

Data Protection Based on the Hadith “Prohibition Against Taking Another Person’s Stick” in the Digital Age

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ARTICLE INFO

Article history:

Received: 04 August 2026

Revised: 09 August 2026

Accepted: 15 August 2026

DOI:

10.61100/tacit.v4i1.369

Keywords:

Personal Data Protection, The Hadith of The Stick, Qiyas Aulawi, The Digital Age



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ABSTRACT

The protection of personal data is increasingly being discussed in research, with most studies addressing it from the perspectives of *maqasid al-sharia* and *hifdz an-nasf*, even though the legal basis for this protection can be explained through *qiyas aulawi* using the hadith about the walking stick. This study aims to (1) explain the urgency of personal data protection in the digital age, (2) explain the hadith prohibiting the taking of another person’s walking stick, and (3) explore personal data protection in the digital age through the *qiyas aulawi* method. The method used is a qualitative approach involving library research with a descriptive methodology. The results of this study are, first, the importance of safeguarding personal data in the digital age because it can lead to identity theft and misuse of information. Second, the “*cane hadith*” is classified as *hasan*; its content establishes that the fundamental legal principle regarding property is that it is *haram* to take it without the owner’s permission, even if the property is of little value – whether between fellow Muslims or non-Muslims. This demonstrates that Islam highly respects and protects private property rights from all forms of infringement. Third, the application of *qiyas aulawi* based on the hadith prohibits the use of another person’s personal data without their permission. By applying the findings of this study, every individual can easily engage in digital transactions by sharing only non-private information, and no one will use another person’s personal data without permission; furthermore, the application of *qiyas* in the digital age is highly necessary.

ABSTRAK

Perlindungan data pribadi semakin marak dibahas dalam penelitian, kebanyakan membahasnya dari segi *maqasid syariah* dan *hifdz an-nasf*, padahal perlindungan ini bisa dijelaskan hukumnya berdasarkan *qiyas aulawi* melalui hadis tongkat. Penelitian ini bertujuan untuk (1) menjelaskan urgensi perlindungan data pribadi di era digital, (2) menjelaskan hadis larangan mengambil tongkat orang lain, dan (3) menyingkap perlindungan data pribadi di era digital melalui metode *qiyas aulawi*. Metode yang digunakan adalah pendekatan kualitatif dengan jenis penelitian library research dengan metode deskriptif. Hasil dari penelitian ini adalah pertama, pentingnya menjaga data pribadi di era digital karena dapat memicu pencurian identitas dan penyalahgunaan informasi. Kedua, hadis tongkat berstatus *hasan*, kandungan hadis adalah hukum asal dalam harta adalah *haram* diambil tanpa izin pemiliknya meskipun harta itu sedikit baik sesama muslim maupun non-muslim ini menunjukkan bahwa agama Islam sangat menghormati dan menjaga hak milik pribadi dari segala bentuk pelanggaran. Ketiga hasil implementasi *qiyas aulawi* berdasarkan hadis yaitu diharmonikannya penggunaan data pribadi orang lain tanpa izinnya. Dengan penerapan hasil penelitian ini setiap individu dengan mudah bermuamalah secara digital karena hanya membagikan hal-hal yang tidak privat dan setiap orang tidak menggunakan data pribadi orang lain tanpa izin serta pemanfaat *qiyas* di era digital sangat dibutuhkan.

1. INTRODUCTION

Private property is a crucial aspect of maintaining order and justice. Every individual has the right to their

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own property and possessions; this right must not be taken by others without permission to prevent its misuse. However, in everyday life, violations of personal rights still occur frequently, ranging from simple acts (such as borrowing items without permission) to more complex ones (theft, whether digital or non-digital). The Indonesian Ulema Council (MUI) notes that violations of intellectual property rights have become commonplace, severely disrupting livelihoods and causing harm to various parties (MUI, 2005). According to the MUI's statement, this proves that intangible assets also have value, so a violation involving them can result in a loss; there is no loss associated with items that have no value.

In the digital age, the scope of individual ownership is no longer limited to tangible objects (*al-a'yan*), but has expanded to include intangible or conceptual assets (2007, شير). Intangible assets include intellectual works, trademarks, virtual accounts, and personal data. Because these assets are intangible, members of the digital community often engage in actions that harm the owners of accounts or the personal data of others, or copy the names or trademarks of others; this constitutes theft or the misappropriation of another person's personal data, which in classical Islamic jurisprudence is known as *ghosob* (Al-Fauzan, 2011). *Ghosob* is the act of taking someone else's property without permission.

Islam, as a perfect religion, has placed great emphasis on the protection of personal data. One of its normative foundations is found in a hadith of the Prophet Muhammad ﷺ, which states that taking even a small item—such as a walking stick—is not permitted without the owner's permission, let alone personal data, which clearly belongs to every individual from the moment they are born. This demonstrates that Islam highly upholds the principle of private ownership. While the hadith mentioning the walking stick may at first glance seem very simple, trivial, of little value, and very easy to obtain, it carries a profound meaning regarding legal principles (Al-Fauzan, 2011), namely ensuring the protection of all of a person's possessions, including personal data.

