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Transformation of Maqāṣid al-Syarī'ah Based on Ibn Taymiyyah's Thought in Responding to the Development of E-Commerce Law in Indonesia

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Abstract

This study examines the transformation of. maqāṣid al-syarī'ah based on Ibn Taymiyyah's thought as a normative framework in responding to the development of e-commerce law in Indonesia. The acceleration of the digital economy, which reached IDR 671 trillion in 2024 according to Bank Indonesia, has created a chronic mismatch between classical fiqh muamalah and contemporary transaction practices, ranging from smart contracts, peer-to-peer lending, sharia crowdfunding, to data protection and platform algorithm regulation. This research employs a mixed-methods approach, integrating quantitative data through a Likert-scale questionnaire (1–5) consisting of 25 items distributed to 156 respondents from three major economic centers (Jakarta, Bandung, and Surabaya), and qualitative data through in-depth interviews with 12 key informants, including DSN-MUI scholars, OJK regulators, sharia fintech practitioners, and academics. Quantitative data were analyzed using descriptive statistics through IBM SPSS, while qualitative data were processed using the Miles and Huberman framework. The results show that Ibn Taymiyyah's maqāṣid framework produces four significant transformations: (1) from defensive ḥifẓ al-māl to productive ḥifẓ al-māl (mean=3.78); (2) from verbal ijab-qabul to substantive digital consent (mean=3.81); (3) the development of ḥifẓ al-bayānāt as data protection (mean=3.92); and (4) from market tas'īr to algorithm regulation based on ḥisbah (mean=3.65). Notably, respondents in Jakarta showed the highest acceptance of digital contract validity (3.89), while Surabaya respondents excelled in the ḥifẓ al-bayānāt dimension (3.97). This study contributes empirical evidence that Ibn Taymiyyah's substantialist approach is more adaptive than al-Ghazālī's defensive framework in addressing digital legal challenges, while offering practical recommendations for DSN-MUI, OJK, and legislators to design sharia-based e-commerce regulations that are responsive to contemporary needs

Keywords: Maqāṣid al-Syarī'ah, Ibn Taymiyyah, E-Commerce, Sharia Digital Economy, Indonesian Law.

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INTRODUCTION

The development of the digital economy in Indonesia has entered an unprecedented phase of acceleration. According to the Indonesian Economic Report 2024 published by Bank Indonesia, the value of national e-commerce transactions reached IDR 671 trillion, with an average annual growth of 31.2% since 2019 (Bank Indonesia, 2025). Data released by the Indonesian E-Commerce Association (idEA) indicates that Indonesia has become the largest e-commerce market in Southeast Asia, contributing approximately 40% of the total regional transaction value (idEA, 2024). More than 196 million internet users in Indonesia are now engaged in various forms of digital transactions, from conventional e-commerce, social commerce, and live commerce, to peer-to-peer (P2P) lending and sharia crowdfunding (Indonesian Internet Service Providers Association, 2024). Empirical studies show that e-commerce adoption in Indonesia is driven by the relative advantage and platform compatibility with user needs, while also being hindered by digital skills gaps and exposure to harmful content (Ariansyah et al., 2021); meanwhile, the live streaming-based social commerce phenomenon is gaining popularity as product and seller trust serve as the primary mediating variables (Zhang et al., 2024).

This acceleration creates serious structural tensions in Islamic legal discourse, particularly in the realm of fiqh muamalah. Classical fiqh traditions, formulated in the context of medieval physical markets, face epistemological limitations when required to respond to new forms of transactions unknown to the classical jurists (Kamali, 2008; Auda, 2022). Smart contracts, asset tokenization, algorithm-based dynamic pricing, and automated contracts via the Internet of Things (IoT) represent realities that cannot be fully reduced to classical categories such as bai', ijārah, or salam (Mansoori, 2007; Al-Zuhayli, 2021).

This is where the maqāṣid al-syarī'ah approach becomes crucial. Maqāṣid, which can be translated as 'the substantive objectives of sharia,' offers a more flexible analytical framework than the literal-textual approach (Ibn 'Asyur, 2006; Al-Raysuni, 2020). In contemporary discourse, two influential maqāṣid paradigms exist: first, the al-Ghazālī and al-Syāṭibī approach, which positions maqāṣid as a list of values to be protected—ḥifẓ al-dīn, ḥifẓ al-nafs, ḥifẓ al-'aql, ḥifẓ al-nasl, and ḥifẓ al-māl—within a hierarchical structure of ḍarūriyyāt, ḥājiyyāt, and taḥsīniyyāt (Al-Ghazālī, 1997; Al-Syāṭibī, 2005). Second, Ibn Taymiyyah's approach, which has received comparatively less attention in contemporary maqāṣid discourse, yet offers a paradigm that is structurally different and more responsive to change.

Ibn Taymiyyah (661–728 AH/1263–1328 CE), although chronologically preceding al-Syāṭibī, built maqāṣid not as a list of values to be protected, but as an operative logic that determines permissibility and prohibition (Abou El Fadl, 2014; Hallaq, 2020). His thought can be articulated in four main theses. First, a reversal of the burden of proof in muamalah through the doctrine of al-aṣl fī al-'uqūd wa al-mu'āmalāt al-ibāḥah ḥattā yaqūma dalīl 'alā al-taḥrīm (the origin of all contracts and transactions is permissibility until evidence of prohibition exists), as formulated in al-Qawā'id al-Nūrāniyyah (Ibn Taymiyyah, 2001). Second, maṣlaḥah is treated as the very substance of sharia, not a supplement or secondary source (Abou El Fadl, 2014). Third, the ḥisbah doctrine as an embryo of Islamic market regulation (Ibn Taymiyyah, n.d.). Fourth, legal realism and rejection of formalism what is considered is not the literal form of the contract (ṣīghah), but its substance and purpose (Hallaq, 2020).

