

THE APPLICATION OF *TA'ZĪR* PUNISHMENT FOR CYBERCRIMES IN THE SELANGOR COMMUNITY: A FIQH PERSPECTIVE ON ONLINE FRAUD ACCORDING TO *MAQĀSID SHARĪ'AH*

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ABSTRACT

Cybercrime has emerged as one of the most significant threats in Malaysia, with online fraud, hacking, and phishing causing financial and psychological harm. Conventional legal systems often struggle to provide adequate deterrents, while Islamic jurisprudence offers an alternative through *ta'zīr*, a discretionary punishment adaptable to modern contexts. This study explores the application of *ta'zīr* punishments for cybercrimes in Selangor, guided by the framework of *Maqāsid Sharī'ah* (objectives of Islamic law), particularly the preservation of property (*ḥifẓ al-māl*). Employing a mixed-method approach, the research integrates library-based analysis of al-Qur'ān, Sunnah, and scholarly works with a quantitative survey of 50 Selangor residents. Findings reveal limited awareness of *ta'zīr* among the community, though respondents acknowledge cybercrime as a serious social threat. The study concludes that *ta'zīr* provides a flexible and principled mechanism to address online fraud and

protect societal welfare. Recommendations include enhancing public awareness, developing clear guidelines for judges, and integrating Islamic legal perspectives into national cybercrime policies.

Keywords: *Ta'zīr*; Cybercrime; Online Fraud; *Maqāṣid Sharī'ah*

INTRODUCTION

Rapid technological advancements in the digital age have created a world where people and information pass freely across borders. The development of the internet as a communication tool has made it possible for ideas and information to spread, giving people of all ages, races, and religions the chance to use it for their own convenience. The internet has significantly contributed to various aspects of human life, particularly benefiting the youth aged 15 to 40¹, by enhancing activities related to household tasks, professional work, and education. However, the rapid growth of technology has also created avenues for threats, especially in the realm of cyberspace.

Cybercrime is a form of modern crime that has emerged in this era, distinct from traditional crimes of the past, which were limited to physical environments. Today, it has expanded into criminal activities conducted through cyberspace, utilizing computer technology². Cybercrime, a virtual form of property theft, encompasses activities such as hacking, cyber fraud (scamming), data and information breaches (phishing), credit card and bank account forgery, and illegal money transfers³. These activities have been increasing daily, perpetrated by

¹ Liyana, "Definisi & Umur Belia Di Malaysia", *eCentral*, https://ecentral.my/umur-belia/#google_vignette, (2024), viewed on 12 July 2025.

² Muhamad Asyraf Ahmad Termimi & Rushdi Ramli, "Wealth Cybercrime in Malaysia from Islamic Law Perspective: Selected Issues Analysis", *Online Journal of Research in Islamic Studies* 4 (3) (2017), 29-45.

³ Khairul Azhar Meerangani, et.al, "Elemen Al-Hirz dan Kedudukannya dalam Jenayah Siber Masa Kini", *Journal of Contemporary Islamic Studies* 5, no. 1 (2019): 55-73.

irresponsible individuals, causing significant losses to society and the nation. Reports indicate that cybercrime in Malaysia has surged by 51% over the past five years, with 147,374 cases recorded and losses exceeding RM5 billion. These figures, compiled by the Commercial Crime Investigation Department (CCID) of the Royal Malaysia Police (PDRM) from 2019 to 2024, reflect a troubling trend of year-on-year increases⁴.

Islamic law is a comprehensive legal system that covers all aspects of human life rooted in the al-Qur'ān, Sunnah, Ijmā', and methods like *ijtihad* and *qiyās*. It establishes fixed penalties (*hudud*) for severe crimes, discretionary punishments (*ta'zīr*) for offenses not explicitly defined in primary texts, and retribution (*qiyās*) for personal injury crimes. In Islamic criminal law, *ta'zīr* is a punishment that is not explicitly prescribed by *Sharī'ah* as a right for God or humans for every sin that does not have a *hudud* (fixed penalty) or *kaffarah* (atonement)⁵. Cybercrimes such as online fraud are not explicitly mentioned in the al-Qur'ān or Sunnah, leaving a gap in how these offenses should be punished in an Islamic legal context. Judges are therefore granted wide discretionary powers with which to ascertain a suitable punishment. Ultimately, *ta'zīr* is intended to prevent an offender from committing further offences, as well as being a means of self-purification. The term can be applied to both offences and punishments⁶.

The application of *ta'zīr* is guided by the principle of *Maqāsid Sharī'ah*, the objectives of Islamic law, which aims to preserve the welfare of society by protecting five essential values which is preservation of religion, life, intellect, lineage, and property. Cybercrime

⁴ Latifah Arifin, "Trend jenayah dalam talian meningkat secara ketara tahun demi tahun - JSJK Bukit Aman", *Berita Harian*. September 2024, viewed on 12 July 2025.

⁵ "Bayan Linnas #148: Polemik Sebatan Syariah di Terengganu," *Pejabat Mufti Wilayah Persekutuan*. <https://muftiwp.gov.my/en/artikel/bayan-linnas/2616-bayan-linnas-148-polemik-sebatan-syariah-di-terengganu>. Viewed on 12 July 2025.

⁶ Mohamed Adil, Mohamed Azam, and Ahmad Badri Abdullah. "The Application of Shari'ah Principles of Ta'zir in Malaysian Common Law: A Maqasid-Based Proposal." *ICR Journal* 7 (1) (2016): 47–64. <https://doi.org/10.52282/icr.v7i1.283>.

threatens one of these core values which is property. Preservation of property (*ḥifẓ al-māl*) means protecting community property from destruction and from transferring property to unauthorized hands in an illegal way. This will allow all communities to enjoy their rights and prevent anyone from abusing their rights in the wrong way⁷.

This paper aims to explore the application of *ta'zīr* punishments in cybercrimes involving property loss that causes harm to victims within the Selangor community. It analyzes how Islamic jurisprudence can respond to the evolving nature of crimes in the digital era and offers ways to implement *ta'zīr* in alignment with the objectives of *Maqāṣid Sharī'ah*. The research highlights how Islamic law can adapt to contemporary issues, contributing to shaping legal responses to cybercrime while ensuring justice in the community.

AN OVERVIEW OF CYBERCRIME AND *TA'ZĪR*

The Concept of Stealing in Islamic Perspective

In Islam, stealing (*sariqah*) is regarded as a major sin in Islam and one of the most offensive behaviors. Islam places great emphasis on the protection of property in the community and condemns all forms of theft. Therefore, stealing is defined as taking someone else's property that is carefully guarded secretly with the intention of owning it⁸. This idea is also fundamental to comprehend the definition or concept of stealing which can be applied in the technological era as well.

Definition of Stealing in Islam

In Islamic law, stealing (*sariqah*) is considered as one serious offense that falls under *hudūd* punishment, which has been stated in al-Qur'ān and Sunnah. Stealing is defined as the act of taking another person's

⁷ Nurul Anessa, Hasnizam, and Norman Zakiyy Chow Jen-T'Chiang. "The Issues of Macau Scam in Malaysia: An Analysis from Perspective Maqasid Syariah," *Penerbit USIM*, (2023), <https://oarep.usim.edu.my/entities/publication/d8bc0b40-cce9-43e5-abab-e2e4b7047aa1>.

⁸ Khairul Azhar Meerangani et al. "Elemen Al-Hirz dan Kedudukannya dalam Jenayah Siber Masa Kini," *Journal of Contemporary Islamic Studies* 5, no. 1(2019): 55–73.

property that is well-guarded quietly and secretly with the intention of owning it. This definition of stealing identifies four aspects that constitute the crime of theft which is, (i) taking someone else's or another person's property, (ii) taking property that is well-guarded, (iii) the property is taken quietly and secretly and, (iv) the act of taking property with the intention of owning it. If none of the four aspects are stated, then the conviction of the crime will shift from *hudūd* punishment to *ta'zīr*⁹. Therefore, these four key foundations must be fulfilled to be legally classified as stealing under *hudūd* punishment.

