The Digitalisation of Employment, *Fiqh* Education and Empowerment of Migrant Workers' Rights

Nur Chanifah,[1*] *Fahd bin Mohana bin Salim al-Ahmadi,*[2] *Abu Samsudin,*[3]
Nurul Islami,[4] *Muhammad Najih Vargholy*[5]

[145] Faculty of Law, Universitas Brawijaya, Malang, Indonesia

[2] Faculty of Sharia, Islamic University of Madinah, Saudi Arabia

[3] Faculty of Ushuluddin and Da'wa, UIN Syeikh Wasil Kediri, Indonesia

[*]*Corresponding Author:* nur.chanifah@ub.ac.id

Abstract: This study aims to analyse the digital transformation of fiqh education on labour for Indonesian migrant workers (PMI) in the United Arab Emirates from a transnational perspective, focusing on how Islamic legal literacy can be an instrument of empowerment and protection of workers' rights. This study uses a socio-legal approach that combines normative fiqh studies with the socio-legal reality in the field. Data was collected through in-depth interviews, observation, and documentation. Data analysis was carried out in stages of data reduction, data presentation, and conclusion drawing. The results of the study show that there is a significant gap between normative knowledge of fiqh labour and the reality experienced by PMI in the UAE. The transformation of digital-based fiqh education can be used as a solution to this gap, as it can expand access to legal literacy, strengthen awareness of transformative *maqāṣid*, and provide practical skills in negotiating rights. The digitisation of fiqh education on labour issues not only functions as a medium of education but also as a transnational advocacy strategy that strengthens the protection and empowerment of PMI in a global context. This research contributes empirically to overcoming barriers to the implementation of migrant workers' rights in the UAE and recommends a maqāṣid transformative-based digital fiqh education module and strategic policy measures to strengthen the protection of migrant workers' rights.

Keywords: Digital transformation; employment fiqh education; transformative *Maqāṣid*.

Abstrak: Kajian ini bertujuan untuk menganalisis transformasi digital pendidikan fiqih ketenagakerjaan bagi Pekerja Migran Indonesia (PMI) di Uni Emirat Arab dalam perspektif transnasional, dengan fokus pada bagaimana literasi hukum Islam dapat menjadi instrumen pemberdayaan sekaligus perlindungan hak-hak pekerja. Penelitian ini menggunakan pendekatan socio-legal yang memadukan

kajian normatif fiqih dengan realitas sosial-hukum di lapangan. Data dikumpulkan melalui wawancara mendalam, observasi, dan dokumentasi. Analisis data dilakukan dengan tahapan reduksi data, penyajian data, serta penarikan kesimpulan. Hasil penelitian menunjukkan adanya kesenjangan yang signifikan antara pengetahuan normatif fiqih ketenagakerjaan dan realitas yang dialami PMI di UAE. Transformasi pendidikan fiqih berbasis digital dapat dijadikan solusi terhadap kesenjangan tersebut, karena mampu memperluas akses literasi hukum, memperkuat kesadaran akan *transformative maqāṣid*, serta memberikan keterampilan praktis dalam menegosiasikan hak. Digitalisasi pendidikan fiqih ketenagakerjaan tidak hanya berfungsi sebagai media edukasi, tetapi juga strategi advokasi transnasional yang memperkuat perlindungan dan pemberdayaan PMI dalam konteks global. Penelitian ini berkontribusi empiris dalam mengatasi hambatan penerapan hak-hak pekerja migran di UEA dan merekomendasikan modul pendidikan fiqih digital berbasis maqāṣid transformative serta langkah-langkah kebijakan strategis untuk memperkuat perlindungan hak pekerja migran.
Kata Kunci: Transformasi digital; pendidikan fiqh ketenagakerjaan; *maqāṣid* transformative.

Introduction

According to the Deputy Minister for the Protection of Indonesian Migrant Workers, around 918,905 migrant workers were placed abroad between 2020 and 2024. Of this total, 179,958 migrant workers were placed in the United Arab Emirates (UAE).[1] However, according to the Head of the Planning and Cooperation Bureau of the Ministry of Migrant Worker Protection of Indonesia (BP2MI), between January and December 2024, there were approximately 3,117 complaints from migrant workers in the UAE. Not only that, according to a report by the Indonesian Migrant Workers Protection Agency (BP2MI) at the end of 2024, approximately 101 Indonesian Migrant Workers (PMI) were deported from the UAE. Migrant workers are individuals who depart without

---

[1] Antara News, "Government Places 918,905 PMIs Abroad in Last Four Years," Antara News Megapolitan, accessed September 27, 2025, https://megapolitan.antaranews.com/.

following official procedures.[2] The migrant workers consisted of 46 mothers and 55 children, including infants and toddlers.[3]

This phenomenon has resulted in various complex problems from legal, social, and religious perspectives,[4] indicating that migrant vulnerability is shaped not only by individual capacity but also by structural constraints embedded in the host-country labour regime.[5] In employment fiqh, employment relations should be based on legal, transparent, and fair *ijarah* contracts. However, many non-procedural migrant workers face unclear contractual terms,[6] passport detention, late payment or wage deductions, and employer-imposed mobility restrictions. These conditions cast doubt on the fulfilment of the principles and conditions of *ijarah*, such as *tarāḍī* and *ujrah maʿlūmah.*

On the other hand, the UAE has undertaken labour law reforms through Federal Decree-Law No. 33 of 2021, which regulates employment relations, as well as Federal Decree-Law No. 9 of 2022, which specifically protects domestic workers.[7] However, the dynamics on the ground show that there is still a strong power asymmetry due to the historical traces of *the kafala* (sponsorship) system. The position of migrant workers remains highly dependent on

---

2   Mulia Budi, "BP2MI Receives 101 Non-Procedural PMIs from Arabs: They Are Victims of Syndicates," detiknews, accessed September 27, 2025, https://news.detik.com/.
3   "Hundreds of Non-Procedural Indonesian Migrant Workers Repatriated from the United Arab Emirates, Head of BP2MI: This Is a Past Crime," KP2MI, accessed September 27, 2025, https://bp2mi.go.id/.
4   Madeleine Ballard et al., "Labour Conditions in Dual-Cadre Community Health Worker Programmes: A Systematic Review," *The Lancet Global Health* 11, no. 10 (October 2023): e1598–608, https://doi.org/10.1016/S2214-109X(23)00357-1; Ute R. Hülsheger and Anna F. Schewe, "On the Costs and Benefits of Emotional Labor: A Meta-Analysis of Three Decades of Research," *Journal of Occupational Health Psychology* (US) 16, no. 3 (2011): 361–89, https://doi.org/10.1037/a0022876; Sally C. Moyce and Marc Schenker, "Migrant Workers and Their Occupational Health and Safety," *Annual Review of Public Health* 39, no. 1 (April 2018): 351–65, https://doi.org/10.1146/annurev-publhealth-040617-013714.
5   Ilan Shdema, Yaron Mor, and Hisham M. Abu-Rayya, "Conflicting Identities and Labour Market Outcomes of Minorities: Evidence from Arabs in Israel," *International Journal of Intercultural Relations* 109 (November 2025): 102309, https://doi.org/10.1016/j.ijintrel.2025.102309.
6   Meshal Nayef Alharbi, "Assessment of Changes to Saudi Labour Law Regarding Unfair Dismissal of Employees," *International Journal of Law and Management* 63, no. 4 (December 2020): 369–86, https://doi.org/10.1108/IJLMA-08-2020-0219.
7   Government of UAE. Federal Decree-Law No. 33 of 2021 on the Regulation of Labour Relations; Souad Ezzerouali et al., "Legal Protection for Children Without Family Care: A Comparative Study of Oman, UAE, and Morocco," *Justicia Islamica* 22, no. 1 (June 2025): 93–114, https://doi.org/10.21154/justicia.v22i1.10750.

employers, resulting in limited work mobility and a heightened risk of power abuse.[8] This situation is further exacerbated by the fact that the majority of migrant workers in the UAE are employed in the domestic sector and low-wage services, where government oversight is limited and legal protections are difficult to enforce effectively, thereby constraining the extent to which formal legal norms can translate into actual protection outcomes.[9]

In Indonesia, Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers frames comprehensive protection before, during, and after work. The pre-departure debriefing instrument is aimed at improving the legal, socio-cultural, and basic skills readiness of PMI before departure.[10] International policy practice also emphasises the importance of context-specific pre-departure orientation. However, its effectiveness depends heavily on country-specific content, appropriate andragogical methods, and the sustainability of learning after arrival in the destination country, particularly in enabling continuous access to legal knowledge that can foster awareness and agency in restrictive work environments.[11]

Several in-depth studies on employment fiqh have been conducted. Mahmudulhassan's research confirms that workers' rights in Islam are grounded in Quranic moral and ethical principles, particularly justice ('*adl*) and *ihsan*. The study highlights employers' obligations to pay wages on time,

---

[8] Bao-Zhu Stephanie Long et al., "Unraveling the After-Hours Dilemma: Consequences of Overworking among Teleworkers—A Scoping Review Protocol," *PLOS One* 20, no. 8 (August 2025): e0330594, https://doi.org/10.1371/journal.pone.0330594; Moyce and Schenker, "Migrant Workers and Their Occupational Health and Safety."