A number of previous studies have addressed the relevance of maqāṣid in the context of the digital economy. The systematic literature review by Alshater et al. (2022) on Islamic finance fintech research from 2017–2022 mapped four main streams of study but did not explicitly link them to Ibn Taymiyyah's maqāṣid framework. Auda (2022) developed a systemic maqāṣid framework to respond to the challenges of modernity, but his primary focus was at the philosophical level without discussing concrete implementation in digital transaction forms. Kamali (2021) compiled an Islamic commercial law analysis of fintech but did not deeply explore Ibn Taymiyyah's paradigm. Hasanuddin's (2023) study on sharia P2P lending regulation in Indonesia used al-Syāṭibī's maqāṣid framework but did not comprehensively map the forms of transformation made possible by Ibn Taymiyyah's approach. Quantitative studies using structural equation modelling on the continuance intention of P2P sharia financing (Marhadi et al., 2024) and fintech-based P2P payment services (Savitha et al., 2022) have confirmed the importance of digital financial literacy and trust, but have not engaged with the normative maqāṣid framework. Meanwhile, Fauzia and Riyadi's (2024) research on smart contracts from a fiqh perspective remains normative without adequate field data support. Pratama and Asyari's (2024) research on ḥifẓ al-māl transformation has made a significant contribution but is limited to the conventional Islamic banking sector.

Based on this literature mapping, there are three significant research gaps. First, a theoretical gap: no comprehensive study has explicitly engaged Ibn Taymiyyah's thought specifically his four main theses with contemporary e-commerce practices in Indonesia. Second, a methodological gap: the majority of research in the maqāṣid and digital economy sphere is doctrinal-normative without empirical field data. Third, a practical gap: no operational guidance is available for regulators, sharia fintech industry practitioners, and consumers regarding how Ibn Taymiyyah's paradigm can be applied in everyday legal decision-making.

This research aims to fill these three gaps with two primary questions: (1) What are the forms of maqāṣid al-syarī'ah transformation based on Ibn Taymiyyah's thought in responding to the development of e-commerce law in Indonesia? (2) What are the perceptions of academics, regulators, industry practitioners, and consumers regarding the relevance of this approach in actual practice? To answer these questions, this research combines conceptual analysis of Ibn Taymiyyah's major works Majmū' al-Fatāwā, al-Qawā'id al-Nūrāniyyah, and al-Ḥisbah fī al-Islām with a questionnaire survey of 156 respondents and in-depth interviews with 12 key informants in three major cities: Jakarta, Bandung, and Surabaya.

The contribution of this research is twofold. Academically, this research adds to the contemporary maqāṣid literature with an alternative paradigm that is more substantive and responsive to digital dynamics. Practically, the research findings are expected to serve as a reference for DSN-MUI in formulating fatāwā, for OJK in regulating the sharia fintech industry, and for the Ministry of Trade in formulating e-commerce regulations accommodative to sharia principles. Furthermore, this research offers a conceptual framework that can be used in Islamic law higher education to enrich the teaching of contemporary fiqh muamalah.

METHOD

This research employs a mixed-methods approach with a convergent parallel design strategy, whereby quantitative and qualitative data are collected in parallel and then integrated to achieve comprehensive understanding (Creswell & Plano Clark, 2018; Onwuegbuzie & Abrams, 2025). The quantitative approach is used to measure respondents' perceptions across four dimensions of maqāṣid transformation, while the qualitative approach is used to deepen the meaning and context of the quantitative data through interviews with key informants.

The research population consists of stakeholders in the sharia e-commerce ecosystem in Indonesia, encompassing four groups: Islamic law academics, regulators, sharia fintech/e-commerce industry practitioners, and active users of sharia e-commerce platforms. Sampling employed purposive sampling with the following inclusion criteria: (a) academics with a minimum of a master's degree in Islamic law and publications related to fiqh muamalah; (b) regulators working at DSN-MUI, OJK, or the Ministry of Trade; (c) practitioners with at least two years' experience in the sharia fintech sector; (d) users who have actively transacted on sharia e-commerce platforms for at least the last six months. Field data collection was conducted from March to June 2025 in three cities Jakarta, Bandung, and Surabaya selected as representative of national digital economic centers.

The quantitative questionnaire consists of 25 statement items using a Likert scale of 1–5 (1 = strongly disagree; 5 = strongly agree), covering five constructs: (1) understanding of Ibn Taymiyyah's maqāṣid thought, (2) productive ḥifẓ al-māl transformation, (3) digital contract validity based on substantive intent, (4) ḥifẓ al-bayānāt as data protection, and (5) algorithm regulation based on ḥisbah. The questionnaire was distributed via Google Form with a total of 156 valid respondents. In-depth interviews were conducted with 12 key informants using an interview guide containing eight open-ended questions. Respondent characteristics are detailed in the table below:

Table 1. Research Respondent Characteristics

Respondent Characteristics	Frequency	Percentage (%)
Respondent Location		
Jakarta	56	35.9%
Bandung	52	33.3%
Surabaya	48	30.8%

Respondent Category		
Islamic Law Academics	42	26.9%
Sharia Fintech/E-commerce Practitioners	38	24.4%
Regulators (DSN-MUI, OJK, MoT)	18	11.5%
Active Sharia E-commerce Users	58	37.2%
Gender		
Male	89	57.1%
Female	67	42.9%
Last Education		
Bachelor's / Equivalent	71	45.5%
Master's / Equivalent	58	37.2%
Doctoral / Equivalent	27	17.3%
Total (N = 156)	**156**	**100%**

Quantitative data were analyzed using IBM SPSS Statistics version 26 with descriptive analysis techniques (mean, standard deviation, frequency), and instrument reliability and validity testing through Cronbach's Alpha and factor loading. Qualitative data were analyzed using the Miles and Huberman framework comprising data reduction, data display, and conclusion drawing (Miles, Huberman, & Saldaña, 2020). Source triangulation was conducted by comparing interview results among informants and with document data such as DSN-MUI fatwas, OJK regulations, and Law No. 27/2022 on Personal Data Protection. The hypothesis proposed is that Ibn Taymiyyah's maqāṣid thought provides a more adaptive transformation framework than al-Ghazālī/al-Syāṭibī's approach in responding to four aspects of e-commerce law in Indonesia: digital financing, digital contract validity, personal data protection, and platform algorithm regulation.

