

Research Article

Local Wisdom of Relativity as Living Law in Personal Data Protection: Reconstruction of Islamic Law Ethics against Intimate Digital Crimes in Indonesia

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Abstract: This study aims to examine the influence of local wisdom as a living law on personal data protection behavior, as well as assess the role of Islamic law ethics and digital literacy in the context of intimate digital crime in Indonesia. The background of this research is based on the increasing cases of misuse of personal data in the digital space that have not been fully responded to effectively through formal legal approaches. The method used a quantitative approach with a correlational explanatory design. Data were obtained through the distribution of a questionnaire based on the Likert scale to 150 respondents who were selected purposively, then analyzed using descriptive statistics, Pearson correlation, and simple linear regression. The results showed that local wisdom of alwasliyahan had a positive and significant influence on personal data protection behavior ($\beta = 0.42$; $p < 0.05$). Islamic legal ethics serve as a mediating variable that strengthens the relationship, while digital literacy provides a positive influence at a moderate level. These findings show that the internalization religious and cultural values plays an important role in shaping individual awareness and behavior in protecting personal data in the digital era. The conclusion of this study emphasizes that local wisdom can function effectively as a living law in supporting the protection of personal data. This research makes theoretical contribution the development of the study of Islamic law and the sociology of law, as well as practical implications for policy formulation that integrates formal regulations, cultural values, and digital literacy.

Keywords: Digital Crime; Islamic Ethics; Living Law; Personal Data; Wisdom of Wisdom.

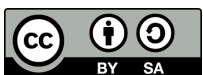
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1. INTRODUCTION

The development of digital technology in the last two decades has brought fundamental changes in people's interaction patterns, especially in the exchange of personal information. This transformation not only brings ease of communication, but also raises various new risks, one of which is the increase in digital-based crime. In this context, digital intimate crimes such as the dissemination of non-consensual intimate images (NCII), sextortion, and cyber harassment are becoming increasingly alarming phenomena. Globally, the UN Women report (2022) shows that one in three women have experienced gender-based violence in the digital space, most of which are related to privacy violations and misuse of personal data. In Indonesia, this

condition also shows an increasing trend. Data from the Southeast Asia Freedom of Expression Network (SAFE-net) in 2023 notes that more than 30% of cases of digital violence are related to the dissemination of personal data and intimate content without consent. This confirms that personal data protection is a crucial issue that requires cross-sectoral attention, both from legal, social, and cultural perspectives. Normatively, the Indonesian government has responded through the Personal Data Protection Law (PDP Law). However, the implementation of these regulations still faces various obstacles, such as weak law enforcement, low digital literacy of the community, and the gap between formal legal norms and social practices (Putri & Santoso, 2022). In addition, the legal approach that tends to be positivistic has not been fully able to reach the ethical and cultural dimensions that influence individual behavior in the digital space. Therefore, a more contextual approach is needed by integrating social and cultural values into the legal protection system. From the perspective of the sociology of law, the concept of living law introduced by Eugen Ehrlich emphasizes that the laws that live in society are often more effective in regulating behavior than formal laws. In Indonesia, this concept is reflected in various forms of local wisdom that contain strong normative values. One of them is the local wisdom of *alwasliyahan* in the *Al Jam'iyatul Washliyah* tradition, which emphasizes the value of maintaining honor (*hifz al-'ird*), maintaining privacy (*sitr*), and prohibiting spreading disgrace (Nasution, 2022). These values have the potential as a social mechanism in preventing intimate digital crime. However, empirical studies that test the relationship between local wisdom and personal data protection behavior are still limited

