

# **Religious Diversity and the Digital Economy: Legal–Academic Pathways to Harmonize Sharia and International Law**

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## **ABSTRACT**

The rapid expansion of the digital economy has created new opportunities for commerce, communication, and innovation, but it has also raised complex legal and ethical challenges with significant implications for religious communities. Fraudulent halal certifications, algorithmic bias against devotional content, misinformation campaigns that inflame interfaith tensions, and fintech models that risk violating prohibitions on *riba*, *gharar*, and *maisir* illustrate how digital governance intersects with both Sharia principles and international legal standards. This article examines five key areas where these frameworks converge and diverge: consumer protection, privacy of religious data, online speech and blasphemy-adjacent harms, fintech ethics, and cross-border e-contract recognition. Employing a normative–comparative method, it analyzes statutory instruments, international guidelines, and Sharia jurisprudence to identify points of compatibility and conflict. The findings show broad consensus on prohibiting fraud, ensuring transparency, and protecting dignity, but persistent divergences on religious sensitivities in advertising, speech boundaries, and financial design. To address these tensions, the article proposes a harmonization roadmap: soft-law guidance for platforms, model clauses for e-contracts, judicial canons grounded in *maqāṣid al-sharīʿah* and human rights, regulatory sandboxes for Sharia-compliant fintech, academic partnerships for training and audits, and monitoring metrics for accountability. In doing so, it offers a framework for transforming the digital marketplace into a site of fairness, inclusivity, and constructive interfaith dialogue.

### **Keywords:**

Digital economy; Sharia law; Interfaith law and society; Consumer protection; Religious data privacy; Cross-border e-contracts.

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## Introduction

The rapid expansion of the digital economy has fundamentally reshaped the ways in which societies trade, communicate, and govern. What was once limited to traditional marketplaces has evolved into a complex digital infrastructure, where platforms mediate not only commercial transactions but also cultural interaction, social identity, and religious expression.<sup>1</sup> From online shopping and fintech services to social media and cross-border e-contracts, digital platforms now function as gatekeepers of daily life. Their influence extends well beyond economics: they regulate visibility of religious discourse, control access to religious goods and services, and shape the tone of interfaith dialogue in plural societies.<sup>2</sup>

While the digital economy promises innovation and efficiency, it simultaneously generates new legal and ethical challenges. Issues of fraud, algorithmic bias, privacy, misinformation, and content moderation pose questions that traditional regulatory frameworks struggle to answer.<sup>3</sup> For Muslim-majority societies, and for jurisdictions influenced by Sharia, these challenges acquire an additional dimension: how can digital rules align with Islamic jurisprudence while remaining interoperable with international commercial standards?<sup>4</sup> The prohibition of *riba* in fintech services, the sanctity of religious data under privacy law, and the sensitivity of blasphemy-related speech online illustrate tensions that cannot be resolved through secular legal reasoning alone.<sup>5</sup>

<sup>1</sup> R. A. Hunt, D. M. Townsend, J. J. Simpson, R. Nugent, and E. Bozdog, "Digital Battlegrounds: The Power Dynamics and Governance of Contemporary Platforms," *Academy of Management Annals* (2024), <https://doi.org/10.5465/annals.2022.0188>

H. A. Campbell, "Looking Backwards and Forwards at the Study of Digital Religion," *Religious Studies Review* 50, no. 1 (2024): 83–87, <https://doi.org/10.1111/rsr.17062>

<sup>2</sup> Paddy Leerssen, "An End to Shadow Banning? Transparency Rights in the Digital Services Act between Content Moderation and Curation," *Computer Law & Security Review* 48 (2023): 105790, <https://doi.org/10.1016/j.clsr.2023.105790>

S. Park and Y. Sang, "The Changing Role of Nation States in Online Content Governance: A Case of Google's Handling of Government Removal Requests," *Policy & Internet* 15, no. 3 (2023): 351–369, <https://doi.org/10.1002/poi3.342>

<sup>3</sup> A. M. Davani, M. Atari, B. Kennedy, and M. Dehghani, "Hate Speech Classifiers Learn Normative Social Stereotypes," *Transactions of the Association for Computational Linguistics* 11 (2023): 300–319, [https://doi.org/10.1162/tacl\\_a\\_00550](https://doi.org/10.1162/tacl_a_00550)

<sup>4</sup> E. R. Kismawadi, "Islamic Fintech: Navigating the Regulatory Framework and Promoting Financial Inclusion in GCC Countries," *Journal of Islamic Marketing* 16, no. 6 (2025): 1742–1769, <https://doi.org/10.1108/JIMA-02-2023-0061>

<sup>5</sup> H. M. Aji, M. Md Husin, A. K. Othman, A. Hidayat, and W. E. Wan Rashid, "Religious-Based Ethics and Buy-Now-Pay-Later Re-Usage Intention among Muslim Consumers in

Moreover, digital platforms are transnational by design. Their algorithms, content policies, and contractual frameworks cut across national borders and religious boundaries. <sup>6</sup>This reality means that the governance of digital markets is not merely an intra-Islamic issue but also an interfaith challenge. A policy decision on halal certification in Malaysia may affect Christian or Hindu consumers in the same marketplace; a blasphemy takedown in Pakistan can reverberate in Europe under freedom-of-expression debates; and an AI moderation error in the United States may silence Qur'ānic or Biblical content with global consequences. Thus, the legal questions surrounding the digital economy are inseparably linked to interfaith relations, requiring solutions that honor both religious dignity and international norms of fairness.<sup>7</sup>

Against this backdrop, this article asks: how can regulatory frameworks for online commerce, privacy, content moderation, and financial technology be harmonized with both Sharia and international legal standards? Addressing this question is not only doctrinally important but also socially urgent. If left unresolved, digital platforms risk becoming arenas of religious misunderstanding, mistrust, and exclusion. If approached with sensitivity, however, the same platforms can become vehicles for interfaith literacy, ethical innovation, and inclusive economic growth.<sup>8</sup>

This study contributes to the field by situating digital-economy regulation within the broader discourse of interfaith law and society. It argues that harmonization requires both legal institutions, which enforce dignity and fairness, and academic institutions, which generate the intellectual and ethical resources to guide reform.<sup>9</sup> Through comparative legal analysis and faith-sensitive policy design, the article proposes a roadmap for embedding religious values and human-rights

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Indonesia and Malaysia: A Commitment–Trust Theory Perspective,” *Cogent Business & Management* 11, no. 1 (2024): 2363441, <https://doi.org/10.1080/23311975.2024.2363441>

<sup>6</sup> T. M. Bueno, “The Brussels Effect in Brazil: Analysing the Impact of the Digital Services Act,” *Telecommunications Policy* 48 (2024): 102757, <https://doi.org/10.1016/j.telpol.2024.102757>

<sup>7</sup> M. Lau, “Print, Publish, Punish: The Qur’an and the Law from Colonial India to Contemporary Pakistan,” *Arab Law Quarterly* 38, no. 4 (2024): 371–429, <https://doi.org/10.1163/15730255-bja10164>

<sup>8</sup> R. Becker et al., “Purpose Definition as a Crucial Step for Determining the Legal Basis under the GDPR: Implications for Scientific Research,” *Journal of Law and the Biosciences* 11, no. 1 (2024): lsae001, <https://doi.org/10.1093/jlb/lsae001>

<sup>9</sup> E. Psychogiopoulou, “Judicial Dialogue in Social Media Cases in Europe: Exploring the Role of Peers in Judicial Adjudication,” *German Law Journal* 22, no. 6 (2021): 915–935, <https://doi.org/10.1017/glj.2021.51>.

principles into digital governance, thereby ensuring that the benefits of technological progress are not purchased at the cost of interfaith harmony.<sup>10</sup>

**Methods.** This study uses a doctrinal–comparative methodology supplemented by a scoping review of recent scholarship and primary legal sources. First, we map convergences and tensions between Sharia-based norms and international standards across five domains: consumer protection, privacy and religious data, online speech/content moderation, fintech ethics, and cross-border e-contracts/ODR. Second, we review Scopus-indexed literature (2018–2025) and policy reports to identify best practices and failure points in platform governance. Third, we triangulate these findings with primary instruments (e.g., ICCPR arts. 19–20; UNCITRAL MLEC 1996; UN Electronic Communications Convention 2005; EU Digital Services Act 2022; Indonesia’s Personal Data Protection Law—UU No. 27/2022; Halal Product Assurance—UU No. 33/2014 & PP No. 39/2021). Finally, we operationalize “harmonization” using a three-criterion heuristic—legality, feasibility, and faith-sensitive acceptability—and propose model clauses and institutional pathways. How can Sharia-grounded norms and international digital-economy rules be harmonized in areas such as consumer protection, privacy, online speech, fintech ethics, and cross-border e-contracts in a way that both addresses their points of convergence and divergence and ensures the protection of religious minorities, interfaith relations, and fundamental values—through the institutional roles of courts, regulators, and universities guided by *maqāṣid al-sharī‘ah* and international human-rights standards?

## Interfaith Positioning

Because digital markets increasingly mediate religiously charged content, financial practices, and social interaction, their regulation shapes how diverse faith communities coexist.<sup>11</sup> Situating the inquiry within the field of interfaith law and society allows us to evaluate whether digital-economy frameworks promote literacy, dignity, and peaceful coexistence among Muslims, Christians, and other

<sup>10</sup> D. Gritsenko, “Advancing UN Digital Cooperation: Lessons from Environmental Policy and Governance,” *World Development* 173 (2024): 106392, <https://doi.org/10.1016/j.worlddev.2023.106392>.

<sup>11</sup> A. Mardatillah, S. Yuliani, M. M. Ghani, and R. Rosmayani, “Digital Marketing Strategy across Cultures: Algorithmic Bias, Local Media, MSME Performance, Indonesia & Malaysia,” *International Journal of Innovative Research and Scientific Studies* 8, no. 2 (2025): 4091–4101, <https://doi.org/10.53894/ijirss.v8i2.6233>

groups, or whether they entrench asymmetries and conflict.<sup>12</sup> By approaching the issue through both Sharia and international law, this study contributes to the CIILS conversation on building legal pathways that respect plural identities while fostering equitable digital integration.

## **DIGITAL-ECONOMY CHALLENGES: ETHICAL IMPLICATIONS FOR RELIGIOUS COMMUNITIES AND INTERFAITH DIALOGUE**

The digital economy has opened unprecedented avenues for commerce, communication, and social participation. Yet alongside its opportunities, it generates serious challenges—fraud, algorithmic ranking, misinformation, and AI moderation—that disproportionately affect religious communities. These are not only technical problems but also **ethical questions** that directly influence trust, dignity, and interfaith harmony.<sup>13</sup>

### **Fraud and Religious Integrity.**

Fraudulent practices are widespread in digital marketplaces, ranging from counterfeit religious goods to fake charitable campaigns.<sup>14</sup> For example, Southeast Asian e-commerce platforms have faced scandals involving fraudulent halal certification on food and cosmetic products, misleading Muslim consumers about compliance with Islamic dietary laws.<sup>15</sup> Such practices violate not only consumer rights but also religious sanctity, creating distrust between communities and undermining ethical standards that are central to both Sharia and international consumer law.<sup>16</sup>

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<sup>12</sup> A. Mardatillah, S. Yuliani, M. M. Ghani, and R. Rosmayani, “Digital Marketing Strategy across Cultures: Algorithmic Bias, Local Media, MSME Performance, Indonesia & Malaysia,” *International Journal of Innovative Research and Scientific Studies* 8, no. 2 (2025): 4091–4101, <https://doi.org/10.53894/ijirss.v8i2.6233>.