RESULTS AND DISCUSSION

Quantitative Analysis

Table 2. Instrument Reliability and Validity Test

Construct	Statement Item	Loading	α*
Understanding Ibn Taymiyyah's Maqāṣid	I understand the concept of al-aṣl fī al-mu'āmalāt al-ibāḥah as the foundational principle of digital fiqh muamalah.	0.812	0.847
	I understand that Ibn Taymiyyah treats maṣlaḥah as the substance of sharia, not a supplement.	0.798	
	Ibn Taymiyyah's ḥisbah doctrine provides the basis for contemporary Islamic market regulation.	0.825	
	Ibn Taymiyyah's thought is more relevant for responding to new digital transactions than other classical approaches.	0.776	
	Ibn Taymiyyah's substantive approach is more accommodating to contracts not recognized in classical fiqh.	0.803	

Productive Ḥifẓ al-Māl	Sharia P2P financing aligns with ḥifẓ al-māl goals in promoting MSME productivity.	0.841	0.873
	Sharia crowdfunding based on mushārakah/muḍārabah realizes tanmiyat al-māl.	0.856	
	Smart contracts may be considered valid as long as their substance does not violate sharia principles.	0.807	
	Asset tokenization provides opportunities for transaction efficiency in accordance with maṣlaḥah principles.	0.789	
	The productive ḥifẓ al-māl approach is more relevant than the classical defensive approach in the digital economy.	0.830	
Digital Contract Based on Substantive Consent	Click-wrap agreements are valid as long as they demonstrate substantive consent of the parties.	0.834	0.862
	Biometric authentication can replace verbal ijab-qabul in digital contracts.	0.821	
	Automatic IoT consent is valid insofar as it aligns with the user's initial intent.	0.808	
	Substance (al-ma'ānī) is more important than form (al-alfāẓ) in digital contracts.	0.845	
	Protection against dark pattern UI design is important to ensure substantive consent.	0.819	
Ḥifẓ al-Bayānāt (Data Protection)	Personal data is an extension of the self that must be protected as ḥifẓ al-nafs.	0.872	0.891
	The principle of lā ḍarar wa lā ḍirār is relevant for justifying Personal Data Protection Law No. 27/2022.	0.858	
	The state is obligated to intervene against platforms that harvest data without consent.	0.847	
	Discriminatory profiling by digital platforms violates ḥifẓ al-'ird (dignity).	0.836	
	Sanctions for data breaches constitute an implementation of siyāsah syar'iyyah.	0.861	
Algorithm Regulation Based on Ḥisbah	Self-preferencing by e-commerce platforms is equivalent to iḥtikār (hoarding).	0.803	0.836
	Predatory pricing by marketplaces necessitates state intervention akin to classical tas'īr.	0.795	
	Transparency in ranking algorithms is an obligation for platforms within the ḥisbah framework.	0.816	
	Regulation of dynamic pricing is necessary to prevent digital ghabn fāḥish.	0.789	

	State oversight of digital platforms aligns with Ibn Taymiyyah's siyāsah syar'iyyah doctrine.	0.824	
Note: a = Cronbach's Alpha*			

Table 2 presents the results of the instrument reliability and validity testing. All Cronbach's Alpha values are above 0.70, as follows: Understanding Ibn Taymiyyah's Maqāṣid (α = 0.847), Productive Ḥifẓ al-Māl (α = 0.873), Digital Contract Based on Substantive Consent (α = 0.862), Ḥifẓ al-Bayānāt (α = 0.891), and Algorithm Regulation Based on Ḥisbah (α = 0.836). The highest Cronbach's Alpha value was recorded for the Ḥifẓ al-Bayānāt construct (0.891), indicating very high internal consistency for those items. This suggests that the issue of personal data protection has the most solid conceptualization among respondents, while also reflecting heightened public awareness following the enactment of Law No. 27/2022 on Personal Data Protection (Ministry of Communication and Information Technology, 2024).

All item factor loadings are above 0.70, ranging from a minimum of 0.776 (item P4 in the Understanding Maqāṣid construct) to a maximum of 0.872 (item D1 in the Ḥifẓ al-Bayānāt construct). This demonstrates good construct validity each item has a strong correlation with the construct being measured. Methodologically, these reliability and validity results meet the standards recommended by Hair et al. (2019), namely Cronbach's Alpha ≥ 0.70 and factor loading ≥ 0.70 for social research with new instruments. Accordingly, the data generated from this questionnaire can be further analyzed with adequate levels of confidence.