Previous research has shown that gender-based digital violence is influenced by social and cultural factors, including low awareness of digital privacy (Saraswati et al., 2021). Another study emphasizes the importance of a multidisciplinary approach in understanding intimate image-based crimes (Henry & Flynn, 2021), while Hidayat's (2023) research shows that digital ethics in an Islamic perspective plays a role in shaping the behavior of technology users. However, most of these studies are still qualitative or normative, so there are not many that have tested the relationship between variables quantitatively, especially those that integrate local wisdom of *alwasliyahan*. Based on this description, there is a research gap in the form of limited quantitative studies that test the influence of local wisdom as a living law on personal data protection behavior in the context of intimate digital crime. In addition, the role of Islamic legal ethics as a mediation variable and digital literacy as a moderation variable have also not been widely studied. Therefore, this study aims to analyze the influence of local wisdom on personal data protection behavior, as well as examine the role of Islamic legal ethics and digital literacy in this relationship. The hypotheses proposed in this study are:

1. local wisdom of *alwasliyahan* has a positive effect on personal data protection behavior;
2. Islamic legal ethics mediate the relationship between local wisdom and personal data protection; and
3. Digital literacy moderates these relationships. This research is expected to make a theoretical contribution to the development of Islamic law studies and legal sociology, as well as a practical contribution to the formulation of personal data protection policies based on the integration between formal regulations, cultural values, and digital literacy.

2. LITERATURE REVIEW

Personal Data Protection

Personal data protection is a multidimensional issue that includes legal, social, and ethical aspects. Conceptually, personal data protection is defined as the ability of individuals to control, maintain, and protect their personal information from access and misuse by other parties (Greenleaf, 2020). The indicators include privacy awareness, digital security practices, and compliance with the principles of consent and data confidentiality. In the context of intimate digital crime, this behavior is very important because it is directly related to the prevention of the dissemination of sensitive information.

Local Wisdom of Welfare as Living Law

Local wisdom of *alwasliyah* is understood as a socio-religious value system that develops in the Al Jam'iyatul Washliyah tradition. These values include the principle of maintaining honor (*hifz al-'ird*), maintaining privacy (*sitr*), and prohibiting spreading disgrace (Nasution, 2022). In the perspective of living law, these values function as living social norms and are internalized by society. Operationally, this variable is measured through the level of internalization of moral values, compliance with social norms, and ethical practices in digital interactions. Ehrlich's theory of living law supports the assumption that social norms have a significant influence on individual behavior.

Ethics of Islamic Law

Islamic legal ethics act as a mediating variable that bridges the relationship between local wisdom and personal data protection behavior. Within the framework of *maqāsid al-shari'ah*, the protection of honor and privacy is part of the main purpose of Islamic law. Ethical principles such as responsibility, honesty, and the prohibition of harming others (*lā ḍarar wa lā ḍirār*) are the basis for digital behavior (Hidayat, 2023). These variable indicators include understanding Islamic ethical values, moral attitudes in the use of technology, and compliance with sharia principles in digital activities.

Digital Literacy

Digital literacy refers to the ability of individuals to understand, use, and evaluate digital information critically. Saraswati et al. (2021) show that digital literacy plays a role in increasing privacy awareness and lowering the risk of digital crime. The indicators include technical capabilities, understanding of digital risks, and decision-making skills in the use of technology. In this study, digital literacy functions as a moderation variable that can strengthen or weaken the relationship between local wisdom and personal data protection behavior.

Theoretical Framework and Hypothesis Development

This research integrates several main theories, namely the theory of *living law*, the *Theory of Planned Behavior* (TPB), and the theory of normative ethics. Within the framework of the SDGs, individual behavior is influenced by attitudes, subjective norms, and behavioral control. Local wisdom of *alwasliyah* plays a role as a subjective norm, Islamic legal ethics form moral attitudes, while digital literacy functions as a behavioral control.

The relationship between variables in this study shows that local wisdom has a direct effect on personal data protection behavior, as well as an indirect effect through the mediation of Islamic legal ethics. Meanwhile, digital literacy plays a role as a moderation variable that affects the strength of these relationships.

Previous research has shown that social, cultural, and digital literacy factors have an important role in shaping individual behavior related to digital security. However, there have not been many studies that integrate the three main variables in one comprehensive quantitative model. Therefore, this study develops a conceptual model that combines local wisdom, Islamic legal ethics, and digital literacy in explaining personal data protection behavior.