<sup>13</sup> S. Akter et al., “Algorithmic Bias in Machine Learning-Based Marketing Models,” *Journal of Business Research* 144 (2022): 201–216, <https://doi.org/10.1016/j.jbusres.2022.01.083>.  
A. Abrar, N. T. Oeshy, M. Kabir, and S. Ananiadou, “Religious Bias Landscape in Language and Text-to-Image Models: Analysis, Detection, and Debiasing Strategies,” *arXiv* (2025), <https://doi.org/10.48550/arXiv.2501.08441>.

<sup>14</sup> H. M. R. Abid, S. Aslam, N. Alwan, and N. Khalid, “Current Readiness on Food Fraud Risk Mitigation in Developing Countries: A Review,” *Agriculture & Food Security* 14, no. 9 (2025), <https://doi.org/10.1186/s40066-025-00528-1>.

<sup>15</sup> A. Mustapha et al., “Application of Machine Learning Approach on Halal Meat Authentication: Principles, Challenges, and Prospects—A Review,” *Heliyon* 10 (2024): e32189, <https://doi.org/10.1016/j.heliyon.2024.e32189>.

<sup>16</sup> D. Cumming, L. Hornuf, M. Karami, and D. Schweizer, “Disentangling Crowdfunding from Fraudfunding,” *Journal of Business Ethics* 182, no. 4 (2023): 1103–1128, <https://doi.org/10.1007/s10551-021-04942-w>.

## Algorithmic Ranking and Hidden Bias.

Algorithms determine the visibility of religious content online.<sup>17</sup> However, opaque criteria often result in bias against minority faith practices.<sup>18</sup> In 2020, **Facebook mistakenly removed Qur'ānic verses during Ramadan**, classifying them as “hate speech,” an error caused by automated filters.<sup>19</sup> Similarly, YouTube has flagged Christian liturgical hymns as copyright violations, silencing devotional content.<sup>20</sup> These incidents demonstrate how algorithmic governance can unintentionally marginalize religious voices, raising ethical questions about fairness, dignity, and equal representation in the digital public sphere.<sup>21</sup>

## Misinformation and Interfaith Tensions.

Religious narratives are particularly vulnerable to misinformation campaigns. During the 2018 Indonesian elections, false online claims circulated that Christian candidates would ban Islamic calls to prayer, inflaming interfaith suspicion and fueling political polarization.<sup>22</sup> Unlike ordinary disinformation, such campaigns weaponized sacred identity markers, destabilizing social cohesion and amplifying mistrust between communities.<sup>23</sup>

<sup>17</sup> M. C. Cakmak, N. Agarwal, and R. Oni, “The Bias Beneath: Analyzing Drift in YouTube’s Algorithmic Recommendations,” *Social Network Analysis and Mining* 14 (2024): 171, <https://doi.org/10.1007/s13278-024-01343-5>.

<sup>18</sup> A. M. Davani, M. Atari, B. Kennedy, and M. Dehghani, “Hate Speech Classifiers Learn Normative Social Stereotypes,” *Transactions of the Association for Computational Linguistics* 11 (2023): 300–319, [https://doi.org/10.1162/tacl\\_a\\_00550](https://doi.org/10.1162/tacl_a_00550).

<sup>19</sup> R. Hosny and M. A. Nasef, “Lexical Algorithmic Resistance: Tactics of Deceiving Arabic Content Moderation Algorithms on Facebook,” *Big Data & Society* 12, no. 2 (2025), <https://doi.org/10.1177/20539517251318277>.

<sup>20</sup> Y. Pugin and F. Thalmann, “Algorithmic (In)Tolerance: Experimenting with Beethoven’s Music on YouTube and Facebook,” *Transactions of the International Society for Music Information Retrieval* 6, no. 1 (2023): 1–20, <https://doi.org/10.5334/tismir.126>.

<sup>21</sup> F. Saurwein and C. Spencer-Smith, “Copyright Callouts and the Promise of Creator-Driven Platform Governance,” *Internet Policy Review* 13, no. 2 (2024): 1–24, <https://doi.org/10.14763/2024.2.1770>.

<sup>22</sup> R. Widian, P. A. N. I. P. Satya, and S. Yazid, “Religion in Indonesia’s Elections: An Implementation of a Populist Strategy?” *Politics and Religion* 16, no. 2 (2023): 351–373, <https://doi.org/10.1017/S1755048321000195>.

<sup>23</sup> M. S. Al-Zaman and M. Y. Alimi, “Islam, Religious Confrontation and Hoaxes in the Digital Public Sphere: Comparison of Bangladesh and Indonesia,” *Komunitas: International Journal of*

## AI Moderation and Cultural Literacy.

Automated moderation systems are increasingly tasked with removing harmful content. Yet they often lack the cultural literacy to distinguish between devotional use of sacred texts and incitement to hatred.<sup>24</sup> The UN Special Rapporteur on Freedom of Religion or Belief has cautioned that overreliance on AI risks both over-censorship of legitimate faith expression and under-enforcement against genuine hate speech.<sup>25</sup> For religious communities, such errors are not minor technical glitches but perceived violations of dignity and equality.<sup>26</sup>

## Ethical Implications and Interfaith Dialogue.

These challenges illustrate that the digital economy cannot be governed solely by efficiency-driven standards. Fraud undermines trust, bias distorts dialogue, misinformation erodes peace, and AI missteps compromise dignity.<sup>27</sup> For interfaith societies, the stakes are higher: unresolved, these problems transform digital spaces into arenas of conflict rather than cooperation. Addressing them requires frameworks that integrate Sharia's ethical imperatives (*ḥifẓ al-dīn*, *ḥifẓ al-'ird*, prevention of harm) with international human-rights principles on equality and non-discrimination.<sup>28</sup> Only then can digital platforms become spaces that foster mutual respect and constructive interfaith engagement.<sup>29</sup>

## Consumer & Platform Governance: Convergence and Divergence

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*Indonesian Society and Culture* 13, no. 2 (2023), <https://doi.org/10.15294/komunitas.v13i2.27223>.

<sup>24</sup> Tarleton Gillespie, "Content Moderation, AI, and the Question of Scale," *Big Data & Society* 7, no. 2 (2020): 1–12, <https://doi.org/10.1177/2053951720943234>

<sup>25</sup> Office of the United Nations High Commissioner for Human Rights, *Report of the Special Rapporteur on Freedom of Religion or Belief: Safeguarding Freedom of Religion or Belief for the Successful Implementation of the 2030 Agenda for Sustainable Development (A/75/385)* (New York: United Nations, 2020).

<sup>26</sup> Y. He, "Artificial Intelligence and Socioeconomic Forces: Transforming the Landscape of Religion," *Humanities and Social Sciences Communications* 11, no. 1 (2024): 602, <https://doi.org/10.1057/s41599-024-03137-8>.

<sup>27</sup> Tarleton Gillespie, "Content Moderation, AI, and the Question of Scale," *Big Data & Society* 7, no. 2 (2020), <https://doi.org/10.1177/2053951720943234>.

<sup>28</sup> F. Ali, K. Bouzoubaa, F. Gelli, B. Hamzi, and S. Khan, "Islamic Ethics and AI: An Evaluation of Existing Approaches to AI Using Trusteeship Ethics," *Philosophy & Technology* 38 (2025): 120, <https://doi.org/10.1007/s13347-025-00922-4>.

<sup>29</sup> R. A. Hunt, D. M. Townsend, J. J. Simpson, R. Nugent, M. Stallkamp, and E. Bozdag, "Digital Battlegrounds: The Power Dynamics and Governance of Contemporary Platforms," *Academy of Management Annals* (2024), <https://doi.org/10.5465/annals.2022.0188>.



The governance of digital platforms raises pressing questions about consumer rights, business responsibilities, and regulatory oversight. Both Sharia-based systems and international consumer-protection frameworks emphasize fairness, honesty, and transparency in commercial transactions. However, divergence appears when platform practices intersect with religious sensitivities, particularly in areas where deceptive use of sacred symbols or disregard for ethical prohibitions undermines trust.<sup>30</sup>

### Areas of Convergence.

At their foundation, Sharia principles and international consumer law converge on key objectives. Both prohibit fraud (*gharar* and *tadlis* in Islamic jurisprudence; unfair or deceptive practices in international law). Both insist upon the disclosure of material information, ensuring consumers can make informed decisions.<sup>31</sup> Transparency in pricing, terms of service, and product origin is a shared standard, as reflected in the EU's *Directive on Unfair Commercial Practices* (2005/29/EC) and the *UN Guidelines for Consumer Protection* (2015), alongside the Qur'ānic injunction: "Do not withhold from the people the things that are their due" (Qur'ān 7:85). In this sense, the ethical backbone of consumer protection—honesty, clarity, and fairness—cuts across both systems.<sup>32</sup>

### Points of Divergence.

Yet tensions emerge when platform practices intersect with religiously significant matters. For instance, Sharia prohibits not only deception in general but specifically condemns misrepresentation of sacred goods such as halal food, Islamic financial instruments, or religious texts.<sup>33</sup> While

<sup>30</sup> H. Fitriansyah and S. Aisyah, "Prohibited Contracts and Sharia Economic Law: Review of Counterfeit Goods Practices on E-Commerce Platforms," *Aluqud: Mababits Al-Uqud* 1, no. 2 (2024): Article 1004, <https://doi.org/10.15575/mau.v1i2.1004>.

<sup>31</sup> D. E. Wibowo and F. P. Disantara, "Consumer Protection in the Perspective of Islamic Law: The Principle of Dignified Justice," *Rechtidee* 9, no. 1 (2023): 23–38, <https://doi.org/10.24252/iqtisaduna.v7i2.22152>.

<sup>32</sup> H. Fitriansyah and S. Aisyah, "Prohibited Contracts and Sharia Economic Law: Review of Counterfeit Goods Practices on E-Commerce Platforms," *Aluqud: Mababits Al-Uqud* 1, no. 2 (2024): Article 1004, <https://doi.org/10.15575/mau.v1i2.1004>.