The Islamic Ruling and Evidence (*Dalil*) Regarding Stealing

Stealing is strictly prohibited in Islam as it is considered a major sin. It is a criminal act that falls under the *hudūd* category which is mentioned by the al-Qur'ān and Sunnah. The ruling (*hukm*) for stealing is forbidden (*haram*) and both al-Qur'ān and Sunnah provides clear evidence to support this prohibition.

1. Al-Qur'ān:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ
عَزِيزٌ حَكِيمٌ

"As for male and female thieves, cut off their hands for what they have done, a deterrent from Allah. And Allah is Almighty, Al-Wise."

(Surah al-Mā'idah 5:38)

This al-Qur'ān verse clearly shows that anyone who steals will be subjected to the punishment of hand amputation, regardless of gender which shows that Islam takes the protection of property seriously. Furthermore, this verse also delivers a strong message to society to stay away from the crime of theft.

⁹ Khairul Azhar Meerangani et.al, "Elemen Al-Hirz dan Kedudukannya dalam Jenayah Siber Masa Kini," *Journal of Contemporary Islamic Studies* 5, no. 1(2019): 55–73.

Based on The Book *Tafseer Ibn Kathir*, a narration reported by Ibn Jarir and Ibn Abi Hatim through ‘Abd al-Mu’min from Najdah al-Ḥanafī, states that he asked Ibn ‘Abbās whether the verse was general or specific, to which Ibn ‘Abbās responded, “Rather, it is general.” This implies that the ruling applies broadly to all situations of theft, regardless of the individual or context. However, some scholars note that Ibn ‘Abbās’ statement could either be an endorsement of this broad interpretation or might be open to other contextual understandings, leaving room for juristic discretion. Therefore, this issue of hand amputation opens the door for *ijtihād* (independent reasoning) and judicial discretion in considering the *Maqasid al-Sharī‘ah* (objectives of Islamic law), especially in situations where there are limitations in fulfilling the evidentiary requirements or legal conditions for implementing *hudūd* punishments¹⁰.

Although the verse is general and does not stipulate any specific conditions for establishing the crime of theft, there are several evidences that serve as specification (*takhṣīṣ*) through the hadith of the Prophet SAW and the consensus (*ijmā‘*) of scholars.

2. Hadith:

عَنْ عَائِشَةَ، قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " تُقَطَّعُ الْيَدُ فِي رُبْعِ دِينَارٍ
فَصَاعِدًا " 11

Narrated by ‘Aisha, The Prophet SAW said, "The hand should be cut off for stealing something that is worth a quarter of a dinar or more."

Based on this hadith, it serves to further clarify the general verse in the al-Qur’ān that states male or female thieves will have their hands cut off, without distinguishing between small or large amounts. Thus, the

¹⁰ Al-Nawawī, Abū Zakariyyā Muḥyī al-Dīn Yaḥyá b. Sharaf, (1392 AH). *Al-Minhāj Sharḥ Ṣaḥīḥ Muslim b. al-Ḥajjāj (Sharḥ al-Nawawī ‘alá al-Muslim)*. (2nd ed.). Bayrūt: Dār Iḥyā’ al-Turāth al-‘Arabī.

¹¹ *Ṣaḥīḥ al-Bukhārī*, Hadith 780, Book 81, 8: 6789.

presence of these hadiths clarifies the Qur'ānic verse by stating that the punishment of hand amputation is only applicable if the stolen item is valued at one-quarter ($\frac{1}{4}$) of a dinar or more. Therefore, if the value of the stolen item is less than $\frac{1}{4}$ dinar, the thief is not subjected to the *hudūd* punishment of amputation.

As stated in The Book of Sharah Sahih Muslim by Imam Nawawi, most scholars (*jumhur al-'ulama'*) agree that the punishment of cutting off the hand for theft (*ḥadd al-sariqah*) should only be carried out if the value of the stolen item meets a certain minimum threshold (*nisab*). This view is supported by authentic hadith from the Prophet SAW as mentioned before, who stated that the hand is only to be cut off for theft of a quarter dinar or more. Although the Al-Qur'ān states in Surah Al-Maidah (5:38) that the hands of male and female thieves should be cut off, majority of scholars interpret this verse in conjunction with the more detailed guidance found in the *Sunnah*. Therefore, the general wording of the Al-Qur'ānic command regarding the punishment for theft is interpreted and clarified through *hadith* that set specific conditions for its implementation. This scholarly consensus highlights the emphasis on justice and balance in Islamic law, where severe punishments are applied only when truly warranted, while minor thefts are addressed through other punishments¹².

The Relationship Between Stealing and Online Fraud

In Islamic criminal law, stealing (*sariqah*) is considered as one serious offense that falls under *hudūd* punishment, which has been stated in al-Qur'ān and Sunnah. As mentioned before, stealing is defined as the act of taking another person's property that is well-guarded quietly and secretly with the intention of owning it¹³. However, in this digital era, cybercrimes such as online fraud present a new form of theft that does not fulfil the classical criteria of theft. This is because cybercrimes do

14 Al-Nawawī, Abū Zakariyyā Muḥyī al-Dīn Yaḥyā b. Sharaf. (1392 AH). *Al-Minhāj Sharḥ Ṣaḥīḥ Muslim b. al-Ḥajjāj (Sharḥ al-Nawawī 'alā al-Muslim)*. (2nd ed.). Bayrūt: Dār Iḥyā' al-Turāth al-'Arabī.

13 Khairul Azhar Meerangani et.al, "Elemen Al-Hirz dan Kedudukannya dalam Jenayah Siber Masa Kini," *Journal of Contemporary Islamic Studies* 5, no. 1(2019) 55–73.

not involve any physical act of theft, instead cybercrimes is a form of criminal behavior that involves the use of any type of electronic device through an internet-based system¹⁴. In general, there are five primary forms of property cybercrime based on reports submitted to the authorities which are hacking, scamming, phishing, forgery of credit cards and bank account cards, and forbidden money transfers.¹⁵ Despite this, such actions clearly violate Islamic principle of property and are considered as criminal in Islamic law.

The Concept of Cybercrime

Cybercrime refers to a form of criminal activity that involves the use of any type of electronic device through an internet connection, enabling the commission of offenses either by individuals or groups. These crimes can cross the borders of one country to another in a short period of time and are not limited by borders. Cybercrimes are extremely dangerous because it can also lead to the loss or damage of equipment, data, and information, affecting software systems or computer processing whether through virus attacks, unauthorized access and use, or the theft of information from a targeted computer or electronic device. It is one of modern crimes that differs from traditional crimes which are only limited to the physical environment. However, now criminal activities have extended into the digital era by utilizing computer technologies¹⁶.

Definition of Cybercrime

Cybercrime can be understood as any criminal act that involves the use of information technology. While there is no single, universally agreed definition, the International Organisation for Standardisation (ISO) defines cybercrime as “the commission of criminal acts in cyberspace.”

¹⁴ Muhamad Asyraf Ahmad Termimi & Rushdi Ramli, “Wealth Cybercrime in Malaysia from Islamic Law Perspective: Selected Issues Analysis,” *Online Journal of Research in Islamic Studies* 4(3) (2017): 29-45.

