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Digital Property Protection in Maqasid al-Shariah: A Maqashid Analysis

Said Abdillah[1]
[1]Universitas Islam Negri Sunan Kalijaga Yogyakarta, Indonesia
abdillahsaid.289@gmail.com *

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Abstract

This article addresses the relevance of maqasid al-shariah in responding to contemporary challenges, particularly digital piracy. Surah An-Nisa' verse 29 emphasizes the prohibition of consuming wealth unlawfully, yet classical interpretations have not encompassed the digital dimension that has emerged in modern contexts. The purpose of this study is to explore the maqasid dimension embedded in the verse and connect it to current phenomena, thereby demonstrating the adaptability of Quranic interpretation to contemporary issues. The study employs a qualitative method with content analysis through thematic Quranic exegesis, involving the identification of primary sources from tafsir manuscripts and secondary references such as classical commentaries, academic books, and journal articles. The researcher serves as the main instrument in data collection and interpretation, while the analytical technique applies thematic content analysis based on Abdul Mustaqim's maqashid framework. The findings reveal that digital piracy constitutes a violation of maqasid al-shariah, specifically the principle of *hifz al-mal* (protection of wealth). The implications highlight that maqashid interpretation expands the scope of Quranic verses to address modern challenges, contributing to the advancement of maqashid tafsir studies, strengthening the discourse on wealth protection, and shaping an Islamic digital ethics framework relevant to contemporary scholarship.

INTRODUCTION

Digital piracy is a phenomenon that can still be easily found today. Although various regulations concerning intellectual property rights have been established by the authorities, these illegal activities continue to be carried out by irresponsible individuals. Piracy, both directly and indirectly, is practiced by some members of society for various reasons, including the high prices set, limited access to legitimate digital works, and a lack of awareness of applicable laws. Unfortunately, piracy has been regarded as a common practice, particularly in Asia (Riyanto et al., 2025). Even within Islamic academic environments, digital piracy can still be found (Wang et al., 2023).

Information and communication technology continues to develop rapidly, particularly since the internet has become widely accessible to the public. This advancement has had a significant impact on various aspects of life, including

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education, the economy, culture, social life, and entertainment. As a medium, the internet enables information to be accessed from one party to another quickly, efficiently, and without geographical limitations. However, like any other tool, the internet has both positive and negative aspects, depending on the intentions and habits of its users. On the positive side, the internet can be utilized as a practical medium for education, communication, and online transactions. On the negative side, it can be misused as a means of fraud, the dissemination of illegal content, and cyberbullying (Chair et al., 2024).

The Quran, as the holy scripture of Muslims, is believed to provide guidance for all aspects of human life until the end of time. Various interpretive efforts to explore its underlying meanings have continued throughout history in accordance with the principle of *al-Quran salih li kulli zaman wa makan* (the Quran remains relevant in every time and place), seeking to ensure that although the Quran was revealed within a historical context and geographical setting significantly different from the present, it can still be used to respond to the realities of life that continue to develop dynamically (Engkizar et al., 2026). The Quran is a divine response (divine answer) given by Allah during the time of the Prophet Muhammad and intended for all humanity until the end of time. As formulated by Firdaus (2022) interpretation requires two movements (double movement), namely, moving from the present situation back to the period in which the Quran was revealed and then returning to the present by bringing universal values that can be applied.

Literally, the verses of the Quran have conveyed the prohibition against consuming the wealth of others through false means, as stated in Q.S. An-Nisa' [4]: 29, as well as the prohibition against cheating in Q.S. al-Mutaffifin [83]: 1–3. However, classical Quranic exegetes have not addressed the digital realm, which has only become known in the modern era. Muslim scholars have not remained silent in responding to changing circumstances. The concept of non-material property rights, or *haq al-ma'nawi*, which encompasses intellectual property rights (IPR), has been recognized by contemporary scholars, including (Muhamad et al., 2020; Rosyadi & Athari, 2025).

Research on digital piracy has in fact been conducted by previous scholars, including Sloup et al (2023), whose study explored the factors contributing to digital piracy, particularly in Islamic countries. The study concluded that the integration of Islamic law and the enforcement of intellectual property rights (IPR) is highly feasible. Ridwan (2024) examined piracy, particularly the phenomenon of using pirated software. They highlighted the dilemma faced by Muslim communities: the need for software and digital media is substantial, while the required costs are excessively high and are further exacerbated by disparities in currency values.