<sup>33</sup> N. Nurlinda, M. Dayyan, and Z. Daud, "Regulation of the Minister of Trade No. 31 of 2023 on E-Commerce Business on the TikTok Platform: An Analysis of Sharia Economic Law,"



international consumer frameworks address mislabeling and fraud, they often treat these as secular commercial harms, not as violations of religious dignity. Similarly, advertising that manipulates or trivializes religious symbols—such as using Qur’ānic verses or Christian icons in product marketing—may be tolerated under international free-expression principles but is considered a breach of ethical limits in Sharia. Thus, while both systems oppose deception, Sharia places heightened weight on the spiritual and communal consequences of commercial misrepresentation.<sup>34</sup>

**The Governance Challenge.**

Digital platforms serve as gatekeepers of modern commerce. Their governance mechanisms—terms of service, content policies, and dispute-resolution channels—now function as quasi-legal regimes.<sup>35</sup> In international law, platforms are generally expected to enforce transparency and fair practices under regulatory oversight (e.g., the EU Digital Services Act).<sup>36</sup> In Sharia-informed jurisdictions, platforms are also expected to uphold religious values in product authentication, financial dealings, and cultural sensitivity. The governance challenge, therefore, is not simply ensuring fairness in the abstract, but ensuring that fairness is interpreted in ways that respect the religious diversity of consumers.<sup>37</sup>

**Comparison Table: Sharia Principles vs. International Consumer Norms**

Dimension	Sharia Principles (Islamic Law)	International Norms	Convergence/Divergence
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*Al-Hiwālah: Jurnal Hukum Ekonomi Syariah* 3, no. 2 (2024), <https://doi.org/10.47766/al-hiwalah.v3i2.4790>.

<sup>34</sup> M. Kalliny, S. Ghanem, M. Shaner, B. Boyle, and B. Mueller, “Capitalizing on Faith: A Cross-Cultural Examination of Consumer Responses to the Use of Religious Symbols in Advertising,” *Journal of Global Marketing* 33, no. 3 (2020): 158–176, <https://doi.org/10.1080/08911762.2019.1669760>.

<sup>35</sup> S. Jhaver, S. Frey, and A. Zhang, “Decentralizing Platform Power: A Design Space of Multi-Level Governance in Online Social Platforms,” *Proceedings of the ACM on Human-Computer Interaction* 5 (CSCW1) (2021): 1–23, <https://doi.org/10.1145/3449173>.

<sup>36</sup> A.-K. Meßmer and M. Degeling, “Auditing Recommender Systems—Putting the DSA into Practice with a Risk-Scenario-Based Approach,” *arXiv* (2023), <https://doi.org/10.48550/arXiv.2302.04556>.

<sup>37</sup> M. Mariana, “Principles of Islamic Business Ethics in Online Business: A Sharia Compliance Framework and Scorecard for E-Commerce Platforms,” *ShariaBiz International Journal of Economics & Business* (2024), <https://doi.org/10.36679/q1nj2a57>.

		(Global/Regional Frameworks)	
<b>Fraud/Deception</b>	<i>Gharar</i> (excessive uncertainty) and <i>tadlis</i> (fraudulent concealment) strictly prohibited.	Prohibited under UN <i>Guidelines for Consumer Protection</i> and EU/US unfair trade laws.	<b>Convergent</b> – both prohibit deception.
<b>Transparency/Disclosure</b>	Sellers must disclose product quality, origin, and defects (ḥadīth: “He who deceives us is not of us”).	Transparency mandated in EU Directives, UN Guidelines, and US FTC law.	<b>Convergent</b> – emphasis on disclosure.
<b>Religious Sensitivities</b>	Protection of halal/kosher standards; prohibition on trivializing sacred symbols; ethical finance.	Secular standards: mislabeling prohibited but religious dignity not a separate legal category.	<b>Divergent</b> – religious symbols carry higher weight in Sharia.
<b>Advertising Ethics</b>	Ban on misleading or manipulative use of sacred text/images.	Ads regulated for deception but broad leeway for expression, including religious symbols.	<b>Divergent</b> – broader tolerance internationally.
<b>Platform Governance</b>	Platforms must avoid hosting transactions/products inconsistent	Platforms expected to comply with local/national law, often	<b>Partial divergence</b> – overlap on fraud but not on religiously prohibited goods.

with Sharia (e.g., secular in  
alcohol, usury). orientation.

### Enforcement Example

A notable case is the 2019 Malaysian Halal E-Commerce Fraud Investigation, where authorities discovered that online sellers on major platforms were marketing uncertified “halal” meat products imported from non-compliant sources.<sup>38</sup> The Ministry of Domestic Trade and Consumer Affairs pursued enforcement under both consumer protection law and halal-certification regulations—a response consistent with Malaysia’s halal control architecture and multi-agency enforcement model.<sup>39</sup> The case highlights convergence—fraudulent labeling was illegal under both secular and Sharia-informed frameworks—but also divergence, since the religious dimension (halal status) was central to enforcement in Malaysia, whereas a purely international consumer law approach would frame it as simple mislabeling.

### Privacy and Religious Data

In the digital economy, personal data has become the new currency. Among its most sensitive categories is religious affiliation, which carries profound implications for individual dignity, social identity, and interfaith harmony.<sup>40</sup> The misuse or exposure of religious data can lead not only to economic exploitation but also to discrimination, stigmatization, or even persecution. For this reason, both international instruments and Sharia-based legal principles recognize the heightened need to safeguard privacy where faith identity is concerned.<sup>41</sup>

### Religious Affiliation as Sensitive Data.

International privacy frameworks consistently classify religious belief as a special category of personal data. The European Union’s *General Data Protection Regulation (GDPR)* explicitly prohibits processing of data “revealing religious or philosophical beliefs” unless strict conditions are met (Art. 9(1)). Likewise, the

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<sup>38</sup> R. M. Ellahi, L. C. Wood, M. Khan, and A. E.-D. A. Bekhit, “Integrity Challenges in Halal Meat Supply Chain: Potential Industry 4.0 Technologies as Catalysts for Resolution,” *Foods* 14, no. 7 (2025): 1135, <https://doi.org/10.3390/foods14071135>.

<sup>39</sup> A. N. Ahmad, U. F. U. Z. Abidin, M. Othman, and R. A. Rahman, “Overview of the Halal Food Control System in Malaysia,” *Food Control* 90 (2018): 352–363, <https://doi.org/10.1016/j.foodcont.2018.02.035>.

<sup>40</sup> S. Aust and H. Hamelmann, “GDPR, Fundamental Rights, and the Digital Ecosystem: Mapping the Role of Values in European AI Governance,” *Computers in Human Behavior* 133 (2022): 107280, <https://doi.org/10.1016/j.chb.2022.107280>.

<sup>41</sup> B. Almog, K. Baek, and P. Casanovas, “Profiling Religious Groups: Machine Learning and the Risk of Discrimination in Automated Decision Systems,” *Journal of Information Technology & Politics* 20, no. 2 (2023): 111–128, <https://doi.org/10.1080/19331681.2022.2116598>.

*OECD Guidelines on the Protection of Privacy* and the *Council of Europe Convention 108* identify religious affiliation as requiring elevated safeguards.<sup>42</sup> The rationale is clear: such data can expose individuals to discrimination in employment, education, or access to services. In religiously diverse societies, the potential harm extends further—misuse of religious data may destabilize interfaith relations and foster communal mistrust.<sup>43</sup>

### **Lawful Bases, Consent, and Purpose Limitation.**

Modern privacy law emphasizes that the processing of religious data must rest on a lawful basis.<sup>44</sup> Consent is the most common ground, but it must be informed, explicit, and revocable.<sup>45</sup> Platforms cannot obtain blanket consent through vague terms of service; instead, they must explain precisely how religious data (for example, self-declared faith identity, preferences for religious content, or participation in faith-based groups) will be used.<sup>46</sup> Beyond consent, the principle of purpose limitation requires that religious data collected for one reason (e.g., access to a religious community forum) cannot be reused for unrelated purposes such as targeted advertising. These safeguards ensure that individuals maintain autonomy over how their spiritual identity is represented in the digital economy.<sup>47</sup>

### **Sharia-Based Dignity and Harm Prevention.**

<sup>42</sup> M. Habibulloh, “Digital Governance and the Right to Privacy: A Comparative Analysis of AI Regulation in Southeast Asia and the European Union,” *Journal of Law, Policy and Global Development* 1, no. 1 (2025), <https://doi.org/10.71305/jlpgd.v1i1.333>.

<sup>43</sup> M. S. Al-Zaman, “Social Media Users’ Engagement with Religious Misinformation: An Exploratory Sequential Mixed-Methods Analysis,” *Emerging Media* (2024), <https://doi.org/10.1177/27523543241257715>.

<sup>44</sup> R. Becker et al., “Purpose Definition as a Crucial Step for Determining the Legal Basis under the GDPR: Implications for Scientific Research,” *Journal of Law and the Biosciences* 11, no. 1 (2024): lsae001, <https://doi.org/10.1093/jlb/lsae001>.

<sup>45</sup> M. Florea, “Withdrawal of Consent for Processing Personal Data in Biomedical Research,” *International Data Privacy Law* 13, no. 2 (2023): 107–123, <https://doi.org/10.1093/idpl/ipad008>.

V. Xynogalas and M. R. Leiser, “The Metaverse: Searching for Compliance with the General Data Protection Regulation,” *International Data Privacy Law* 14, no. 2 (2024): 89–105, <https://doi.org/10.1093/idpl/ipae004>.

<sup>46</sup> B. M. Berens et al., “Cookie Disclaimers: Dark Patterns and Lack of Transparency,” *Computers & Security* 136 (2024): 103507, <https://doi.org/10.1016/j.cose.2023.103507>.

<sup>47</sup> R. Mühlhoff and H. Ruschemeier, “Updating Purpose Limitation for AI: A Normative Approach from Law and Philosophy,” *International Journal of Law and Information Technology* 33 (2025): eaaf003, <https://doi.org/10.1093/ijlit/eaaf003>.

Islamic jurisprudence offers a parallel but complementary framework rooted in the protection of dignity (*hifẓ al-ʿird*) and prevention of harm (*darʿ al-mafāsīd*).<sup>48</sup> The Qurʾān warns against intrusion into people’s private affairs—“Do not spy on one another” (49:12)—and prophetic traditions emphasize the sanctity of personal reputation and honor.<sup>49</sup> Revealing an individual’s religious affiliation without consent can expose them to ridicule, social harm, or persecution, which falls within the ambit of prohibited harm (*ḍarar*).<sup>50</sup> Contemporary jurists have underscored that digital disclosure of sensitive information without lawful justification constitutes a breach of both Sharia and public law obligations.<sup>51</sup> In addition, courts in several Muslim jurisdictions have recognized the right to privacy as integral to preserving human dignity and social trust, aligning Islamic principles with modern data-protection regimes.<sup>52</sup>

## Reputational Harm and Interfaith Implications.

The exposure of religious data has consequences not only for individuals but also for communities. In interfaith contexts, data misuse can stigmatize minority groups or reinforce stereotypes.<sup>53</sup> For example, if an online marketplace profiles users by faith to predict purchasing behavior,<sup>54</sup> the result may be discriminatory targeting or exclusion.<sup>55</sup> Sharia’s commitment to *maṣlaḥah* (public interest) and international law’s focus on equality converge on this point: protecting religious

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<sup>48</sup> S. M. Muhsin, “Islamic Jurisprudence on Harm versus Harm Scenarios in Medical Confidentiality,” *HEC Forum* 35 (2023): 1–26, <https://doi.org/10.1007/s10730-022-09503-w>.

<sup>49</sup> M. A. Hayat, “Privacy and Islam: From the Qurʾān to Data Protection in Pakistan,” *Information & Communications Technology Law* 16, no. 2 (2007): 137–148, <https://doi.org/10.1080/13600830701532043>.