¹⁵ Khairul Azhar Meerangani et.al, “Cybercrime and its Violation of Digital Platform Security: An Islamic Law Perspective”. *International Journal of Academic Research in Progressive Education and Development*, 11(3) (2022): 473-484

¹⁶ Muhamad Asyraf Ahmad Termimi & Rushdi Ramli. “Wealth Cybercrime in Malaysia from Islamic Law Perspective: Selected Issues Analysis,” *Online Journal of Research in Islamic Studies* 4(3) (2017): 29-45.

More simply, it refers to crimes that are committed through the use of the internet or digital communication tools (ICT). These crimes are not entirely new but are modern forms of traditional offences. For example, where criminals once stole money in person from banks or individuals, they now use electronic methods such as hacking or online scams. Often, these crimes are committed without the victim even realising it until much later, showing how cybercrime has changed the way crimes are carried out in today's digital world¹⁷.

A comprehensive definition was provided by Donn B. Parker (1989), a researcher in computer security and crime at the SRI International Research and Development Institute in Menlo Park, California. He stated that computer crime refers to any intentional act associated with computers by any means, which causes or may cause suffering or continuous loss to the victim. This definition is further reinforced by the United States Department of Justice, which defines computer crime as any illegal activity in which knowledge of computer technology is used to accomplish the offense¹⁸.

Furthermore, most cybercrimes are identified through various Mālicious activities such as email and internet fraud, identity theft where personal information is stolen and misused, theft of financial information or payment card data, theft and sale of corporate data, cyber extortion (demanding money to avoid a threatened attack), ransomware attacks (a form of cyber extortion), cryptojacking (hackers mining cryptocurrency using resources they do not own), and cyberespionage (hackers accessing government or corporate data)¹⁹. It is due to the modus operandi of

¹⁷ European Parliament Research Service. (2024). **Cybersecurity and AI: Challenges and Outlook in the EU** (EPRS_BRI(2024)760356). [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760356/EPRS_BRI\(2024\)760356_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760356/EPRS_BRI(2024)760356_EN.pdf) viewed on 15 July 2025.

¹⁸ Nur Sarida Mohd Fuad @ Mohd Daud & Ahmad Rizal Bin Mohd Yusof. "Understanding Cybercrime and Cybersecurity in Malaysia: An Observation from The Perspective of Scholars And Intellectuals", *Asian Journal of Environment, History and Heritage*, 6(1) (2022):11-26

¹⁹ Nur Sarida Mohd Fuad @ Mohd Daud & Ahmad Rizal Bin Mohd Yusof. "Understanding Cybercrime and Cybersecurity in Malaysia: An Observation from The

cybercrime which is felt to be easier and faster without having to put in the effort to involve physical elements in the transfer and misappropriation of property. Cybercrime is criminal behavior that uses any electronic device through an internet service connection. It allows criminal conduct to be committed, whether it involves an individual or a group of people, and can reach the boundaries of one country to another in a short time and unlimited time (Anita & Nazura, 2004)²⁰.

Cybercrime from An Islamic Law Perspective

Every crime that violates five principles of *Maqāṣid Sharī'ah* will certainly face its consequences as Islamic Law upholds justice and the well-being of the society. Based on the modus operandi of some property cybercrime mentioned, it was found that they all involve the same technical aspect, which is the taking or transferring of property or valuable information without the owners knowledge to steal²¹. As a result, victims often suffer significant financial losses, which may also lead to emotional distress such as depression. For example, cases of cyber fraud that cause individuals to lose tens or even hundreds of thousands of ringgit can indirectly lead to prolonged depression for the victims²².

Therefore, the presence of Islam is greatly comprehensive in nature and deeply concerned with the protection of fundamental values such as protection of property through its principles, which also plays a vital role in addressing such crimes effectively and justly in this era. Thus, stealing is strictly prohibited as the al-Qur'ān provides clear evidence to support

Perspective of Scholars And Intellectuals", *Asian Journal of Environment, History and Heritage*, 6(1) (2022): 11-26

²⁰ Khairul Azhar Meerangani et al., "Cybercrime and its Violation of Digital Platform Security: An Islamic Law Perspective", *International Journal of Academic Research in Progressive Education and Development*, 11(3) (2022): 473-484.

²¹ Khairul Azhar Meerangani et.al, "Cybercrime and its Violation of Digital Platform Security: An Islamic Law Perspective", *International Journal of Academic Research in Progressive Education and Development*, 11(3) (2022): 473-484.

²² Nur Sarida Mohd Fuad @ Mohd Daud & Ahmad Rizal Bin Mohd Yusof. "Understanding Cybercrime and Cybersecurity in Malaysia: An Observation From The Perspective Of Scholars And Intellectuals", *Asian Journal of Environment, History and Heritage*, 6(1) (2022):11-26.

this prohibition as stated in Surah Al-Mā'idah verse 38, which prescribes the amputation of the thief's hand. "As for male and female thieves, cut off their hands for what they have done, a deterrent from Allah. And Allah is Almighty, Al-Wise." This verse highlights the seriousness of Islam from its view to violation of property rights, which stealing is considered as one serious offense that falls under *hudūd* punishment.

In contrast to cybercrime, there are rarely studies which examine the response of *Sharī'ah* and Islamic criminal law to cybercrime. In criminalization and punishment, the *Sharī'ah* Law objective is to protect five values which are religion, human life, intellect, lineage, and property. The criminalization system in Islamic Law is divided into three categories to protect these five important values, *hudūd*, *qisās*, and *Ta'zīr*. *Hudud* addresses seven forms of physical crimes which are apostasy, drinking wine, adultery, theft, defamation, rebellion and highway robbery²³. *Sharī'ah* does not explicitly criminalise any kind of cybercrime, but it does contain general rules of criminalisation. However, cybercrime still cannot be criminalised under the *hudūd* or *qisās* categories, because none of the cybercrime can be portrayed as a physical action against any of the five elements in *Maqāsid Sharī'ah*.

Therefore, all sorts of crimes that are not addressed under the above two categories can be punished under *ta'zīr*, including incomplete *hudūd* crimes. For example, *hudūd* punishment for theft is amputation, but the punishment must be decreased to *ta'zīr* if the prescribed amount of money stolen was not attained. The Prophet SAW said: 'The hand is not cut off for fruit or palm pith'. Unlike in *hudūd* and *qisās*, in *ta'zīr* the judge's discretion is unrestricted and he can impose the appropriate punishment for offences committed against any of the five elements. Furthermore, in the *ta'zīr* category, *ijtihād* (reasoning), *maṣlahah mursalah*, (considerations of public interest) and *qi'yās* (juristic analogy) play critical roles in decision making. Nevertheless, cybercrime cannot

²³ Majlis Agama Islam Selangor, *Hudud: Satu Penjelasan, Perpustakaan Negara Malaysia*. P(2015): 1-132

be brought under this category unless the *Sharī'ah* itself criminalises or otherwise prohibits such activities²⁴.

The Concept of *Ta'zīr*

Ta'zīr is a punishment that is subject to the discretion of the government, legislative body, or judge, because the punishment for such offenses is not specified in the al-Qur'ān or Sunnah. The scope of *ta'zīr* offenses is broad, as all types of offenses that are not subject to *qisās* or *hudūd* punishments fall under the category of *ta'zīr*. The forms of punishment vary and are determined at the discretion of the government, legislative body, or judge²⁵.

Definition and Scope of *Ta'zīr*

Linguistically, *ta'zīr* is a *masdar* (root word) from *'azzara* which means to reject and prevent evil, also means to strengthen, to honor, to help. *Ta'zīr* also means a punishment in the form of giving a lesson. It is called *ta'zīr* because the punishment prevents the offender from returning to the crime or in other words makes him remorseful. Meanwhile, the Islamic jurists (*fuqahā'*) define *ta'zīr* as a punishment that is not determined by the al-Qur'ān and Hadith which is related to crimes that violate the rights of Allah SWT and the rights of humans, which functions to give a lesson to the offender and prevent him from repeating a similar crime.