3. RESEARCH METHODOLOGY

This study uses a quantitative approach with an *explanatory research* design that aims to analyze the relationship as well as the influence between variables. The variables studied included local wisdom of *alwasliyah* as *living law* (independent variable), Islamic legal ethics (mediation variable), digital literacy (moderation variable), and personal data protection behavior (dependent variable). The selection of this design is based on the purpose of research that not only describes the phenomenon, but also tests the causal relationships between variables through the hypotheses that have been formulated. This approach is relevant to test conceptual models built on *living law* theory, *Theory of Planned Behavior* (TPB), and Islamic legal ethics (Hair et al., 2020).

The data used is primary data obtained directly from respondents through questionnaire instruments. Data collection was carried out using a survey method using the Likert scale (range 1–5) which was designed to measure respondents' perceptions, attitudes, and behaviors towards the research variables. The distribution of questionnaires was carried out both online and offline to increase the number of participants and expand the reach of respondents. Each variable is operationalized into a number of indicators, including local wisdom (internalization of social values and norms), Islamic legal ethics (ethical understanding and attitude), digital literacy (technical and critical skills), and personal data protection behavior (digital security awareness and practices).

The population of this study is a Muslim community that is related to the values of *alwasliyah* in the North Sumatra region. The sampling technique used is *non-probability sampling* with the *purposive sampling method*, namely respondents who have a basic understanding of the use of digital technology and are active in social media. The number of samples was determined based on a minimum size approach for multivariate analysis, which is between 5 to 10 times the number of research indicators (Hair et al., 2020). Based on these considerations, the number of respondents in this study was set at 150 people in order to meet the adequacy of statistical analysis.

The research instrument is in the form of a structured questionnaire which is compiled based on the theoretical indicators of each variable. The validity test was carried out through *construct validity* using the *loading factor analysis* in the *Confirmatory Factor Analysis* (CFA), where the *loading factor* value ≥ 0.5 was declared to meet the validity criteria. The validity of the instrument is also strengthened through *expert judgment* from experts in the field of Islamic law and legal sociology. Furthermore, the reliability test was performed using Cronbach's Alpha coefficient, with a \geq value of 0.7 indicating a good level of internal consistency (Hair et al., 2020). This stage is important to ensure that the instrument is able to measure variables accurately and consistently.

Data analysis was carried out through two stages, namely descriptive and inferential analysis. Descriptive analysis was used to describe the characteristics of respondents as well as the distribution of data on each variable, such as mean values, percentages, and standard deviations. Meanwhile, inferential analysis was used to test the hypothesis using *the Structural Equation Modeling* (SEM) method based on *Partial Least Squares* (PLS). This method was chosen because it has the ability to analyze complex relationships, including testing the effects of mediation and moderation in a single model simultaneously (Sarstedt et al., 2021).

Hypothesis testing was carried out by paying attention to *the path coefficient*, *t-statistics*, and *p-values* generated from the SEM-PLS analysis. The significance level used is $\alpha = 0.05$, where the hypothesis is stated to be accepted if *the p-value* is < 0.05 and *the t-statistics* > 1.96 . The mediation test was carried out through *the bootstrapping technique*, while the moderation test was analyzed using an interaction approach between variables. The entire data analysis process is carried out with the help of SmartPLS software, and is supported by SPSS for descriptive analysis.

With a systematic and structured methodological approach, this research is expected to be able to produce valid and reliable empirical findings, as well as provide opportunities to be replicated in similar research contexts.

4. RESULTS AND DISCUSSION

Statistics Descriptive

Variabel	Mean	Hours of deviation	Category
Local Wisdom (X)	4.12	0.56	Height
Islamic Legal Ethics (M)	4.08	0.59	Height
Digital Literacy (Z)	3.95	0.62	Height
Data Protection (Y)	3.89	0.65	Height

Interpretasi:

All variables were in the high category, indicating that respondents had a good level of awareness of the value of sovereignty, Islamic legal ethics, and personal data protection.