<sup>50</sup> B. Ghalia, M. Amanullah, L. Zakariyah, and S. M. Muhsin, “Medical Ethics in the Light of Maqāṣid al-Sharīʿah: A Case Study of Medical Confidentiality,” *Intellectual Discourse* 26, no. 1 (2018): 133–160, <https://doi.org/10.31436/id.v26i1.1118>.

<sup>51</sup> M. A. Alkhedhairy, “Balancing Privacy and Risk: A Critical Analysis of Personal Data Use as Governed by Saudi Insurance Law,” *Laws* 14, no. 4 (2025): 47, <https://doi.org/10.3390/laws14040047>.

<sup>52</sup> A. Trakic, R. Karim, and H. H. A. Tajuddin, “It Is Time to Recognize the Tort of Invasion of Privacy in Malaysia,” *International Data Privacy Law* 13, no. 4 (2023): 299–312, <https://doi.org/10.1093/idpl/ipad016>.

<sup>53</sup> D. Ozkul, “Artificial Intelligence and Ethnic, Religious, and Gender-Based Discrimination,” *Social Inclusion* 12 (2024): Article 8942, <https://doi.org/10.17645/si.v12.8942>.

<sup>54</sup> M. Kosinski, D. Stillwell, and T. Graepel, “Private Traits and Attributes Are Predictable from Digital Records of Human Behavior,” *Proceedings of the National Academy of Sciences* 110, no. 15 (2013): 5802–5805, <https://doi.org/10.1073/pnas.1218772110>.

<sup>55</sup> M. Ali et al., “Discrimination through Optimization: How Facebook’s Ad Delivery Can Lead to Biased Outcomes,” *Proceedings of the ACM on Human-Computer Interaction* 3 (CSCW) (2019): Article 199, <https://doi.org/10.1145/3359301>.

privacy is essential to preventing reputational harm and maintaining intercommunal trust.<sup>56</sup>

### Online Speech and Blasphemy-Adjacent Harms

The digital economy has become a primary forum for religious expression, critique, and dialogue.<sup>57</sup> Yet the same platforms that enable communication also expose communities to blasphemy accusations, hate speech, and interfaith conflict. Determining the boundary between protected critique and incitement to hatred is a complex legal and ethical challenge. For interfaith societies, the stakes are high: online speech regulation determines whether digital platforms reinforce pluralism or inflame division.

### Protected Critique vs. Incitement.

International law, particularly under Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR), protects freedom of expression, including religious critique. However, Article 20(2) requires states to prohibit “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” This dual standard reflects a careful balance: individuals may criticize religious doctrines or institutions, but speech crosses the line into illegitimacy when it incites hatred or violence against adherents.<sup>58</sup> Sharia-informed jurisprudence similarly distinguishes between honest discussion or *i’tirād* (scholarly disagreement) and blasphemy (*sabb al-dīn*) that desecrates sacred symbols with intent to insult. The principle of *sadd al-dharā’i’* (blocking harmful means) further justifies restricting speech that foreseeably endangers public order or interfaith harmony.<sup>59</sup>

### Platform Rules and State Laws.

<sup>56</sup> J. Sarabdeen and M. M. Ishak, “Compliance of Saudi Arabian Personal Data Protection Law 2021 to Islamic Principles of Privacy,” *Migration Letters* 21, no. 4 (2024): 726–737, <https://doi.org/10.33182/ml.v21i4.7684>.

<sup>57</sup> R. Gorwa, R. Binns, and C. Katzenbach, “Algorithmic Content Moderation: Technical and Political Challenges in the Automation of Platform Governance,” *Big Data & Society* 7, no. 1 (2020): 1–15, <https://doi.org/10.1177/2053951719897945>.

<sup>58</sup> N. Alkiviadou, “The Legal Regulation of Hate Speech: The International and European Frameworks,” *Politička Misao* 55, no. 4 (2018): 203–229, <https://doi.org/10.20901/pm.55.4.08>.

<sup>59</sup> M. Yarif, “Blasphemy of Religion in Islamic Law (Juridical Analysis in Indonesia),” *Transnational Universal Studies* 1, no. 2 (2023): 83–92, <https://doi.org/10.58631/jtus.v1i2.14>.

Digital platforms operate under global content-moderation rules, often shaped by commercial interests and international human-rights standards.<sup>60</sup> At the same time, they must comply with national laws, which in OIC countries may include blasphemy statutes or broad restrictions on religious defamation.<sup>61</sup> This dual regime creates friction: platforms such as Facebook or YouTube may permit certain religious critique under their community standards, while a domestic regulator may demand removal under national blasphemy law.<sup>62</sup> The governance challenge lies in aligning platform policies with legitimate state interests without permitting overreach that chills lawful expression.<sup>63</sup>

### **Case Example 1 – OIC Jurisdiction.**

In 2012, Pakistan blocked access to YouTube following the upload of the “Innocence of Muslims” film, widely considered blasphemous.<sup>64</sup> The state justified the ban under constitutional protections of Islam and public-order concerns.<sup>65</sup> International human-rights advocates criticized the measure as disproportionate, arguing that the blanket ban restricted legitimate religious discourse. The case illustrates how, in OIC contexts, blasphemy-adjacent harms are treated not merely as offensive speech but as threats to public order and faith dignity.

### **Case Example 2 – Non-OIC Jurisdiction.**

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<sup>60</sup> T. M. Bueno, “The Brussels Effect in Brazil: Analysing the Impact of the Digital Services Act,” *Telecommunications Policy* 48 (2024): 102757, <https://doi.org/10.1016/j.telpol.2024.102757>.

S. Park and Y. Sang, “The Changing Role of Nation States in Online Content Governance: A Case of Google’s Handling of Government Removal Requests,” *Policy & Internet* 15, no. 3 (2023): 351–369, <https://doi.org/10.1002/poi3.342>.

<sup>61</sup> M. Lau, “Print, Publish, Punish: The Qur’an and the Law from Colonial India to Contemporary Pakistan,” *Arab Law Quarterly* 38, no. 4 (2024): 371–429, <https://doi.org/10.1163/15730255-bja10164>.

<sup>62</sup> S. Park and Y. Sang, “The Changing Role of Nation States in Online Content Governance: A Case of Google’s Handling of Government Removal Requests,” *Policy & Internet* 15, no. 3 (2023): 351–369, <https://doi.org/10.1002/poi3.342>.

<sup>63</sup> A. Urman and M. Makhortykh, “How Transparent Are Transparency Reports? Comparative Analysis of Transparency Reporting across Online Platforms,” *Telecommunications Policy* 47, no. 2 (2023): 102477, <https://doi.org/10.1016/j.telpol.2022.102477>.

<sup>64</sup> Z. S. Ahmed, “Contestations of Internet Governance and Digital Authoritarianism in Pakistan,” *International Journal of Politics, Culture, and Society* (2024), <https://doi.org/10.1007/s10767-024-09493-2>.

<sup>65</sup> B. Wagner, “Understanding Internet Shutdowns: A Case Study from Pakistan,” *International Journal of Communication* 12 (2018): 3917–3938.



In *E.S. v. Austria* (2018), the European Court of Human Rights upheld Austria's conviction of a speaker whose comments on the Prophet Muhammad were found likely to arouse justified indignation among Muslims. The Court reasoned that freedom of expression is not absolute and must be balanced against the "rights of others" to have their religious feelings protected.<sup>66</sup> Although controversial, the decision underscores that even non-OIC jurisdictions sometimes permit restrictions on blasphemy-adjacent speech to preserve interfaith peace, aligning partially with OIC legal logic.<sup>67</sup>

### Due Process in Takedowns.

A critical ethical and legal concern is due process in online takedowns. Current practice often relies on opaque algorithms or unilateral platform decisions, which risk arbitrary censorship of legitimate religious expression.<sup>68</sup> Both Sharia and international human-rights frameworks stress procedural justice: allegations of blasphemy or hate speech must be assessed fairly, with notice to the speaker, reasons for removal, and an accessible appeal mechanism. Without due process, takedown regimes can inadvertently silence minority voices, erode interfaith dialogue, and create perceptions of systemic bias.<sup>69</sup>

### Fintech Ethics and Riba-Adjacent Risk

Financial technology (fintech) has revolutionized the way individuals engage in commerce, from mobile wallets and digital credit lines to "buy-now-pay-later"

<sup>66</sup> J. Thumfart, "Digital Rights and the State of Exception: Internet Shutdowns and the Limits of Law," *Journal of Global Security Studies* 9, no. 1 (2024): ogad024, <https://doi.org/10.1093/jogss/ogad024>.

<sup>67</sup> Z. Nabi, "Resistance- Censorship Is Futile," *First Monday* 19, no. 11 (2014), <https://doi.org/10.5210/fm.v19i11.5525>.

<sup>68</sup> A. Urman and M. Makhortykh, "How Transparent Are Transparency Reports? Comparative Analysis of Transparency Reporting across Online Platforms," *Telecommunications Policy* 47, no. 3 (2023): 102477, <https://doi.org/10.1016/j.telpol.2022.102477>.  
C. Are, "Dysfunctional' Appeals and Failures of Algorithmic Justice in Instagram and TikTok Content Moderation," *Information, Communication & Society* (2024), <https://doi.org/10.1080/1369118X.2024.2396621>.

<sup>69</sup> B. Hallinan, C. J. Reynolds, Y. Kuperberg, and O. Rothenstein, "Aspirational Platform Governance: How Creators Legitimise Content Moderation through Accusations of Bias," *Internet Policy Review* 14, no. 1 (2025), <https://doi.org/10.14763/2025.1.1829>.  
J. van de Kerkhof, "Article 22 Digital Services Act: Building Trust with Trusted Flaggers," *Internet Policy Review* 14, no. 1 (2025), <https://doi.org/10.14763/2025.1.1828>.

(BNPL) arrangements.<sup>70</sup> Yet while fintech platforms offer unprecedented convenience, they also generate new ethical and legal dilemmas—particularly in Muslim-majority and interfaith societies where compliance with Islamic finance principles is essential to legitimacy.<sup>71</sup>

## Islamic Finance Standards.

The three central prohibitions in Islamic finance—*riba* (usury/interest), *gharar* (excessive uncertainty), and *maisir* (speculation or gambling)—establish ethical guardrails for economic activity.<sup>72</sup> These principles do not reject innovation but demand that financial services remain transparent, equitable, and free from exploitation. Sharia-compliant finance promotes *profit-and-loss sharing (PLS)* models, fair risk allocation, and genuine asset-backing to ensure justice in transactions.<sup>73</sup>

## Mapping Risks in Platform Practices.

Platform Credit and BNPL. Popular BNPL schemes often mimic conventional credit: consumers receive goods upfront and repay over installments with late fees or hidden interest. Such models may fall into *riba* if fees exceed administrative cost recovery. Moreover, aggressive repayment terms or opaque penalties can constitute *gharar* by creating uncertainty about total liability.<sup>74</sup>

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<sup>70</sup> H. M. Aji, M. Md Husin, A. K. Othman, A. Hidayat, and W. E. Wan Rashid, “Religious-Based Ethics and Buy-Now-Pay-Later Re-Usage Intention among Muslim Consumers in Indonesia and Malaysia: A Commitment–Trust Theory Perspective,” *Cogent Business & Management* 11, no. 1 (2024): 2363441, <https://doi.org/10.1080/23311975.2024.2363441>.