To map the position of this study within the existing literature, a bibliometric visualization was conducted using VOSviewer (Baker et al., 2020; Saputra et al., 2024). Figure 1 presents the overlay visualization of keyword co-occurrence, in which the color of each node indicates the average year of publication (from 2022 to 2026). The map shows that maqasid al-shariʿah occupies a central position connecting two distinct clusters. On the left, it is linked to artificial intelligence and governance; on the right, through blockchain, it is linked to a dense cluster of terms such as digital assets, asset management, and digital asset governance. In addition, maqasid al-shariʿah is associated with the concepts of gharar and maysir, which reflect the discussion of uncertainty and speculation in contemporary digital transactions. The predominantly yellow nodes indicate that these topics have only emerged recently, reflecting growing scholarly interest in the relationship between Islamic legal objectives and digital technologies.



Fig 1. Overlay visualization of keyword co-occurrence on maqasid al-shariʿah and digital technologies (VOSviewer analysis)

Nevertheless, the visualization also reveals a noticeable gap. The existing literature connects maqasid al-shariʿah with artificial intelligence, blockchain, and digital asset management, yet keywords related to digital piracy, intellectual property, or the protection of property (*hifẓ al-mal*) in the context of digital works do not appear as prominent nodes in the network. This indicates that the maqasid perspective has not been sufficiently applied to digital piracy, which supports the need for the present study.

The authors employ the *maqashid* interpretation approach for several reasons; first, textually, the Quran does not explicitly address digital piracy because the term only emerged in the modern era. Second, although the Quran contains verses concerning theft and the punishment of perpetrators, the concept of theft discussed by earlier scholars has predominantly concerned the theft of physical property. Third, *maqashid* interpretation seeks to explore the objectives (*maqashid*) so that these verses can be understood and applied in accordance with the principles and benefits intended to be achieved by the Quran.

Previous studies have focused more on aspects of Islamic law concerning IPR or the socio-economic factors that encourage digital piracy. However, relatively few studies have specifically connected the phenomenon of digital piracy with *maqashid* interpretation of Quranic verses, particularly Q.S. An-Nisa' [4]: 29. This gap indicates a lack of literature connecting the Quranic text with contemporary digital issues.

This article offers novelty by employing the *maqashid* interpretation approach as the primary analytical framework. The fundamental differences from previous studies lie in the methodology (a thematic Quranic study based on the *maqashid* approach), the focus of the data (Q.S. An-Nisa' [4]: 29 as the primary text), and the analytical tool (content analysis using Abdul Mustaqim's framework). Thus, this study not only discusses Islamic law from a normative perspective but also connects *maqashid al-shariah* with digital phenomena in a contextual manner.

The findings of this article have important implications for the development of *maqashid* interpretation theory, particularly in expanding the scope of Quranic verses to modern issues. In addition, the findings can contribute to strengthening the discourse on the protection of property in Islam, the development of Islamic digital ethics, and the provision of a normative foundation for IPR protection policies in Muslim communities. Its impact extends beyond the academic sphere to social well-being by affirming that digital piracy constitutes a violation of *maqashid al-shariah*. The problems that this study seeks to address are: How have scholars interpreted Q.S. An-Nisa' [4]: 29? How can digital piracy be understood from the perspective of *maqashid* interpretation?

METHODS

This article was written using a qualitative approach based on content analysis through a thematic study of the Quran. This method was selected based on the need to connect the normative dimensions of the Quran with contemporary phenomena, particularly the issue of digital piracy. As emphasized by Alhazmi & Kaufmann, (2022), qualitative research enables researchers to understand phenomena in depth and within their contexts. Thus, this approach is relevant for examining how *maqashid* interpretation can address the challenges of the digital era.

Research Method and Type

This article employs a qualitative method using a thematic study of the Quran (*al-tafsir al-mawdu'i*). This type of study was selected because it is consistent with the research objective, namely, to uncover the *maqashid* dimensions of Surah An-Nisa' verse 29 and relate them to contemporary phenomena. According to Engkizar et al (2025), thematic studies of the Quran provide an opportunity to understand verses holistically and in ways that are relevant to modern issues. Thus, this strategy is effective for addressing digital issues from the perspective of *maqashid al-shariah*.

