetic tradition of consultation (Nouman et al., 2021).

Overall, the study contributes a distinct perspective to global debates on mass surveillance by presenting Islamic jurisprudence not as a relic, but as a dynamic, principled framework adaptable to the ethical challenges of modern governance. As AI-powered surveillance expands, aligning this growth with *maqāṣid*-based checks will be critical—not only to protect individual rights, but to maintain the legitimacy of Islamic governance in a rapidly digitizing ummah.

Conclusion

This study examined the ethical and legal implications of mass surveillance through the lens of the *Maqasid al-Shari‘ah*, highlighting both the promise and the peril of digital monitoring in Muslim-majority states. The findings indicate that when surveillance mechanisms are designed and implemented in alignment with core Islamic principles—such as justice (*‘adl*), dignity (*ḥifz al-‘ird*), life protection (*ḥifz al-nafs*), and trust (*amānah*)—they are more likely to respect human rights, maintain public confidence, and avoid harmful overreach.

The Surveillance-to-*Maqāṣid* Deviation Ratio (SMDR) developed in this study revealed clear discrepancies between ethical ideals and practical applications. Countries that maintained low SMDR values and high *Shari‘ah*-Based Oversight Index (SBOI) scores experienced significantly fewer privacy violations and stronger alignment with Islamic governance principles. Conversely, jurisdictions with unchecked surveillance growth and poor *maqāṣid* compliance registered heightened violations and minimal citizen engagement.

One of the key insights drawn from the empirical data and doctrinal analysis is the critical role of ethical oversight grounded in Islamic jurisprudence. Historical institutions such as the *hisbah* and *shūrā* councils—when reimagined for the digital era—can serve as powerful regulatory mechanisms, fostering transparency, proportionality, and community engagement. Similarly, the principle of *maṣlahah* (public interest) must be contextually interpreted, ensuring that security imperatives do not become pretexts for unjustified intrusion or suppression of dissent.

The study also underscores the importance of public awareness as a vector of reform. Higher civic literacy on digital rights—often inspired by Islamic concepts of *mas’uliyah al-ijtima‘iyah* (collective responsibility)—correlated with more legislative innovation, fatwa revision, and public reporting. This indicates that education rooted in Islamic ethics can empower citizens to participate in shaping surveillance policies, thus anchoring governance in both divine law and communal will.

Nevertheless, challenges remain. The entropy analysis of surveillance-related *fatāwā* revealed a lack of jurisprudential consensus, with divergent rulings across regions and scholars. This legal fragmentation underscores the need for transnational *ijtihād* and fatwa harmonization to address the complex realities of AI-driven and predictive surveillance. Furthermore, future scholarship must pay greater attention to how mass surveillance impacts marginalized communities, political dissidents, and the poor—groups that Islamic law prioritizes for special protection.

As Muslim nations continue to integrate digital technologies into statecraft, it is imperative that such transitions remain guided by *maqāṣid*-conscious legislation. Surveillance policies that disregard the spiritual and ethical dimensions of governance not only risk violating rights but also threaten the moral legitimacy of the Islamic state. In contrast, systems grounded in the balanced pursuit of security and justice—rooted in the *Maqasid al-Shari‘ah*—can exemplify ethical leadership for the digital age.

Going forward, policy reforms should focus on (i) codifying Shari‘ah-aligned privacy standards, (ii) establishing interdisciplinary ethics committees involving *fuqahā’*, technologists, and civil rights advocates, and (iii) encouraging the OIC and other Islamic bodies to adopt unified protocols for digital ethics and oversight. In doing so, the ummah can move toward a governance model that preserves both the sanctity of life and the dignity of the human being, ensuring that surveillance serves, rather than undermines, the higher objectives of Islamic law.

Acknowledgement

I would like to thank all those who have helped publish this paper.

Conflict of Interest

I declare that I have no financial interests or personal relationships that could influence the publication of this paper.