<sup>71</sup> A. Meero, “Islamic vs. Conventional Banking in the Age of FinTech and AI: Evolving Business Models, Efficiency, and Stability (2020–2024),” *International Journal of Financial Studies* 13, no. 3 (2025): 148, <https://doi.org/10.3390/ijfs13030148>. S. Maniam, “Determinants of Islamic Fintech Adoption: A Systematic Literature Review,” *Journal of Islamic Marketing* 15, no. 11 (2024): 2916–2936, <https://doi.org/10.1108/JIMA-11-2023-0373>.

<sup>72</sup> R. Yaya, I. M. Saud, M. K. Hassan, and M. Rashid, “Governance of Profit and Loss Sharing Financing in Achieving Socio-Economic Justice,” *Journal of Islamic Accounting and Business Research* 12, no. 6 (2021): 814–830, <https://doi.org/10.1108/JIABR-11-2017-0161>.

<sup>73</sup> R. M. Ellahi, L. C. Wood, M. Khan, and A. E.-D. A. Bekhit, “Integrity Challenges in Halal Meat Supply Chain: Potential Industry 4.0 Technologies as Catalysts for Resolution,” *Foods* 14, no. 7 (2025): 1135, <https://doi.org/10.3390/foods14071135>. Fauzul Hanif Noor Athief et al., “Profit-Loss Sharing Principle in the Islamic Finance Industry: Current Pattern and Future Direction,” *IJAAS* 11, no. 9 (2024): 23–35, <https://doi.org/10.21833/ijaas.2024.09.004>.

<sup>74</sup> S. Kim, S. Lessmann, G. Andreeva, and M. Rovatsos, “Fair Models in Credit: Intersectional Discrimination and the Amplification of Inequity,” *Finance Research Letters* 43 (2023): 101979.

Digital Wallets and Stored Value. E-wallet providers sometimes generate revenue by holding customer balances in interest-bearing accounts or by imposing hidden charges. If customer funds are invested in non-Sharia-compliant assets, the platform indirectly exposes users to *riba* or *maisir*.<sup>75</sup>

Microcredit and Algorithmic Scoring. Platforms using algorithmic credit scoring may unfairly exclude vulnerable communities or apply discriminatory pricing. This undermines the Sharia principle of *'adl* (justice) and creates systemic inequity in access to finance.<sup>76</sup>

### **Towards Compliant Fintech Design.**

To reconcile fi Regulatory Sandboxes for Ethical Fintech ntech innovation with Sharia principles, platforms must embed ethical safeguards into product architecture.<sup>77</sup> This requires not only regulatory oversight but also proactive platform design that reflects both religious norms and international consumer-protection standards.<sup>78</sup>

### **Cross-Border E-Contracts, Evidence, and ODR**

The globalization of commerce has accelerated the use of electronic contracts (e-contracts), which are now a cornerstone of the digital economy. Cross-border transactions increasingly depend on the recognition of electronic signatures, digital records, and standardized terms of service.<sup>79</sup> Yet the rise of faith-sensitive

<sup>75</sup> D. H. Nihayah, "The Growth of Islamic Fintech: Opportunities and Challenges in the Digital Era," *Murabahab: Journal of Islamic Economics* 1, no. 1 (2025): 55–63.

<sup>76</sup> H. Fitrianyah and S. Aisyah, "Prohibited Contracts and Sharia Economic Law: Review of Counterfeit Goods Practices on E-Commerce Platforms," *Aluqud: Mababits Al-Uqud* 1, no. 2 (2024): Article 1004.

<sup>77</sup> A. Meero, "Islamic vs. Conventional Banking in the Age of FinTech and AI: Evolving Business Models, Efficiency, and Stability, 2020–2024," *International Journal of Financial Studies* 13, no. 3 (2025): 148, <https://doi.org/10.3390/ijfs13030148>.

<sup>78</sup> H. M. Aji, M. Md Husin, A. K. Othman, A. Hidayat, and W. E. Wan Rashid, "Religious-Based Ethics and Buy-Now-Pay-Later Re-Usage Intention among Muslim Consumers in Indonesia and Malaysia: A Commitment-Trust Theory Perspective," *Cogent Business & Management* 11, no. 1 (2024): 2363441, <https://doi.org/10.1080/23311975.2024.2363441>.

<sup>79</sup> R. R. Fernández, A. Muñoz, and E. Verdú, "Evaluation of Trust Service and Software Product Regimes for Zero-Knowledge eIDAS 2.0," *Computer Law & Security Review* 54 (2024): 105993, <https://doi.org/10.1016/j.clsr.2024.105993>.  
M. Robles-Carrillo, "Digital Identity: Nature, Concept and Legal Framework," *International Journal of Law and Information Technology* 32, no. 3 (2024): 1–22, <https://doi.org/10.1093/ijlit/caae006>.

disputes—ranging from halal certification in sales contracts to the ethical compliance of financial transactions—requires harmonization not only across legal systems but also across religiously diverse communities.<sup>80</sup>

### **Recognition of Electronic Signatures and Records.**

Most international frameworks have embraced the principle of functional equivalence, treating electronic signatures and digital records as legally valid when they reliably indicate intent. The *UNCITRAL Model Law on Electronic Commerce (1996)* and the *United Nations Convention on the Use of Electronic Communications in International Contracts (2005)* provide the foundation for this recognition.<sup>81</sup> Many OIC jurisdictions—including Malaysia, Saudi Arabia, and the UAE—have enacted domestic legislation aligning with these standards.<sup>82</sup> In Sharia-based discourse, scholars increasingly affirm the validity of electronic documentation as *bayyina* (evidence) when it reliably establishes consent and prevents harm. Thus, both secular and religious frameworks converge in recognizing the evidentiary force of electronic signatures.<sup>83</sup>

### **Standard Terms, Choice of Law, and Jurisdiction.**

Cross-border e-contracts typically employ standard terms and conditions, raising questions about fairness and enforceability. International private law instruments, such as the *Rome I Regulation* in the EU and the *Hague Principles on Choice of Law in International Commercial Contracts (2015)*, allow parties broad autonomy in selecting governing law and jurisdiction.<sup>84</sup> However, faith-sensitive transactions complicate this autonomy: a Muslim consumer may challenge clauses that submit disputes to foreign courts lacking Sharia compliance, or that validate practices prohibited in Islamic law (e.g., interest-bearing obligations). Sharia jurisprudence emphasizes *maṣlaḥah* (public interest) and *‘adl* (justice) as

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<sup>80</sup> R. Stoykova, “The Right to a Fair Trial as a Conceptual Framework for Digital Evidence,” *Computer Law & Security Review* 49 (2023): 105868, <https://doi.org/10.1016/j.clsr.2023.105868>.

<sup>81</sup> R. H. S. Sitorus, “The Validity of Electronic Signatures as Recognized in Electronic Transactions: A Review of Indonesian Law,” *Eduvest Digital Repository (Edv Journal)* (2024).

<sup>82</sup> M. Saeed, “Evidence in the Saudi Electronic Transaction System: Comparative Study with UNCITRAL Model Laws,” *Academies’ Journal of Electronic Transactions* (2018).

<sup>83</sup> W. F. Ismail, “The Admissibility of Digital Documents according to Shari’ah Law: A Preliminary Analysis,” *INSULA e-Proceeding* 3, no. 1 (2020): 471–480.

<sup>84</sup> Z. Chen, “Jurisdiction and Choice of Law Rules over Electronic Contracts,” *Journal of Private International Law* (2022), <https://doi.org/10.1177/1023263X221090352>.  
C. S. A. Okoli, “Implied Jurisdiction Agreements in International Commercial Contracts,” *Journal of Private International Law* (2023), <https://doi.org/10.1080/17441048.2023.2294615>.

limits on contractual autonomy. The challenge lies in crafting clauses that respect freedom of contract while protecting faith-based sensitivities.<sup>85</sup>

### Faith-Sensitive ADR and ODR.

The digital economy has spurred rapid growth in online dispute resolution (ODR), where arbitration or mediation is conducted virtually. While ODR offers efficiency and cost-effectiveness, its design must ensure cultural and religious sensitivity.<sup>86</sup> A faith-sensitive ODR framework would:

Guarantee the neutrality and religious literacy of mediators/arbitrators.

Ensure respect for religious norms in evidentiary procedures (e.g., treatment of oaths, admissibility of digital records).

Provide equitable remedies without coercion or discrimination.

These principles resonate with both the *UNCITRAL Technical Notes on ODR (2016)* and Sharia's emphasis on *ṣulh* (amicable settlement) as a preferred means of dispute resolution.<sup>87</sup> Embedding faith-sensitive clauses into e-contracts allows parties to safeguard both procedural fairness and interfaith dignity.<sup>88</sup>

### Model Faith-Sensitive Clause for E-Contracts

#### Dispute Resolution Clause

“Any dispute arising out of or in connection with this Agreement, including disputes regarding its validity, interpretation, performance, or termination, shall

<sup>85</sup> C. Batubara, M. K. Rokan, M. F. Bin Abdul Manaf, S. Sukiati, and I. Harahap, “Realizing Justice and Maṣlaḥah in E-Commerce: Fiqh Mu‘āmalah Insights and Challenges in Malaysia and Indonesia,” *Juris (Jurnal Ilmiah Syariah)* 23, no. 2 (2024): 253–267, <https://doi.org/10.31958/juris.v23i2.12356>.

G. K. Salsabila, “Protection of Consumer Rights in Online Buying and Selling: Analysis of the DSN MUI Fatwa and Its Implementation in Sharia E-Commerce,” *Saqifah Jurnal Hukum Ekonomi Syariah* 10, no. 1 (2025): 13.

<sup>86</sup> O. Rabinovich Einy and E. Katsh, “Technology and the Future of Dispute Systems Design,” *International Journal of Online Dispute Resolution* 2014, no. 1 (2014): 1–22, <http://doi.org/10.1109/IJODR.2014.1>.

<sup>87</sup> Organisation for Economic Co-operation and Development, *OECD Online Dispute Resolution Framework* (Paris: OECD Publishing, 2024), 1–39.

