



Sharia Governance and Personal Data Protection in Islamic Fintech: A Comparative Analysis of Sadd al-Dhari'ah in Indonesia and Malaysia

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ABSTRACT

This study explores how the Islamic legal principle of Sadd al-Dhari'ah (blocking the means to harm) can be applied within the regulatory frameworks for personal data protection and sharia governance in the Islamic fintech sectors of Indonesia and Malaysia. Using a qualitative-descriptive approach combining document analysis and semi-structured interviews, the study finds that Malaysia exhibits a more integrated and preventive regulatory system, embedding Sadd al-Dhari'ah in both fintech and data protection laws. In contrast, Indonesia's regulatory landscape, despite the introduction of the new Personal Data Protection Law (2022), faces challenges due to fragmentation and a lack of full integration of sharia principles in its digital policies. The key findings suggest that Malaysia's approach offers a more comprehensive and cohesive model for integrating sharia governance and data protection, while Indonesia could benefit from a more unified and sharia-compliant regulatory framework. This research suggests greater synergy between classical fiqh and contemporary digital regulation as an ethical foundation for Islamic digital governance.



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INTRODUCTION

Social Facts

The rapid development of Islamic Fintech as part of digital financial innovation highlights the broad growth of financial services that ease economic access, while also creating new challenges in managing and protecting consumers' personal data (Mukhlis, Suradi, et al., 2023; Mukhlis, 2025b). Digital technology increases the volume and complexity of data processed, thus privacy issues and the potential misuse of personal information become significant concerns in both conventional and Sharia-compliant Fintech practices. Additionally, in the context of Indonesia and Malaysia, as countries with a strong Sharia legal basis, the implementation of effective Sharia governance in Islamic Fintech is an essential prerequisite to ensure that digital services are not only efficient but also ethical and compliant with Sharia principles.

Literature Facts

Recent studies indicate that Islamic Fintech—combining digital innovation with Islamic principles—faces practical challenges in balancing technological innovation with compliance to Sharia governance and data protection regulations in various jurisdictions. For instance, recent literature emphasizes how governance frameworks and data protection play a role in maintaining consumer trust while mitigating legal and operational risks on Sharia-compliant digital investment platforms.

In Indonesia, Law No. 27 of 2022 on Personal Data Protection has been adopted as the main legal foundation to ensure individuals' privacy rights and minimize potential data breaches, a mechanism that implicitly reflects the implementation of the Sadd al-Dhari'ah principle as a preventive measure against possible mafsadah (harm). Meanwhile, in Malaysia, data protection regulations and

Sharia governance have been more developed, including through the Personal Data Protection Act 2010 and the Sharia supervision framework in the Islamic finance sector.

Research Objectives

This paper aims to analyze the comparative implementation of Sharia governance and personal data protection in Islamic Fintech services in Indonesia and Malaysia, specifically through the lens of the *Sadd al-Dhari'ah* concept—a principle of Islamic jurisprudence that emphasizes preventing harm before it occurs (blocking the means) to protect public interests and prevent *mafsadah* (harm). This concept is particularly relevant in the context of policies aiming to prevent the potential misuse of data through more proactive regulations.

Argument / Hypothesis

The main argument of this research is that personal data protection in Islamic Fintech, if not supported by strong Sharia governance and preventive approaches like *Sadd al-Dhari'ah* (Mukhlis, 2025a; Mukhlis & Saidah, 2025), could open gaps for practices that undermine Sharia values and impact fairness and consumer safety in the digital realm. In Indonesia, although data protection regulations have recently been strengthened, there are still structural weaknesses in the comprehensive integration of Sharia principles. Conversely, Malaysia has implemented a more systemic and integrated regulatory framework in several aspects, though it still faces typical operational challenges.

Literature Review

Sharia Governance in Islamic Fintech

Recent literature suggests that Sharia governance is a key component in ensuring that the operations of Islamic Fintech adhere to Islamic principles while managing risks, building consumer trust, and supporting fair and sustainable economic goals. For example, empirical studies discuss how Sharia governance can help mitigate legal and reputational risks in digital wallet services within the Islamic finance context, with findings indicating that a robust Sharia oversight structure, regular audits, and involvement from authorities can enhance compliance and market trust.

Furthermore, comparative studies of Sharia fintech regulations in Indonesia and Malaysia reveal significant differences in legal structures: Malaysia has a more integrated and comprehensive Sharia regulatory mechanism, while Indonesia faces fragmentation in regulations, leading to challenges in establishing consistent Sharia governance.