Ta'zīr is also often equated by the *fuqahā'* with punishment for every sinful act (*ma'siyah*) that is not threatened with *hudud* punishment or *kaffarah*. It can also be said that *ta'zīr* is a *jarīmah* (crime) that is threatened with *ta'zīr* punishment (other than *hudūd* and *qisās* /*diyah*). The implementation of *ta'zīr* punishment, whether the type of prohibition is determined by text (*nas*) or not, whether the act involves the right of Allah SWT or personal rights, the punishment is fully handed

²⁴ Uswatun Hasanah. The Effectiveness of Islamic Law Implementation to Address Cyber Crime: Studies in Arab, Brunei Darussalam, and China, *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 3(2) (2018): 107-122.

²⁵ Muhammad Fathi Yusof, Undang Undang Jenayah Islam, <https://syariah.johor.gov.my/wp-content/uploads/2018/03/Undang-Undang-Jenayah-Islam.pdf> viewed on 13 July 2025.

over to the authority. The punishment in *jarīmah ta'zīr* is not determined in its measure or degree, meaning the determination of the lower and upper limits is entirely left to the judge (authority). Thus, *Sharī'ah* delegates to the judge to determine the forms and punishments for the perpetrator of the *jarīmah*²⁶.

Based on the research of Mohamed Azam Mohamed Adil also emphasized that *ta'zīr* punishments are not fixed but are subject to the judge's or ruler's discretion, taking into consideration factors such as the severity of the offence, circumstances of the offender, and the impact of the offence on society. *Ta'zīr* punishments can manifest in various forms, including fines, imprisonment, lashing, reprimands, counselling, and warnings. The primary objectives of *ta'zīr* punishments are to penalise the offender, deter the offender from repeating the offence, safeguard society, and maintain public order.

The flexibility of *ta'zīr* punishments allows judges to apply justice more fairly by considering the details of each case and the impact on society. This adaptability enables jurists and rulers to address a wide spectrum of offences that may not be explicitly covered by other forms of Islamic law such as *hudūd* or *qisās*. *Ta'zīr* also offers a wide range of punishment options, which gives authorities the chance to not only punish but also help offenders change their behaviour. This makes the Islamic legal system more balanced, combining both justice and rehabilitation²⁷.

The Specific Objectives (*Al-Maqāṣid Al-Khāṣṣah*) of *Ta'zīr*

In understanding the implementation of *ta'zīr* within Islamic law, it is essential to consider the broader purposes of *Sharī'ah* in the context of criminal punishment. *ta'zīr* falls under two main categories of objectives which is those shared with all types of Islamic punishments (*al-maqāṣid*

²⁶ Darsi Darsi, Halil Husairi, *Ta'zīr dalam Perspektif Fiqh Jinayat. AL-QISTHU Jurnal Kajian Ilmu-ilmu Hukum*, 16(2)(2019). DOI: <https://doi.org/10.32694/010500>

²⁷ Mohamed Azam Mohamed Adil, *Ta'zir in the Malaysian Legal System*, *Institut Kefahaman Islam Malaysia*, (2024), <https://www.ikim.gov.my/tazir-in-the-malaysian-legal-system-2/>, viewed on 13 July 2025.

al-khāṣṣah li al-‘uqūbāt) and those specifically associated with *ta‘zīr* itself (*al-maqāṣid al-khāṣṣah li al- ta‘zīr*).

According to Ibn Ashur, there are three primary objectives behind *Sharī‘ah*-based punishments (*al-maqāṣid al-khāṣṣah li al-‘uqūbāt*). The first objective is the reformation of the offender, which focuses on correcting the internal moral flaws that led the offender to commit the act. This involves effort to change the behavior of people who commit crimes so that they regret their wrong doing, learn from it, and do not repeat it again. Second, to give the satisfaction of the victims ensuring that the victim (or the victims family) feels that the injustice done to them has been avenged fairly. Next, the third objective is the deterrence of the public from committing similar acts as when punishment is imposed openly and sternly, it serves as a lesson to the public so that they do not commit similar acts and ensuring the punishment acts as a warning to others and contributes to social stability.

While there are also objectives specifically associated with *ta‘zīr* itself (*al-maqāṣid al-khāṣṣah li al-ta‘zīr*), al-Dawāh elucidates a handful of objectives which judges should observe in the execution of their discretionary powers. Firstly, the primary purpose of *ta‘zīr* is to protect both the rights of God and the rights of humans. The rights of God include responsibilities that every Muslim owes to Allah, such as performing five prayers a day, fasting, and other obligatory duties as well as prevention of actions that could compromise the purity of Islamic beliefs such as superstitions. When people neglect these obligations, it will affect the moral and spiritual health of the whole community. On the other hand, *ta‘zīr* also protects human rights such as the right to dignity, security, reputation, and property. Thus, any act that violates the rights of God or the rights of human beings may be addressed through *ta‘zīr* punishments, which serve to deter such behaviours and preserve social and moral order.

The second objective highlighted by al-Dawāh is the preservation of society’s moral fabric. According to him, *ta‘zīr* punishment is not merely about imposing penalties for wrongdoing, but it also functions to

correct their morals while guiding them back to the right path which aligns with the al-Qur'ān and Sunnah. The aim was to preserve morality in society as a whole. This reflects that the nature of Islamic law not only prioritizes justice but also spiritual and ethical reform of offenders. Other than that, *ta'zīr* also aims to deter others from committing crimes since the punishment sends a clear message to society that every wrongdoing and unlawful behavior carries consequences. Fourthly, it combats crime and reduces instances of its occurrence while fifth, and finally the application of *ta'zīr* seeks to underpin the pillars of society²⁸.

The Application of Ta'zīr Punishment for Cybercrime

The rise of cybercrime presents new challenges to legal systems around the world, including those rooted in Islamic jurisprudence. There are many cyber offences such as online scams, identity theft and especially online fraud which includes activities such as phishing, hacking and scamming where it is often designed to deceive individuals into giving away money, personal information, or digital access. These actions do not fall under the specific *hudūd* or *qisās* categories due to their modern nature and complexity. Therefore, offenders involved in online fraud may be subjected to *ta'zīr* punishment which grants discretionary punishment by authorities. This punishment serves as an essential mechanism to address such crimes in a way that aligns with the objectives of *Maqāsid al-Sharī'ah*.

Legal Basis and Application of Ta'zīr to Cybercrimes

As mentioned before, *ta'zīr* is a discretionary punishment within Islamic criminal law that applies to offences not covered under the fixed punishments of *hudūd* (such as theft or adultery) or *qisās* (retaliation for bodily harm or murder). Its legitimacy is grounded in various textual evidence such as the al-Qur'ān and Sunnah and established by the consensus (*ijmā'*) of Islamic scholars. The core aim of *ta'zīr* is to uphold justice, protect both the rights of God and the rights of His servants, prevent harm, and encourage the moral reformation of offenders,

²⁸ Mohamed Azam Mohamed Adil, Ahmad Badri Abdullah. The Application of Sharī'ah Principles of Ta'zir in Malaysia Common Law. *Islam and Civilisational Renewal* 7(1) (2016):47-64 DOI: 10.12816/0027167

aligning with the higher objectives of Sharī'ah known as *Maqāṣid Sharī'ah*²⁹.

Classical scholars such as Ibn Taymiyyah recognised *ta'zīr* as a legal mechanism that allows authorities the flexibility to impose punishments based on public interest (*maslahah*) and the changing circumstances of society. *Ta'zīr* punishments are determined based on the severity of the offence committed. There is no fixed minimum limit for *ta'zīr*, in fact, it may be executed through any form of action that causes discomfort or brings awareness to the offender whether through words or deeds, or even by withholding speech or actions. For instance, a person may be punished through advice, stern rebuke, or public criticism. In some cases, it may involve social boycott, such as withholding greetings, until the offender repents if such measures are believed to be beneficial. This is exemplified by how the Prophet Muhammad SAW and his companions boycotted three men who failed to join the expedition of Tabuk.