<sup>88</sup> M. A. Helfand, “Religious Arbitration and the New Multiculturalism: Negotiating Conflicting Legal Orders,” *Yale Law Journal* 124 (2015): 2994–3032.

be resolved through Online Dispute Resolution (ODR) administered by a neutral institution agreed upon by the parties.<sup>89</sup> The proceedings shall: (i) recognize the validity of electronic signatures and records as admissible evidence; (ii) respect the religious and cultural sensitivities of the parties; (iii) ensure that mediators and arbitrators demonstrate familiarity with international human rights standards and *maqāṣid al-sharīʿah* (objectives of Islamic law); and (iv) provide an appeal mechanism in cases where removal or moderation of religious content is contested.<sup>90</sup> The seat of arbitration shall be neutral, and the applicable law shall be the law agreed upon by the parties, interpreted consistently with the principles of fairness, dignity, and interfaith respect.”<sup>91</sup>

## **The Role of Legal Institutions**

Legal institutions—principally courts and regulatory agencies—function as the primary mechanisms for translating normative principles into enforceable rules.<sup>92</sup> In the context of the digital economy, these institutions are tasked with a delicate balancing act: safeguarding religious dignity, upholding interfaith coexistence, and ensuring market efficiency. Their interpretive and supervisory authority makes them central actors in bridging the gap between Sharia-based values and international commercial standards.<sup>93</sup>

## **Courts as Guardians of Dignity and Fairness.**

Courts in both OIC and non-OIC jurisdictions increasingly confront disputes involving online contracts, platform liability, and speech regulation.<sup>94</sup> Judicial interpretation provides a vital forum for balancing religious dignity against commercial freedoms. For instance, Pakistan’s Federal Shariat Court has recognized privacy and dignity as constitutionally grounded rights, aligning

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<sup>89</sup> M. E. H. El Maknouzi, I. M. Jadalhaq, I. E. Abdulhay, and E. M. Alqodsi, “Islamic Commercial Arbitration and Private International Law: Mapping Controversies and Exploring Pathways toward Greater Coordination,” *Humanities and Social Sciences Communications* 10 (2023): 523, <https://doi.org/10.1057/s41599-023-02031-z>.

<sup>90</sup> M. Arifin, “Features of Arbitration in Islamic Law When Resolving Commercial Disputes,” *International Journal of Innovation, Creativity and Change* 9, no. 10 (2019): 298–315.

<sup>91</sup> M. A. Helfand, “The Religious Arbitration Paradigm,” *Yale Law Journal* 124 (2015): 2994–3032.

<sup>92</sup> S. Husain, N. P. Ayoub, and M. Hassmann, “Legal Pluralism in Contemporary Societies: Dynamics of Interaction between Islamic Law and Secular Civil Law,” *Syariat: Jurnal Hukum dan Peradilan* 15, no. 1 (2024): Article 11, <https://doi.org/10.35335/cfb3wk76>.

<sup>93</sup> European Law Institute, *European Standards of Judicial Independence (ELI Mt Scopus Report)* (Vienna: European Law Institute, 2024).

<sup>94</sup> E. Psychogiopoulou, “Judicial Dialogue in Social Media Cases in Europe: Exploring the Role of Peers in Judicial Adjudication,” *German Law Journal* 22, no. 6 (2021): 915–935, <https://doi.org/10.1017/glj.2021.51>.

Islamic principles with global privacy norms.<sup>95</sup> Similarly, European courts such as the ECtHR in *E.S. v. Austria* (2018) have held that religious feelings deserve protection alongside free expression, underscoring the global trend toward judicial engagement with interfaith sensitivities.<sup>96</sup> These examples illustrate how courts act not only as adjudicators of disputes but as dialogue partners across jurisdictions, building a body of comparative jurisprudence that acknowledges faith while respecting international obligations.<sup>97</sup>

### Regulators as Architects of Market Integrity.

Regulatory bodies serve as frontline enforcers of consumer protection, data privacy, and fintech standards in digital markets.<sup>98</sup> Their role extends beyond enforcement into the proactive design of market norms.<sup>99</sup> In Muslim-majority contexts, regulators frequently issue guidelines requiring digital platforms to respect halal certification, prohibit interest-based practices, or comply with ethical advertising standards.<sup>100</sup> Internationally, agencies such as the European Data Protection Board or the U.S. Federal Trade Commission emphasize transparency, accountability, and consumer rights.<sup>101</sup> When regulators coordinate across borders, they create opportunities for cross-pollination of

<sup>95</sup> A. B. Kazmi, "Pakistan's Judicial Engagement with International Refugee Law," *International Journal of Refugee Law* 36, no. 4 (2024): 397–418, <https://doi.org/10.1093/ijrl/eeaf001>.

<sup>96</sup> J. Mchangama and N. Alkiviadou, "Hate Speech and the European Court of Human Rights: Whatever Happened to the Right to Offend, Shock or Disturb?" *Human Rights Law Review* 21, no. 4 (2021): 1008–1042, <https://doi.org/10.1093/hrlr/ngab015>.

<sup>97</sup> E. Psychogiopoulou, "Judicial Dialogue in Social Media Cases in Europe: Exploring the Role of Peers in Judicial Adjudication," *German Law Journal* 22, no. 6 (2021): 915–935, <https://doi.org/10.1017/glj.2021.51>.

<sup>98</sup> S. Simpson, "The Limits of Internet Self-Regulation—The EU's Policy for Digital Internet Intermediaries," *Frontiers in Communication* 9 (2024): 1454211, <https://doi.org/10.3389/fcomm.2024.1454211>.

<sup>99</sup> A. Urman and M. Makhortykh, "How Transparent Are Transparency Reports? Comparative Analysis of Transparency Reporting across Online Platforms," *Telecommunications Policy* 47, no. 3 (2023): 102477, <https://doi.org/10.1016/j.telpol.2022.102477>.

<sup>100</sup> E. R. Kismawadi, "Islamic Fintech: Navigating the Regulatory Framework and Promoting Financial Inclusion in GCC Countries," *Journal of Islamic Marketing* 16, no. 6 (2025): 1742–1769, <https://doi.org/10.1108/JIMA-02-2023-0061>.

<sup>101</sup> Paddy Leerssen, "An End to Shadow Banning? Transparency Rights in the Digital Services Act between Content Moderation and Curation," *Computer Law & Security Review* 48 (2023): 105790, <https://doi.org/10.1016/j.clsr.2023.105790>.



norms—integrating Sharia-based safeguards into global compliance regimes while drawing upon best practices in market efficiency and innovation.<sup>102</sup>

### **Regulatory Sandboxes for Faith-Sensitive Innovation.**

One of the most promising tools for reconciling faith-based concerns with market innovation is the regulatory sandbox. These frameworks, pioneered in financial regulation, allow fintech firms and digital platforms to test new products under close regulatory supervision.<sup>103</sup> Malaysia and the UAE, for example, have established sandboxes that explicitly incorporate Sharia compliance as a testing criterion.<sup>104</sup> By embedding faith-sensitive requirements into experimental spaces, regulators can encourage innovation without compromising ethical and religious standards.<sup>105</sup> Sandboxes thus operate as legal laboratories, where Islamic finance principles, consumer-protection mandates, and digital-market efficiency are harmonized in practice.<sup>106</sup>

### **Judicial Dialogue and Interjurisdictional Learning.**

Beyond domestic rulings, courts and regulators increasingly participate in judicial dialogue through conferences, comparative citations, and cross-border networks.<sup>107</sup> This dialogue allows lessons learned in one jurisdiction—for instance, the admissibility of electronic evidence in Saudi courts or GDPR-style privacy protections in Indonesia—to inform adjudication elsewhere.<sup>108</sup> Such

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<sup>102</sup> T. M. Bueno, “The Brussels Effect in Brazil: Analysing the Impact of the Digital Services Act,” *Telecommunications Policy* 48 (2024): 102757, <https://doi.org/10.1016/j.telpol.2023.102757>.

<sup>103</sup> Z. Aydın and O. Yardımcı, “Regulatory Sandboxes and Pilot Projects: Trials, Regulations, and Insights in Energy Transition,” *Engineering Science and Technology, an International Journal* 56 (2024): 101792, <https://doi.org/10.1016/j.jestch.2024.101792>.

<sup>104</sup> E. R. Kismawadi, “Islamic Fintech: Navigating the Regulatory Framework and Promoting Financial Inclusion in Gulf Cooperation Council (GCC) Countries,” *Journal of Islamic Marketing* (2025), advance online publication, <https://doi.org/10.1108/JIMA-02-2023-0061>.

<sup>105</sup> Y. T. Muryanto, “The Urgency of Sharia Compliance Regulations for Islamic FinTechs: A Comparative Study of Indonesia, Malaysia and the United Kingdom,” *Journal of Financial Crime* 30, no. 5 (2022): 1264–1278, <https://doi.org/10.1108/JFC-05-2022-0099>.

<sup>106</sup> Z. Aydın and O. Yardımcı, “Regulatory Sandboxes and Pilot Projects: Trials, Regulations, and Insights in Energy Transition,” *Engineering Science and Technology, an International Journal* 56 (2024): 101792, <https://doi.org/10.1016/j.jestch.2024.101792>.

<sup>107</sup> M. Eliantonio and Y. Marique, “Comparative Administrative Law in Europe: State-of-the-Art Overview and Research Agenda,” *Maastricht Journal of European and Comparative Law* 30, no. 6 (2023): 689–704, <https://doi.org/10.1177/1023263X241252105>.

<sup>108</sup> A. Awwad, “Digital Evidence in Forensic Accounting—A Study in Saudi Legislation,” *Cogent Business & Management* 12, no. 1 (2025): 2522958, <https://doi.org/10.1080/23311886.2025.2522958>.

exchanges advance a shared interpretive project: ensuring that interfaith dignity and consumer fairness remain central as digital economies evolve.<sup>109</sup>

### **Bridging Normative Systems.**

Ultimately, legal institutions serve as bridges between different normative systems.<sup>110</sup> Courts interpret disputes through both constitutional and Sharia lenses, regulators craft policies that reflect domestic religious sensitivities while satisfying international investors, and sandboxes test innovations that marry faith-based ethics with market demands.<sup>111</sup> Their role is not merely to adjudicate after harm occurs, but to proactively shape digital economies where dignity, diversity, and efficiency can coexist.<sup>112</sup>

### **The Role of Academic Institutions**

If legal institutions serve as bridges between Sharia and international standards, academic institutions function as catalysts, sparking intellectual, ethical, and practical innovations that guide both regulators and platforms. Universities are uniquely positioned to experiment with new frameworks, educate the next generation of jurists, and produce scholarship that shapes public debate on the intersection of faith, technology, and law.<sup>113</sup>

### **Law-School Clinics as Laboratories of Practice.**

Clinical legal education has expanded into areas beyond traditional litigation to include technology and digital rights. Law-school clinics focused on cyber law,

<sup>109</sup> F. Rahman and C. K. Mulyani, "Minimising Unnecessary Restrictions on Cross-Border Data Flows? Indonesia's Position and Challenges Post Personal Data Protection Act Enactment," *Information & Communications Technology Law* (2024), advance online publication, <https://doi.org/10.1080/13600869.2024.2359901>.

<sup>110</sup> S. Ayoub, "The Egyptian State as a Mujtahid: Law and Religion in the Jurisprudence of the Egyptian Supreme Constitutional Court," *Arab Law Quarterly* 36, nos. 4–5 (2022): 391–418, <https://doi.org/10.1163/15730255-bja10088>.

<sup>111</sup> A. K. Mohamad and A. Trakic, "Islamic Banking Dispute Resolution: The Experience of Malaysia and Indonesia," *IIUM Law Journal* 30 (S2) (2022): 1–28, <https://doi.org/10.31436/iiumlj.v30iS2.771>.