Table 3. Descriptive Statistics

Construct	Item	N	Min	Max	Mean	Std. Dev.
Understanding Maqāṣid	Understanding al-aṣl fī al-mu'āmalāt al-ibāḥah.	156	2	5	3.71	0.684
	Understanding maṣlaḥah as the substance of sharia.	156	2	5	3.68	0.712
	Ḥisbah doctrine as the basis for market regulation.	156	1	5	3.82	0.756
	Ibn Taymiyyah more relevant for digital transactions.	156	1	5	3.59	0.798
	Ibn Taymiyyah's substantive approach more accommodating.	156	2	5	3.76	0.673
Productive Ḥifẓ al-Māl	Sharia P2P lending realizes ḥifẓ al-māl.	156	2	5	3.84	0.668
	Sharia crowdfunding realizes tanmiyat al-māl.	156	2	5	3.79	0.701
	Smart contract valid if sharia substance is met.	156	1	5	3.67	0.789
	Asset tokenization as an efficiency instrument.	156	1	5	3.73	0.732
	Productive approach more relevant than defensive.	156	2	5	3.89	0.651
Digital Contract	Click-wrap agreement valid with substantive consent.	156	2	5	3.76	0.705
	Biometrics can replace verbal	156	1	5	3.73	0.769

	ijab-qabul.					
	IoT consent valid per initial user intent.	156	1	5	3.68	0.748
	Substance more important than form of contract.	156	2	5	3.93	0.627
	Protection against dark patterns is important.	156	2	5	3.95	0.612
Ḥifẓ al-Bayānāt	Personal data as an extension of self to be protected.	156	2	5	4.02	0.594
	Lā ḍarar principle relevant to Personal Data Protection Law.	156	2	5	3.89	0.634
	State must intervene against illegal data harvesting.	156	2	5	3.91	0.617
	Discriminatory profiling violates ḥifẓ al-'ird.	156	1	5	3.84	0.683
	Data breach sanctions as siyāsah syar'iyyah.	156	2	5	3.94	0.649
Algorithm Regulation	Self-preferencing equivalent to iḥtikār.	156	1	5	3.52	0.776
	Predatory pricing necessitates state tas'īr intervention.	156	1	5	3.61	0.748
	Algorithm transparency is a platform obligation.	156	2	5	3.73	0.679
	Dynamic pricing regulation prevents digital ghabn fāḥish.	156	1	5	3.67	0.723
	Platform oversight aligns with siyāsah syar'iyyah.	156	2	5	3.71	0.694
Valid N (listwise) = 156						

Table 3 presents descriptive statistics for all questionnaire items. Overall, the mean values of all items are above the midpoint of the scale (3.00), ranging from 3.52 to 4.02. This indicates positive perceptions among respondents across all five dimensions of maqāṣid transformation measured. The Ḥifẓ al-Bayānāt construct recorded the highest mean on the item 'personal data as an extension of self that must be protected' (mean = 4.02; SD = 0.594), while the lowest value was recorded on the item 'self-preferencing is equivalent to iḥtikār' in the Algorithm Regulation construct (mean = 3.52; SD = 0.776). The high score on Ḥifẓ al-Bayānāt confirms the finding of Putra and Hidayat (2024) that public awareness of digital data protection increased significantly following the implementation of the Personal Data Protection Law. Meanwhile, the lower average on items related to self-preferencing indicates that the concept of iḥtikār as an analogue for such practices is not yet fully familiar to some respondents, particularly among general users.

Standard deviations for all items fall in the range 0.594–0.798, indicating relatively moderate variation in responses. The greatest variation was recorded on the item 'Ibn Taymiyyah is more relevant for digital transactions' (SD = 0.798), indicating considerable divergence in perceptions among respondents. In-depth interview results, discussed in the qualitative analysis section, show that this divergence is related to respondents' academic backgrounds and scholarly traditions—those more familiar with the Hanbali and Salafi traditions tend to be more receptive to Ibn Taymiyyah's thought, while respondents with a traditional Shafi'i background tend to weigh both approaches more evenhandedly (Hallaq, 2020; Auda, 2022).

Table 4. Per-City Averages

Transformation Dimension	Jakarta	Bandung	Surabaya	Overall
Understanding Ibn Taymiyyah's Maqāṣid	3.79	3.68	3.72	**3.73**
Productive Ḥifẓ al-Māl	3.82	3.75	3.77	**3.78**
Digital Contract Based on Substantive Consent	**3.89**	3.76	3.78	**3.81**
Ḥifẓ al-Bayānāt (Data Protection)	3.93	3.86	**3.97**	**3.92**
Algorithm Regulation Based on Ḥisbah	3.71	3.59	3.65	**3.65**
Overall Average	**3.83**	**3.73**	**3.78**	**3.78**

Table 4 presents a comparative analysis of respondents' mean perceptions across three cities. Overall, Jakarta respondents recorded the highest average score (3.83), followed by Surabaya (3.78) and Bandung (3.73). This inter-city variation reveals several interesting patterns. First, Jakarta leads on the Digital Contract Based on Substantive Consent dimension (3.89), which is understandable given that Jakarta is the national sharia fintech industry center with the highest exposure to smart contracts and digital platforms (Financial Services Authority, 2025). Second, Surabaya shows the highest score on the Ḥifẓ al-Bayānāt dimension (3.97), consistent with the high incidence of data breaches in East Java reported by the Ministry of Communication during 2023–2024, making data protection a particular concern in that city (Ministry of Communication and Information Technology, 2024). Third, Bandung recorded relatively lower scores on almost all dimensions except Understanding Maqāṣid—indicating a more theoretical-academic orientation among Bandung respondents, many of whom come from academic institutions.

The Ḥifẓ al-Bayānāt dimension dominates as the highest-scoring dimension overall (3.92), followed by Digital Contract Based on Substantive Consent (3.81), Productive Ḥifẓ al-Māl (3.78), Understanding Ibn Taymiyyah's Maqāṣid (3.73), and Algorithm Regulation Based on Ḥisbah (3.65). This pattern shows that the two dimensions with the most direct impact on users' daily lives data protection and digital contract validity received the highest support. Meanwhile, the Algorithm Regulation dimension, which is more structural-macro in nature, received the lowest score, indicating limited public understanding of the power dynamics of digital platforms. This finding is consistent with the Business Competition Supervisory Commission (KPPU, 2024) report, which noted low consumer literacy regarding self-preferencing and predatory pricing practices in Indonesia's e-commerce market.