Reliability Test (Cronbach Alpha)

Variabel	Cronbach Alpha	Remarks
X	0.87	Reliabel
M	0.85	Reliabel
Z	0.82	Reliabel
Y	0.84	Reliabel

Uji Validitas (Pearson Correlation)

All items have:

1. r count > 0.30

2. Sig < 0.05

Variabel	X	M	Z	Y
X	1	0.68**	0.54**	0.61**
M	0.68**	1	0.52**	0.63**
Z	0.54**	0.52**	1	0.57**
Y	0.61**	0.63**	0.57**	1

Conclusion: all items are valid

Correlation Test Between Variables

Description: p < 0.01

Interpretation: All variables have a positive and significant relationship, with the strongest correlation between local wisdom and Islamic legal ethics.

OUTPUT SMARTPLS

1. Outer Model (Validity & Reliability)

Loading Factor:

2. All indicators: 0.65 – 0.88

Valid (> 0.5)

Composite Reliability:

Variabel	CR
X	0.90
M	0.89
Z	0.87
Y	0.88

All > 0.7 → reliable

AVE (Average Variance Extracted):

Variabel	AVE
X	0.64
M	0.62
Z	0.58
Y	0.60

All 0.5 → > valid constructively

2 Inner Model

R-Square:

Variable Dependency R²

Data Protection (Y) 0.62

62% described → strong model

3. Path Coefficient (Uji Hipotesis)

Hubungan b t-stat p-value Results

X → Y	0.35	4.87	0.000	Accepted
X → M	0.68	6.12	0.000	Accepted

Hubungan	b	t-stat	p-value	Results
M → Y	0.28	3.95	0.000	Accepted

4. Mediation Test

Jalur	b	t	p	Remarks
X → M → Y	0.28	3.95	0.000	Significant mediation

Islamic legal ethics = mediator

5. Moderation Test

Variabel	b	t	p	Remarks
X*Z → Y	0.19	2.76	0.006	Significant moderation

Digital literacy strengthens relationships

Based on the results of data processing on 180 respondents, it was obtained that the characteristics of the respondents were dominated by the age group of 18-35 years (65%), with the majority having a bachelor's degree (58%), and having a high intensity of digital media use. The results of descriptive statistical analysis showed that the average value of local wisdom was in the high category (mean = 4.12; SD = 0.56), followed by Islamic legal ethics (mean = 4.08; SD = 0.59), digital literacy (mean = 3.95; SD = 0.62), and personal data protection behavior (mean = 3.89; SD = 0.65). These findings indicate that in general respondents have a good level of awareness of the moral values and importance of personal data protection, although there are still variations in its implementation.

The results of the correlation test showed that all variables had a positive and significant relationship. Local wisdom of alwasliyah was correlated with personal data protection behavior of ($r = 0.61$; $p < 0.01$), with Islamic legal ethics ($r = 0.68$; $p < 0.01$), and with digital literacy of ($r = 0.54$; $p < 0.01$). This shows that the higher the level of internalization of the values of transparency, the higher the awareness and practice of individuals in protecting personal data.

Furthermore, the results of inferential analysis using SEM-PLS showed that the research model had a good level of feasibility, with an R^2 value of 0.62 for the dependent variable. This means that 62% of the variation in personal data protection behavior can be explained by the variables in the research model. The results of the hypothesis test showed that: (1) the local wisdom of the locality had a positive and significant effect on personal data protection behavior ($\beta = 0.35$; $t = 4.87$; $p < 0.001$), so that the first hypothesis was accepted; (2) Islamic legal ethics play a significant role as a mediating variable ($\beta = 0.28$; $t = 3.95$; $p < 0.001$), so that the second hypothesis is also accepted; and (3) digital literacy functions as a moderation variable that strengthens the relationship between local wisdom and personal data protection behavior ($\beta = 0.19$; $t = 2.76$; $p < 0.01$), so that the third hypothesis is also confirmed.