Additionally, a person may be subjected to *ta'zīr* through dismissal from their position, as practiced by the Prophet SAW and his companions as a form of disciplinary action. One may also be banned from participating in the Muslim army, especially if they failed in their duties such as fleeing from battle, which is a major sin. Furthermore, *ta'zīr* can include imprisonment, corporal punishment (beatings), or even symbolic forms of shaming, such as blackening the offender's face or making them ride an animal backward in public as a form of humiliation³⁰.

Among the cybercrimes (cyber fraud) that can be addressed through *ta'zīr* are such hacking, scamming and phishing. These crimes

²⁹ Mohamed Azam Mohamed Adil, Ahmad Badri Abdullah, The Application of Sharī'ah Principles of Ta'zir in Malaysia Common Law. *Islam and Civilisational Renewal* 7(1)(2016):47-64 DOI: 10.12816/0027167

³⁰ Sheikh al-Islam Ahmad ibn Abd al-Halim ibn Abd al-Salam Ibn Taymiyyah, *al-Siyasah al-Shar'iyyah fi Islah al-Ra'i wa al-Ra'iyyah*, al-Nashir: Dar Ata'at al-'Ilm (Riyadh) – Dar Ibn Hazm (Beirut), al-Tab'ah: al-Rabi'ah, 1440 H – 2019 M:149.

can cause real harm and disrupt public safety. Through *ta'zīr*, Islamic law enables judges to impose appropriate punishments according to the level of damage and societal threat. This approach reflects the essential elements of *Maqāṣid Sharī'ah*, such as the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), property (*ḥifẓ al-māl*), and honour (*ḥifẓ al-'ird/al-nasl*). Thus, *ta'zīr* serves not only as a punitive tool but also as a preventive and corrective response to emerging crimes like cyber fraud, in line with Islamic legal ethics and community welfare.

Role of *Maqāṣid Sharī'ah* on Online Fraud (Cybercrime)

Maqāṣid al-Sharī'ah, the higher objectives of Islamic law, serve as a comprehensive framework that aims to preserve five essential values which are religion (*dīn*), life (*naḥs*), intellect (*'aql*), lineage (*nasl*), and property (*māl*). Among these, the protection of *māl* (property) is particularly relevant in the context of online fraud, because online fraud involves the unlawful taking of a persons wealth, which leads to financial loss and hardship for the victims. Such acts go against the principle of preserving property as intended in Islamic law. Therefore, the role of *Maqāṣid* in addressing online fraud lies in its emphasis on justice, accountability, and safeguarding the welfare of individuals and society.

According to KaMāli, in his book, he highlights that Ibn Qayyim al-Jawziyyah (d.1356) emphasized the core objective of the *Sharī'ah* is to safeguard human welfare both in this world and the hereafter. He asserts that *Sharī'ah*, in its entirety, embodies justice, mercy, and wisdom. Therefore, to fulfill these objectives, the *Sharī'ah* focuses on three key principles which is educating individuals, establishing justice, and promoting public benefit (*maṣlaḥah*) for society³¹.

METHODOLOGY

The study employed a mixed-methods approach, integrating both qualitative and quantitative research methods. The qualitative component involved extensive library research, which entailed

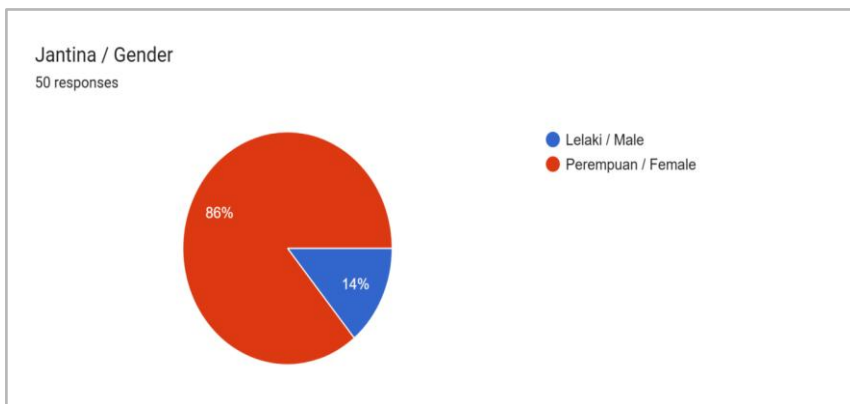
³¹ Mohammad Hashim Kamali, *Sharī'ah Law: An Introduction. Foundations of Islam*. (2008) <https://data.islamic-banking.com/Books/PDF/20.pdf>, viewed on 14 July 2025.

reviewing journals, articles, and books to define the core concepts of cybercrime and *ta'zir* in Islamic jurisprudence, and to investigate the relationship between *ta'zīr* and *Maqāṣid Sharī'ah* (the objectives of Islamic law). Concurrently, the quantitative component utilized an online survey questionnaire administered to an estimated 50 community members in Selangor. This survey was designed to measure the practical application of *ta'zīr* punishment for cybercrimes within the community and to gather their opinions on the concepts of *ta'zīr* and cybercrime, thereby fulfilling and reinforcing all research objectives.

RESULT AND FINDINGS

This section discusses the data collection and analysis procedures used with the respondents. Data analysis was primarily performed using percentage calculations derived from the questionnaires, along with a detailed analysis of the information obtained to fulfil the study's objectives. The questionnaire was administered using Google Forms and distributed across various online platforms, including WhatsApp and Telegram. This method was specifically chosen to ensure broad accessibility, efficiency, and reach across different demographic groups within Selangor. The survey was conducted over a one-month period, ultimately yielding 50 respondents from diverse backgrounds. Finally, this section presents the profile of the respondents and explores the community's understanding and perception of the *ta'zīr* concept in relation to cyber offenses, such as online fraud, hacking, phishing, and identity theft.

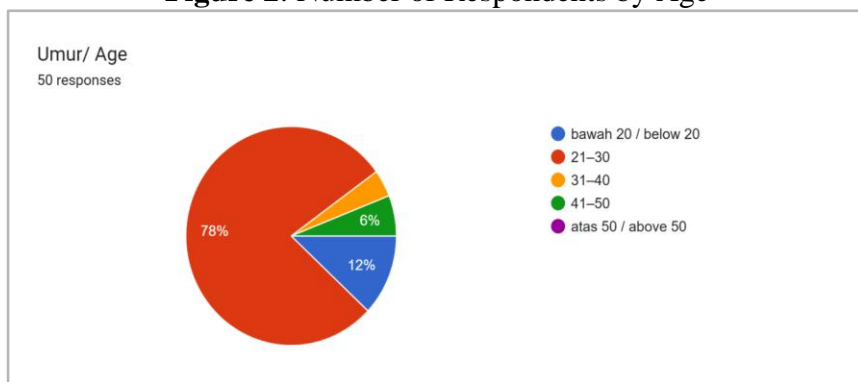
Figure 1: Number of Respondents by Gender



Source: The survey conducted by the researchers in August 2025

The chart above shows a total of 50 Malaysian respondents, consisting approximately 7 males and 43 females. Thus, this questionnaire was answered by the community in Selangor. The higher number of females respondents compared to males may be due to women being more engaged with issues related to online safety and community well-being. They may also be more willing to participate in academic research or surveys. Meanwhile, men might be less responsive to such topics or may not feel personally affected, which could explain their lower participation.