There are several previous studies that share similarities and differences with the present study. These studies, discussed by Kuraesin et al. (2025), Osman (2023), and Salman (2025), Yogie & Azren Qadraini (2025), Syafitri & Hasan (2025) share the commonality of addressing the protection of personal data or privacy in the digital age. Meanwhile, the differences are that Kuraesin et al. (2025) study discusses data privacy in Article 12 of the Universal Declaration of Human Rights; Osman (2023) study examines *The Right to Be Forgotten: An Islamic Perspective*; and Salman (2025) study discusses the *maqasid al-sharia* regarding security and personal rights in contemporary Islam. Yogie & Azren Qadraini (2025) focuses on *qiyas in usul al-fiqh*, and Syafitri & Hasan (2025) discuss it within the Shopee platform. None of the previous studies have examined or discussed personal data protection based on the hadith of the staff and *qiyas aulawi*. Therefore, this study fills a new academic gap in data protection research and opens a new chapter of research findings that have not been explored in previous studies.

The importance of examining the protection of personal data in the "hadith of the staff" demonstrates that Islamic law remains applicable in any era; through *qiyas aulawi*, legal rulings that have not been explicitly stated can be inferred implicitly. This research serves as a crucial foundation for upholding Islamic law regarding the use of personal data in the digital age, where such data is often misused by some individuals. Hanafi et al. (2025) notes that Islamic law can strengthen the ethical foundation and provide a broader framework for assessing, evaluating, and maximizing the protection of personal data. This is because personal data breaches are indeed a serious challenge in the digital age, and there are currently gaps in policies and regulations—particularly regarding the responsibilities of data controllers and the protection of victims (Samin, 2024).

To that end, this study has three objectives. First, it aims to identify and explain the urgency of personal data protection in the digital age. Second, it aims to explain the hadith prohibiting the taking of another person's walking stick. Finally, it aims to explore personal data protection in the digital age through *qiyas aulawi*.

The argument regarding personal data protection based on the hadith "The Prohibition Against Taking Another Person's Staff" in the digital age is discussed for three reasons. First, the widespread use and exposure of personal data that is freely accessible in the digital age. Second, the misconception that the golden age of Islamic civilization has faded and its laws are rarely applied. Third, the legal certainty that always exists from an Islamic perspective, even for addressing modern issues such as personal data protection. In fact, legal principles can still be derived from the hadith through the method of *qiyas aulawi*.

2. THEORETICAL FRAMEWORK AND HYPOTHESES

Personal data

Personal data consists of identifiers, codes, symbols, letters, or numbers that identify an individual and are of a personal nature (Agung & Nasution, 2020). Personal data can be defined as all information related to a person's identity, including their physical, physiological, genetic, psychological, economic, cultural, and social characteristics (Fad, 2021). Personal data is data that leads to the indirect identification of the individual to whom it pertains; thus, it encompasses any information relating to a specific or identifiable natural person, either directly or indirectly (2025, ایمان & العابدین). In summary, personal data refers to anything associated with an individual that, if known by others, could be misused—either for positive or negative purposes. In the digital age, some types of personal data are general in nature, while others are specific. General personal data includes full name, gender, nationality, religion, and marital status. Specific personal data, on the other hand, includes health data and information, biometric data, genetic data, criminal records, data on children, personal financial data, and other data as specified by applicable laws and regulations (RI, 2022).

Qiyas Awlawi

Qiyas aulawi (Priority Analogy) is a type of qiyas in which the illah (legal cause or rationale) necessitates the application of a ruling, where the object being analogized is more deserving of that ruling than the original case from which the analogy is drawn. An example is analogizing the act of striking one's parents to uttering the word "ah" (ta'fif) in terms of its prohibition, due to the presence of the same 'illah, namely causing harm (to one's parents) (Hakim, 2007b). Some scholars classify qiyas aulawi under Mafhum al-Muwafaqah (مفهوم الموافقة). They divide it into two types: sometimes the inferred ruling is stronger (more primary) than the explicitly stated ruling (manthuq). This is called Fahwā al-Khiṭāb (فحوى الخطاب), also known as Qiyās al-Awlā (قياس الأولى). Sometimes the implied ruling is equivalent to the explicitly stated ruling. This is called La ḥn al-Khiṭāb (لحن الخطاب), also known as Qiyās al-Musāwī (قياس المساوي) (Hakim, 2007a).

Digital Era

Digital era is the time when technology has advanced tremendously, to the point where it is used on a daily basis in all fields, in all forms, and by all segments of society. Its emergence has made it easier to access information, and information has become the central force shaping politics, the economy, and social life. Progress in this era also depends on harnessing the human mind (2023, إبراهيم). The other meaning is the shift from dealing solely with physical resources to focusing on information resources that rely on the Internet and electronic networks (2021, بوديب & حديد). Characteristics of the digital age are using information as an economic resource, as organizations work to use and benefit from information to increase their efficiency, enhance their effectiveness, and strengthen their competitive position among comparable organizations. The phenomenon of human alienation and reluctance to participate positively in society, contrasted with the phenomenon of modernization through the emergence of individuals and groups that embrace change and renewal, relying on the expansion of modern communication media. The cognitive and technological explosion and the spread of communication systems, along with the expanding use of the internet. The emergence of the information sector as an important sector of the economy. The increasing use of information as an economic resource. The growing volume of electronic publishing, which relies on producing and transmitting information using computers (2023, إبراهيم).