Qualitative Analysis

In-depth interviews with 12 key informants produced four major themes aligned with the four dimensions of maqāṣid transformation tested. First, the transformation of ḥifẓ al-māl from defensive to productive. One informant from DSN-MUI, KH. R (a member of the Fatwa Commission, interviewed March 2025), stated that Ibn Taymiyyah's reversal of the burden of proof provides the flexibility needed to respond to sharia financial innovations. He asserted that DSN-MUI Fatwa No. 117/2018 on Sharia-Based Information Technology Financing Services could never have been formulated had DSN remained committed to al-Ghazālī's defensive paradigm. 'We had to find more substantive sharia justification for the P2P lending model,' he said, 'and that is where Ibn Taymiyyah's approach provided greater room for maneuver.'

Similarly, a sharia fintech practitioner from Jakarta, MR (CEO of a sharia P2P lending platform, interviewed April 2025), explained how Yusuf al-Qaradawi's tanmiyat al-māl paradigm rooted in Ibn Taymiyyah's thought serves as his company's operational reference. The platform he leads had disbursed IDR 234 billion in financing to more than 1,800 micro, small, and medium enterprises (MSMEs) during 2024, a figure he described as the concrete operationalization of the concept of productive ḥifẓ al-māl. Such growth in digital financing and payments is inseparable from Indonesia's dual banking system, which empirically demonstrates the link between digital payment penetration and national banking stability (Kasri et al., 2022). 'Without a dynamic maqāṣid framework, sharia fintech would merely be a copy of conventional fintech with a sharia label,' he stated firmly.

Second, the transformation from verbal ijab-qabul to substantive digital consent. An Islamic law academic from Bandung, Prof. AH (Professor at the Faculty of Sharia, interviewed April 2025), explained that the principle of al-'uqūd tun'aqid bimā yadullu 'alā al-riḍā (contracts are formed by whatever indicates consent) formulated by Ibn Taymiyyah in Majmū' al-Fatāwā volume XX, substantively anticipates the concept of the intention-based contract in modern law. He emphasized that the validity of click-wrap agreements and biometric authentication is not only defensible but is in fact the logical consequence of Ibn Taymiyyah's substantive paradigm. This argument intersects with contemporary developments in digital contract law, where smart legal contracts and blockchain-based negotiations are beginning to be recognized as valid agreement mechanisms even without conventional verbal formalities (Bassan & Rabitti, 2024), and with empirical findings that cost savings and traceability are the primary determinants of blockchain technology adoption in e-commerce transactions (Esfahbodi et al., 2022). However, he also cautioned that this flexibility must be balanced with stronger substantive protection of formed consent, especially in the face of dark pattern UI design. An OJK informant, FN (Senior Analyst at the Department of Regulation and Development of Sharia Banks, interviewed May 2025), confirmed that this substantive approach has been adopted in several OJK regulations related to sharia digital finance. POJK No. 10/POJK.05/2022 on Information Technology-Based Joint Funding Services, for example, explicitly accommodates the validity of electronic signatures and digital consent, subject to the substantive requirement that users have legal capacity and that consent is given freely. 'We no longer require physical ijab-qabul,' he explained, 'because what matters is the substance of consent.'

Third, the transformation of ḥifẓ al-nafs to ḥifẓ al-bayānāt. Most informants agreed with the development of ḥifẓ al-bayānāt as a logical derivation of ḥifẓ al-nafs and ḥifẓ al-'ird. A scholar from Surabaya, KH. SH (Islamic boarding school leader and member of MUI East Java, interviewed April 2025), stated that the principle of lā ḍarar wa lā ḍirār finds very apt actualization in the form of digital rights. 'Personal data is an amanah (trust),' he said, 'and violating it is a violation of human honor (ḥurmah).' This awareness aligns with cross-national empirical evidence that privacy concerns are significantly associated with consumer participation in e-commerce activities and their responses to social media advertising (Alkis & Kose, 2022), as well as with survey findings that consumer understanding and attitudes toward data protection regulations—as with the application of GDPR in Europe—remain varied and require strengthened literacy (Presthus & Sørum, 2018). This view aligns with Law No. 27/2022 on Personal Data Protection, which according to the DSN-MUI informant, NF (member of the Fatwa Commission, interviewed May 2025), should be supplemented by a specific DSN-MUI fatwa providing a more operational sharia framework for the digital financial industry.

One concrete case discussed by several informants was the data breach of a major e-commerce platform's customer data in 2023, affecting millions of users. A cybersecurity practitioner and digital literacy activist, RM (interviewed May 2025 in Surabaya), affirmed that this case was not merely a violation of positive law but a serious mafsadah within the maqāṣid framework. The empirical findings of Park et al. (2025) show that a data breach at one online retailer produces spillover effects by increasing consumers' risk perceptions regarding competing platforms, so the harm caused exceeds the directly affected entity. 'The state, as the holder of ḥisbah authority,' he stated, 'is not only entitled but obligated to intervene against digital platform practices that violate user privacy.' This statement echoes Ibn Taymiyyah's siyāsah syar'iyyah doctrine, which positions the state as the protector of public maṣlaḥah.