Figure 2: Number of Respondents by Age



Source: The survey conducted by the researchers in August 2025

The chart above illustrates the age distribution of the 50 respondents who participated in the survey. The majority of respondents fall within the age range of 21 to 30 years, comprising 39 individuals, which represents 78% of the total sample. Meanwhile, 12% of the respondents are under the age of 20, followed by 6% aged between 41 and 50, and 4% aged between 31 and 40. Notably, there were no respondents above the age of 50. The age group of 21 to 30 years dominates the survey results likely because individuals in this range are more digitally active and exposed to online platforms, making them more aware of cyber issues such as online fraud. They also tend to be more responsive to online surveys. In contrast, the smaller number of respondents aged 31 to 50 may be due to their lower level of digital engagement or limited familiarity with cyber-related matters, which could reduce their interest or likelihood to participate in this kind of research.

Figure 3: The Level of Understanding on the Concept of Cybercrime and *Ta'zīr*

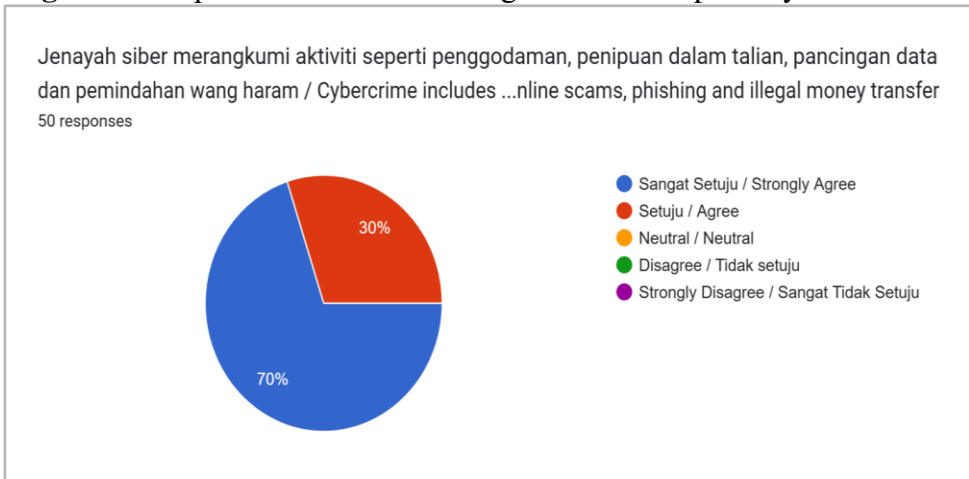


Source: The survey conducted by the researchers in August 2025

Figure 3 presents the respondents' level of agreement with the definition and understanding of cybercrime which refers to a form of criminal activity that involves the use of electronic devices connected to the internet, allowing individuals or groups to commit various offenses. A substantial majority, comprising 68% (34 out of 50 respondents), strongly agreed with the definition provided, while the remaining 32% (16 respondents) agreed.

Respondents' agreement supported by Muhammad Asyraf & Rushdi Ramli (2017) who stated cybercrime is commonly understood as any form of criminal activity conducted through electronic devices connected to the internet. These crimes include acts such as hacking, scamming and phishing. Notably, none of the participants selected neutral, disagree, or strongly disagree, showing a strong understanding of cybercrime among all respondents. This data reflects a high level of awareness within the Selangor community regarding the nature of cybercrime. Thus, the respondents' strong agreement possessed a solid understanding of the concept of cybercrime.

Figure 4: Respondents' Understanding on the Concept of Cybercrime



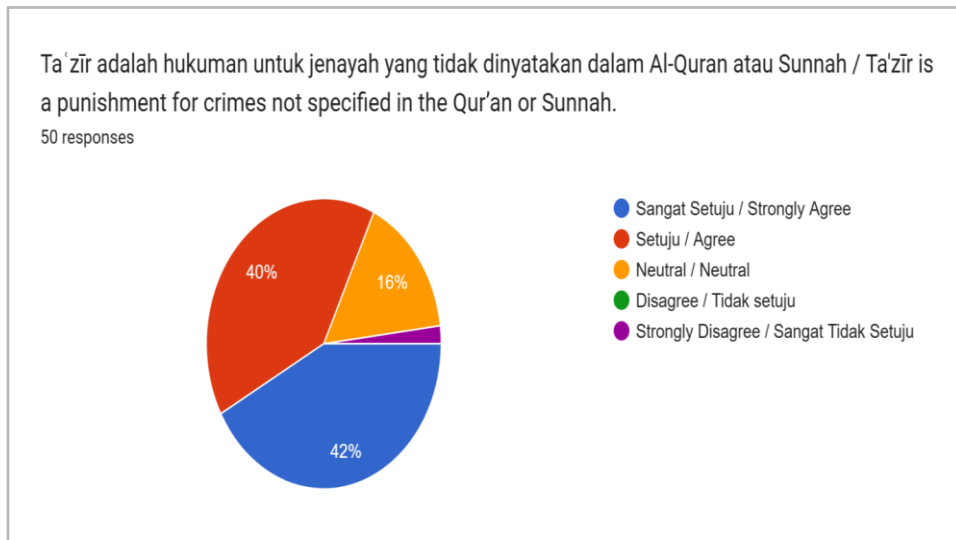
Source: The survey conducted by the researchers in August 2025

Figure 4 illustrates the respondents' level of agreement with the scope of cybercrime activity, which includes criminal activities such as hacking, online scams, phishing, and illegal money transfers. A significant majority, 70% which is 35 out of 50 respondents, strongly agreed with the scope provided, while the remaining 30% (15 respondents) agreed. This indicates full agreement among the respondents and reflects a clear understanding of the forms cybercrime may take.

These agreement of respondents are supported by Khairul Azhar Meerangani, Muhammad Asyraf Ahmad Termimi, Ahmad Faqih Ibrahim, Muhammad Yasin Omar Mukhtar, and Muhammad Hilmi Mat Johar (2022) who emphasized that cybercrime may occur through means such as hacking and scamming, and thus, these actions constitute a serious violation of property and digital security, which is addressed under *ta'zīr* in Islamic law. While, there are no respondents selected "neutral," "disagree," or "strongly disagree," indicating a comprehensive and consistent understanding of the term among all participants. This level of awareness reflects the community's familiarity with the activity

of cybercrime as a modern threat that involves misuse of technology and digital platforms to commit offenses.

Figure 5: Respondents' Agreement with the Definition of *Ta'zīr* in Islamic Law



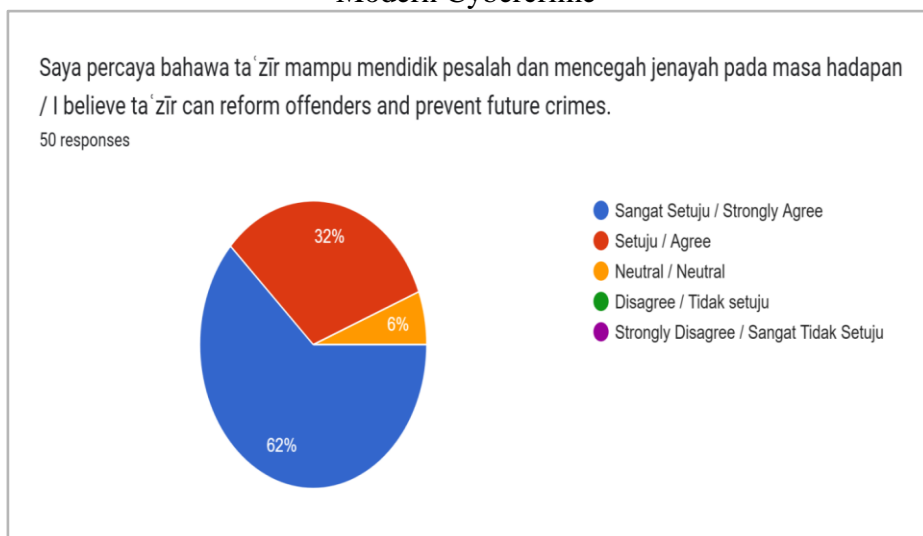
Source: The survey conducted by the researchers in August 2025

Figure 5 presents the respondents' level of agreement with the statement that *ta'zīr* refers to punishments for offenses not explicitly mentioned in the Al-Qur'ān or Sunnah. A majority of respondents with 42% which is 21 out of 50 respondents selected strongly agreed, while 40% (20 respondents) agreed, showing that a significant portion of the respondents have a good understanding of this fundamental aspect of Islamic criminal law.