[9] Lisa Blaydes, "Assessing the Labor Conditions of Migrant Domestic Workers in the Arab Gulf States," *ILR Review* 76, no. 4 (August 2023): 724–47, https://doi.org/10.1177/00197939221147497.

[10] Brian Dananjaya and Lidya Marsaulina, "Legal Protection For Indonesian Migrant Workers," *Journal of Law and Border Protection* 2, no. 1 (May 2020): 1, https://doi.org/10.52617/jlbp.v2i1.181; Nur Chanifah et al., "The Understanding Of Halal Products Among Indonesian Muslim Migrant Workers In South Korea," *Jurisdictie: Jurnal Hukum Dan Syariah* 16, no. 1 (July 2025): 1–54, https://doi.org/10.18860/j.v16i1.29462; Wayne Palmer and Antje Missbach, "Enforcing Labour Rights of Irregular Migrants in Indonesia," *Third World Quarterly* 40, no. 5 (May 2019): 908–25, https://doi.org/10.1080/01436597.2018.1522586.

[11] Muhammad Abdul Azis, Muhammad Syaprin Zahidi, and David Pradhan, "Synergising International Labour Laws And Human Rights For Protection Of Indonesian Migrant Workers," *Lampung Journal of International Law* 2, no. 2 (August 2020): 109–20, https://doi.org/10.25041/lajil.v2i2.2036; Shavanita, "Protection of Migrant Workers: A Study of International and Indonesian Law," *Jurnal Pengembangan Ketenagakerjaan* 2, no. 2 (September 2024): 2, https://doi.org/10.59574/jpk.v2i2.109.

protect workers' dignity, and avoid exploitative practices.[12] Meanwhile, Ghulam Mustafa and Zia Ur Rehman explore how employment fiqh interacts with contemporary law, especially on the issue of job market globalisation and the protection of migrant workers.[13] Ahmad Fauzi examines the views of classical scholars on ijarah contracts, emphasising contractual clarity, fairness in agreements, and the binding of conditions that protect both parties.[14] This suggests that the Islamic wage system was originally designed to establish a balance between rights and obligations; however, these principles largely remain at the level of normative ideals rather than mechanisms of practical enforcement.

However, these studies tend to be normative or textual. Moreover, there is limited scholarly engagement linking employment fiqh to the specific conditions experienced by Indonesian workers, including those in the UAE. There has been no literature or research on the digital transformation of employment fiqh education. In fact, a recent study on digital Islam in Dubai shows that digital platforms play a significant role in shaping the religious learning patterns of the expatriate community.[15] The problem is that classical fiqh literature is often difficult to access and insufficiently contextualised to address the complexities of modern legal systems and ongoing human rights violations abroad. Therefore, the digital transformation of labour fiqh is urgently needed as an alternative solution that functions not only as a preventive educational medium but also as an ethical oversight instrument to minimise the exploitation of migrant workers. This opens up a new research space: how an employment fiqh module can be adapted into a digital platform that is responsive to the needs of migrant workers in the UAE, taking into account their digital literacy, language, and time constraints, and how digital

---

[12]   M. Mahmudulhassan et al., "The Dignity of Labor in Islam: Ethical Principles and Contemporary Relevance," *Suhuf* 37, no. 1 (May 2025), https://doi.org/10.23917/suhuf.v37i1.10193.

[13]   Ghulam Mustafa and Zia Ur Rehman, "Islamic Jurisprudence on Labor Laws: Principles, Practices, and Contemporary Applications," *Al Manhal Research Journal* 4, no. 3 (2024): 3, https://almanhal.org.pk/ojs3303/index.php/journal/article/view/183.

[14]   Ahmad Fauzi, "The Wage System (Ijarah) In Islam: A Comparative Perspective of the Scholars," *Iqtishodia: Journal of Sharia Economics* 6, no. 2 (2021): 31–35, https://doi.org/10.35897/iqtishodia.v6i2.210.

[15]   Urwa Tariq, "Digital Dissemination of Islam among Dubai Expatriates, UAE: A Mixed-Methods Study," *Journal of Arab & Muslim Media Research* 16, no. 1 (April 2023): 75–96, https://doi.org/10.1386/jammr_00057_1.

access may serve as an initial entry point for strengthening Islamic legal awareness.

Therefore, the novelty of this research lies in its attempt to connect employment fiqh, digital transformation, and the transnational context of migrant workers through a transformative *Maqāṣid* perspective.[16] The use of the transformative perspective of *maqāṣid* is relevant because it shifts the fiqh of employment from a normative discourse to an operational framework that is responsive to the vulnerability of migrant workers in the UAE. Through this approach, the study moves beyond questions of normative validity to examine how maqāṣid can be digitally operationalised to generate a measurable protective impact in the midst of the limitations of the legal structure and power relations in the destination country.

Unlike previous studies that tend to be normative or textual, this study applies a legal sociology field approach through in-depth interviews with migrant workers, observation at the workplace, and document analysis, using a purposive sampling procedure that takes into account gender representation, work sector, and assignment duration. This approach enables the study to trace a clear mechanism of change from digital access to enhanced Islamic legal awareness, to the development of legal agency, and ultimately to conditional protection outcomes. Increasing digital access is a strategic way to overcome the limitations of employment fiqh literature that are difficult for PMI to access, thereby enabling the growth of Islamic legal awareness and the strengthening of legal agency. These outcomes, however, are recognised as inherently limited and shaped by the prevailing legal structures, power relations, and employment regimes operating in the UAE. This study thus expands fiqh from a purely normative discourse into an evidence-based and implementation-oriented framework.

This study applies a legal sociology approach that examines law not only as a normative–textual system but also within the social context in which it operates.[17] The approach highlights the relationship between legal norms and

---

[16] Abdurrohman Kasdi, "Actualizations of Maqashid Al-Shariah in Modern Life: Maqashid al-Shariah Theory As a Method of the Development of Islamic Laws and Shariah Economics," *Justicia Islamica* 16, no. 2 (November 2019): 2, https://doi.org/10.21154/justicia.v16i2.1666.

[17] Reza Banakar, *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*, 1st ed. 2015 (Cham: Springer, 2015), https://doi.org/10.1007/978-3-319-09650-6; Reza Banakar and Max Travers, *Theory and Method in Socio-Legal Research* (Bloomsbury Publishing, 2013).

social practices, enabling analysis of the gap between fiqh ideals and the realities experienced by migrant workers. In this research, empowerment is operationalised as a measurable outcome rather than merely a normative concept.

The study uses primary and secondary data.[18] Primary data were obtained through in-depth interviews with migrant workers, focusing on empowerment indicators such as awareness of labour violations in employment contracts, the ability to identify violations related to wages, working hours, and document retention, the use of accessible complaint mechanisms, and reported reductions in document withholding practices. Direct workplace observations and observations within migrant worker communities were also conducted to assess the relationship between religious awareness, legal literacy, and the actual exercise of rights.

Secondary data include Islamic legal literature, UAE labour regulations, Indonesia–UAE bilateral agreements, and international policy documents on migration and workers' rights. Classical fiqh sources discussing *ijarah*, *ujrah*, *ta'assuf*, and *shurūṭ* were analysed as the doctrinal basis of employment relations.[19] Informants were selected through purposive sampling, considering gender, work sector, length of employment in the UAE, and education level, ensuring participants had direct experience with labour law issues.

Table 1. Research Informants

No	Informant Code	Role / Status	Location (UAE)	Interview Focus
1	RH	PMI Coordinator	Dubai	General condition of Indonesian migrant workers
2	RF	Indonesian Migrant Worker (PMI)	Abu Dhabi	Problems faced by PMI
3	NA	Indonesian Migrant Worker (PMI)	Dubai	Problems faced by PMI

---

[18] Patrik Aspers and Ugo Corte, "What Is Qualitative in Research," *Qualitative Sociology* 44 (December 2021), https://doi.org/10.1007/s11133-021-09497-w; Karyn Cooper and Robert E. White, eds., *Qualitative Research in the Post-Modern Era* (Dordrecht: Springer Netherlands, 2012), https://doi.org/10.1007/978-94-007-2339-9.

[19] Mira Crouch and Heather McKenzie, "The Logic of Small Samples in Interview-Based Qualitative Research," *Social Science Information* 45, no. 4 (December 2006): 483–99, https://doi.org/10.1177/0539018406069584; Uwe Flick, *An Introduction to Qualitative Research* (SAGE, 2018); Karin Hannes et al., *The SAGE Handbook of Qualitative Research Design: Being Creative with Resources in Qualitative Research* (2022), 290–306, https://doi.org/10.4135/9781529770278.n19.