<sup>112</sup> R. Abaidoo and co-authors, "Regulatory Sandbox System and Its Impact on Financial Efficiency," *Applied Economics* 57 (2025): 1–15, <https://doi.org/10.1080/00036846.2025.2495886>.

<sup>113</sup> I. Ainal Asyiqin, "Islamic Economic Law in the Digital Age: Navigating Global Challenges and Legal Adaptations," *Media Iuris* 8, no. 1 (2025), <https://doi.org/10.20473/mi.v8i1.61800>.

consumer protection, or religious-freedom advocacy can provide students with direct experience in assisting communities affected by online harms.<sup>114</sup> For example, a clinic might represent a minority faith group facing algorithmic discrimination on a platform, or draft compliance toolkits for start-ups navigating halal certification in e-commerce. These clinics translate abstract principles into actionable remedies, ensuring that interfaith concerns are not overlooked in digital governance.<sup>115</sup>

### **Policy Labs as Bridges to Regulators and Industry.**

Policy labs—interdisciplinary teams often housed in universities—offer governments and platforms practical insights grounded in academic rigor. Through white papers, simulations, and consultations, they can propose balanced solutions to contested issues such as online speech, fintech ethics, or data privacy. In contexts where religious sensitivities are acute, policy labs can convene diverse stakeholders—jurists, theologians, computer scientists, and regulators—to design rules that integrate both Sharia values and international best practices. This collaborative model helps transform academic research into regulatory impact.<sup>116</sup>

### **Interdisciplinary Courses in Law, Technology, and Theology.**

The digital economy blurs the boundaries between legal reasoning, technical design, and ethical evaluation. Universities can respond by offering joint courses and degree programs that combine law, computer science, and theology.<sup>117</sup> Such curricula not only equip future lawyers with technical literacy but also expose technologists to ethical and religious considerations. For instance, a module on “AI and Religious Expression” might analyze both algorithmic moderation practices and Islamic or Christian doctrines on free speech. In this way, academic

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<sup>114</sup> A. Der Gregorian, A. Rabanal, and R. Staudt, “Designing Digital Law Clinics for Student Success,” in *Justice in Action: Enhancing Legal Education through Clinical Training*, 150–168 (Cham: Springer, 2023).

<sup>115</sup> E. Bernheim, D. Namian, S. Lambert, and A. Thibault, “Collective Advocacy in the Age of Neoliberalism: Getting Political in an Interdisciplinary Law Clinic,” *International Journal of Clinical Legal Education* 32, no. 2 (2025): 20–36, <http://dx.doi.org/10.19164/ijcle.v32i2.1690>.

<sup>116</sup> N. Carstens, “Digitalisation Labs: A New Arena for Policy Design in German Multilevel Governance,” *German Politics* 30, no. 2 (2021): 249–266, <https://doi.org/10.1080/09644008.2021.1887851>.

<sup>117</sup> J. Biswas et al., “The Essentials of AI for Life and Society: An AI Literacy Course for the University Community,” *arXiv* (2025), <https://doi.org/10.48550/arXiv.2501.07392>.

institutions cultivate professionals capable of navigating pluralistic and technologically complex environments.<sup>118</sup>

### **Joint Statements and Guidance for Regulators and Platforms.**

Beyond teaching and research, academic institutions can act as norm entrepreneurs, issuing joint statements or guidelines on best practices for digital governance.<sup>119</sup> For example, law faculties in OIC and non-OIC universities could co-author a set of “Principles on Faith-Sensitive Online Governance,”<sup>120</sup> endorsed by theologians and legal scholars. Such statements can inform regulators when drafting legislation and provide platforms with reference standards for content moderation, fintech design, or privacy rules.<sup>121</sup> When articulated through academic independence, these guidelines carry legitimacy across jurisdictions and faith traditions.<sup>122</sup>

### **Catalyzing Interfaith Dialogue through Scholarship.**

Perhaps most importantly, academic institutions provide neutral ground for sustained interfaith dialogue.<sup>123</sup> Journals, conferences, and research networks create forums where Islamic, Christian, and secular scholars can debate contentious issues—blasphemy online,<sup>124</sup> religious-data protection, or Sharia-

<sup>118</sup> A. Wilk, “Teaching AI, Ethics, Law and Policy,” *arXiv* (2019), <https://doi.org/10.48550/arXiv.1904.12470>

<sup>119</sup> S. P. de Souza and L. Taylor, “Rebooting the Global Consensus: Norm Entrepreneurship, Data Governance and the Inalienability of Digital Bodies,” *Big Data & Society* 12, no. 2 (2025), <https://doi.org/10.1177/20539517251330191>.

<sup>120</sup> A. Urman and M. Makhortykh, “How Transparent Are Transparency Reports? Comparative Analysis of Transparency Reporting across Online Platforms,” *Telecommunications Policy* 47, no. 3 (2023): 102477, <https://doi.org/10.1016/j.telpol.2022.102477>.

<sup>121</sup> D. Trithara, “Agents of Platform Governance: Analyzing U.S. Civil Society’s Role in Contesting Online Content Moderation,” *Telecommunications Policy* 48, no. 4 (2024): 102735, <https://doi.org/10.1016/j.telpol.2024.102735>.

<sup>122</sup> D. Gritsenko, “Advancing UN Digital Cooperation: Lessons from Environmental Policy and Governance,” *World Development* 173 (2024): 106392, <https://doi.org/10.1016/j.worlddev.2023.106392>.

<sup>123</sup> H. A. Campbell, “Looking Backwards and Forwards at the Study of Digital Religion,” *Religious Studies Review* 50, no. 1 (2024): 83–87, <https://doi.org/10.1111/rsr.17062>.

<sup>124</sup> S. Ul Haq and R. Y.-K. Kwok, “Encountering ‘the Other’ in Religious Social Media: A Cross-Cultural Analysis,” *Social Media + Society* 10 (Oct–Dec 2024): 1–16, <https://doi.org/10.1177/20563051241303363>.

compliant fintech—without the immediate pressures of political compromise.<sup>125</sup> By publishing in both local and international outlets, universities amplify voices from diverse traditions, ensuring that global debates about the digital economy remain inclusive and ethically grounded.<sup>126</sup>

## Harmonization Roadmap: Practical Steps Forward

The comparative analysis of consumer protection, privacy, speech regulation, fintech ethics, and e-contract governance reveals both common ground and persistent divergences between Sharia-based norms and international legal standards.<sup>127</sup> To move beyond diagnosis, stakeholders must adopt a phased roadmap that operationalizes harmonization without sacrificing legal certainty, market efficiency, or interfaith dignity.<sup>128</sup> The following six actions outline such a pathway.

### Phase I – Normative Guidance and Soft-Law Instruments

The first step is the creation of soft-law guidance to assist platforms in handling religiously sensitive issues.<sup>129</sup> This includes clear protocols for processing religious data, safeguarding against discriminatory profiling, and ensuring respectful content moderation.<sup>130</sup> Drawing on both *maqāṣid al-sharīʿah* (objectives

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<sup>125</sup>P. Kroczeck, “Data Protection and Religious Freedom in the EU in the Context of the Catholic Church in Poland,” *Religions* 16, no. 4 (2025): 420, <https://doi.org/10.3390/rel16040420>.

<sup>126</sup> S. Maniam, “Determinants of Islamic Fintech Adoption: A Systematic Literature Review,” *Journal of Islamic Marketing* 15, no. 11 (2024): 2916–2936, <https://doi.org/10.1108/JIMA-02-2023-0061>.

<sup>127</sup> M. E. H. El Maknouzi, I. M. Jadalhaq, I. E. Abdulhay, and E. M. Alqodsi, “Islamic Commercial Arbitration and Private International Law: Mapping Controversies and Exploring Pathways toward Greater Coordination,” *Humanities and Social Sciences Communications* 10 (2023): 523, <https://doi.org/10.1057/s41599-023-02031-z>.

<sup>128</sup> S. Simpson, “The Limits of Internet Self-Regulation—The EU’s Policy for Digital Internet Intermediaries,” *Frontiers in Communication* 9 (2024): 1454211, <https://doi.org/10.3389/fcomm.2024.1454211>.

R. Y. Gao, “The Diffusion of a U.S. Trade-Based Approach to International Personal Data Transfers and Its Implications for National Data Privacy Regulations,” *International Data Privacy Law* 14, no. 4 (2024): 352–364, <https://doi.org/10.1093/idpl/ipae016>.

<sup>129</sup> G. Borz, E. Dinas, and L. Rori, “The EU Soft Regulation of Digital Campaigning,” *Policy Studies* 45, no. 5 (2024): 817–841, <https://doi.org/10.1080/01442872.2024.2302448>.

<sup>130</sup> B. Custers and H. Vrabec, “Tell Me Something New: Data Subject Rights Applied to Inferred Data and Profiles,” *Computer Law & Security Review* 52 (2024): 105956, <https://doi.org/10.1016/j.clsr.2024.105956>.

A. Häuselmann and B. Custers, “Substantive Fairness in the GDPR: Fairness Elements for Article 5(1)(a) GDPR,” *Computer Law & Security Review* 52 (2024): 105942, <https://doi.org/10.1016/j.clsr.2024.105942>.

of protecting dignity, faith, and property) and international privacy standards (e.g., GDPR Art. 9), such guidance provides platforms with flexible but authoritative benchmarks.<sup>131</sup> Because soft-law is non-binding, it can be rapidly adopted by multinational platforms while leaving room for future refinement through legislative channels.<sup>132</sup>

## Phase II – Model Clauses for E-Contracts and ODR

Second, harmonization requires model contractual clauses that recognize electronic signatures, establish neutral venues for dispute resolution, and integrate faith-sensitive procedures into Online Dispute Resolution (ODR).<sup>133</sup> These clauses should guarantee admissibility of electronic evidence, respect for cultural sensitivities, and appeal mechanisms for religious-content takedowns.<sup>134</sup> By embedding intercultural literacy into standard terms of service, platforms can reduce conflict while ensuring legal enforceability across OIC and non-OIC jurisdictions.<sup>135</sup>

<sup>131</sup> T. Kuru, “Lawfulness of the Mass Processing of Publicly Accessible Online Data to Train Large Language Models,” *International Data Privacy Law* 14, no. 4 (2024): 326–339, <https://doi.org/10.1093/idpl/ipae013>.

J. Sarabdeen and M. M. Ishak, “Compliance of Saudi Arabian Personal Data Protection Law 2021 to Islamic Principles of Privacy,” *Migration Letters* 21, no. 4 (2024): 726–737, <https://doi.org/10.33182/ml.v21i4.7684>.

<sup>132</sup> G. Borz, E. Dinas, and L. Rori, “The EU Soft Regulation of Digital Campaigning,” *Policy Studies* 45, no. 5 (2024): 817–841, <https://doi.org/10.1080/01442872.2024.2302448>.

<sup>133</sup> R. R. Fernández, “Evaluation of Trust Service and Software Product Regimes for Zero-Knowledge Proof Development under eIDAS 2.0,” *Computer Law & Security Review* 53 (2024): 105968, <https://doi.org/10.1016/j.clsr.2024.105968>.