This statement and respondents' agreement aligns with the view of Islamic jurists, supported by Darsi Darsi & Halil Husairi (2019), who stated that the Islamic jurists (*fuqaha'*) define *ta'zīr* as a punishment that is not determined by the al-Qur'ān and Hadith which is related to crimes that violate the rights of Allah and the rights of humans, which functions to give a lesson to the offender and prevent him from repeating a similar

crime. Meanwhile, 16% (8 respondents) responded neutral, and 2% (1 respondent) strongly disagreed, suggesting that a small number may still be unclear or unfamiliar with the technical definition of *ta'zīr*. Overall, the results reflect a generally strong awareness of *ta'zīr* as a discretionary punishment used by judges for offenses not covered under fixed *hudud* or *qisās* laws, which is essential when discussing its application to modern crimes such as cybercrime.

Figure 6: The Effectiveness of Application of *Ta'zīr* in Addressing Modern Cybercrime

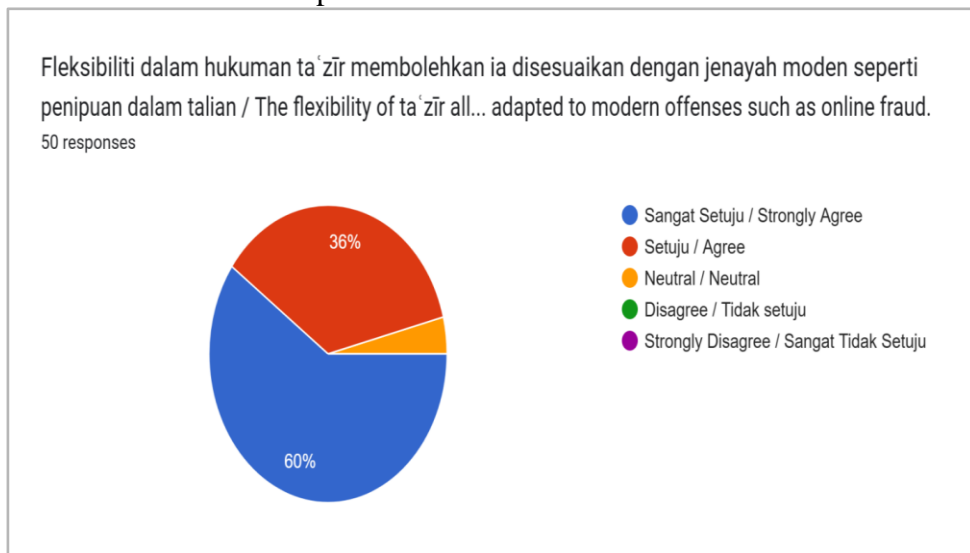


Source: The survey conducted by the researchers in August 2025

This question aims to assess respondents' belief in the ability of *ta'zīr* punishment to reform offenders and prevent future crimes. The results show that a majority 62% (31 respondents) strongly agreed, while 32% (16 respondents) agreed, and only 6% (3 respondents) remained neutral. No respondents disagreed or strongly disagreed, reflecting a general consensus on the rehabilitative and deterrent potential of *ta'zīr* in Islamic criminal law.

This respondents’ belief aligns with scholarly views, particularly those of Mohamed Azam Mohamed Adil and Ahmad Badri Abdullah (2016), who cited the perspective of al- Da’wah regarding the purpose of *ta’zīr*. According to al-Da’wah, one of the key objectives of *ta’zīr* is to preserve the moral fabric of society. According to him, *ta’zīr* punishment is not merely about imposing penalties for wrongdoing, but it also functions to correct their morals while guiding them back to the right path which aligns with the al-Qur’ān and Sunnah. This reflects that the nature of Islamic law not only prioritizes justice but also spiritual and ethical reform of offenders. Besides that, al-Da’wah also pointed out that *ta’zīr* serves another important purpose which is to deter others from committing similar offenses since the punishment sends a clear message to society that every wrongdoing and unlawful behavior carries consequences.

Figure 7: Respondents’ Agreement that the Flexibility of *Ta’zīr* Allows Adaptation to Modern Offenses



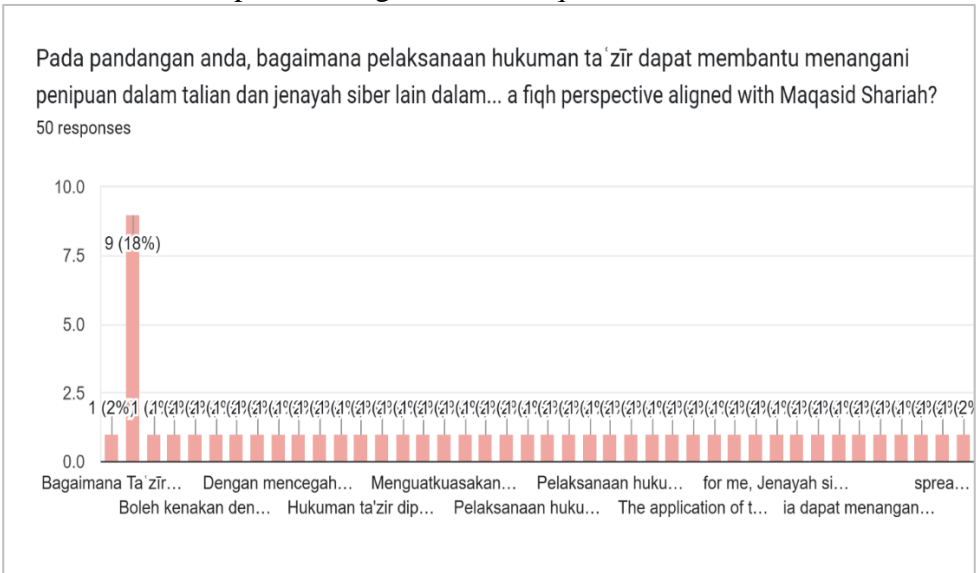
Source: The survey conducted by the researchers in August 2025

This question aimed to examine whether respondents agreed that the flexible nature of *ta’zīr* makes it suitable for addressing modern crimes

such as online fraud. A majority of the respondents, 60% (30 out of 50 respondents) strongly agreed with the statement, while 36% (18 respondents) agreed. Only 4% (2 respondents) remained neutral, and no one disagreed, indicating a strong consensus on this point.

These findings show that the majority of respondents recognize *ta'zīr* as a practical and adaptable component in Islamic criminal law. This perspective is supported by Mohamed Azam Mohamed Adil (2024) who highlights that *ta'zīr* offers a more nuanced approach to justice. Its flexibility allows judges and rulers to consider the specific circumstances of each case and the broader social impact of the offense. Unlike *hudūd* or *qisās*, which carry fixed punishments, *ta'zīr* can be adapted to a wide range of offenses including new and contemporary crimes like cyber fraud that are not explicitly mentioned in classical Islamic texts.