3. RESEARCH METHOD

This study employs a literature review approach. The discussion in this study focuses on the urgency of personal data protection, an explanation of the hadith prohibiting the taking of another person's walking stick, and personal data protection in the digital age through qiyas aulawi. The presentation of the research findings is structured, beginning with a description of the data, an explanation of the data, and an analysis of the relationships among the data. This study only examines data from journal articles and books that have been selected for discussion. The choice of personal data protection as the subject stems from the increasing prevalence of data breaches and misuse, which can cause harm to many institutions.

This study employs a qualitative approach, specifically library research using a descriptive method. The research data were collected from books and journals, which were compiled and summarized in a notebook and subsequently designated as data based on their sources. The data sources in this study consist of primary and secondary data. The primary data in this study, in the form of books, are works by Abu Bakr

Ahmad bin al-Husayn bin Ali al-Baihaqi titled as-Sunan al-Kubra (Al Baihaqi, 2003) and by Muhammad bin Hibban titled Shahih Ibn Hibban (Hibban, 2012). Meanwhile, the journal articles used in this study are by (Kuraesin et al., 2025), (Aulia et al., 2025), (Nidhom & Murtadho, 2025), (Yogie & Azren Qadraini, 2025), (Setyawan, 2024), (Osman, 2023), (2025, الم. ش. ع. الرحمن), and (Fad, 2021). Secondary data consists of sources other than those mentioned above, including books and journal articles.

The research stages are based on John Creswell's framework. First, the study began with the identification of the problem, which is the research topic: the protection of personal data in the "hadith of the staff." Second, a review of the literature and analysis was conducted to define the concepts of personal data, qiyas aulawi, and the digital age; this was followed by an examination of the urgency of personal data protection, an explanation of the "hadith of the staff," and the protection of personal data through the qiyas aulawi method; third, formulating and defining the research objectives, namely to explain the urgency of personal data protection, provide an in-depth explanation of the "hadith of the staff," and elucidate personal data protection through the qiyas aulawi method; fourth, collecting all available data, selecting and determining which data will be included in this study; fifth, analyzing and interpreting the data obtained and categorizing it—distinguishing which aspects pertain to the urgency of personal data protection, which pertain to the explanation of the "hadith of the staff," and which pertain to the explanation of personal data protection through the qiyas aulawi method—as well as summarizing and interpreting this data; sixth, writing the entire study using a descriptive approach. The data collection method used was descriptive library research, which is closely related to content analysis. Analysis involves processing data, organizing it, breaking it down into smaller parts, and identifying and categorizing it into common themes and patterns (Raco, 2018). This analysis aims to identify conceptual common ground between the hadith prohibiting the taking of another person's walking stick and the protection of personal data in the digital age.

4. DATA ANALYSIS AND DISCUSSION

The Importance of Personal Data Protection in the Digital Age

Athwi Abdul Malik stated that the definition of personal data according to the African Union—specifically Article 1 of the African Union Convention on Cybersecurity and the Protection of Personal Data—is any information relating to an identified or identifiable individual, whether directly or indirectly, in particular by reference to an identification number or to one or more factors specific to the individual's physical, psychological, mental, economic, cultural, or social identity. Meanwhile, according to European Union Directive No. 95/46/EC, Article 2, paragraph 2, personal data is any information relating to an identified or identifiable individual (data subject). A person is considered identifiable if their identity can be determined, either directly or indirectly, particularly by reference to an identification number or to one or more factors specific to their physical, physiological, mental, economic, cultural, or social identity (2015, الملك).

Protecting personal data is crucial in the digital age, where so many of today's daily activities are conducted digitally. Agam Anantama (2022) notes that online media force users to disclose all their personal information as a condition for accessing a platform—including age, date of birth, sexual or political orientation, purchase history, and more. What Agam Anantama (2022) said aligns with what is currently happening in the real world. And this is, of course, very concerning, especially since there are no guarantees regarding the security of the data being shared. He went on to say: "Of course, disclosing personal data carries significant risks." There are concerns that this personal data could lead to identity theft or misuse of information because it touches on sensitive issues (Agam Anantama, 2022).

Law of the Republic of Indonesia No. 27 of 2022 on the Protection of Personal Data defines personal data as data concerning an individual who is identified or can be identified, either on their own or in combination with other information, either directly or indirectly, through electronic or non-electronic systems (RI, 2022). The enactment of the Personal Data Protection Law, which specifically addresses personal data issues, is expected to serve as a solution to prevent crimes involving the misuse of personal data and to provide a strong legal framework for law enforcement efforts (Kharisma Arrasuli & Fahmi, 2023). This protection is recognized as a constitutional right of every citizen. A constitutional right is an obligation of the state toward its citizens (Kusnadi & Wijaya, 2021).