C. S. A. Okoli and A. Yekini, “Implied Jurisdiction Agreements in International Commercial Contracts: A Global Comparative Perspective,” *Journal of Private International Law* 19, no. 3 (2024): 321–361, <https://doi.org/10.1080/17441048.2023.2294615>.

<sup>134</sup> X. Wang, Y. C. Wu, and Z. Ma, “Blockchain in the Courtroom: Exploring Its Evidentiary Significance and Procedural Implications in U.S. Judicial Processes,” *Frontiers in Blockchain* 7 (2024): 1306058, <https://doi.org/10.3389/fbloc.2024.1306058>.

L. Zou and D. Chen, “Using Blockchain Evidence in China’s Digital Copyright Legislation to Enhance the Sustainability of Legal Systems,” *Systems* 12, no. 9 (2024): 356, <https://doi.org/10.3390/systems12090356>.

<sup>135</sup> D. Pálfi, “Internal Dispute Resolution Systems: Do High Promises Come with Higher Expectations?” *Hungarian Journal of Legal Studies (Acta Juridica Hungarica)* 64, no. 3 (2024): 391–412, <https://doi.org/10.1556/2052.2023.00469>.

C. S. A. Okoli and A. Yekini, “Implied Jurisdiction Agreements in International Commercial Contracts: A Global Comparative Perspective,” *Journal of Private International Law* 19, no. 3 (2024): 321–361, <https://doi.org/10.1080/17441048.2023.2294615>.

### Phase III – Judicial Canons of Interpretation

Courts play a pivotal role in shaping how digital disputes are resolved. A harmonization roadmap should encourage judges to adopt interpretive canons that reconcile Sharia with international human-rights obligations.<sup>136</sup> For example, when interpreting privacy disputes, courts can invoke *maqāṣid* principles (protection of dignity and property) alongside constitutional guarantees of free expression and non-discrimination. Judicial dialogue across jurisdictions—through comparative citations and international conferences—can further embed these canons into transnational jurisprudence, ensuring consistency while respecting faith-based values.<sup>137</sup>

### Phase IV – Regulatory Sandboxes for Ethical Fintech

#### Faith-Sensitive Fintech Design Constraints (Operational Guardrails)

PLS defaults: Default to profit-and-loss sharing (PLS) where feasible (e.g., *mushārah*/*muḍārah* structures), and justify any cost-plus (*murābahah*) or leasing (*ijārah*) departures in product documentation.

Late-fee policy & caps: Prohibit interest; cap late fees strictly to actual admin costs; channel any punitive components to charitable purposes, with transparent accounting.

No compounding / no rollover interest: Disallow compounding and formulas that mimic *ribā*; provide amortization schedules *ex ante*.

Asset-backing disclosure: For BNPL/credit-like offerings, disclose underlying asset/cost basis, mark-up logic, and risk allocation (ownership, delivery, defects).

Shariah governance & audit: Maintain an independent Shariah Supervisory Board (SSB); conduct annual Shariah audits/assurance

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<sup>136</sup> P. Krocze, “Data Protection and Religious Freedom in the EU in the Context of the Catholic Church in Poland,” *Religions* 16, no. 3 (2025): 364, <https://doi.org/10.3390/rel16030364>.

J. Sarabdeen and M. M. Ishak, “Compliance of Saudi Arabian Personal Data Protection Law 2021 to Islamic Principles of Privacy,” *Migration Letters* 21, no. 5 (2024): 693–704, <https://doi.org/10.33182/ml.v21i5.4413>.

<sup>137</sup> M. Eliantonio and Y. Marique, “Comparative Administrative Law in Europe: State-of-the-Art Overview and Research Agenda,” *Maastricht Journal of European and Comparative Law* 30, no. 6 (2023): 689–704, <https://doi.org/10.1177/1023263X241252105>.  
B. Khodadadi, “‘Nowhere but Everywhere’: The Principle of Legality and the Complexities of Judicial Discretion in Iran,” *Iranian Studies* 57, no. 6 (2024): 1019–1040, <https://doi.org/10.1017/irn.2024.35>.



(disclose methodology, exceptions, and remediation), drawing on AAOIFI Shari'ah Standards and IFSB governance guidelines.

Consumer fairness metrics: Track and publish complaint resolution times, restructuring outcomes, and default-hardship protocols for vulnerable users.

Regulatory sandboxes represent the fourth phase, offering controlled environments where fintech firms can test Sharia-compliant features under supervision.<sup>138</sup> These may include profit-and-loss sharing BNPL schemes, capped late fees, or halal-compliant investment tools. By integrating Sharia requirements into sandbox entry criteria, regulators ensure that innovation aligns with religious principles without stifling market creativity.<sup>139</sup> The success of Malaysia's and the UAE's fintech sandboxes demonstrates how such experimentation can reconcile religious ethics with global market standards.<sup>140</sup>

## Phase V – Academic Partnerships for Audits and Training

The fifth step is the establishment of academic partnerships to audit digital practices and provide ongoing training. Universities and research institutes can conduct bias audits of platform algorithms, review fintech models for Sharia compliance, and provide certification courses for judges, regulators, and platform designers.<sup>141</sup> These partnerships transform academic institutions into

<sup>138</sup> L. Gumbo and U. A. K. Chude-Okonkwo, "Regulatory Sandbox as a Frontier for Innovation and Sustainability: A Systematic Review," *Cogent Business & Management* 12, no. 1 (2025): 2510555, <https://doi.org/10.1080/23311975.2025.2510555>.

<sup>139</sup> S. Kunhibava, A. Muneza, Z. Mustapha, M. E. Karim, and A. A. Sa'ad, "Selected Issues in the Use of RegTech in the Islamic and Conventional Financial Markets," *Journal of Islamic Accounting and Business Research* (2023), <https://doi.org/10.1108/JIABR-03-2022-0069>.

<sup>140</sup> A. H. Elsayed et al., "The Impact of FinTech Technology on Financial Stability of the UAE," *Heliyon* 10, no. 19 (2024): e38255, <https://doi.org/10.1016/j.heliyon.2024.e38255>.

<sup>141</sup> A. Koshiyama et al., "Towards Algorithm Auditing: Managing Legal, Ethical and Technological Risks of AI, ML and Associated Algorithms," *Royal Society Open Science* 11, no. 5 (2024): 230859, <https://doi.org/10.1098/rsos.230859>.  
M. Z. van Drunen and A. Noroozian, "How to Design Data Access for Researchers: A Legal and Software Development Perspective," *Computer Law & Security Review* 52 (2024): 105946, <https://doi.org/10.1016/j.clsr.2024.105946>.

catalysts of legal-ethical literacy, ensuring that both technical experts and policymakers are equipped to handle interfaith digital challenges.<sup>142</sup>

## Phase VI – Monitoring Metrics and Accountability Tools

Finally, harmonization must be sustained through monitoring mechanisms that measure both efficiency and fairness.<sup>143</sup> Platforms and regulators should track metrics such as average complaint-resolution time for faith-sensitive disputes, rates of wrongful takedown of religious content, and outcomes of algorithmic bias audits.<sup>144</sup> Regular public reporting of these indicators promotes transparency, builds trust among religious communities, and signals genuine commitment to interfaith respect in the digital economy.<sup>145</sup>

## Limitations and Future Research

This article is limited by its reliance on secondary sources and publicly available platform policies, which can change rapidly. Several proposed design guardrails (e.g., PLS defaults, fee caps) would benefit from empirical validation using platform micro-data and user outcomes. Jurisprudential references emphasize illustrative cases from OIC and European jurisdictions; a broader dataset of trial-level decisions and administrative guidance would refine the harmonization matrix. Future work should (i) conduct field audits of fintech/ODR pilots in regulatory sandboxes (Malaysia, UAE, Indonesia); (ii) evaluate algorithmic-bias remediation for religious content using audit studies; and (iii) pursue judicial-dialogue mapping (comparative citations, networks) to track how maqāṣid-aligned canons diffuse across courts. Co-designed projects with regulators, platform trust-and-safety teams, and Shariah Supervisory Boards could generate reproducible metrics for faith-sensitive fairness.

## Conclusion

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<sup>142</sup> J. Mökander, J. Schuett, H. R. Kirk, and L. Floridi, “Auditing Large Language Models: A Three-Layered Approach,” *AI and Ethics* 4 (2024): 1085–1115, <https://doi.org/10.1007/s43681-023-00289-2>.

N. Mohd Haridan, A. F. Sheikh Hassan, and S. Mohammed Shah, “External Shariah Auditing in Islamic Banks: What Do Internal Auditors Think?” *Journal of Islamic Accounting and Business Research* (2024), advance online publication, <https://doi.org/10.1108/JIABR-08-2023-0275>.

<sup>143</sup> M. Husovec, “The Digital Services Act’s Red Line: What the Commission Cannot Do,” *Journal of Cyber Policy* 9, no. 3 (2024): 351–369, <https://doi.org/10.1080/17577632.2024.2362483>.

<sup>144</sup> A. Koshiyama et al., “Towards Algorithm Auditing: Managing Legal, Ethical and Technological Risks of AI, ML and Associated Algorithms,” *Royal Society Open Science* 11, no. 5 (2024): 230859, <https://doi.org/10.1098/rsos.230859>.

<sup>145</sup> J. van de Kerkhof and C. Goanta, “Shadowbanned on X: The DSA in Action,” *European Journal of Risk Regulation* 16, no. 1 (2025): 352–359, <https://doi.org/10.1017/err.2024.81>.

The digital economy is not a neutral arena; it is a contested space where values of efficiency, dignity, and faith converge. This article has examined how Sharia-based norms and international legal standards intersect in key areas of online governance: consumer protection, privacy of religious data, freedom of expression and blasphemy-adjacent harms, fintech ethics, and the recognition of electronic contracts. Across these domains, significant convergence emerges—both systems reject fraud, uphold transparency, and endorse amicable settlement of disputes. Yet divergence persists where religious sensitivities are at stake: the ethical weight attached to sacred symbols, the prohibition of *riba*, and the boundaries of blasphemy regulation.

Legal and academic institutions emerge as the essential bridges and catalysts in this landscape. Courts and regulators provide the doctrinal and supervisory authority to translate principles into enforceable rules, while universities supply the intellectual energy, empirical research, and interfaith dialogue needed to guide reform. Together, they ensure that digital platforms are not governed solely by technological imperatives or commercial interests, but by frameworks attentive to dignity and diversity.

The proposed harmonization roadmap provides a practical pathway forward: issuing soft-law guidance for platforms, embedding faith-sensitive clauses in e-contracts, adopting judicial canons rooted in *maqasid* and rights, testing fintech innovations through regulatory sandboxes, institutionalizing academic partnerships, and monitoring outcomes through measurable indicators. By following this phased approach, stakeholders can ensure that the digital marketplace becomes not a site of religious misunderstanding but a platform for mutual respect, equitable participation, and sustainable interfaith coexistence.

Ultimately, the project of harmonizing Sharia and international law in the digital economy is not about erasing differences but about channeling them into frameworks that preserve pluralism. In doing so, societies can build a digital order that is legally sound, technologically advanced, and ethically inclusive—a system where global commerce and local faith traditions reinforce rather than undermine one another.

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