Personal Data Protection in the Context of Sharia Fintech

Personal data protection in Islamic Fintech is now a key focus in legal and technological literature. Several studies indicate that when Fintech services—including Sharia-compliant services—collect and process consumer data on a large scale (e.g., user profiles, transaction activities, or financial preferences), this creates new challenges related to privacy, data security, and the risk of information misuse, which can harm consumers and conflict with Islamic ethical values.

Comparative legal studies also show that strong personal data protection in digital transactions not only meets positive legal standards but also aligns with Islamic legal principles, including respect for privacy (*haq al-khusuusiyyah*) and the trust (*amanah*) obligation over individuals' data. This research recommends synergy between Indonesia's Personal Data Protection Law (UU PDP 2022) and Islamic legal principles to create a fair, responsible, and ethical digital ecosystem.

Additionally, studies on the implementation of UU PDP 2022 find that the law incorporates elements of *Sadd al-Dhari'ah* (preventing the path to harm) within the context of Islamic law, aiming to prevent potential data breaches and provide legal assurance for data protection in the digital era (Mukhlis, Arifin, Ridwan, & Zulbaidah, 2025; Mukhlis, Arifin, Ridwan, Zulbaidah, et al., 2025). From a normative juridical perspective, the law is seen as a preventive measure by the government to close gaps in the growing threats to individual privacy caused by digital technology.

Research Gaps and the Relevance of *Sadd al-Dhari'ah*

Although literature on Islamic Fintech continues to grow, studies explicitly integrating the *Sadd al-Dhari'ah* principle in analyzing Sharia governance and personal data protection remain relatively limited. Some research emphasizes technical aspects of regulation or general Sharia compliance but few explore it through the proactive Fiqh principle of *Sadd al-Dhari'ah* as an approach to mitigating potential *mafsadah* (harm). Studies adopting this Fiqh approach generally focus on financial service disputes or conflict resolution, without directly linking it to data protection in Sharia-compliant fintech.

RESEARCH METHODS

11. Material Object (Unit of Analysis)

The material object of this study is the framework of regulations and legal policies governing sharia governance as well as personal data protection in the Islamic Fintech sector in Indonesia and Malaysia. The selection of these two countries is based on their strategic positions as centers for the development of Islamic finance in Southeast Asia. Malaysia is known for its systematic and structured approach in implementing sharia regulations and data protection through the Shariah Governance Framework (SGF) and the Personal Data Protection Act (PDPA 2010), while Indonesia is currently improving its system through the PDP Law No. 27 of 2022 and fatwas issued by the DSN-MUI.

This unit of analysis was chosen because it allows for an in-depth comparison of how the values of *maqasid al-shari'ah*, particularly the principle of *Sadd al-Dhari'ah* (prevention of harm), are accommodated in the regulations and operational practices of Islamic Fintech. The analytical framework will focus on the preventive elements in policy, oversight mechanisms, and the protection of consumer digital rights.

12. Research Design

This study employs a descriptive qualitative approach with a normative comparative study method. This approach is chosen as it is suitable for exploring the differences and similarities between the two legal and institutional systems (Indonesia and Malaysia) in responding to data protection challenges in the Islamic Fintech sector from a sharia perspective.

The comparative design enables the researcher to analyze how fiqh principles – particularly *Sadd al-Dhari'ah* – are implemented or ignored in each country's legal system, as well as their impact on public trust and the ethical legitimacy of sharia-based fintech services.

13. Data Sources (Participants and Documents)

The primary data for this study is obtained from legal and regulatory documents (such as Indonesia's PDP Law 2022, Malaysia's PDPA 2010, regulations related to Fintech, DSN-MUI fatwas, and the Shariah Governance Framework of BNM), as well as academic literature and recent studies related to Islamic Fintech, data protection, and Islamic law.

Additionally, semi-structured interviews are conducted with several academics, regulators, and practitioners of Islamic Fintech in Indonesia and Malaysia to enrich the contextual analysis and explore the normative interpretations of the *Sadd al-Dhari'ah* principle.

14. Data Collection Techniques

Data is collected through the following techniques:

- Document Study: In-depth review of laws, fatwas, and regulatory guidelines.
- Semi-structured Interviews: With five experts in Islamic law and sharia finance regulators from each country, conducted online via Zoom and Google Meet.
- Academic Literature Review: Accessing peer-reviewed journals from databases such as Scopus, DOAJ, and Crossref to strengthen the theoretical foundation.