Data Sources

The data sources consist of primary and secondary data. The primary data are the Quran, particularly Surah An-Nisa' verse 29 as the main object of the study. The secondary data include classical Quranic commentaries, such as *Tafsir al-Tabari* and *Tafsir Ibn Kathir*, as well as contemporary Quranic commentary, such as *Tafsir al-Mishbah* by Quraish Shihab. In addition, academic books and journal articles related to *maqashid al-shariah* and digital ethics were also used. Weyant (2022) emphasizes that combining primary and secondary data strengthens the validity of research. Thus, the selection of these sources is appropriate for producing a comprehensive analysis.

Instrument

The primary instrument of this study is the author, who serves as the collector, processor, and interpreter of the data. In qualitative research, the researcher serves as the primary instrument Arifin (2018), as the researcher's direct involvement enables a more in-depth analysis. This is consistent with the nature of Quranic interpretation research, which requires academic sensitivity and the ability to conduct contextual analysis. Thus, positioning the researcher as the primary instrument is highly relevant to ensuring the depth of the analysis.

Data Analysis Tool

The analytical tool used is content analysis with a *maqashid* interpretation approach. Wahyuna et al (2025) explains that content analysis enables researchers to identify implicit meanings in texts and relate them to social contexts. The *maqashid* interpretation approach, as developed by Engkizar et al (2019), was selected because it is capable of uncovering the objectives of the *shariah* underlying the Quranic text. Thus, this framework is effective for connecting the prohibition against consuming wealth through false means with the phenomenon of digital piracy.

Data Analysis Technique

The analysis was conducted through several stages: (1) inventorying primary and secondary texts, (2) conducting a textual analysis of Surah An-Nisa' verse 29, (3) conducting a contextual analysis by relating the verse to the issue of digital piracy, and (4) formulating the *maqashid* dimensions, particularly *hifẓ al-mal* (protection of property). Kara (2023); Raskind et al (2019) emphasize that qualitative data analysis must be conducted systematically to produce valid findings. Thus, this procedure is appropriate for establishing that digital piracy constitutes a violation of *maqashid al-shariah* while also expanding the relevance of *maqashid* interpretation in addressing the challenges of the digital era.

RESULT AND DISCUSSION

The Concept of *Maqashid* Interpretation

Etymologically, *maqashid* interpretation (*tafsir maqashid*) consists of two words, namely *tafsir* and *maqashid*. *Tafsir* is the *masdar* form of *fassara*, which means to explain something, reveal a reasonable meaning, and uncover a concealed meaning. Meanwhile, *maqashid* is an adjective in the plural form of *maqshad*, which means purpose or intention, a straight path, and an attitude of moderation. The combination of these two words indicates that *maqashid* interpretation seeks to align itself with the principles of *maqashid al-shariah*, balance the text and context, and adopt a moderate approach in using *naql* and *'aql* evidence in order to identify the *maqashid* (intentions and ideal objectives) of Quranic verses (Asmar et al., 2023; Lestari et al., 2025).

Maqashid interpretation does not focus solely on the explanation and literal form of the Quran; rather, it emphasizes exploring the *maqashid* dimensions hidden behind the text, including the objectives, significance, benefits, and moral values of every command or prohibition in the word of God (Tohari et al., 2022). Abdul Mustaqim seeks to demonstrate that Muslims should not merely focus on *mustawa harfi* (the literal level), which is centered on the dimension of worship. Beyond that, they should deepen the discussion at the *mustawa maqashid* (the level of objectives or purposes), which accommodates the use of reason so that a balance between the heart (*qalbu*) and faith (*iman*) and reason (*'aql*) can be realized in social life (Waliko & Mustika, 2023).