In the digital age, the importance of privacy protection is increasing because violations can occur through the unauthorized dissemination of data (Kuraesin et al., 2025). The threats arising from weak privacy and personal data protection are linked to the economic growth generated by online transactions (Agung & Nasution, 2020).

The urgency of personal data protection is evident in the fact that it is recognized as a human right under Article 12 of the Universal Declaration of Human Rights (UDHR), which provides a legal foundation for member states regarding their obligation to protect and respect the right to privacy of their respective citizens (Situmeang, 2021). In order for the rights under the Personal Data Protection Act to be effectively enforced, the public needs to be aware of the existence and importance of personal data protection (Simanjuntak, 2018).

Protecting privacy is an important social responsibility. Whether in the context of international law or Islamic teachings, respecting individual privacy fosters healthier relationships and a more harmonious society (Kuraesin et al., 2025). In Islam, personal rights are highly respected, especially regarding family secrets and other matters. Islam teaches proper etiquette for visiting someone else's home: if a person wishes to visit and enter another's home, they should first ask for permission, then offer greetings; if the homeowner is not present, they should return home.

Based on the explanation of Surah An-Nuur, Verse 27, that it is very important to protect a person's privacy—even though the Quran does not explain in detail how to protect personal data in e-commerce transactions—the verse from Allah SWT in Surah An-Nuur, Verse 27, is relevant in that it commands believers to greet and ask for permission before entering someone's home. This means that through His revelation in Surah An-Nur, Allah has provided protection or boundaries for believers in their social interactions. This is analogous to regulations regarding the protection of personal data, which may only be accessed with the consent of the individual concerned (Sari, 2023).

Based on the various definitions of personal data, they collectively establish that personal data refers to a person's identity, which is clearly attributable to an individual who can be identified either directly or indirectly by reference to an identification number or one of the distinctive elements of their physical, physiological, mental, economic, or other characteristics—which serve as proof of the person's identity and whose confidentiality is maintained and protected.

The state, through laws enacted by the government, and Islam—which draws from the Quran, hadith, *ijma'*, *qiyas*, and other sources—both provide protection for the right to ownership of personal data. The state is obligated to guarantee the security and confidentiality of every citizen's personal data as part of the protection of human rights and privacy. In line with this, Islam also regards individual privacy and dignity as matters that must be respected, safeguarded, and protected. Therefore, any form of use, collection, or dissemination of personal data without the individual's consent or authorization is contrary to the principles of safeguarding and protecting an individual's rights and dignity.

The implication of the urgency of data protection is that everyone must be able to protect themselves, as everything related to them constitutes data. Whether in the online or offline world, individuals must always safeguard their personal data. Research findings show that protecting personal data is crucial and that the misuse of personal data is no trivial matter. Therefore, every individual should carefully protect their personal data.

Privacy is an important value in Islam, as it involves respect for individual integrity, control over personal information, and protection against unauthorized interference (2023, الرحمن). Kuraesin et al. (2025) notes that Islamic values derived from the Quran, hadith, and the *maqasid al-sharia* framework are not only consistent with the spirit of protecting human rights but also enrich our understanding of the importance of safeguarding privacy as part of social and moral responsibility. The perspective of *sad dzari'ah*, personal data embodies personal honor and dignity that must not be violated. When data is misused, it poses a danger (*mudharat*) in the form of damage to a person's dignity (*hifz al-irdh*), whereas Islamic law seeks, as much as possible, to promote the common good for humanity (Fad, 2021). Muslims believe that privacy is also a social right, meaning that society has an interest in ensuring that everything remains private. Therefore, people are not only encouraged to refrain from exposing the faults of others but also to refrain from exposing their own faults (Osman, 2023).

Based on the findings of this study, individuals should only share information that is considered normal. When interacting online, they should only display a minimal amount of personal information on their profiles. They should share posts that do not involve private matters and should not respond to all messages from strangers. This will prevent personal data from being misused by others, as the information shared is not comprehensive. In this way, individuals can navigate the online world safely and peacefully.

Explanation of the Hadith “Prohibition Against Taking Another Person’s Stick”

This hadith discusses respecting other people’s property and the prohibition against taking or using anything that belongs to someone else without their consent. Here is an explanation of the hadith:

وَعَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: لَا يَجِلُّ لِأَمْرِي أَنْ يَأْخُذَ عَصَا أَخِيهِ بغير (طَبِيبُ نَفْسٍ مِنْهُ) قَالَ ذَلِكَ لِشِدَّةِ مَا حَرَّمَ اللَّهُ مِنْ مَالِ الْمُسْلِمِ عَلَى الْمُسْلِمِ (رواه ابن حبان في صحيحه والبيهقي في السنن الكبرى)

Meaning:

And from Abu Humaid As-Sa'idi – may Allah be pleased with him – he said: The Messenger of Allah ﷺ said, “It is not permissible for a person to take his brother’s staff without his consent.” He said this because of the severity of the prohibition that Allah has established regarding the property of one Muslim over another (Hibban, 2012) and (Al Baihaqi, 2003).