4	SL	Indonesian Migrant Worker (PMI)	Dubai	Problems faced by PMI
5	R	Indonesian Migrant Worker (PMI)	Dubai	Problems faced by PMI
6	AS	Indonesian Migrant Worker (PMI)	Ras Al Khaimah	Problems faced by PMI
7	SR	Indonesian Migrant Worker (PMI)	Ras Al Khaimah	Problems faced by PMI
8	SP	Indonesian Migrant Worker (PMI)	Dubai	Problems faced by PMI
9	TR	Indonesian Migrant Worker (PMI)	Dubai	Understanding of employment fiqh
10	T	Indonesian Migrant Worker (PMI)	Abu Dhabi	Understanding of employment fiqh
11	FN	Indonesian Migrant Worker (PMI)	Ras Al Khaimah	Understanding of employment fiqh
12	S	Indonesian Migrant Worker (PMI)	Fujairah	Understanding of employment fiqh
13	H	Indonesian Migrant Worker (PMI)	Al Ain	Understanding of employment fiqh
14	NS	Indonesian Migrant Worker (PMI)	Dubai	Understanding of employment fiqh

Source: Authors, 2025

Furthermore, the data were analysed using a qualitative analysis model involving three stages, namely: data reduction, data display, and conclusion drawing.[20] To ensure data validity, this study employed triangulation techniques.[21] The triangulation method was carried out by combining interviews, observations, and documentation. With a socio-legal approach that combines normative and empirical data,[22] the study provides a comprehensive account of the digital transformation of employment fiqh education for PMI in the UAE and offers policy recommendations grounded in transformative

---

[20] Hans-Gerd Ridder, review of *Review of Qualitative Data Analysis. A Methods Sourcebook 3 Rd Edition*, by Matthew B. Miles et al., *Zeitschrift F r Personalforschung / German Journal of Research in Human Resource Management* 28, no. 4 (2014): 485–87; Matthew B. Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis: A Methods Sourcebook* (SAGE Publications, 2018).
[21] Nancy L. Leech and Anthony J. Onwuegbuzie, "An Array of Qualitative Data Analysis Tools: A Call for Data Analysis Triangulation," *School Psychology Quarterly* (US) 22, no. 4 (2007): 557–84, https://doi.org/10.1037/1045-3830.22.4.557.
[22] Martyn Hammersley and Paul Atkinson, *Ethnography: Principles in Practice*, 3. ed., reprinted, An Informa Business (London: Routledge, 2010).

maqāṣid that recognise both the empowering potential and the structural limits of digital legal education in a transnational employment context.

Employment Fiqh: From Normative Doctrine to Transformative Pedagogy

As globalisation and world economic transformation develop, the normative paradigm faces new challenges. Cross-border labour mobility,[23] changes in labour market structures,[24] and the complexity of international law demand a reinterpretation of fiqh to remain relevant. This is where the urgency of the transition from fiqh as a normative doctrine to transformative pedagogy becomes inevitable. Transformative pedagogy is not just a teaching method, but an epistemological approach that makes fiqh a tool of social, political, and economic empowerment for legal subjects—in this case, migrant workers, where empowerment is understood in operational terms as improved contractual understanding, legal awareness, and practical capacity to claim rights within existing employment regimes.[25]

Several contemporary Islamic legal thinkers, such as Mohammad Hashim Kamali and Khaled Abou El Fadl, emphasised the importance of contextual *ijtihad* in responding to the new dynamics of employment law.[26] Kamali said that fiqh must move from "rules-oriented jurisprudence" to "values-oriented jurisprudence," where the values of social justice, equality, and human dignity are the main orientation.[27] This approach shifts the position of fiqh from a normative device to a broader transformational role: as an instrument of liberation from the structure of injustice, without altering its doctrinal

---

[23] Asif M. Islam and Mohammad Amin, "The Gender Labor Productivity Gap across Informal Firms," *World Development* 167 (July 2023): 106229, https://doi.org/10.1016/j.worlddev.2023.106229.

[24] Hien Duc Han, Kartick Gupta, and Chandrasekhar Krishnamurti, "Are Labor Laws and Employee Welfare Complements in Determining Leverage Ratios?," *Pacific-Basin Finance Journal* 88 (December 2024): 102545, https://doi.org/10.1016/j.pacfin.2024.102545.

[25] Tariq Ramadan and Tariq Ramadan, *Islam and the Arab Awakening* (Oxford: Oxford Univ. Press, 2012).

[26] Khaled M. Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists – A Scholar's Defense of Moderate Muslims and the Future of the Faith* (New York, NY: HarperOne, 2007).

[27] Mohammad Hashim author Kamali, *Principles of Islamic Jurisprudence*, with Internet Archive (Cambridge, United Kingdom: The Islamic Texts Society, 2003), http://archive.org/details/principlesofisla0000kama; Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008); Asifa Quraishi, "Principles of Islamic Jurisprudence. By Mohammad Hashim Kamali. Cambridge: Cambridge Islamic Texts Society1991. Pp. Xxi, 417. Price Not Available. ISBN: 0-946-62123-3. Paper. ISBN: 0-946-62124-1.," *Journal of Law and Religion* 15 (January 2001): 385–87, https://doi.org/10.2307/1051529.

foundations in classical categories such as *ijarah*, *ujrah*, *shurūṭ*, and the prohibition of *ta'assuf*.

Within this framework, the material on employment *fiqh* that needs to be explored is not limited to the general concept of the *ijārah* contract, but must be systematically expanded into several substantive clusters.[28] First, the cluster on the *fiqh* of employment contracts (*fiqh al-ijārah*), which covers the pillars and conditions of the contract, clarity of the work object, the standard of willingness (*tarāḍī*), and the principle of justice in formulating *shurūṭ* (contract clauses). This material is important because many Indonesian migrant workers face problems with contracts that are not transparent or that can be changed unilaterally.[2] Second, there is the cluster on the *fiqh* of wages (*fiqh al-ujrah*), which emphasises the obligation to pay wages on time, prohibits wage withholding, and introduces the concept of a living wage (*ujrah mithl*) as a benchmark for evaluating wage deduction practices. Third, there is the cluster on the fiqh of worker protection and the prevention of *taʿassuf* (abuse of rights), which addresses issues such as passport confiscation, exploitative working hours, and violence in the workplace. In contemporary Islamic jurisprudence (*fiqh*), the principle of the prohibition of *taʿassuf fī al-istiʿmāl al-ḥaqq* serves as a normative basis for assessing abuse of power by employers. Fourth, the fiqh cluster on complaints and dispute resolution (*fiqh al-taqāḍī wa al-taḥkīm*) equips workers with knowledge of legitimate complaint mechanisms, evidence, and the ethics of rights advocacy. This material is crucial for Indonesian migrant workers (PMI) because many violations go unreported due to a lack of procedural knowledge.

This transformation is important in the context of Indonesian migrant workers (PMI) in the United Arab Emirates. Many cases show that migrant workers often experience discrimination, salary deductions, document confiscation, and physical and psychological violence.[29] This condition is not only a legal issue in the destination country but is also influenced by the workers' low legal literacy and limited understanding of labour-related fiqh. In

---

[28] Mong Shan Ee, He Huang, and Mingying Cheng, "Do Labor Mobility Restrictions Affect Debt Maturity?," *Journal of Financial Stability* 66 (June 2023): 101121, https://doi.org/10.1016/j.jfs.2023.101121.

[29] "World Report 2019: United Arab Emirates | Human Rights Watch," December 17, 2018, https://www.hrw.org/world-report/2019/country-chapters/united-arab-emirates.

such a situation, fiqh is not enough to teach the laws regarding employment contracts or the obligation to pay wages; it must also serve as a tool for empowerment, equipping workers with a critical awareness of their rights. This can be measured through indicators such as their ability to recognise violations of employment contracts, identify wage and working-hour violations, working hours, monitor document retention issues, and utilize safe and accessible complaint mechanisms.

This is in line with the transformative idea of Islamic legal education developed by An-Naʿim, which is to make Islamic legal education not just a transmission of knowledge, but a process of transformation of consciousness, raising awareness of the rights, obligations, and power structures that make up work relationships.[30] Thus, employment fiqh is no longer passive as a collection of fatwas, but active as an emancipatory discourse. Within the framework of transformative pedagogy, employment fiqh education must be designed to be critical, participatory, and contextual. This approach is based on Paulo Freire's critical pedagogy, which opposes the one-way "banking' model of education and instead promotes problem-posing education that engages learners' lived social realities, including experiences of contractual dependence and workplace vulnerability.[31]

The paradigm shift from normative doctrine to transformative pedagogy carries important implications both theoretically and practically. Theoretically, he expanded the epistemology of fiqh from prescriptive legal science to emancipatory social science. This means that fiqh not only serves to establish laws but also to shape social awareness, work ethics, and strategies for resistance to injustice. In practical terms, this approach can reduce migrant workers' vulnerability, enhance their negotiating capacity,[32] and strengthen their bargaining positions in transnational labour relations,[33] as evidenced by

---

[30] Abdullahi Ahmed An-Naim, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse University Press, 1990), https://doi.org/10.2307/j.ctvj7wn6k.

[31] Paulo Freire and Donaldo P. Macedo, *Pedagogy of the Oppressed: 30th Anniversary Edition*, 30th anniversary edition, trans. Myra Bergman Ramos (New York: Bloomsbury Publishing, 2014).

[32] Gholamreza Karami et al., "Political Connections and Labor Investment Efficiency," *International Review of Economics & Finance* 89 (January 2024): 568–80, https://doi.org/10.1016/j.iref.2023.10.010.

[33] Shweta Belwal, Rakesh Belwal, and Suhaila Ebrahim Al-Hashemi, "Family Friendly Policies and the Omani Labour Law: What It Entails for Women Employees in Oman," *Employee Relations* 42, no. 2 (December 2019): 315–48, https://doi.org/10.1108/ER-09-2018-0245.

outcomes such as lower acceptance of document confiscation and increased willingness to report abuses via formal or semi-formal channels.