These techniques are used to ensure that the data obtained is not only normative but also reflects the dynamics of practice in the field.

15. Data Analysis Techniques

The data is analyzed using qualitative content analysis and descriptive comparative analysis. This approach aims to:

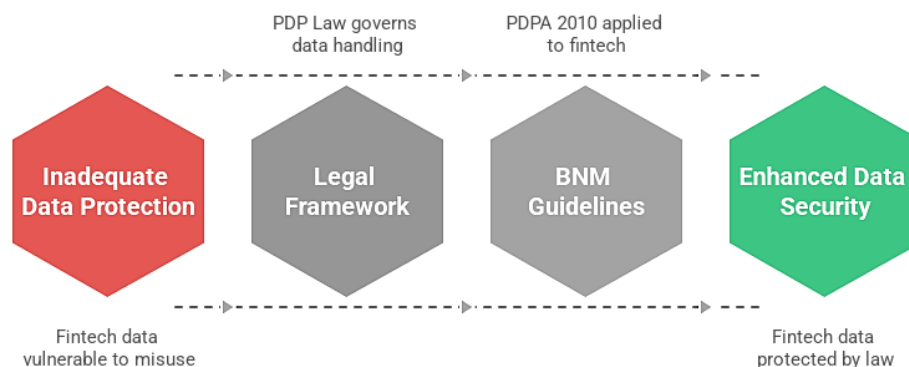
- Identify the principles of Sadd al-Dhari'ah in the applicable regulations.
- Compare the substance of policies in Indonesia and Malaysia from the perspective of sharia compliance and data protection.
- Conclude the effectiveness and coherence of regulations with the values of maqashid al-shariah.

The results of this analysis will be developed into descriptive findings that outline the strengths, weaknesses, and regulatory gaps in both systems.

RESULTS

Personal Data Protection Regulations in Islamic Fintechstatement of Data

Document analysis indicates that in Indonesia, the applicable regulation for personal data protection in the fintech context is Law No. 27 of 2022 on Personal Data Protection (PDP Law). This law serves as the main legal framework governing the collection, processing, storage, and distribution of personal data, including data of fintech service users. Meanwhile, Malaysia has already implemented the Personal Data Protection Act 2010 (PDPA 2010), which, although initially designed for general activities, has also been applied to the fintech industry through financial regulator guidelines such as those from Bank Negara Malaysia (BNM).Protecting Personal Data in Islamic Fintech



Description of Data

The implementation of the PDP Law in Indonesia introduces new obligations for fintech providers to obtain explicit consent from data owners, apply technical and administrative security controls, and ensure data access and correction rights for individuals. However, the implementation of these obligations, in line with Sadd al-Dhari'ah, is uneven, particularly in startups, where risk management structures are underdeveloped, hindering full compliance with data protection measures. In contrast, Malaysia's PDPA has a more structured and proactive approach, where regulatory bodies provide clearer enforcement mechanisms, and the integration of Sadd al-Dhari'ah within fintech regulations appears more consistent, focusing on preventing harm before it materializes.

Explanation of Data

From the perspective of the principle of Sadd al-Dhari'ah, both regulatory frameworks aim to prevent potential harm (mafsadah) from the misuse of personal data, such as privacy violations and data security risks. The findings reveal that Malaysia's regulatory system provides more preventive safeguards by ensuring a more cohesive integration of Sadd al-Dhari'ah in data protection policies, whereas Indonesia's approach is more reactive and fragmented, often addressing issues only after technological advancements emerge.

Sharia Governance in Islamic Fintech

Description 1: DSN MUI Procedures and SC Malaysia

In Indonesia, sharia governance for fintech refers to the fatwas and guidelines from the National Sharia Board of the Indonesian Ulema Council (DSN MUI) and the requirements from the Financial Services Authority (OJK). These include establishing internal sharia committees, conducting regular audits, and ensuring product compliance. While these regulations aim to integrate sharia principles into the fintech industry, the lack of a uniform regulatory framework results in some gaps in enforcement. In Malaysia, Bank Negara Malaysia (BNM) and the Securities Commission Malaysia (SC) have created a more comprehensive Sharia Governance Framework with stricter guidelines on sharia committee competency, sharia oversight, and product compliance, providing a stronger foundation for aligning fintech operations with sharia principles.