Table 1. The meaning of Hadith Vocabularies.

No.	Hadith Vocabulary	The meaning
1	لَا	No
2	يَجِلُّ	Halal
3	عَصَا	Stick
4	أَخِيهِ	His Brother
5	بغير	Without
6	طَبِيبُ	Ridho
7	نَفْسٍ	Soul/heart
8	مِنْهُ	from him

The phrase “لَا يَجِلُّ” means “not permissible”; Muhammad Musthafa (Az-Zuhailiy, 2021) states that it means “forbidden” or “prohibited.” The word “عَصَا” means “stick”; the dictionary Al-Mu'jam Al-Washit (Al-Arabiyyah, 2011) defines it as “عَصَا بِمَا يَتَّخِذُ مِنْ خَشَبٍ وَغَيْرِهِ لِلتَّوَكُّؤِ أَوْ الضَّرْبِ,” meaning that a stick is something made of wood or other materials to be used as a support or for striking. The word “أَخِيهِ” means “his brother.” Here, “his brother” refers to both a brother in faith and a brother by blood (Al-Hamd, 2011). The word “بغير” means “without.” The word “طَبِيبُ” means “ridho,” derived from the mashdar form of the verb thoba- yathiibu- thib-thiiban wa thibatan – fahuwa thoyyib, for example, “tābat nafsuhi” means that he or his heart has given approval, consent, or is sincere (Umar, 2008). The word “نَفْسٍ” means “soul” or “heart.” Thus, the phrase “بغير نَفْسٍ مِنْهُ” means “without consent (willingness) and without permission,” whether spoken in jest or in earnest (Az-Zuhailiy, 2021).

This hadith was narrated by Ibn Hibban in his Sahih, hadith no. 1834, vol. 3, p. 10 (Hibban, 2012), 2012), and by al-Baihaqi in his Sunan al-Kubra, hadith no. 11542, vol. 6, p. 165 (Al Baihaqi, 2003). All the hadith narrators are authentic narrators, except for one – Abdurrahman bin Said – about whom the scholars of hadith have noted that he is trustworthy.

Sheikh Al-Albani said: all the other narrators are trustworthy according to Muslim’s criteria, so this chain of transmission is authentic. He then added that Al-Haitsami stated in the book Al-Majma (4/171): “It was narrated by Ahmad and Al-Bazzar, and all of its narrators are narrators of Sahih.” He further noted: Among them is Abdurrahman bin Sa’id, the son of Abu Sa’id Al-Khudri. He is trustworthy and is counted among the narrators of Sahih Muslim. Thus, Al-Haitsami assumed that the same applies to Ahmad’s narration (Al Albani, 1985).

In agreement with Sheikh Al-Albani, Sheikh Abdullah bin Shaleh al-Fauzan said: the chain of transmission (sanad) of this hadith is sahih. Its narrators are those whose narrations are accepted in the books of sahih hadith, except for Abdurrahman bin Sa’id, who is the son of the companion Sa’id bin Malik (better known by his kunya, Abu Sa’id al-Khudri). However, he is considered tsiqah (trustworthy) by the scholars. Al Bassaam (2003) stated that the degree of this hadith is hasan. Based on the statements of several scholars, this hadith is of good quality and can be used as a basis for protecting personal rights.

This hadith has given rise to several legal rulings derived by competent scholars. Firth, he default ruling regarding property is that it is forbidden to take it; therefore, one must not take anyone’s property except with their permission (As-Syasyri, 2014). Second, this hadith indicates that it is forbidden to take a Muslim’s property except with the owner’s consent, even if the property is of little value. The scholars have also reached a consensus (ijma’) on this matter (As-Shan’ani, 1421). Third, his statement, “...taking his brother’s staff...” encompasses not only a staff but also items of lesser or greater value than it. If the Prophet ﷺ mentioned a walking stick—even though walking sticks generally have little value—this indicates that

property and items of greater value are certainly even more deserving of respect and must not be taken without right. The staff is mentioned either because its value is considered negligible or because it was a commonly used item among them at that time (Az-Zoukury, 2023). Abdullah al-Fauzan said: The mention of a staff or milk in some hadiths is because people often take such matters for granted. By mentioning these seemingly trivial objects, the Prophet ﷺ reminded people of the prohibition against taking things of greater value and greater importance that must be safeguarded (Al-Fauzan, 2011). The mention of the word “staff” serves as a warning (a hint) regarding things of greater significance than that. Therefore, the Messenger of Allah ﷺ intended a general meaning (Al-Utsaimin, 2006). Fourth, in this regard, there is evidence that Islam deeply respects and protects private property from all forms of infringement. This is evident in various established Islamic laws, such as the prohibition against taking a Muslim’s property without their permission, the gravity of the sin of seizure and injustice against others’ rights, the punishment of amputation for thieves, and other such laws. This serves as clear evidence of the fallacy of the socialist ideology that negates private property; for the Prophet ﷺ attributed property to its owners, indicating that they possess and have a specific right to that property (Al-Fauzan, 2011).