In the normative context, employment fiqh contains not only formal legal provisions but also ethical values rooted in the principles of *maqāṣid al-shariá*.[34] It serves not only as an ethical foundation but also as a legal theory that offers evaluative criteria for ijtihad and normative interpretation. As a legal theory, maqāṣid provides a basis for evaluating legal policies and practices based on the commitment to public interest, the protection of human dignity, and distributive justice, while remaining anchored in established fiqh doctrines governing labour relations.

In the context of migrant labour, several *maqāṣid* goals are directly relevant, including: the protection of life and occupational safety as part of *hifẓ al-nafs*, the protection of property and wages as *hifẓ al-mal*, as well as the preservation of intellect through access to information and education as *hifẓ al-ʿaql*. The principles of *maslahah* and the prevention of *mafsadah* serve as the foundation for assessing contractual policies, complaint mechanisms, and educational interventions, particularly in relation to exploitative practices such as wage withholding and document retention.[35]

Pedagogically, *maqāṣid* functions as a normative framework that guides the design of learning objectives, curriculum content, teaching methods, and evaluation mechanisms. The *maqāṣid* principles can be applied in the module content: *hifẓ al-mal* (protection of property) to wage rights, contract clauses, and wage collection mechanisms; and *hifẓ al-nafs* (protection of life) to occupational safety and health, and emergency procedures.[36]

In this context, transformative pedagogy is the recontextualization of employment fiqh in to module. Furthermore, it also encourages the integration of digital technology in problem-based and case-based fiqh education. Digital literacy enables broad access to legal information, online consultations,

---

[34] Jasser Auda, *Maqashid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought, 2008), https://doi.org/10.2307/j.ctvkc67tg.

[35] Ahmad Syafi'i Sulaiman Jamrozi et al., "Maqashid Al-Sharia in the Study of Hadith and Its Implication for the Renewal of Islamic Law: Study on Jasser Auda's Thought," *Justicia Islamica* 19, no. 1 (June 2022): 74–93, https://doi.org/10.21154/justicia.v19i1.3269.

[36] Teguh Anshori, "Menuju Fiqih Progresif (Fiqih Modern Berdasarkan Maqashid Al Syariah Perspektif Jaser Auda)," *Al-Syakhsiyyah: Journal of Law and Family Studies* 2, no. 1 (June 2020): 168–81, https://doi.org/10.21154/syakhsiyyah.v2i1.2166.

employment contract simulations, and data-driven advocacy.[37] Through e-learning and interactive platforms, fiqh can be learned contextually, flexibly, and relevantly to the lives of migrant workers.[38] This transformation demonstrates that Islamic law possesses a high degree of adaptive capacity in responding to contemporary socio-economic challenges, while preserving its normative integrity and enhancing its practical impact on workers' rights protection. This approach is in accordance with the critical pedagogical framework, which positions education as a process of forming reflective awareness and the capacity to act (praxis), not merely the transfer of knowledge.[39]gran

Maqāṣid-based labour jurisprudence, transformed pedagogically and digitally, has greater potential to produce measurable protective impacts for migrant workers than a purely normative-textual approach. This transformation does not alter the doctrinal foundations of fiqh, but repositions it into an evidence-based, implementable framework capable of bridging the gap between the ideals of Islamic law and the complexities of transnational labour regimes. Theoretically, this expands the epistemology of fiqh toward an emancipatory function; practically, it strengthens legal literacy, rights-claiming capacity, and migrant workers' bargaining position within the global labour structure.

Understanding of Employment Fiqh: Between Normative Awareness and Practice

Besides the law, employment *fiqh* is crucial for migrant workers, as positive law is often ineffective in addressing the realities of vulnerable workers who face asymmetrical power relations in the transnational space. Fiqh complements law by building a religious-based internal legal consciousness about the fairness of contracts (*ijarah*), wage rights (*ujrah*), and the prohibition of

---

[37] Pritika Reddy, Kaylash Chaudhary, and Shamina Hussein, "A Digital Literacy Model to Narrow the Digital Literacy Skills Gap," *Heliyon* 9, no. 4 (April 2023), https://doi.org/10.1016/j.heliyon.2023.e14878.

[38] Abhishek Thommandru and Varda Mone, "Datafication of Mourning: Emotional Labour, Memory Politics, and Ethical Innovation in Digital Grief Technologies," *Journal of Responsible Technology* 25 (March 2026): 100159, https://doi.org/10.1016/j.jrt.2026.100159.

[39] Sri Nurcahyani, Dey Ravena, and Rini Irianti Sundari, "Islamic Fiqh Principles For Worker Protection: Wage Determination and Payment," *KARSA Journal of Social and Islamic Culture* 33, no. 1 (June 2025): 193–214.

exploitation (*taʿassuf*), making them more easily internalised by migrant workers. Within a transformative framework, labour fiqh literacy helps workers critically read contracts, recognise violations such as document retention or wage deductions, and encourages the use of complaint mechanisms, thereby strengthening their legal agency amidst limited legal structures in destination countries.[40]

This research was conducted through a series of in-depth interviews with a number of Indonesian Migrant Workers (PMI) working in the United Arab Emirates (UAE), especially in the cities of Abu Dhabi, Dubai, and Sharjah. Interviews were conducted in stages in several sessions between June and October 2025. According to RH, most informants are employed in the domestic sector, such as domestic assistants, babysitters, and housekeepers, while a small percentage work in the service and hospitality industries. The purpose of this interview was to explore the informants' understanding of employment fiqh, particularly regarding the rights and obligations of Muslim workers abroad, including their comprehension of key fiqh categories such as *ijarah*, *ujrah*, *shurūṭ*, and *ta'assuf*, as well as to identify the structural problems they face in their daily work.

From the results of the initial interviews, the majority of PMI showed a fairly good understanding of the basic principles of employment fiqh in Islam. Most of the informants stated that they understood the basic rights of workers, such as the employer's obligation to pay wages on time (*ujrah*), the prohibition of exploitation, and the importance of justice and respect for human dignity. This level of understanding reflects relatively strong religious awareness but does not automatically translate into legal literacy or effective rights enforcement.

An informant (NS), who has worked for five years as a domestic assistant in Dubai, stated: "We are taught in the recitation and the worker community that in Islam, employers are obliged to treat workers well, pay salaries according to agreements, and must not be oppressive. I know it's part of Islamic law. But in practice, sometimes it's not that easy."[41]

---

[40]   L. Lutfiyah, Nurdien Harry Kistanto, and Muhammad Akmaluddin, "Women Migrant Workers in Fiqh Perspectives," *Sawwa: Jurnal Studi Gender* 15, no. 1 (April 2020): 17–36, https://doi.org/10.21580/sa.v15i1.5564.

[41]   N. S, Understanding of Employment Fiqh, *Interview*, July 11, 2025.

Similar views were expressed by a migrant worker employed as a nanny (TR), who added that although he understood the employer's obligations, he still did not know in detail which legal channels or institutions could assist him in the event of a violation: "When it comes to Islamic law, I know my rights. But when it comes to real protection here, I'm confused about where to go. Sometimes I am afraid to report because I am afraid of being fired."[42]

From this data, it can be concluded that their level of religious literacy in the context of employment is relatively good. However, the knowledge gap still occurs at the implementation level, especially related to legal protection mechanisms and complaint procedures when rights violations occur. Here are some of the important findings in this study: there are significant barriers in migrant workers' access to information and legal protection. The majority of informants admitted that they did not know exactly where to report if they experienced a violation of an employment contract, harassment, or document withholding, indicating limited legal agency despite adequate normative awareness.

Table 2. Key Barriers to Information Access and Legal Protection for Indonesian Migrant Workers in the UAE

No	Issue and barrier	Short description	Interview evidence (short quote)
1	Lack of knowledge about complaint mechanisms	Workers do not know where to report or which institution can help when a contract is violated or in cases of abuse.	"I don't know where the Indonesian Embassy office or institution can help if there is a problem" (RF) in Abu Dhabi.
2	Mobility restrictions and long working hours	Strict supervision and working hours make it difficult for workers to seek help in person.	I rarely leave the house. It is difficult for employers to permit him to go out unless they follow him." (RF) in Abu Dhabi)
3	Detention of identity documents	Employers withhold passports or documents, causing workers to lose control over their mobility and legal status.	"My passport was also withheld by my employer from the beginning of coming. He said he was afraid that I would run away. I don't know if it's legal or not."

---

[42] T. R, "Understanding of Employment Fiqh," *Interview*, July 12, 2025.

			(AS) in Ras Khaimah, (RF) in Dubai.
4	Hierarchical power relations and social control	Intensive surveillance of personal freedom, including bans on worshipping or gathering	"I once asked for permission to attend meetings, but I was not allowed. I'm being bullied." (RF)
5	Language barriers and multicultural dynamics	Differences in language and work norms between countries make communication and cooperation difficult.	"I once quarrelled with workers from the Philippines because of the division of duties. They feel their task is lighter, even though my job is much harder." (SL) in Dubai. "If I am tired, I am more tired, but I don't have to argue with other workers. If different countries sometimes have different habits, it is difficult to work together." (S and M in Ras Khaimah).