Description 2: The Role of the Sharia Board in Fintech

Interviews reveal that in Indonesia, the sharia committee plays a consultative role, while in Malaysia, it is more formal and integrated into the company's internal controls. This distinction reflects Malaysia's more robust regulatory framework, where sharia committees are integral to product approval, operation monitoring, and regulatory compliance, thus providing stronger oversight in fintech governance.

Description 3: Sharia Provisions and Data Technology

Regulators in both countries are beginning to integrate sharia principles with data technology management—e.g., big data, AI, and machine learning. However, the alignment of these technologies with sharia principles, such as fairness and transparency, is more advanced in Malaysia, where initial technical guidelines for sharia fintech also consider data protection. In contrast, Indonesia's approach is still in the early stages, lacking standardization for such integration.

Sadd al Dhari'ah Analysis in Regulations

Description 1: Prevention of Potential Data Misuse

From the Sadd al-Dhari'ah perspective, both countries' regulations introduce preventive elements, but with differences in implementation. Indonesia's PDP Law emphasizes consent and transparency as preventive measures, while Malaysia's PDPA incorporates a more comprehensive preventive mechanism with stricter internal controls, periodic audits, and administrative sanctions.

Description 2: Preventive Supervision of Fintech Products

In Indonesia, regulatory supervision of fintech products is often reactive, responding to technological advancements after they have occurred. In contrast, Malaysia takes a more proactive approach by establishing regulatory sandboxes and guidelines before fintech products are launched, demonstrating a clearer alignment with Sadd al-Dhari'ah's preventive approach to potential harm.

Description 3: Coherence with Other Regulations

A comparative analysis highlights Indonesia's regulatory fragmentation, where data protection is governed by the PDP Law, while sharia fintech is regulated by OJK and DSN MUI. This fragmentation complicates the integration of Sadd al-Dhari'ah into regulatory frameworks. In contrast, Malaysia's integrated approach, where PDPA is harmonized with fintech regulations from BNM and SC, offers greater coherence and a stronger foundation for the application of sharia principles in both data protection and fintech governance.

DISCUSSION

Research Findings Summary

This research reveals that the protection of personal data and Shariah governance in Islamic Fintech in Indonesia and Malaysia have experienced significantly different developments (Mukhlis, Maryam, et al., 2023; Mukhlis et al., 2024). Malaysia, with a more integrated legal framework, explicitly incorporates the principle of preventing potential harm (mafsadah) in its fintech regulations and personal data protection through the Shariah Governance Framework and PDPA 2010. In contrast, Indonesia is still in the process of strengthening its regulations through the PDP Law 2022 and the role

of the DSN MUI, which is more of a moral guideline. Elements of *Sadd al Dhari'ah* are starting to appear in Indonesia's regulations, but they have not yet been fully implemented in the practices of technology-based Shariah financial institutions.

Interpretation of Research Findings

The findings indicate that when the principle of *Sadd al Dhari'ah* is applied within the regulatory framework, the state is able to formulate a preventive approach that is not only legalistic but also ethical and Shariah-compliant. In Malaysia, the existence of structured Shariah audit mechanisms and personal data oversight demonstrates how Islamic values can merge with technology and modern regulations. In Indonesia, there is a gap between Shariah principles and formal legal instruments, resulting in insufficient data protection in both spiritual and normative dimensions. This can lead to public uncertainty regarding the security and halal status of Islamic Fintech services.

Contextualization of Research Findings

Contextual factors influencing these differences include the historical development of Shariah financial institutions, the strength of national Shariah authority, and the regulatory compliance culture. Malaysia has established a strong and centralized national Shariah institutional framework, such as the Shariah Advisory Council under the SC and BNM, which has high authority and integration into the national legal system. Meanwhile, in Indonesia, the fragmentation of Shariah institutions and the overlap of regulations between BI, OJK, and DSN MUI result in disjointed data protection and Shariah governance practices.

Implications of Research Findings

These findings have significant implications: without the integration of Shariah principles and proactive data protection regulations, Islamic Fintech could become a vehicle for ethical violations and the potential exploitation of Muslim data, both by business actors and irresponsible third parties. The principle of *Sadd al Dhari'ah* offers a theological and normative approach to limit digital practices that could potentially lead to violations of *maqasid al shari'ah*—specifically *hifz al nafs* (protection of life), *hifz al 'aql* (protection of intellect), and *hifz al mal* (protection of property). Therefore, regulations in both countries must develop prevention-based and strict supervision approaches regarding the use of data in the Islamic fintech ecosystem.