Fifth, Al Bassaam (2003) mentions two important points regarding this hadith. First: another person’s property becomes lawful and may be used if the owner gives their consent. This consent can be determined through explicit permission, or through signs and circumstances indicating permission, whether from the attitude of the rightful owner or from the relationship between the owner and the person utilizing the property. Allah the Exalted says: “There is no harm for the blind, nor for the lame, nor for the sick, nor for you yourselves to eat in your own homes, or in the homes of your fathers, or in the homes of your mothers, or in the homes of your brothers, or in the homes of your sisters, or in the homes of your paternal uncles, or in the homes of your paternal aunts, or in the homes of your maternal uncles, or in the homes of your maternal aunts, or in homes whose keys are in your possession, or in the homes of your friends.” (Quran 24:61). This is because family ties and friendships generally serve as an indication of permission and acceptance. Second: matters such as these—whether they are permissible or not—are determined by the customs and traditions prevailing within the community. They are also determined by what is known about the homeowner: whether he is generous, willing, and has no objection, or the opposite. Therefore, the guiding principle is peace of mind and the conviction that the homeowner is content in such situations, which may vary depending on the people involved, the time, and the place. Sixth, Al-Hamd (2011) also highlights two key points: first, the prohibition against a Muslim taking anything belonging to a non-Muslim dhimmi without their permission; second, it is prescribed to apply qiyas (legal analogy).

From the six points above, it can be concluded that the default rule regarding property is that it is forbidden to take it without the owner’s permission, even if the amount is small. The mention of the word “staff” serves as a warning (hint) regarding something even greater than that. Islam deeply respects and protects private property rights from all forms of infringement. Another person’s property becomes permissible and may be utilized only with the owner’s consent. This consent can be determined through explicit permission, or through signs and circumstances that indicate such permission. The benchmark for consent is peace of mind and the conviction that the owner is content with the use of their property, which may vary depending on the person, time, and place. It is prohibited for a Muslim to take anything belonging to a non-Muslim dhimmi without their permission, and it is prescribed to apply the principle of qiyas (legal analogy).

The hadith prohibiting the taking of another person’s walking stick was narrated by Ibn Hibban in his Sahih, no. 1834, and by al-Baihaqi in his Sunan al-Kubra, no. 11542. The status of this hadith is hasan. The hadith conveys several key points: the fundamental ruling regarding property is that it is forbidden to take it; therefore, one must not take anyone’s property—whether belonging to a Muslim or a non-Muslim—except with their permission. The mention of the word “staff” serves as a warning regarding things of greater value. Therefore, the Prophet ﷺ intended a general meaning. This hadith also serves as evidence that Islam deeply respects and protects private property rights from all forms of infringement. Another person’s property becomes permissible to use only with the owner’s consent, in accordance with the customs, traditions, and personality of each individual. Furthermore, the hadith implies the importance of applying qiyas (analogy) in religious practice.

The research findings that classify a hadith as hasan are based on the fact that one of the narrators has a record from a hadith scholar. In the transmission of a hadith, if all the narrators are shahih, then the hadith can be classified as shohih. Determining whether a hadith is shohih or not can be assessed from various perspectives, including the text of the hadith, the narrators, and the continuity of its transmission.

The lesson to be drawn from these findings is that the "hadith of the staff" represents a timeless safeguard of Islam and the application of its laws, which can be applied in any era. Every action has its rules. To be a meaningful individual, one must adhere to these rules – whether in the use of one's own personal data or in the sharing of personal data.

This hadith underscores the necessity for every individual to obtain the owner's permission before using something that does not belong to them – whether borrowing an item or requesting one. Individuals must act in accordance with what Islamic law teaches. This hadith makes it clear that even minor matters have their own rules, let alone major ones.

The prohibition in that hadith is very clear and unequivocal because the Messenger of Allah stated that it is not halal, which means it is haram, and committing a haram act is a sin for which the perpetrator is subject to punishment. This demonstrates how Islam deeply respects and protects a person's property rights, such that taking something without permission is deemed an unlawful (haram) act – even if what is taken is something small and insignificant, such as a stick or the like.

Previous studies have noted that, according to Surah Al-Ma'idah (5:38), the punishment for theft is amputation of the hand; the exegesis of this verse cites several opinions among scholars regarding the amount of stolen property, with some stating that the stolen property must be at least ten dirhams, a quarter of a dirham, or a quarter of a dinar, while others state that the hand must be amputated regardless of the amount (Setyawan, 2024). Based on the results of this study, the punishment for theft is designed to serve as a severe deterrent to the perpetrator through the amputation of the hand. In this regard, the connection between previous research and the current study is that we must not take or steal any property belonging to others under any circumstances, including the unauthorized use of others' property (such as the use of others' personal data).

Research findings indicate that this verse ensures that basic human rights are protected and upheld to prevent theft (Pangastuti, 2023). Broadly speaking, this verse is understood as a Sharia law that mandates the amputation of the hand – for both men and women – as a consequence of stealing or taking another person's rights (Mubarok & Saichul Anam, 2024). It is very clear that whatever form theft takes – whether on a large or small scale – it is all regulated in Islam. Even taking someone's walking stick is not permitted, let alone taking personal data, which is of greater value than a walking stick.