Source: Author(s), 2025

The results of the interviews, as shown in Table 2, also show complex social dynamics among migrant workers. This phenomenon demonstrates the importance of a multicultural approach in the protection and training of migrant workers, so that they can manage conflicts and cooperate effectively in a heterogeneous international work environment. This situation reflects the structural reality experienced by many migrant workers: they are not only economically dependent on employers, but are also under strict social surveillance. This dependence causes them to be reluctant to report when they experience rights violations, for fear of losing their jobs or being deported.

In this context, empowerment is understood operationally not merely as increased religious consciousness, but as measurable improvements in legal literacy and agency, including clearer comprehension of contractual rights and obligations, enhanced capacity to recognise and articulate rights violations, greater use of available complaint channels, and reported reductions in the practice of document withholding. The proposed transformative pedagogy does not seek to alter established fiqh norms, but rather to reposition the transmission and internalisation of these norms so that they become more

applicable and actionable within the constrained and unequal labour relations faced by migrant workers in the UAE.

The Transformation of Employment Fiqh Education: Perspectives of PMI in the UAE

The concept of transforming digital-based employment fiqh education is both relevant and urgent. Most respondents conveyed the same main complaint: they lack access to both formal and non-formal employment fiqh learning. One female domestic worker who has worked for more than five years in Dubai said she had never received any training or religious materials that discussed workers' rights according to Islam, either before leaving or during work.

A similar statement was made by another domestic worker in Abu Dhabi (RF), who reported that limited permission to leave the house was the main obstacle to attending religious activities or training classes. In many cases, employers only allow employees to leave the house for work or shopping. Some informants also reported that their passports were withheld as a form of "surveillance" to prevent them from fleeing. "I want to study or study Islamic labour law, but I find it difficult to leave the house. Sometimes I don't even know how to complain if my rights are violated. The important thing is to work and be patient."[43]

This situation demonstrates that mobility restrictions not only affect the civil rights of migrant workers but also limit their access to religious and legal education, which should be part of human rights protection. In nearly all interviews, PMIs (RH, TR, T, S, R) expressed a shared aspiration: access to digital guidelines on employment fiqh. Most workers have smartphones and internet connections, although they are limited. This access is a potential entry point for technology-based education transformation. A PMI who has been working for more than two years conveyed his idea: "If there is an application or digital guide in Indonesian and Arabic about work law in Islam, I will definitely learn it. We often have free time, and mobile phones are the only medium we have access to."[44]

This view is reinforced by a female worker in Ras Khaimah (S), who stated that digital material would be very helpful, particularly if presented in a simple and interactive format. "We don't have time to read thick books. But if there is a short video or a digital module that explains what our rights are as workers according to Islam, it will be easier to understand."[45]

---

[43] R. F, "PMI Problem in UAE," *Interview*, July 3, 2025.
[44] A. S, "Digital Literacy," *Interview*, July 30, 2025.
[45] S, "Digital Literacy," *Interview*, July 29, 2025.

These statements indicate that educational transformation is not only necessary but also actively desired by workers, who view technology as a means to overcome the physical and structural constraints they face. From the results of the interviews, the majority of PMIs agreed that digital-based education is the most realistic and effective form of transformation. They do not refuse to learn, but working conditions make conventional methods irrelevant. Therefore, the digital approach is not only a pedagogical choice, but also a sustainability strategy in the context of migration. Several models have been proposed, including *a* sharia-based mobile application Provides guidance on employment contracts (*ʿaqd al-ʿamal*), workers' rights and obligations, and complaint procedures. This could take the form of a short educational video explaining fiqh principles such as *ajr al-mithl* (equal wages), *taʿassuf* (prohibition of exploitation), and *ḥifẓ al-māl* (protection of property). *Second*, a legal counselling chatbot that could provide quick answers regarding cases of workers' rights violations from both Islamic and UAE legal perspectives. *Third*, interactive e-learning modules could include materials in the form of quizzes or case simulations that learners can engage with independently. All of these ideas stem from the field realitis and demonstrate that educational transformation must be *user-centred*, oriented toward the needs and real context of PMI.

The transformation of employment *fiqh* education in a transnational context must contend with structural challenges. First, the diversity of regulations and legal systems in destination countries often necessitates that the application of Islamic law needs to be carried out contextually. PMI must understand that *fiqh* does not operate in isolation but must be aligned with the positive laws that apply in the UAE. Second, cultural and language factors are additional obstacles.[46] Many migrant workers have difficulty understanding employment contracts because they are written in Arabic or English, while they do not have an adequate formal educational background. Therefore, educational transformation needs to integrate *basic legal literacy* materials that explain legal terminology in a simple way. Third, institutional support is

---

[46] Alessandra L. González and Xianglong Kong, "Doing Business Far from Home: Multinational Firms and Labor Market Outcomes in Saudi Arabia," *European Economic Review* 172 (February 2025): 104944, https://doi.org/10.1016/j.euroecorev.2024.104944.

still very limited. Most PMIs mentioned that pre-departure training only focuses on technical skills, not legal or fiqh aspects. In fact, in the context of transnational migration, sharia-based legal literacy is very important to ensure comprehensive protection of workers' rights.

Transformative *Maqāṣid* as Framework of Employment Fiqh Education

In the context of employment fiqh, *maqāṣid* serves as an ethical-theological foundation, but also guarantees the protection of workers' rights, upholds social justice, and ensures the equitable distribution of benefits in industrial relations. *Maqāṣid* encourages the development of a transformative approach to fiqh. Fiqh not only responds to social realities but also seeks structural change towards justice, while remaining grounded in normative ideals such as dignity, justice, and protection of rights.[47] In the context of PMI, this means not only providing legal guidance but also informing and complementing legally feasible measures, such as bilateral policy reforms, strengthening international labour agreements, and advocating for migrants' rights globally without replacing positive law mechanisms.[48] *Maqāṣid al-sharia* is not only theologically relevant, but also strategic in responding to the challenges of globalisation and labour migration. It offers a holistic value framework, integrates legal, moral, social, and economic aspects, and provides direction for the development of Islamic labour law that is fair and human-oriented.

Transformative *maqāṣid* represent an operational-applicative renewal rather than the creation of a new theory in approaching sharia goals, emphasising the dynamics, adaptability, and relevance of *maqāṣid* to the challenges and needs of contemporary society. In recent decades, *maqāṣid* thinkers such as Jasser Auda have highlighted the importance of moving away from the literal and mechanical limitations of classical *maqāṣid* towards a paradigm capable of transforming Islamic law towards human empowerment,

---

[47] Asifa Quraishi and Mohammad Hashim Kamali, "Principles of Islamic Jurisprudence," *Journal of Law and Religion* 15, no. 1/2 (2000): 385, https://doi.org/10.2307/1051529; Taimoor Ali Shah, "The Concept of Law, Justice and Morality in Islamic and Western Jurisprudence," SSRN Scholarly Paper no. 4130279 (Rochester, NY: Social Science Research Network, June 7, 2022), https://doi.org/10.2139/ssrn.4130279.

[48] Karen Pfeifer, *Islam and Labor Law: Some Precepts and Examples*,

social justice, and outcome-based evaluation supported by participatory processes and technological instruments for the global benefit.[49]

The proposed reform is called transformative *maqāṣid* and is understood as an operational renewal that marks a shift in three domains: epistemic, methodological, and normative. Epistemically, the focus moves from textual interpretation to the assessment of functions and outcomes desired by Sharia objectives. Methodologically, the adopted approach is participatory and emphasises impact evaluation. Normatively, this reform establishes operational tools, such as digital modules, success indicators, standard contracts, and cross-jurisdictional advocacy mechanisms that connect *maqāṣid* ideals to implementable measures, positioning maqāṣid as a complementary analytical framework rather than a substitute for positive law.

Transformative *maqāṣid* assumes that the objectives of sharia are not limited to preserving the five essential protections (religion, soul, intellect, property, heredity), but must continue to be expanded, contextualised, and transformed to respond to modern humanitarian issues such as human rights, the environment, digital literacy, and cross-border economic justice. This transformation process requires innovative ijtihad and integration between sharia principles, scientific development, and universal humanitarian needs.[50] The *maqāṣid* principle is thus used to guide ethically oriented digital innovation, ensuring that technological tools remain aligned with the protection of rights, community empowerment, and justice.[51] Although contemporary *maqāṣid* studies have emphasised an adaptive and contextual nature, this study identifies conceptual limitations relevant to the issue of transnational labour: a state-centric tendency and textual focus with minimal operational instruments, a lack of measurable pedagogical mechanisms, and limitations in technological integration for cross-jurisdictional advocacy.

Therefore, this study formulates transformative *maqāṣid* as an operational renewal that differs substantively accross three levels: (1) epistemological, involving a shift from merely interpreting norms to evaluating

---

[49]   Auda, *Maqashid Al-Shariah as Philosophy of Islamic Law.*

[50]   Shah, "The Concept of Law, Justice and Morality in Islamic and Western Jurisprudence."