First, as a philosophy of interpretation, *maqashid* interpretation makes an understanding of *maqashid* the basis of interpretation. Its fundamental assumption is that the Quran was revealed to bring benefits to human life. The *maqashid* contained in the Quran also develop dynamically along with the development of human civilization. Second, as a methodology of interpretation, *maqashid* interpretation necessitates the use of *maqashid al-shariah* to reconstruct interpretations that have been developed by scholars in the past. Researchers are required to understand the *maqashid al-Quran* at the individual, societal, and global levels. In addition, they must be able to understand the principle of *maqashid al-shariah*, namely *jalb al-mashalih wa dar' al-mafasid* (realizing benefits and preventing harm), which was formulated by scholars through *ushul al-hamsah* (the five principles), namely *hifẓ al-din, al-nafs, al-'aql, al-nasl,* and *al-mal* (the preservation of religion, life, intellect, lineage, and property) (Febriadi, 2017). Third, as a product of interpretation, *maqashid* interpretation focuses on the *maqashid* of each interpreted verse, rather than only on legal verses. Scholars have often applied *maqashid* only to legal verses, even though it can also be applied to narrative verses, as demonstrated by (Zaini, 2021).

One stage in applying *maqashid* interpretation is selecting verses that share a thematic unity with the topic under discussion. The author uses An-Nisa' as the main focus of the discussion and then combines it with verses that are relevant as additional information. In this regard, *maqashid* interpretation adopts the thematic interpretation method to obtain a more comprehensive picture and understanding.

Textual and Contextual Analysis

The wording of Q.S. An-Nisa' [4]: 29 is as follows:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَأْكُلُوْٓا اَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ اِلَّآ اَنْ تَكُوْنَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۗ وَلَا تَقْتُلُوْٓا اَنْفُسَكُمْ ۗ اِنَّ اللّٰهَ كَانَ بِكُمْ رَحِيْمًا

Meaning: *Believers! Do not consume one another's wealth through false means, except through lawful trade by mutual consent. And do not kill one another or yourselves. Surely Allah is ever Merciful to you.*

Beginning with textual analysis, it is necessary to consider the relationship between this verse and the preceding verse. Based on its arrangement, verse 29 can be regarded as a coherent continuation of the theme discussed previously. After discussing how Allah regulates human natural relationships through marriage and the

categories of people whom one may not marry, verse 29 then discusses the means and continuation of marriage, namely the management of property, including the dowry to be paid and all expenses incurred after marriage, which must not originate from *batil* wealth (Mupida & Mahmadatun, 2021).

The address *Ya ayyuha al-ladina amanu* (O you who believe) indicates that verse 29 is specifically addressed to believers in general. The use of the word *ta'kulu*, meaning "to eat," represents a metaphorical expression that is frequently used in Arabic. Al-Razi highlights the use of the word *akl* (eating), which is specifically used in verse 29, although it can be understood that all acts performed through *batil* means are prohibited, not merely the act of consuming what is prohibited. A similar use of the word can be found in the preceding verse, Q.S. An-Nisa' [4]: 10. On the other hand, *ahd al-mal* (taking property) is likened to "eating" because eating is a basic need and becomes the primary objective desired when a person seeks a livelihood.

The exegetes tend to agree in interpreting the word *batil*. Helmina et al (2024) interpret it as anything that is not permitted by the *shariah*, including wealth obtained through usury, theft, betrayal, false testimony, and coercion of others. Topal (2023) argues that this verse comes in the form of *mujmal* (general), because the verse does not specify what kinds of things are lawful to consume. Therefore, it can be concluded that the phrase *istithna' illa* (إلا) constitutes *istithna' munqati'*. Moreover, if it is understood merely in a literal sense, anything other than what originates from buying and selling transactions would be considered unlawful to consume, such as the proceeds of charity or inheritance, as a consequence of considering the phrase *istithna' illa* in the verse to be *istithna' muttasil* (Miskiyah et al., 2022).

Meanwhile, the phrase *'an taradin* indicates that *tijarah* (trade) must fulfill the condition of mutual consent between the two parties involved in the transaction, both the seller and the buyer, during the process of *ijab* and *qabul*. Trade is mentioned specifically rather than other occupations because most wealth circulating in society originates from and is associated with trade (Suharto & Sudiarti, 2022).