Given the hadith prohibiting the taking of a walking stick, it can be concluded that every individual must be mindful of every step they take – whether in their relationships with neighbors or within the community. This applies to the use of facilities that may appear to be public, but who knows – they might actually be private property. Before using anything that does not belong to us, we should first find out who owns it. This also applies to the use of personal data; it is best to use our own personal data. This is because using someone else's property – even if it is returned – is still prohibited under Islamic law.

Protection of Personal Data in the Digital Age Through Qiyas Aulawi

Qiyas is one of the topics discussed in the science of Ushul Fiqh, which is one of the sources of Islamic economic law. Qiyas is the fourth source of Islamic law after the Qur'an, Hadith, and Ijma'. Although there is disagreement among scholars regarding its validity – particularly among the Zahiriyyah school, which rejects the validity of qiyas – the majority of scholars accept qiyas as a source of evidence (Sya'ban, 1988), 1988). Since the texts (nash) or evidence from the Qur'an and Hadith are limited, while the range of events occurring in the world is boundless, other sources of law are necessary to resolve and address every issue that arises but for which there is no specific text. One such method is qiyas (analogy) applied to cases for which there is an existing text. Thus, it is evident that Islamic law is highly relevant and flexible in keeping with the times.

Etymologically, qiyas means to measure one thing against another. Terminologically, qiyas is the process of establishing a legal ruling for an event for which no specific legal provision is found in the Qur'an, Sunnah, or Ijma', by likening it to another event that already has a legal ruling in one of these sources. This is done because both events share the same 'illat (legal rationale or cause). The explanation is as follows: if a mujtahid encounters a situation and examines its legal ruling in the Qur'an, the Sunnah, and ijma', but finds no clear legal ruling regarding that situation in any of those sources, while he finds another event for which a ruling has been established in one of those sources – and that ruling was prescribed due to a specific meaning or reason – and he then finds that the same meaning or reason is present in the event for which no legal ruling yet exists, then in such a situation the mujtahid analogizes the event without an established ruling to the event for which a ruling already exists in the Qur'an, Sunnah, or Ijma'. Thus, he applies the same ruling

to both due to the similarity in the cause or legal rationale (Sya'ban, 1988).

Qiyas has four pillars (essential elements) that can be identified from its definition. First, Al-Ashl (the basis), which is the matter used as the basis for comparison in qiyas, the ruling on which has been established by the nash. In this example, the basis is khamar. Second, Al-Far' (the branch) refers to a new event or case for which there is no legal ruling in the Qur'an, Sunnah, or Ijma'. An example is beer (an alcoholic beverage other than khamar). Third, the ruling on Al-Ashl (the fundamental ruling) is the Sharia ruling that has been established regarding that basis. In the example of khamar, the ruling is that it is haram, as established by the text of the Qur'an. Forth, Al-'Illah (the legal rationale or cause) is the quality or characteristic that serves as the point of similarity between the basis and the branch. In this example, that quality is that it is intoxicating.

Therefore, if the intoxicating nature is present in beer – whose ruling is not explicitly mentioned in the text – then beer is analogized to khamar, whose ruling has been specified, namely that it is haram. Thus, beer is also ruled to be haram. This ruling of haram is derived from the original source (khamar) based on the presence of the same underlying reason (illat) in both, namely their intoxicating nature. It is this intoxicating nature that is both the reason for the prohibition of khamar and the basis for equating the ruling on beer with that of khamar – namely, that it is haram (Heto, 2021).

Form of Implementation of a personal data case using the qiyas aulawi method: first al-Asl (الأصل), taking another person's staff without the owner's consent. Second the ruling on al-Asl (حكم الأصل), it is haram (forbidden); the basis is the hadith above. Third Al-'Illah (العلة), The owner's lack of consent. The stick in the hadith above is not the legal objective itself, but rather an example of a person's property rights. Fourth al-Far'u (الفرع), taking or accessing someone's personal data without their permission. There is no original ruling derived from the text of the Qur'an or hadith. Fifth qiyas aulawi, if taking a stick – which is an item of little value or considered trivial – without the owner's permission or consent is haram or prohibited, then all the more so is taking and accessing another person's personal data, which is extremely valuable in this digital age. It will display in the table below:

Table 2. Qiyas Aulawi.