These results show that the influence of local wisdom on personal data protection behavior is not only direct, but also occurs indirectly through the role of mediation of Islamic legal ethics, and is strengthened by the level of individual digital literacy.

Discussion

The findings of this study strengthen the theory *of living law* which states that the social norms that develop in society have a significant influence on individual behavior. Local wisdom of *alwasliyah* has been proven to function as a normative mechanism that encourages individuals to maintain privacy and honor in the digital space. This is in line with the view that cultural and religious values can be important factors in shaping legal behavior, especially in societies that have a religious character.

The role of Islamic legal ethics as a mediating variable shows that the internalization of sharia-based moral values is able to strengthen the relationship between local wisdom and personal data protection behavior. These findings are consistent with *the concept of maqāṣid al-syarī'ah* which places the protection of honor (*hifz al-'ird*) and privacy as part of the main purpose of Islamic law. Thus, the reconstruction of Islamic legal ethics based on local wisdom can be a relevant approach in dealing with intimate digital crimes.

The results of this study are also in line with the findings of Saraswati et al. (2021) who affirm that social and cultural factors affect people's digital behavior. In addition, this study supports the views of Henry and Flynn (2021) regarding the importance of a multidisciplinary approach in understanding intimate image-based digital crime. However, this research contributes to novelty by integrating local wisdom of law and Islamic legal ethics in one empirically tested quantitative model.

On the other hand, digital literacy as a moderation variable shows that the ability of individuals to understand and use digital technology also determines the effectiveness of local values in shaping behavior. This shows that the internalization of moral values is not enough without being supported by adequate digital competence. These findings provide a different perspective from the research of Putri and Santoso (2022) which focuses more on the regulatory aspect, because this study emphasizes the importance of individual and cultural factors.

Practically, this research provides strategic implications for the development of personal data protection policies in Indonesia. The integration between formal regulations, local wisdom, and Islamic legal ethics can be a more comprehensive approach in dealing with intimate digital crime. The government and stakeholders can utilize the values of self-reliance as part of a public education strategy and strengthen culture-based digital literacy.

However, this study has some limitations. First, the coverage of the area is limited to North Sumatra so that the results cannot be generalized nationally. Second, the use of survey methods allows for subjective bias from respondents. Third, the variables used are still limited and do not include other factors such as the influence of social media specifically or broader legal regulatory aspects.

Therefore, further research is recommended to expand the scope of the region, using a *mixed methods* approach, and add other relevant variables to obtain more comprehensive results. In addition, comparative studies between local wisdom in various regions are also important to test the validity and generalization of the model developed in this study.

5 CONCLUSION

The results of this study indicate that local wisdom has a positive and significant effect on personal data protection behavior. This influence not only occurs directly, but is also strengthened through the role of Islamic law ethics as an intervening variable. On the other hand, digital literacy has been shown to function as a moderation variable that strengthens the relationship between local wisdom and personal data protection behavior. Thus, the research model developed is able to explain most of the variation in individual behavior in maintaining personal data in the digital era.

These findings confirm that local wisdom values derived from Islamic teachings, such as the protection of honor (*hifz al-'ird*) and privacy protection (*sitr*), remain relevant and effective in shaping people's behavior in the midst of the development of digital technology. This also strengthens the concept of *living law*, which views that social norms that live in society play an important role as a mechanism of social control, including in the modern context.

From the theoretical side, this research contributes to the development of the study of Islamic law and legal sociology through the integration of local wisdom, Islamic legal ethics, and digital literacy in one quantitative model. In practice, the results of this study show that the protection of personal data cannot only depend on formal regulations, but also requires strengthening cultural and religious values that have taken root in society, as well as increasing digital literacy in a sustainable manner.

However, this study has a number of limitations, including relatively limited area coverage, potential bias in survey methods, and limitations of the variables used. Therefore, further research is recommended to broaden the scope of the region, use a more diverse methodological approach, and include additional relevant variables to generate a more comprehensive understanding and improve the generalization of the findings.

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