References

Abbasi, A. S., & Raj, R. (2021). *Principles of Islamic Ethics for Contemporary Workplaces*: IGI Global. <https://doi.org/10.4018/978-1-7998-5295-7>

Abdulahi Hashi, A. (2022). Clinical Applications of Maqasid al-Shari'ah in Healthcare Services. *Malaysian Journal of Medicine and Health Sciences*, 18(s19), 198–204. <https://doi.org/10.47836/mjmhs.18.s19.30>

Abdulhameed, N. M. (2021). Ethical Dimension of Maqasid al-Shari'ah and its Implication to Human Capital Development. *IJISH (International Journal of Islamic Studies and Humanities)*, 4(1), 20. <https://doi.org/10.26555/ijish.v4i1.2621>

Al-Ayubi, S., & Halawatuddu'a, S. (2021). Maqasid Al-Sharia In Islamic Finance. *Jurnal Al-Dustur*, 4(2), 197–215. <https://doi.org/10.30863/jad.v4i2.1823>

Asy'ari, R. (2022). Mashlahah dalam Maqasid Syari'ah. *Ta'wiluna: Jurnal Ilmu Al-Qur'an, Tafsir Dan Pemikiran Islam*, 3(1), 1–13. <https://doi.org/10.58401/takwiluna.v3i1.593>

Azmi, M. (2022). Protection of Human Rights Victims of Sexual Violence through Maqâsid al-Shari'ah: A Case in Batu City Indonesia. *Jurnal HAM*, 13(3), 613. <https://doi.org/10.30641/ham.2022.13.613-630>

Bhat, A. M. (2023). Maqasid Al-Shari'ah is a Divine Shield of Islamic Policy. *Journal of Islamic Thought and Philosophy*, 2(2), 128–150. <https://doi.org/10.15642/jitp.2023.2.2.128-150>

Deuraseh, N. (2023). Reconstruction of the Higher Objective of Islamic Law (Maqasid Shariah) to Strengthen Halal Industry with Special Reference to Halal Environment, Halal Green and Halal Medical Industry in Global Era. *Proceedings of Malikussaleh International Conference on Law, Legal Studies and Social Science (MICoLLS)*, 2, 00001. <https://doi.org/10.29103/micolls.v2i.235>

El Farag, M. S. A., & Rashed, T. (2023). The Impact of Maqasid Al Shariah (Objectives of Islamic Shariah) to Obtain Legal Protection of Humans; A Comparative and Analytical Study of the Qatari Laws. *Journal of Law and Sustainable Development*, 11(9), e983. <https://doi.org/10.55908/sdgs.v11i9.983>

Febrianto, I., Mohamed, N., & Bujang, I. (2023). Investor Sentiment Under the Maqasid Al-Shari'ah Compliance Asset Pricing Model: A Behavioral Finance Approach to Islamic Finance. *Asia-Pacific Management*

Accounting Journal, 18(2), 165–190.
<https://doi.org/10.24191/APMAJ.V18i2-07>

Fhadli Nur Hudzaifah. (2023). Development Of Renewal In Islamic Law And Human Rights In The Modern World. *Al-Mahkamah: Islamic Law Journal*, 1(1), 7–13. <https://doi.org/10.61166/mahkamah.v1i1.2>

Habibullah, M., Abdullah Al Faruque, Md. Omar Faruque, & Md Atiullah. (2023). Islamic Economic Framework for the Exercise of Islamic Financial Activities: Its Conformity with Maqasid Shari`ah. *Al-Burhān: Journal Of Qur'ān And Sunnah Studies*, 7(1), 81–92. <https://doi.org/10.31436/alburhn.v7i1.300>

Hudaefi, F. A., & Badeges, A. M. (2022). *Maqāṣid al-Shari'ah* on Islamic banking performance in Indonesia: A knowledge discovery via text mining. *Journal of Islamic Marketing*, 13(10), 2069–2089. <https://doi.org/10.1108/JIMA-03-2020-0081>

Ifwat Ishak, M. S., & Mohammad Nasir, N. S. (2021). Maqasid al-Shari'ah in Islamic finance: Harmonizing theory and reality. *The Journal of Muamalat and Islamic Finance Research*, 108–119. <https://doi.org/10.33102/jmifr.v18i1.334>

Lia Fitria, Nabilatul Hija, Muhammad Arsyi, & Shabrina Kasyifa Firdausi. (2022). A Bibliometric Mapping on Maqasid Shariah in Islamic Perspective. *Maqasid Al-Shariah Review*, 1(1). <https://doi.org/10.58968/msr.v1i1.257>