The continuation of the verse then states *wala taqtulu anfusakum* (and do not kill yourselves), moving from the prohibition against consuming *batil* food to the prohibition against killing oneself. Malik et al (2025) provides another explanation, namely that the prohibited killing refers to the prohibition against killing fellow believers, as mentioned in another Quranic verse, Q.S. al-Baqarah [2]: 54. It is narrated that the Children of Israel were commanded to kill themselves as repentance for the sin they had committed. Therefore, the prohibition in Q.S. An-Nisa' [4]: 24 demonstrates Allah's mercy toward the community of Muhammad because they were not subjected to such a heavy *taklif* (burden of obligation) as earlier communities. Thus, the meaning of *innallaha kana bikum rahima* (surely Allah is ever Merciful to you) becomes clear (Narmi et al., 2023).

The micro and macro contexts in which a verse was revealed are important to examine in order to obtain a more comprehensive understanding of the verse. Unfortunately, the author did not find any specific *asbab al-nuzul* concerning the revelation of Q.S. An-Nisa' [4]: 29. Therefore, the author presents a verse with similar wording, namely Q.S. al-Baqarah [2]: 188, with the aim of facilitating understanding of the relationship between verses that share similarities in their wording. Muqatil ibn Hayyan stated that this verse was revealed concerning Umru'ul Qays ibn 'Abis al-Kindi and 'Abdan ibn Ashwa' al-Hadrami. The two disputed a piece of land and brought their dispute before the Prophet. At that time, Umru'ul Qays was the defendant, while 'Abdan was the plaintiff. Allah then revealed this verse (Q.S. al-Baqarah [2]: 188), and the Prophet ruled that the land belonged to 'Abdan, after which Umru'ul Qays no longer disputed the matter with him (Ayu et al., 2024).

Meanwhile, there are differences of opinion regarding which forms of buying and selling fall into the category of *batil*. One of them is *bai' al-'urban*, which is similar

to the payment of a down payment. The form of sale referred to is one in which a person takes an item or rents an animal and gives the seller a certain amount of money, on the condition that if the person purchases the item or rents the animal, the money given will be counted as part of the price of the item or the rental fee for the animal. However, if the person cancels the purchase of the item or the rental of the animal, the money already given becomes the property of the seller. This type of sale was considered invalid by classical jurists from the Hijaz and Iraq because it involved a transaction vulnerable to fraud and the consumption of unlawful money without providing compensation and was not considered a gift. Meanwhile, Imam Malik permitted *bai' al-'urban* if the buyer completed the purchase in full (Siahaya et al., 2024).

Maqashid Analysis

Based on the textual discussion of Q.S. An-Nisa' [4]: 29 presented above, it can be seen that the verse emphasizes the prohibition against consuming wealth obtained through means that are not sanctioned by the *shariah*. Upon deeper examination, this prohibition is not limited to the consumption or allocation of wealth but also encompasses all forms of *wasilah* or means that may lead a person to acquire wealth through *batil* means. In Islamic law, all forms of *mu'amalah* (social and economic interactions) are essentially permissible, as stated in the legal maxim *al-Asl fi al-Ašya' al-Ibahah, Hatta yadullu al-Dalil 'ala al-Tahrim* (the basic principle is that everything is permissible unless there is evidence indicating its prohibition) (Firmansyah & Suryana, 2022).

When the verse is viewed through the lens of *maqashid al-shariah*, it contains several objectives related to different aspects of *maqashid*. From the aspect of preserving religion (*hifz al-din*), Q.S. An-Nisa' [4]: 29 indicates that a believer should always obey Allah's commands and comply with all of His prohibitions. From the aspect of preserving life (*hifz al-nafs*), the verse prohibits attempts to harm others for the purpose of obtaining wealth. The term *bi al-batil* encompasses theft, fraud, coercion, and forms of action that harm fellow human beings, in addition to the prohibition against killing oneself or fellow Muslims for any reason. From the aspect of protecting property (*hifz al-mal*), the verse protects the property rights of every person by emphasizing that valid transactions must be based on mutual consent between the two parties, namely the seller and the buyer (Al Mustaqim, 2023).

Digital Piracy and Its Relationship to the Enforcement of Maqashid

In line with the development of civilization and changing social and economic conditions, Islamic scholars have also attempted to adapt their understanding so that Islamic law can continue to be applied in the present era. This is demonstrated by contemporary scholars, such as Ramadhan al-Buthi, who recognized the existence of moral or non-material rights that must be protected. According to him, rights can be classified into two types: material rights and non-material rights.