[51]   Tarmizi Tahir and Syeikh Hasan Abdel Hamid, "Maqashid Al-Syari'ah Transformation in Law Implementation for Humanity," *International Journal Ihya' 'Ulum al-Din* 26, no. 1 (2024): 119–31, https://doi.org/10.21580/ihya.26.1.20248.

the functional outcomes of *maqāṣid* in worker protection practices, (2) methodological, through the adoption of participatory and implementative approaches (co-design with migrant workers, pre/post impact evaluation), and (3) normative-operational, marked by the development of *maqāṣid-*oriented digital modules, success indicators (legal literacy, negotiation capacity, use of safe complaint channels), as well as standard contracts and transnational advocacy mechanisms. With this formulation, the claim of renewal is explicitly positioned as applied and testable, not rhetorical, and does not displace statutory labour law or diplomatic protection mechanisms.
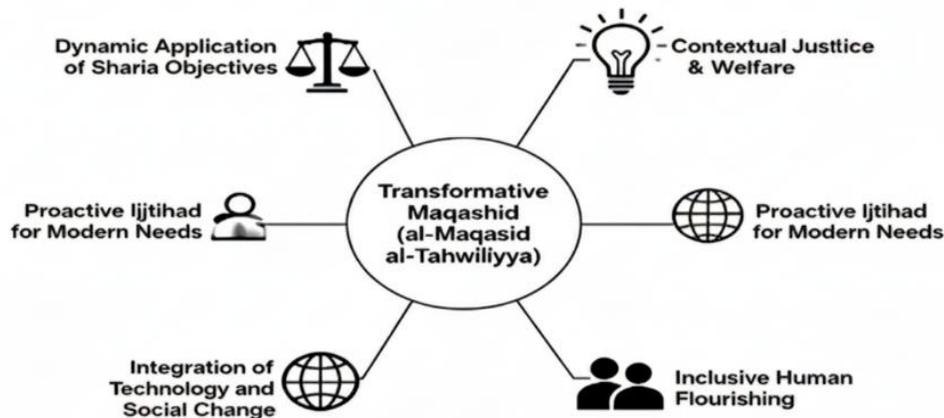
Figure 1. The Concept of Transformative *Maqāṣid*

Methodologically, as shown in Figure 1 the transformative *maqāṣid* paradigm demands the ability to critically reinterpret classical texts in line with new contexts and find solutions out of legal stagnation towards more humanistic and progressive policies. This is reflected in the push to include "*hifẓ al-ummah/daulah*" (protection of the community and the state) in the scope of contemporary *maqāṣid*. This concept is in line with *maqāṣid* as a "framework for transformative justice, human security, and dynamic advancement" in today's digital global era. This approach affirms that the preservation of religion, life, intellect, property, and lineage functions as a normative evaluative standard, while concrete protection outcomes depend on collaboration with state authorities, labour inspection regimes, and legal aid institutions.

The findings confirm that the digitalisation of education is the most pragmatic strategy to address access barriers. Despite limited or supervised

internet access, many migrant workers possess smartphones and express a strong preference for short, interactive, and practice-oriented learning materials (e.g., how to read contractual clauses, the right to leave/rest, grievance channels). Microlearning and mobile learning approaches have proven effective in the context of migrant adult education because they provide short, multilingual, and timely learning content.[52] International studies and guidelines also show that the digitisation of migrant services (e.g. registration, information, complaints) can expand protection when designed as complementary to, rather than substitute for, formal complaint systems, labour inspections, and diplomatic assistance.

However, digital transformation does not automatically solve structural problems. Digital education should be designed as part of a protective ecosystem: the employment fiqh module should be combined with information on the positive laws of the destination country (e.g. UAE employment regulations), secure complaint channels, and community support networks on the ground (KBRI/Consulate General of Indonesia, NGOs, community mosques). Since Federal Decree-Law No. 33 of 2021 in the UAE regulates employment relations but excludes some categories, such as domestic workers, from the full scope of this law,[53] digital materials should help PMIs understand the limitations of positive law while also mapping out practical advocacy options.

From a pedagogical perspective, the digital curriculum of employment fiqh needs to apply transformative pedagogical principles:[54] not just transmitting norms, but building critical legal *consciousness* and *agency* through case studies, contract simulations, and advocacy scenarios. A participatory (co-design) approach involving PMI as a content developer, as well as local peer-educators, increases the relevance and adoption of the material. This learning model should also include security features, e.g. "Quick

---

[52] Alexandra List, "Defining Digital Literacy Development: An Examination of Pre-Service Teachers' Beliefs," *Computers & Education* 138 (September 2019): 146–58, https://doi.org/10.1016/j.compedu.2019.03.009.

[53] Government of UAE. Federal Decree-Law No. 33 of 2021 on the Regulation of Labour Relations. Abu Dhabi; 2021.

[54] Tariq, "Digital Dissemination of Islam among Dubai Expatriates, UAE"; Fazlur Raḥmān, *Islam & Modernity: Transformation of an Intellectual Tradition*, 8. impr, Publications of the Center for Middle Eastern Studies 15 (Chicago London: Univ. of Chicago Press, 2002).

exit" mode, conversation encryption, and offline access to protect users in a surveillance environment.

Transformative employment fiqh education combines the normative authority of fiqh, the purpose of *maqāṣid*, and digital pedagogical strategies to guarantee the practical protection of migrant workers in transnational workplaces. This transformation requires a pragmatic and ethical approach, acknowledging the structural reality of migration while strengthening the legal and spiritual capacity of workers so that fiqh once again functions as an instrument of benefit, not just a textual doctrine. Successful implementation will require cross-sector collaboration, user-based design, and assurance that technology is leveraged to expand, not replace, legal access and community solidarity.

Based on the theoretical-empirical synthesis above, the following policy implications are formulated in alignment with *maqāṣid* and designed for implementation within the Indonesia-UAE bilateral context. *First*, strengthening legal literacy based on *maqāṣid*: the Government of Indonesia, through the Indonesian Embassy or Consulate General, must develop an employment fiqh education module that integrates normative knowledge (rights and obligations) with practical guidance (how to complain about violations, rights during contract termination). This module should be made available both digitally and in offline formats, in Indonesian and Arabic, and designed to remain accessible for workers with limited internet connectivity. *Second, document* protection and standard contract policies: within bilateral negotiations, Indonesia must firmly uphold the prohibition of passport detention and ensure the inclusion of standard contractual clauses that guarantee humane working hours and access to health services.

On the UAE side, the implementation of Federal Decree-Law No. 33 of 2021 norms must be accelerated and monitored in the context of the domestic sector. *Third*, a secure and self-sufficient complaint mechanism: develop complaint channels that can be accessed without the employer's permission, such as the hotline of the Indonesian Embassy, community-based complaint applications, or mobile legal clinics initiatives, thereby enabling workers the option to report without having to violate household restrictions. This mechanism must also be accompanied by explicit guarantees of protection

against retaliation. *Fifth*, the policy co-production approach: The formulation of protection policies must involve migrant workers, civil society organisations, local scholars, and representatives of the UAE authorities so that the implementation of the values of *maqāṣid* has a basis of social legitimacy and practice. This participatory approach will reduce the risk of instrumentalist interpretations of *maqāṣid*.

Figure 2 illustrates how the digitalisation of transformative *maqāṣid* is manifested in the form of employment fiqh education:
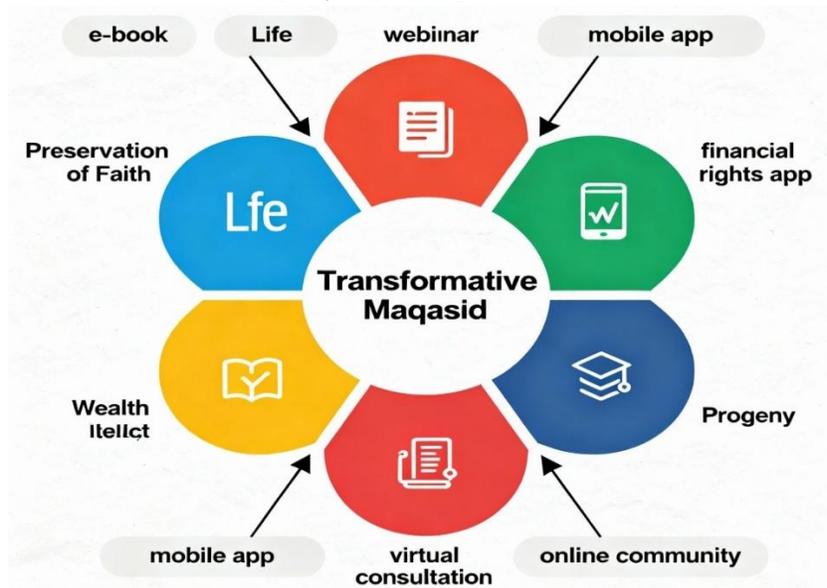
Figure 2. Digitalisation of fiqh education based on transformative *maqāṣid*

The figure shows that the centre of the diagram is "Transformative *Maqāṣid*," representing the contemporary *maqāṣid* paradigm that is adaptive, responsive, and innovative in bringing benefits to humans in the digital age. The main principles of *maqāṣid*, namely the protection of religion, life, intellect, property, and lineage, are visually depicted as the normative foundation of employment fiqh that remains relevant across time. Each of the five *maqāṣid* is further elaborated through digital modalities, including interactive e-books (enrichment of intellect), webinars/online discussions (strengthening religious knowledge and social networks), mobile applications for employment rights advocacy (property protection), virtual consultation services (life safety and social protection), and online communities (strengthening heredity and family solidarity). Each branch represents the transformation of employment fiqh

education to make it accessible to vulnerable groups such as migrant workers, who have traditionally been hampered by conventional legal education and services.