Figure 8: Respondents' Opinions on the Application of *Ta'zīr* Punishment in Addressing Cybercrimes in Selangor from a Fiqh Perspective Aligned with *Maqāṣid Sharī'ah*



Source: The survey conducted by the researchers in August 2025

Table 1: Respondents view

No	Respondents' View
1.	<p>The implementation of <i>ta'zīr</i> punishment in addressing online fraud and cybercrimes in Selangor can help curb these issues by allowing the authorities to determine appropriate punishments based on the severity of the offence and current circumstances. From the perspective of fiqh and <i>Maqāṣid al-Sharī'ah</i>, <i>ta'zīr</i> aligns with the objectives of preserving property, dignity, and public safety. This type of punishment, which is corrective and preventive in nature, sends a strong message that Islam does not leave modern crimes unaddressed, but instead responds with justice and consideration of public interest (<i>Maṣlaḥah</i>).</p>
2.	<p>The implementation of <i>ta'zīr</i> punishment can help address online fraud and cybercrimes within the Selangor community by granting authorities the ability to impose punishments that are flexible yet firm, in accordance with the nature and severity of the offence.</p>
3.	<p><i>Ta'zīr</i> punishment can be applied to address online fraud due to its flexible nature and adaptability to the specific type of crime committed. Within the framework of <i>Maqāṣid Sharī'ah</i>, it serves to protect property, dignity, and the overall well-being of society. Through <i>ta'zīr</i>, authorities able to impose corrective and awareness raising punishments, not merely punitive ones, so that cybercrimes can be prevented and are less likely to recur.</p>
4.	<p>The application of <i>ta'zīr</i> punishment can help reduce online fraud and cybercrimes in Selangor by acting as a flexible and effective deterrent. From a fiqh perspective, it supports the <i>Maqāṣid Sharī'ah</i>, especially in protecting wealth and public interest, while allowing the law to adapt to modern challenges in the digital world.</p>

5.	The implementation of <i>ta'zīr</i> for online fraud is in line with <i>Maqāṣid Sharī'ah</i> as it protects property, intellect, and life. <i>Ta'zīr</i> allows punishments to be applied not only to penalize but also to prevent, educate, and rehabilitate the offender.
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Source: The survey conducted by the researchers in August 2025

The following are five selected responses and viewpoints from the total of 50 responses provided by the respondents in relation to the given question. These perspectives offer valuable insights into how the application of *ta'zīr* punishment can address online fraud and other cybercrimes in the Selangor community from a fiqh-based perspective aligned with the objectives of *Maqāṣid Sharī'ah*.

Firstly, the respondents indicated that *ta'zīr* is a flexible punishment that allows authorities to determine the most appropriate response depending on the nature and severity of the cybercrime. This view is supported by the research of Mohamed Azam Mohamed Adil (2024) also emphasized that *ta'zīr* punishments are not fixed but are subject to the judge's or ruler's discretion, which is flexible and taking into consideration factors such as the severity of the offence, circumstances of the offender, and the impact of the offence on society. The flexibility of *ta'zīr* punishments allows judges to apply justice more fairly and justly by considering the details of each case and the impact on society. Additionally, *ta'zīr* punishments can manifest in various forms, including fines, imprisonment, lashing, reprimands, counselling, and warnings.

Secondly, according to the views shared by the respondents, the implementation of *ta'zīr* aligns with the objectives of *Maqāṣid Sharī'ah*, particularly in preserving property (*ḥifẓ al-māl*), dignity, and public safety. Online fraud and cybercrimes clearly threaten these objectives by causing financial loss, emotional distress, and the erosion of trust within society. From an Islamic legal perspective, *Maqāṣid Sharī'ah* serves to ensure the protection of essential values such as religion, life, intellect,

lineage, and property. As highlighted Mohamed Azam Mohamed Adil, Ahmad Badri Abdullah (2016) the core aim of *ta'zīr* is to uphold justice, protect both the rights of God and the rights of His servants, prevent harm, and encourage the moral reformation of offenders, aligning with the higher objectives of Sharī'ah known as *Maqāsid Sharī'ah*. Classical scholars such as Ibn Taymiyyah (2019) also recognised *ta'zīr* as a legal mechanism that allows authorities the flexibility to impose punishments based on public interest (*maṣlaḥah*). Thus, this legal discretion serves to preserve key objectives of *Maqāsid Sharī'ah*, particularly the protection of property, which is relevant in the context of cybercrimes such as online fraud and digital theft.

Thirdly, respondents also noted that *ta'zīr* serves not only to punish but to educate and rehabilitate offenders, thereby helping to prevent the recurrence of such crimes within society. Based on research by Mohamed Azam Mohamed Adil and Ahmad Badri Abdullah (2016), emphasized that al- Da'wah mentioned in his second specific objective of *ta'zīr* is to preserve society's moral fabric. According to him, *ta'zīr* punishment is not merely about imposing penalties for wrongdoing, but it also functions to correct their morals while guiding them back to the right path which aligns with the al-Qur'ān and Sunnah. This reflects that the nature of Islamic law not only prioritizes justice but also spiritual and ethical reform of offenders. Moreover, Ibn 'Āshūr also emphasized that the objectives (*maqāsid*) of Sharī'ah punishments (*'uqūbāt*) include three key aims which is reforming the offender, satisfying the victim and deterring others from committing similar crimes.

Forthly, from the respondents' perspectives, the application of *ta'zīr* also supports public interest (*maṣlaḥah*) by ensuring justice and protecting the community from the harmful consequences of cybercrime. This perspective is supported by Muh. Ilham Azis et al. (2024), emphasized that Imām al-Shāṭibī mentioned *al- maṣlaḥah* is everything that serves to preserve the rights of Allah's servants by ensuring the attainment of benefits (*al- maṣāliḥ*) and the prevention of harm (*al- Maḥāsīd*). It is also confirmed through inductive reasoning and comprehensive observation of individual rulings and general legal

principles, which consistently affirm the validity and significance of the *Maqāṣid Sharī'ah*. Therefore, these principles seek to bring benefit and goodness, while repelling evil, harm, and corruption in both the human and universal order.

CONCLUSION

The findings of this study demonstrate that majority of respondents possess a well-informed and strong understanding of cybercrime and its application within the Islamic law. Figures throughout the data, expose that most respondents agree cybercrime involves criminal activities such as hacking, scamming, phishing and online fraud. Such actions are seen as a serious violation of Islamic objective of preserving wealth (*ḥifẓ al-māl*). Many also agree that *ta'zīr* punishments are appropriate for addressing cybercrimes, as they have flexibility and adaptability to modern context. The data indicate a strong consensus that *ta'zīr* not only functions as a deterrent but also as a means of correcting ethical behavior and guiding offenders back to the right path which aligns with the al-Qur'ān and Sunnah.

Furthermore, the results also reveal a positive support for applying *ta'zīr* to cybercrime. Majority of respondents acknowledged that *ta'zīr* is an appropriate punishment to handle offenses that are not mentioned in the al-Quran and Sunnah, which fall outside *hudud* and *qisas*. They also believe that *ta'zīr* has a preventive and reformative role, capable of deterring future cyber offenses while aligning with Islamic values. This perspective is further supported by Mohamed Azam Mohamed Adil affirms that *ta'zīr* upholds public welfare (*Maṣlaḥah*) and serves as a vital tool for preserving property in this era.

In conclusion, the application of *ta'zīr* to cybercrime is one of the most effective responses that aligns with *Maqāṣid Sharī'ah* especially in preserving wealth. It shows that Islamic law can adapt to modern challenges like cybercrime. As Malaysia faces increasing cases of cybercrime, applying *ta'zīr* within Malaysia's legal system can help

reduce these crimes, guide offenders toward better behavior and protect the moral and economic well-being of society.

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