Fourth, the transformation from physical market tas'īr to algorithm regulation. This theme generated the most complex discussion. An informant from the Ministry of Trade, SP (Head of the Sub-Directorate of Electronic Commerce, interviewed June 2025), acknowledged that self-preferencing and predatory pricing by marketplace platforms against partner MSMEs constitute a serious problem currently being studied by the Ministry of Trade and KPPU. 'Ministerial Regulation No. 31/2023 on Business Licensing, Advertising, Development, and Supervision of Business Actors in PMSE [electronic commerce],' he explained, 'already provides a basis for such regulation, but its implementation still faces technical challenges.' He agreed that Ibn Taymiyyah's ḥisbah framework provides strong normative justification for such state intervention. A Jakarta-based academic and senior digital economy researcher, Dr. YT (interviewed May 2025), added that the classical fiqh concept of iḥtikār originally referring to the hoarding of goods can be transformed into the concept of 'visibility hoarding' in the platform economy. 'When a platform systematically lowers the ranking of partner MSME products to benefit its own affiliated products,' he said, 'that is a new form of iḥtikār in the digital framework.' This view aligns with the economic literature review on self-preferencing practices, showing that vertically integrated platforms have incentives to prioritize their own products in recommendations and can reduce consumer welfare without adequate oversight (Kittaka et al., 2023). This view was supported by three other informants, although one informant from the traditionalist academic community cautioned against drawing analogies too hastily without a mature conceptual framework.

Overall, the in-depth interview results reinforce the quantitative findings: there is significant resonance between Ibn Taymiyyah's thought specifically his four theses on reversal of the burden of proof, substantive maṣlaḥah, ḥisbah, and legal realism and the concrete challenges facing the e-commerce ecosystem in Indonesia. Informants from diverse backgrounds expressed appreciation for the flexibility of this paradigm, though several warned of the risk of instrumentalization of maqāṣid, which must be anticipated with strict methodological discipline (Abou El Fadl, 2014).

DISCUSSION

The findings of this research show that Ibn Taymiyyah's maqāṣid framework provides four significant forms of transformation for e-commerce law in Indonesia. These four transformationsfrom defensive to productive ḥifẓ al-māl, from verbal ijab-qabul to substantive digital consent, from ḥifẓ al-nafs to ḥifẓ al-bayānāt, and from physical market tas'īr to algorithm regulation are not artificial categorizations but rather result from mapping four structural tensions between classical fiqh and contemporary e-commerce practices. The overall mean score of all dimensions above 3.65 indicates strong stakeholder support for the relevance of Ibn Taymiyyah's thought in the digital context.

This research makes contributions that distinguish it from previous studies. Hasanuddin (2023) examined sharia P2P lending regulation in Indonesia through al-Syāṭibī's maqāṣid framework, but did not explicitly map the four forms of transformation made possible by Ibn Taymiyyah's approach. Fauzia and Riyadi's (2024) research on smart contracts from a fiqh perspective remains normative without field data a limitation overcome by this research through a questionnaire survey of 156 respondents and interviews with 12 key informants. Auda (2022) developed a highly influential systemic maqāṣid framework, but its primary focus was at the philosophical level without concrete implementation in e-commerce.

Pratama and Asyari (2024) studied ḥifẓ al-māl transformation in Islamic banking, but this research extends the analysis to the e-commerce and sharia fintech sector, which has different dynamics. Kamali (2021) compiled an Islamic commercial law analysis of fintech, but did not deeply explore Ibn Taymiyyah's paradigm, which is the primary focus of this research. Studies such as Mansoori (2007) and Al-Zuhayli (2021) discuss classical contracts without explicitly responding to new digital transaction forms such as smart contracts and asset tokenization.

Furthermore, prior research focusing on data protection from an Islamic perspective, such as Putra and Hidayat (2024), largely employs a conventional maqāṣid framework (ḥifẓ al-nafs) without explicitly developing the new concept of ḥifẓ al-bayānāt as a logical derivative of Ibn Taymiyyah's principle of lā ḍarar wa lā ḍirār. Similarly, research on platform algorithm regulation, such as the KPPU (2024) report, remains limited to positive law frameworks without engaging with Ibn Taymiyyah's ḥisbah doctrine, which in fact provides strong normative justification. From a methodological perspective, this research also distinguishes itself from previous studies dominated by doctrinal-normative approaches. The use of mixed methods with quantitative and qualitative data integration, as recommended by Creswell and Plano Clark (2018), provides more comprehensive analytical strength. The survey of 156 respondents from four categories of stakeholders, supplemented by in-depth interviews with 12 key informants, generates verifiable empirical data—a methodological standard required for publication in SINTA 2-indexed journals.

The practical implications of this research are twofold. First, for DSN-MUI, the findings suggest the urgency of formulating a specific fatwa on digital data protection (ḥifẓ al-bayānāt) as a logical derivative of existing muamalah fatwas. The average score of 3.92 on this dimension indicates that stakeholders are ready to accept such a conceptual framework. Second, for OJK, the findings support the development of POJK that is more responsive to sharia digital financial innovation under the productive ḥifẓ al-māl framework. The score of 3.78 on this dimension, combined with testimony from fintech practitioners, confirms that the industry needs accommodative regulatory certainty. Third, for the Ministry of Trade and KPPU, the findings on algorithm regulation based on ḥisbah provide additional normative justification for regulating anti-competitive platform practices, which can be integrated into revisions of Ministerial Regulation No. 31/2023.

For Islamic law higher education, this research offers a conceptual framework that can be integrated into contemporary fiqh muamalah curricula. Sherman A. Jackson (1996) in his analysis of sharia constitutionalism offers a model of ijtihādī pluralism that is relevant: Islamic law contributes to national law not through dominance, but through substantive maqāṣid-based dialogue. This model is consistent with concrete practice in Indonesia, particularly in the Compilation of Sharia Economic Law (KHES), which serves as the reference for Religious Courts in sharia economic disputes, including sharia e-commerce disputes (Supreme Court of the Republic of Indonesia, 2008).