Through this integration, *maqāṣid al-sharia* not only demonstrates the substantive excellence of Islamic teachings but also emphasises the commitment of the sharia to be proactive in the digital era. Digitising education is not merely about transferring materials to an online format; it entails transforming the goals of sharia to be truly actual and operational—advocating for justice in labour protection, financial literacy, spiritual safety, and community empowerment globally and across generations. As Jasser Auda expressed, transformative *maqāṣid* must be understood as a benefit-based framework that is open to changing times, enriches the space of ijtihad, and guides the ummah in facing various multidimensional challenges of the modern world.[55]

The emphasis on methodological innovation is also relevant to Tahir's research,[56] which confirms that digital-based fiqh education effectively expands access, accelerates the spread of sharia values, and significantly reduces the socio-economic vulnerability of migrant workers and other marginalised communities. With this approach, *maqāṣid* undergoes an expansion of function: it is no longer limited to a normative discourse, but rather a comprehensive strategy for social, economic, and even Islamic legal reform in its entirety.

Within this framework, violations such as document retention, wage withholding, and workplace violence are conceptualised as direct threats to *hifẓ al-mal*, *hifẓ al-*nafs, and *hifẓ al-aql*. Employment *fiqh* interventions are therefore directed not only at establishing contract law (*ijarah, ujrah, shurūṭ*), but also at strengthening workers' procedural capacity to understand contracts, access grievance mechanisms, and negotiate rights.[57] The transformative development consequently demands a shift from ore protection to empowerment (*tamkīn*) and distributive justice. In this sense, *maqāṣid*-based fiqh education—especially through digitalisation and

---

55   Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*.

56   Tahir and Hamid, "Maqasid Al-Syari'ah Transformation in Law Implementation for Humanity."

57   Nur Chanifah, *Pendidikan Fiqih Ketenagakerjaan*, (Banyumas: Pena Persada, 2025).

participatory pedagogy—can ensure that migrant workers' rights are protected substantively and operationally within the global labour structure.

Thus, the digitisation of transformative *maqāṣid*-based *employment fiqh* education is a future model that is able to maintain the essence of sharia values in the modern world without losing the roots of *maqāṣid*, while at the same time stretching out a wide space for the progress and benefit of the *ummah* globally.

Conclusion

The findings of this study call for a re-examination of labour jurisprudence, not merely as a normative framework presumed to be understood by migrant workers, but as a body of knowledge still struggling to find its effectiveness within limiting structural realities. While normative awareness regarding wage rights and the prohibition of exploitation has grown, on the other hand, barriers to accessing information, document retention, and unequal labour relations demonstrate that knowledge without a supporting ecosystem is insufficient to generate real legal empowerment. Within this context, the digitisation of *maqāṣid*-based fiqh education is crucial not only as a technological innovation but also as an epistemological initiative to bridge the gap between sharia ideals and transnational labour practices. Accordingly, the future agenda should not stop at the production of modules or regulations, but also demand participatory policy orchestration, stronger structural protections, and bilateral collaboration oriented toward worker dignity. While remaining aware of the limitations of this study's geographical focus, further research across countries and legal regimes provides an important space to test the extent to which pedagogically transformed *fiqh* is truly capable of functioning as an emancipatory instrument for migrant workers in various global contexts.

Acknowledgment

Disclosure Statement

The process of compiling this article involves the collaboration of five authors with specific and complementary contributions. Nur Chanifah and Abu Samsudin were responsible for the initial stage, namely data collection and article preparation. Furthermore, Fahd bin Mohana bin Salim al-Ahmadi focuses on the core part of the analysis by performing in-depth data description and dissecting. To maintain the quality and accuracy of the content, Nurul Islami and M. Najih Fargholy are in charge of revising the article before it is declared accepted.

References

Antara News. "Pemerintah Tempatkan 918.905 PMI Ke Luar Negeri Pada Periode Empat Tahun Terakhir." Antara News Megapolitan. Accessed September 27, 2025. https://megapolitan.antaranews.com/.

Alharbi, Meshal Nayef. "Assessment of Changes to Saudi Labour Law Regarding Unfair Dismissal of Employees." *International Journal of Law and Management* 63, no. 4 (December 2020): 369–86. https://doi.org/10.1108/IJLMA-08-2020-0219.

An-Naim, Abdullahi Ahmed. *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*. Syracuse University Press, 1990. https://doi.org/10.2307/j.ctvj7wn6k.

Anshori, Teguh. "Menuju Fiqih Progresif (Fiqih Modern Berdasarkan Maqāṣid Al Syariah Perspektif Jaser Auda)." *Al-Syakhsiyyah: Journal of Law and Family Studies* 2, no. 1 (June 2020): 168–81. https://doi.org/10.21154/syakhsiyyah.v2i1.2166.

Aspers, Patrik, and Ugo Corte. "What Is Qualitative in Research?" *Qualitative Sociology* 44 (December 2021). https://doi.org/10.1007/s11133-021-09497-w.

Auda, Jasser. *Maqāṣid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought, 2008. https://doi.org/10.2307/j.ctvkc67tg.

Azis, Muhammad Abdul, Muhammad Syaprin Zahidi, and David Pradhan. "Synergising International Labour Laws And Human Rights For Protection Of Indonesian Migrant Workers." *Lampung Journal of International Law* 2, no. 2 (August 2020): 109–20. https://doi.org/10.25041/lajil.v2i2.2036.

Ballard, Madeleine, Abimbola Olaniran, M. Matías Iberico, Ash Rogers, Aradhana Thapa, Jessica Cook, Zeus Aranda, et al. "Labour Conditions in Dual-Cadre Community Health Worker Programmes: A Systematic

Review." *The Lancet Global Health* 11, no. 10 (October 2023): e1598–608. https://doi.org/10.1016/S2214-109X(23)00357-1.

Banakar, Reza. *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*. 1st ed. 2015. Cham: Springer, 2015. https://doi.org/10.1007/978-3-319-09650-6.

Banakar, Reza, and Max Travers. *Theory and Method in Socio-Legal Research*. Bloomsbury Publishing, 2013.

Belwal, Shweta, Rakesh Belwal, and Suhaila Ebrahim Al-Hashemi. "Family Friendly Policies and the Omani Labour Law: What It Entails for Women Employees in Oman." *Employee Relations* 42, no. 2 (December 2019): 315–48. https://doi.org/10.1108/ER-09-2018-0245.

Blaydes, Lisa. "Assessing the Labour Conditions of Migrant Domestic Workers in the Arab Gulf States." *ILR Review* 76, no. 4 (August 2023): 724–47. https://doi.org/10.1177/00197939221147497.

Budi, Mulia. "BP2MI Terima 101 PMI Nonprosedural dari Arab: Mereka Korban Sindikat." detiknews. Accessed September 27, 2025. https://news.detik.com/berita/d-7037278/bp2mi-terima-101-pmi-nonprosedural-dari-arab-mereka-korban-sindikat.

Chanifah, Nur. *Pendidikan Fiqih Ketenagakerjaan*. Banyumas: Pena Persada, 2025.

Chanifah, Nur, Siti Hamidah, Siti Rohmah, Syaikhoni Syaikhoni, Ria Anjani, and Abu Samsudin. "The Understanding of Halal Products Among Indonesian Muslim Migrant Workers In South Korea." *Jurisdictie: Jurnal Hukum Dan Syariah* 16, no. 1 (July 2025): 1–54. https://doi.org/10.18860/j.v16i1.29462.

Cooper, Karyn, and Robert E. White, eds. *Qualitative Research in the Post-Modern Era*. Dordrecht: Springer Netherlands, 2012. https://doi.org/10.1007/978-94-007-2339-9.

Crouch, Mira, and Heather McKenzie. "The Logic of Small Samples in Interview-Based Qualitative Research." *Social Science Information* 45, no. 4 (December 2006): 483–99. https://doi.org/10.1177/0539018406069584.

Dananjaya, Brian, and Lidya Marsaulina. "Legal Protection For Indonesian Migrant Workers." *Journal of Law and Border Protection* 2, no. 1 (May 2020): 1. https://doi.org/10.52617/jlbp.v2i1.181.

Ee, Mong Shan, He Huang, and Mingying Cheng. "Do Labor Mobility Restrictions Affect Debt Maturity?" *Journal of Financial Stability* 66 (June 2023): 101121. https://doi.org/10.1016/j.jfs.2023.101121.

Ezzerouali, Souad, Mashaallah Alzwae, Muwaffiq Jufri, and Abdelrazek Wahba Sayed. "Legal Protection for Children Without Family Care: A Comparative

Study of Oman, UAE, and Morocco." *Justicia Islamica* 22, no. 1 (June 2025): 93–114. https://doi.org/10.21154/justicia.v22i1.10750.