	The cases mentioned in the hadith	New Cases in the Digital Age
Case	Stick	Personal Data
Law	Haram (forbidden)	Haram (base on qiyas aulawi)
legal grounds (illah)	The owner's lack of consent (ridho)	The owner's lack of consent (ridho)

Thus, the hadith prohibiting the taking of another person's walking stick without permission implicitly contains the concept of protecting personal data in the digital age through the method of qiyas aulawi – namely, that one must not take or access personal data without the owner's permission, since personal data is far more valuable than a walking stick. The hadith on muamalat (transactional law) regarding the prohibition against taking a brother's walking stick without permission ('Asha al-Akhi) is not merely a physical prohibition on an ancient object known as a walking stick. Through the method of qiyas aulawi, this hadith upholds the pillar of Hurmat al-Mal – the sanctity of private property rights, which are absolute and protected from all forms of illegal intervention, whether on a micro or macro scale. In the digital age, this hadith has undergone an expansion of its normative meaning. Any form of use, duplication, control, or exploitation of another person's digital assets – ranging from intellectual property rights, product photos, and pirated software to personal data – without the permission and consent (an-taradhin) of the rightful owner is an unlawful act. Islamic Sharia has proven to possess a flexibility and legal precision that transcends the boundaries of time, capable of providing preventive legal protection for people, both in the real world and in cyberspace.

The results of this study indicate that qiyas aulawi takes precedence in addressing issues of personal data protection in the digital age. Based on the hadith prohibiting the taking of another person's walking stick, the use or theft of personal data is haram, just as taking the walking stick described in the hadith text is haram. This ruling is derived from an analysis of the hadith text using qiyas aulawi. Since taking another person's walking stick is prohibited in the hadith text, taking another person's personal data is also prohibited. Therefore, both cases are subject to the same legal ruling.

The findings of this study imply that anything that exists in the modern era can always be subject to Islamic Sharia law. Through qiyas, it is also possible to determine Sharia rulings regarding issues arising

from modern developments that did not occur in the past. Qiyas aulawi is one method of deriving legal rulings regarding the protection of personal data in the modern era. Through qiyas aulawi, it is established that, in the context of personal data protection, every individual is also prohibited from collecting the personal data of others.

The findings of this study imply that the legal principle of qiyas can still be applied to modern issues, such as the use of another person's personal data in this digital age. Anything related to another person's property—including their personal data—is prohibited or deemed haram. The hadith about the stick clearly illustrates that even something as small as a stick, as long as it belongs to someone else, must not be used without their permission or knowledge.

Previous research has noted that Islamic law does not yet have specific regulations regarding digital data protection, thus requiring reinterpretation and adaptation to technological developments (Nidhom & Murtadho, 2025). Therefore, qiyas exists to determine laws that are not explicitly stated in the texts of the hadith and the Quran. The definition of qiyas, rooted in the concept of 'illat' or the underlying rationale, allows scholars to expand the scope of Islamic law so that it remains relevant and adaptable to the changing times (Yogie & Azren Qadraini, 2025). This method of deriving legal rulings provides ample scope for finding a legal basis for all issues that arise (Aulia et al., 2025).

It can therefore be concluded that, based on qiyas aulawi derived from the hadith prohibiting the taking of another person's walking stick, taking and using another person's personal data is also not permitted—or is haram. Therefore, moving forward, we need not worry or fear regarding matters of social interaction; even as the world advances and technology continues to develop, Islamic law will continue to safeguard and regulate every action that harms or causes harm to others.

5. CONCLUSION, IMPLICATION, SUGGESTION, AND LIMITATIONS

Researchers found three findings that differed significantly from previous studies. First, personal data in the digital age has the potential to lead to identity theft and misuse of information. Therefore, the protection of personal data is crucial to prevent cybercrime and serves as a strong legal foundation for law enforcement efforts. Second, the hadith prohibiting the taking of another person's walking stick is narrated by Ibn Hibban in his Sahih, no. 1834, and by al-Baihaqi in his Sunan al-Kubra, no. 11542. The status of this hadith is hasan. The fundamental rule regarding property is that it is haram to take it without the owner's permission, even if the property is of little value, whether the owner is a Muslim or a non-Muslim. This demonstrates that Islam deeply respects and safeguards private property rights against all forms of infringement. Third, based on the hadith—which states that even a single stick may not be taken without the owner's permission and is therefore haram—it follows that something more valuable than a stick, namely personal data, is certainly haram.

The results of this study offer a new perspective on the protection of personal data based on the hadith prohibiting the taking of another person's walking stick in the digital age, using the qiyas aulawi approach. This approach demonstrates that if taking another person's walking stick without permission is prohibited, then taking another person's personal data is even more so, since personal data in this era is far more valuable than a walking stick. This study fills an academic gap by using classical hadith texts as the primary foundation for the protection of personal data in the digital age.

The scope of this research is limited to the protection of personal data. The discussion of personal data protection is also limited to the perspective of the hadith prohibiting the taking of another person's staff without the owner's consent. It is further limited to the approach or method used to determine the legal ruling regarding the protection of personal data, namely the method of qiyas aulawi.

Moving forward, the researcher suggests exploring the topic of personal data protection in other hadiths or based on verses of the Quran. Additionally, different analytical methods should be considered, such as through the lens of maqasid al-sharia or *sads al-dzari'ah*, or from the perspectives of hadith scholars and scholars of *usul al-fiqh*. The study should also examine various forms of protection beyond personal data protection across different academic disciplines, including both *fiqh* and *usul al-fiqh*. Therefore, we must continue to adhere to Islamic Sharia law regardless of the era we live in.

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