However, this research also has several limitations that must be acknowledged. First, the research was conducted in only three cities (Jakarta, Bandung, Surabaya) that represent digital economic centers, so generalizations to other regions of Indonesia should be made with caution. Further research is recommended to extend coverage to cities in Central and Eastern Indonesia for more comprehensive representation. Second, the number of 12 key informants, although meeting the data saturation standard according to Saunders et al. (2018), can be expanded in further research by adding informants from other groups such as marketplace MSME partners and marginal consumers. Third, the quantitative analysis used remains descriptive and has not employed inferential analysis such as regression or structural equation modelling (SEM) to test causal relationships between variables. Further research is recommended to use SEM to test more complex conceptual models. Fourth, this research does not discuss in depth the dialectic between Ibn Taymiyyah's framework and more futuristic technologies such as autonomous artificial intelligence the question of whether AI possesses the capacity for intent (qaṣd) as a prerequisite for a contract remains an open question demanding further research. Fifth, the cross-jurisdictional dimension in global e-commerce has not been explored in depth in this research even though maqāṣid provides a basis for national regulation, e-commerce is inherently global in nature (Hallaq, 2020).

This research possesses novelty that distinguishes it substantially from prior studies. Conceptually, this research is the first to build an analytical framework that operationalizes Ibn Taymiyyah's four main theses reversal of the burden of proof (al-aṣl fī al-mu'āmalāt al-ibāḥah), maṣlaḥah as the substance of sharia, the ḥisbah doctrine, and legal realism simultaneously and in an integrated manner within the context of e-commerce law in Indonesia. Unlike al-Ghazālī's and al-Syāṭibī's defensive-protective maqāṣid approaches, Ibn Taymiyyah's substantive-operative approach provides greater room for the adaptation of Islamic law to digital innovation. The next contribution lies in the development of ḥifẓ al-bayānāt as a logical derivative of ḥifẓ al-nafs and ḥifẓ al-'ird, which has never before been systematically articulated in contemporary maqāṣid literature. Methodologically, this is the first study that combines conceptual analysis of Ibn Taymiyyah's primary works with empirically grounded mixed-methods data comprising a questionnaire survey of 156 respondents and in-depth interviews with 12 key informants to measure the relevance of his thought in Indonesia's e-commerce ecosystem. These findings confirm that Ibn Taymiyyah's substantialist approach is not merely normatively relevant but is also empirically supported by key stakeholders in Indonesia's sharia digital economy ecosystem.

The findings of this research warrant comparison with similar studies. First, Hasanuddin (2023) found in his study of sharia P2P lending regulation in Indonesia that al-Syāṭibī's maqāṣid approach can provide normative justification for technology-based financing models; this aligns with the present research, which also shows a positive average perception of 3.78 on the productive ḥifẓ al-māl dimension. Second, Fauzia and Riyadi (2024) concluded that smart contracts can in principle be accepted in contemporary fiqh muamalah insofar as the substance of the contract meets sharia requirements; this research reinforces that conclusion with empirical data (mean 3.81) on the Digital Contract Based on Substantive Consent dimension, while providing a stronger theoretical framework through Ibn Taymiyyah's doctrine of al-'uqūd tun'aqid bimā yadullu 'alā al-riḍā. Third, Auda (2022) developed a systemic maqāṣid framework emphasizing openness, cognition, and integration as principles for adapting Islamic law to modernity; this research confirms the relevance of this systemic approach, particularly on the algorithm regulation dimension based on ḥisbah (mean 3.65), reflecting the principle of integrating legal and economic systems. Fourth, Pratama and Asyari (2024) found that the transformation of ḥifẓ al-māl in Islamic banking in the digital era requires a more productive reinterpretation; this research extends those findings to the e-commerce and fintech sector, confirming that the same logic applies outside the conventional banking sector. Fifth, Putra and Hidayat (2024) examined personal data protection from a maqāṣid perspective using the ḥifẓ al-nafs framework; this research goes beyond those findings by developing the concept of ḥifẓ al-bayānāt, which received the highest empirical support (mean 3.92). Sixth, Kamali (2021) in his analysis of Islamic commercial law on fintech affirmed the importance of maṣlaḥah in responding to digital financial innovation; this research supports and simultaneously specifies that finding by showing that maṣlaḥah in Ibn Taymiyyah's paradigm treated as the very substance of sharia rather than a merely secondary argument—provides a more operational framework than other juristic approaches.

The similarities between this research's findings and those of prior studies can be explained by several fundamental factors. First, all studies share the same context, namely the acceleration of digital economic transformation in Indonesia, which creates structural tensions between classical fiqh and contemporary transaction practices. This shared context drives researchers toward convergent conclusions about the need for maqāṣid reinterpretation. Second, the similarity of findings on the ḥifẓ al-māl and digital contract dimensions is likely attributable to a growing collective understanding among the academic and sharia practitioner community of the fundamental principles of fiqh muamalah, which inherently contain flexibility principles such as al-aṣl fī al-ashyā' al-ibāḥah and daf' al-ḥaraj are widely recognized as bases for the adaptability of Islamic law. The differences between this research and prior studies, particularly on the ḥifẓ al-bayānāt and algorithm regulation dimensions, can be explained by several factors. First, the methodological factor: this research uses mixed methods with field empirical data, while most prior studies are doctrinal-normative, enabling this research to capture actual stakeholder perceptions invisible in normative analysis alone. Second, the temporal context factor: this research was conducted after the enactment of Law No. 27/2022 on Personal Data Protection, which significantly raised public awareness and provided a positive legal basis for the development of ḥifẓ al-bayānāt. Third, the population factor: this research simultaneously involves four stakeholder groups—academics, regulators, practitioners, and consumers yielding a more comprehensive perspective than prior studies generally focused on a single group. Fourth, the theoretical focus factor: by positioning Ibn Taymiyyah as the primary paradigm (rather than al-Ghazālī or al-Syāṭibī), this research opens analytical dimensions not explored by previous studies, particularly regarding the ḥisbah doctrine as the basis for digital platform algorithm regulation.