Comparison of Research Findings with Previous Studies

Unlike previous studies that generally focus on Sharia compliance from the perspective of financial products and services (e.g., Sharia financing, halal crowdfunding), this study places data protection as part of the overall halal system. Previous studies rarely linked digital privacy with Fiqh principles such as *Sadd al Dhari'ah*, making this research a conceptual and practical contribution to the Islamic fintech literature with a more applicable preventive fiqh approach.

Policy Action Plan (So What?)

As a contribution to policy, this research recommends the formulation of fatwa guidelines and specific Shariah regulations related to the protection of personal data in the digital Shariah-based financial sector. DSN MUI and BNM/SC Malaysia are advised to develop an ethical-Shariah policy framework for digital data management, including issues such as data profiling, the use of algorithms for market segmentation, and customer data retention (Mukhlis, Janwari, et al., 2023; Mukhlis & Abdullah, 2025). Additionally, regulators need to develop Shariah audit standards for digital systems that explicitly incorporate the principle of preventing *mafsadah* through the approach of *Sadd al Dhari'ah* as a normative principle in the Islamic digital ecosystem.

CONCLUSION

Key Finding (Unexpected / Shocking)

This study reveals that personal data protection within the Islamic Fintech ecosystem is not merely a matter of formal legality but is closely intertwined with the legitimacy of Shariah law and the protection of *maqāṣid al-sharī'ah*. A significant and somewhat unexpected finding emerged when the Islamic legal principle—specifically the principle of *Sadd al-Dhari'ah*—was able to provide a framework for limiting access to, collection of, and use of personal data preventively, even before any actual harm occurs. This approach is particularly important as it underscores the necessity of taking proactive measures against potential risks. What is striking is that this preventive framework, grounded in *Sadd al-Dhari'ah*, offers a unique and underutilized perspective in the regulation of digital risks in Islamic fintech. The research found that Indonesia, despite its regulatory advancements, still faces gaps in the application of this principle, leading to potential legal and ethical uncertainties in the practice of Islamic fintech. In contrast, Malaysia shows a more cohesive integration of Shariah principles into its digital technology regulations, providing a more robust regulatory model for protecting consumers.

Scientific Contribution (Novelty)

The principal contribution of this research lies in the innovative application of the classical fiqh principle of *Sadd al-Dhari'ah* to the contemporary issue of personal data protection in the Islamic fintech sector. This approach is relatively novel, as existing studies on Islamic digital law tend to focus primarily on products and services rather than the underlying data systems and regulations. By introducing *Sadd al-Dhari'ah* into the regulatory analysis, this study contributes a fresh perspective that considers how classical Islamic legal principles can be leveraged to improve contemporary digital governance. The application of *Sadd al-Dhari'ah* in the context of digital regulations is a pioneering step, offering new insights into how these principles can proactively shape public policy to address digital risks. This research broadens the understanding that *Sadd al-Dhari'ah* is not only applicable to traditional legal matters but is also a crucial element for mitigating the invisible yet potentially destructive risks to the ethical and spiritual integrity of Muslim consumers in the digital age.

Limitations and Directions for Future Research

While this study provides valuable insights, it has certain limitations. The research was based primarily on document analysis and a limited number of interviews with key regulatory actors and experts, which means that not all technical dimensions of data management within fintech companies were accessible. As a result, the actual practices of these companies, particularly those involving the implementation of *Sadd al-Dhari'ah*, were not fully captured. Additionally, the practical implications of integrating *Sadd al-Dhari'ah* into digital regulations to improve consumer protection in Islamic fintech are yet to be explored in real-world contexts. To build on this research, future studies should focus on conducting field studies within Islamic fintech companies in both Indonesia and Malaysia, which would provide a more detailed understanding of the implementation of Shariah-based data protection regulations. Moreover, there is a need to develop a Shariah audit model that incorporates *Sadd al-Dhari'ah* for data protection systems, ensuring that the regulatory frameworks are both Shariah-compliant and effective in protecting consumers. Future research could also examine the impact of *Sadd al-Dhari'ah* integration on consumer trust, data security, and ethical compliance in the Islamic fintech sector, as well as evaluate Muslim consumers' perceptions of data security and Shariah compliance on digital platforms.

CONFLICT OF INTEREST

The authors declare that there are no conflicts of interest regarding the publication of this article.

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