Material rights (*haq al-mali*) include everything related to property, whether in the form of goods that can be seen with the eyes or benefits that can be obtained. Examples include the seller's right to the price of goods, the buyer's right to the goods purchased, and the tenant's right to the benefits of the residence being rented. Meanwhile, non-material rights (*haq al-ma'nawi*) include everything that is not physically related to property or its benefits. Examples include the right of *qishash*, the right to file a lawsuit, divorce, and guardianship, as well as various other rights related to human dignity. These rights are referred to as non-material rights because of their particular nature and their recognition by the *shariah*, even though they are abstract and intangible (Sanaullah et al., 2025).

Today, the world of trade recognizes *haq ta'lif* (copyright), *haq ibtikar* (patent rights), *haq al-markah* (trademark rights), and *ism tijari* (trade names). These rights are recognized because they provide benefits, have exchange value, and can become

sources of income. Therefore, contemporary Islamic jurists also permit sales or contracts related to these rights and even regulate the obligation of *zakat* on income generated from these fields (Ramli et al., 2022; Susila et al., 2022).

The widespread practice of digital piracy constitutes a violation of copyright or intellectual property rights involving the distribution, use, or reproduction of digital content without permission from the rights holder. Intellectual Property Rights are rights arising from intellectual creations that produce a product or process that is useful to human beings (Undang-Undang Republik Indonesia No. 28 Tahun 2014 tentang Hak Cipta, 2014). Although copyright laws have been implemented in many countries, piracy remains widespread in various forms, including software piracy, music and film piracy, as well as the unauthorized reproduction of books and other paid digital content.

In terms of its process, piracy is almost similar to theft, namely taking another person's property or wealth without permission or conducting a transaction without the consent of the legitimate owner. If physical theft directly harms the property owner, digital theft harms the original owner indirectly. Therefore, digital piracy can be said to violate the command in Q.S. An-Nisa' [4]: 29, which states that believers must not consume or take wealth through unjustified (*batil*) means.

Digital content can be considered a non-material object and is also virtual because it exists only within the digital space. Nevertheless, digital content has economic value, can be owned, and can serve as a source of income for people in the modern era. Q.S. An-Nisa' [4]: 29 uses the term *tijarah* (trade) because trade was the primary means through which wealth generally circulated in the understanding of classical Arab society. Meanwhile, in the present era, digital transactions through e-commerce have been accepted by modern society alongside conventional trade through physical markets in everyday life.

Digital piracy, when viewed in terms of its direct impact, reduces the income of content creators, software developers, and companies involved in its production. Thus, digital piracy violates one of the elements of *maqashid al-shariah*, namely the preservation of property (*hifz al-mal*). Indirectly, this illegal practice can also affect the motivation of content creators and related parties to continue innovating. On the other hand, if digital piracy is allowed to continue without serious regulation and attention from the government and religious scholars, it can affect the mindset, morals, and ethics of society as a whole.

CONCLUSION

Maqashid interpretation seeks to explore the objectives underlying the literal meaning of the Quran by emphasizing the *maqashid* (objectives of Islamic law) aimed at achieving human welfare. An analysis of Q.S. An-Nisa' [4]: 29 shows that the verse contains the dimension of *hifz al-mal* (protection of property), emphasizing that all forms of ownership must be acquired through means that are lawful according to the *shariah*. In the contemporary context, digital piracy can be understood as a form of non-physical theft that harms legitimate rights holders and contradicts the principles of justice in Islam. The novelty of this study lies in its use of the *maqashid* interpretation approach as the primary analytical framework, in contrast to previous studies that have focused more on aspects of Islamic law or socio-economic factors.

The findings of this study have important implications for the development of *maqashid* interpretation theory, as they extend the scope of Quranic verses to contemporary issues in the digital domain. Academically, this study strengthens the discourse on the protection of property in Islam and opens opportunities for the development of Islamic digital ethics. Practically, the findings can serve as a normative foundation for policies aimed at protecting intellectual property rights in Muslim societies. Thus, the contribution of this study extends beyond the academic

sphere to social welfare by emphasizing that digital piracy constitutes a violation of *maqashid al-shariah* and should be regarded as a serious issue in the modern era.

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Said Abdillah: data curation, writing-original draft preparation, analysis, conceptualization, methodology, visualization, and editing.

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