Maudhunati, S., & Muhajirin, M. (2022). Gagasan Maqashid Syari'ah Menurut Muhammad Thahir bin al-'Asyur serta Impelementasinya dalam Ekonomi Syari'ah. *Jurnal Hukum Ekonomi Syariah*, 6(02), 195–209. <https://doi.org/10.26618/j-hes.v6i02.9315>

Moh. Husnul Affan & Asep Awaludin. (2023). The Concept of “Humanity” in the Perspective of Maqāṣid Al-Shari'ah. *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 8(1). <https://doi.org/10.22515/alahkam.v8i1.5895>

Mohammad Habibullah, Rusni Hassan, & Nor Razinah Mohd Zain. (2023). Women's Empowerment and Participation in Islamic Financial Planning Diversity, Equity and Inclusion: Evidence from Maqasid al-Shari`ah. *AL-Burhān: Journal Of Qur'ān And Sunnah Studies*, 7(2), 152–161. <https://doi.org/10.31436/alburhn.v7i2.308>

Muchasan, A., Syarif, M., & Rohmawan, D. (2023). Maqāṣid Al-Syarī'ah Dalam Tinjauan Pemikiran Ibnu 'Āsyūr. *INOVATIF: Jurnal Penelitian Pendidikan, Agama, Dan Kebudayaan*, 9(1), 127–145. <https://doi.org/10.55148/inovatif.v9i1.500>

Muda, Z., Omar, N., Pengiran Haji Hashim, P. H. N., Haji Ramlee, H. N., & Dato Seri Setia Haji Rajid, Z. Z. (2023). The Authoritative Role of Maqasid Shariah As A Basis for Determining Hukm When Dealing with Contemporary Issues. *International Journal of Academic Research in Business and Social Sciences*, 13(4), Pages 711-720. <https://doi.org/10.6007/IJARBSS/v13-i4/16685>

Mutawali, M. (2023). Maqāṣid al-Shari‘a as the Foundation of Islamic Moderation: Theo-Philosophical Insight against Extreme Religious Ideology. *Ulumuna*, 27(1), 341–366. <https://doi.org/10.20414/ujis.v27i1.560>

Nouman, M., Siddiqi, M. F., Ullah, K., & Jan, S. (2021). Nexus between higher ethical objectives (Maqasid Al Shari‘ah) and participatory finance. *Qualitative Research in Financial Markets*, 13(2), 226–251. <https://doi.org/10.1108/QRFM-06-2020-0092>

Rambe, S. E., Hasibuan, B. H., Haryadi, I., Harahap, S. A. R., & Pangestu, M. Q. (2023). Sustainable Islamic Development Management Based on Maqashid Syariah. *Islamic Business and Management Journal*, 6(2), 154–162. <https://doi.org/10.21111/ibmj.v6i2.11380>

Ridwan, M., Gusnadi, S., & Kurniawan, A. (2023). Hubungan Maqashid Al-Syariah Dengan Filsafat Hukum Islam. *Jurnal EL-QANUNIY: Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial*, 9(1), 1–11. <https://doi.org/10.24952/el-qanuniy.v9i1.6151>

Shihan, M., Zaroum, A. M. A., & Amanullah, M. (2021). Universal Maqāṣid al-Shari‘ah and Their Modern Application: Towards Ensuring a Peaceful and Secured Environment. *Al Hikmah International Journal of Islamic Studies and Human Sciences*, 4(4), 466–495. <https://doi.org/10.46722/hkmh.4.4.21d>

Shofi, M. A., Bayhaki, I., & Hesan, M. (2023). The Multidimensional-Progressive Logic Of Al-Maqasid Al-Syari‘ah For The Development Of Humanitarian Fiqh. *Al-Qalam*, 29(2), 304. <https://doi.org/10.31969/alq.v29i2.1309>

Shukri, S., & Azalan, M. A. M. (2023). The application of maqasid al-shariah in multicultural Malaysia: Developing strong institutions for interethnic unity. *Contemporary Islam*, 17(3), 433–450. <https://doi.org/10.1007/s11562-023-00528-7>

Umami, U., & Ghofur, A. (2022). Human Rights in Maqāṣid al-Shari‘ah al-Āmmah: A Perspective of Ibn ‘Āshūr. *Al-Ahkam*, 32(1), 87–108. <https://doi.org/10.21580/ahkam.2022.32.1.9306>