The contribution and novelty of this research to the body of knowledge in Islamic law and digital economics can be identified at three levels. At the theoretical level, this research contributes by introducing Ibn Taymiyyah's maqāṣid paradigm as a more adaptive alternative than al-Ghazālī's/al-Syāṭibī's defensive-protective framework in responding to e-commerce legal challenges. This contribution is substantive because it changes the basic premise of maqāṣid discourse: from 'how to protect existing values' to 'how to operationalize the substantive objectives of sharia in an ever-changing context.' Furthermore, this research produces two new conceptual constructs: first, ḥifẓ al-bayānāt as a sixth element of maqāṣid al-syarī'ah that responds to the reality of data sovereignty in the digital economy; and second, the transformation of the ḥisbah doctrine from physical market supervision to platform algorithm regulation a conceptual leap that operationally bridges between 13th-century intellectual heritage and 21st-century digital platform governance challenges. At the empirical level, this research is the first study to provide integrated quantitative and qualitative data on the perceptions of Indonesia's sharia e-commerce ecosystem stakeholders regarding the relevance of Ibn Taymiyyah's maqāṣid, with a representative sample from three national digital economic centers. At the practical-regulatory level, this research generates a maqāṣid-based policy roadmap that can be used by DSN-MUI, OJK, and the Ministry of Trade as a normative basis for formulating fatwas and regulations more responsive to sharia digital economic dynamics.

The findings of this research have significant implications in three domains simultaneously: practical, academic, and policy. From a practical standpoint, the findings of this research provide operational guidance for sharia fintech and e-commerce industry players in designing products and services consistent with sharia principles without sacrificing innovation and competitiveness. The average score of 3.81 on the Digital Contract dimension indicates that industry players can adopt click-wrap agreements, biometric authentication, and automatic IoT consent with solid sharia foundations, insofar as the substantive intent (al-riḍā) of the parties is ensured. Meanwhile, the score of 3.92 on the ḥifẓ al-bayānāt dimension implies an urgent need for digital platforms to adopt privacy standards that go beyond mere compliance with Law No. 27/2022 standards rooted in the ethical-sharia obligation to protect users' data trust. From an academic standpoint, this research opens a new research agenda encompassing at least: (a) testing the conceptual model through structural equation modelling (SEM) to identify causal relationships between maqāṣid transformation dimensions; (b) extending the study to Central and Eastern Indonesia for more inclusive representation; (c) in-depth exploration of the capacity for intent (qaṣd) in autonomous artificial intelligence contracts; and (d) cross-jurisdictional comparative studies on the implementation of ḥifẓ al-bayānāt in Muslim-majority countries. From a policy standpoint, this research recommends three priority actions: first, DSN-MUI should promptly issue a specific fatwa on ḥifẓ al-bayānāt as a sharia framework for data protection in the digital financial industry; second, OJK should explicitly integrate the principle of productive ḥifẓ al-māl into the next generation of POJK on sharia fintech; and third, the Ministry of Trade and KPPU should develop platform algorithm regulations adopting the ḥisbah doctrine as a normative basis to prevent digital iḥtikār and ghabn fāḥish practices in Indonesia's e-commerce ecosystem. For Islamic law theory development, this research recommends that Ibn Taymiyyah's maqāṣid paradigm be systematically integrated into the contemporary fiqh muamalah curriculum at Islamic higher education institutions, as a more productive and responsive epistemological alternative to the challenges of the digital economy.

CONCLUSION

Based on the quantitative and qualitative data analysis conducted, it can be concluded that Ibn Taymiyyah's thought provides a significant and relevant framework for maqāṣid al-syarī'ah transformation in responding to the development of e-commerce law in Indonesia. The four forms of transformation successfully mapped are: (1) the transformation of ḥifẓ al-māl from defensive to productive, with a positive average perception of 3.78; (2) the transformation from verbal ijab-qabul to substantive digital consent, with an average of 3.81; (3) the development of ḥifẓ al-bayānāt as data protection, with the highest average of 3.92; and (4) the transformation from physical market tas'īr to algorithm regulation based on ḥisbah, with an average of 3.65. The overall average of 3.78 across all dimensions indicates strong stakeholder support for the relevance of Ibn Taymiyyah's thought in the contemporary digital context. Comparative analysis across cities reveals interesting patterns: Jakarta leads on the Digital Contract Based on Substantive Consent dimension (3.89), Surabaya on the Ḥifẓ al-Bayānāt dimension (3.97), while Bandung is relatively stronger on the more theoretical-academic Understanding Maqāṣid dimension. This variation reflects the characteristics of the e-commerce ecosystem and stakeholder profiles in each city. In-depth interviews with 12 key informants encompassing DSN-MUI members, OJK and Ministry of Trade regulators, sharia fintech practitioners, academics, and digital literacy activists reinforce the quantitative findings and provide significant contextual depth. This research concludes that Ibn Taymiyyah's paradigm with its four main theses on reversal of the burden of proof, substantive maṣlaḥah, ḥisbah doctrine, and legal realism offers a more adaptive framework than al-Ghazālī's/al-Syāṭibī's defensive approach in responding to contemporary e-commerce legal challenges. However, as cautioned by Abou El Fadl (2014), this transformation must always be framed within three layers of testing: consistency with general sharia principles (kulliyyāt al-syarī'ah), realization of empirically verifiable maṣlaḥah (maṣlaḥah muḥaqqaqah), and the absence of greater harm (mafsadah rājiḥah). Accordingly, this research recommends that DSN-MUI formulate new fatwas more responsive to digital dynamics; that OJK develop a sharia fintech regulatory framework based on productive ḥifẓ al-māl; that the Ministry of Trade and KPPU strengthen platform algorithm regulation; and that Islamic law higher education institutions enrich the teaching of contemporary fiqh muamalah with Ibn Taymiyyah's paradigm.

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