Fadl, Khaled M. Abou El. *The Great Theft: Wrestling Islam from the Extremists – A Scholar's Defence of Moderate Muslims and the Future of the Faith*. New York, NY: HarperOne, 2007.

Fauzi, Ahmad. "The Wage System (Ijarah) In Islam: A Comparative Perspective of the Scholars." *Iqtishodia: Jurnal Ekonomi Syariah* 6, no. 2 (September 2021): 31–35. https://doi.org/10.35897/iqtishodia.v6i2.210.

Flick, Uwe. *An Introduction to Qualitative Research*. SAGE, 2018.

Freire, Paulo, and Donaldo P. Macedo. *Pedagogy of the Oppressed: 30th Anniversary Edition*. 30th anniversary edition. Translated by Myra Bergman Ramos. New York: Bloomsbury Publishing, 2014.

González, Alessandra L., and Xianglong Kong. "Doing Business Far from Home: Multinational Firms and Labor Market Outcomes in Saudi Arabia." *European Economic Review* 172 (February 2025): 104944. https://doi.org/10.1016/j.euroecorev.2024.104944.

Hammersley, Martyn, and Paul Atkinson. *Ethnography: Principles in Practice*. 3. ed., Reprinted. An Informa Business. London: Routledge, 2010.

Han, Hien Duc, Kartick Gupta, and Chandrasekhar Krishnamurti. "Are Labor Laws and Employee Welfare Complements in Determining Leverage Ratios?" *Pacific-Basin Finance Journal* 88 (December 2024): 102545. https://doi.org/10.1016/j.pacfin.2024.102545.

Hannes, Karin, Lynn Hendricks, Miriam Brgles, Chloé Dierckx, Marco Gemignani, Mark Huhnen, Hanne Vrebos, Amarante Swift, and Leni Van Goidsenhoven. *The SAGE Handbook of Qualitative Research Design: Being Creative with Resources in Qualitative Research*. 2022. https://doi.org/10.4135/9781529770278.n19.

Hülsheger, Ute R., and Anna F. Schewe. "On the Costs and Benefits of Emotional Labor: A Meta-Analysis of Three Decades of Research." *Journal of Occupational Health Psychology* (US) 16, no. 3 (2011): 361–89. https://doi.org/10.1037/a0022876.

Islam, Asif M., and Mohammad Amin. "The Gender Labor Productivity Gap across Informal Firms." *World Development* 167 (July 2023): 106229. https://doi.org/10.1016/j.worlddev.2023.106229.

Jamrozi, Ahmad Syafi'i Sulaiman, Suad Fikriawan, Syamsul Anwar, and Misnen Ardiansyah. "Maqāṣid Al-Sharia in the Study of Hadith and Its Implication for the Renewal of Islamic Law: Study on Jasser Auda's Thought." *Justicia Islamica* 19, no. 1 (June 2022): 74–93. https://doi.org/10.21154/justicia.v19i1.3269.

Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oxford: Oneworld, 2008.

Kamali, Mohammad Hashim, author. *Principles of Islamic Jurisprudence*. With Internet Archive. Cambridge, United Kingdom : The Islamic Texts Society, 2003. http://archive.org/details/principlesofisla0000kama.

Karami, Gholamreza, Sasan Mehrani, Salman Beik Boshrouyeh, Mostafa Ezadpour, Masoud Mohebbi, and Milad Samavat. "Political Connections and Labor Investment Efficiency." *International Review of Economics & Finance* 89 (January 2024): 568–80. https://doi.org/10.1016/j.iref.2023.10.010.

Kasdi, Abdurrohman. "Actualisations of Maqāṣid Al-Shariah in Modern Life: Maqāṣid al-Shariah Theory As a Method of the Development of Islamic Laws and Shariah Economics." *Justicia Islamica* 16, no. 2 (November 2019): 2. https://doi.org/10.21154/justicia.v16i2.1666.

KP2MI. "Ratusan Pekerja Migran Indonesia Nonprosedural Dipulangkan Dari Uni Emirat Arab, Kepala BP2MI: Ini Kejahatan Masa Lalu." Accessed September 27, 2025. https://bp2mi.go.id/.

Leech, Nancy L., and Anthony J. Onwuegbuzie. "An Array of Qualitative Data Analysis Tools: A Call for Data Analysis Triangulation." *School Psychology Quarterly* (US) 22, no. 4 (2007): 557–84. https://doi.org/10.1037/1045-3830.22.4.557.

List, Alexandra. "Defining Digital Literacy Development: An Examination of Pre-Service Teachers' Beliefs." *Computers & Education* 138 (September 2019): 146–58. https://doi.org/10.1016/j.compedu.2019.03.009.

Long, Bao-Zhu Stephanie, Kishana Balakrishnar, Luke A. Fiorini, Aaron Howe, Ali Bani-Fatemi, Basem Gohar, and Behdin Nowrouzi-Kia. "Unravelling the After-Hours Dilemma: Consequences of Overworking among Teleworkers—A Scoping Review Protocol." *PLOS One* 20, no. 8 (August 2025): e0330594. https://doi.org/10.1371/journal.pone.0330594.

Lutfiyah, L., Nurdien Harry Kistanto, and Muhammad Akmaluddin. "Women Migrant Workers in Fiqh Perspectives." *Sawwa: Jurnal Studi Gender* 15, no. 1 (April 2020): 17–36. https://doi.org/10.21580/sa.v15i1.5564.

Mahmudulhassan, M., Muhammad Abuzar, Saif Uddin Ahmed Khondoker, and Jobeda Khanom. "The Dignity of Labor in Islam: Ethical Principles and Contemporary Relevance." *Suhuf* 37, no. 1 (May 2025). https://doi.org/10.23917/suhuf.v37i1.10193.

Miles, Matthew B., A. Michael Huberman, and Johnny Saldana. *Qualitative Data Analysis: A Methods Sourcebook*. SAGE Publications, 2018.

Moyce, Sally C., and Marc Schenker. "Migrant Workers and Their Occupational Health and Safety." *Annual Review of Public Health* 39, no. 1 (April 2018): 351–65. https://doi.org/10.1146/annurev-publhealth-040617-013714.

Mustafa, Ghulam, and Zia Ur Rehman. "Islamic Jurisprudence on Labor Laws: Principles, Practices, and Contemporary Applications." *Al Manhal Research Journal* 4, no. 3 (September 2024): 3. https://almanhal.org.pk/ojs3303/index.php/journal/article/view/183.

Nurcahyani, Sri, Dey Ravena, and Rini Irianti Sundari. "Islamic Fiqh Principles For Worker Protection: Wage Determination and Payment." *KARSA Journal of Social and Islamic Culture* 33, no. 1 (June 2025): 193–214.

Palmer, Wayne, and Antje Missbach. "Enforcing Labour Rights of Irregular Migrants in Indonesia." *Third World Quarterly* 40, no. 5 (May 2019): 908–25. https://doi.org/10.1080/01436597.2018.1522586.

Pfeifer, Karen. *Islam and Labor Law: Some Precepts and Examples*. 2006.

Quraishi, Asifa. "Principles of Islamic Jurisprudence. By Mohammad Hashim Kamali. Cambridge: Cambridge Islamic Texts Society1991. Pp. Xxi, 417. Price Not Available. ISBN: 0-946-62123-3. Paper. ISBN: 0-946-62124-1." *Journal of Law and Religion* 15 (January 2001): 385–87. https://doi.org/10.2307/1051529.

Raḥmān, Fazlur. *Islam & Modernity: Transformation of an Intellectual Tradition*. 8. impr. Publications of the Centre for Middle Eastern Studies 15. Chicago, London: Univ. of Chicago Press, 2002.

Ramadan, Tariq. *Islam and the Arab Awakening*. Oxford: Oxford Univ. Press, 2012.

Reddy, Pritika, Kaylash Chaudhary, and Shamina Hussein. "A Digital Literacy Model to Narrow the Digital Literacy Skills Gap." *Heliyon* 9, no. 4 (April 2023). https://doi.org/10.1016/j.heliyon.2023.e14878.

Ridder, Hans-Gerd. *Review of Qualitative Data Analysis. A Methods Sourcebook 3rd Edition*, by Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña *Zeitschrift Fᴜr Personalforschung / German Journal of Research in Human Resource Management* 28, no. 4 (2014): 485–87.

Shah, Taimoor Ali. "The Concept of Law, Justice and Morality in Islamic and Western Jurisprudence." SSRN Scholarly Paper No. 4130279. Rochester, NY: Social Science Research Network, June 7, 2022. https://doi.org/10.2139/ssrn.4130279.

Shavanita. "Protection of Migrant Workers: A Study of International and Indonesian Law." *Jurnal Pengembangan Ketenagakerjaan* 2, no. 2 (September 2024): 2. https://doi.org/10.59574/jpk.v2i2.109.

Shdema, Ilan, Yaron Mor, and Hisham M. Abu-Rayya. "Conflicting Identities and Labour Market Outcomes of Minorities: Evidence from Arabs in Israel." *International Journal of Intercultural Relations* 109 (November 2025): 102309. https://doi.org/10.1016/j.ijintrel.2025.102309.

Tahir, Tarmizi, and Syeikh Hasan Abdel Hamid. "Maqāṣid Al-Syari'ah Transformation in Law Implementation for Humanity." *International Journal Ihya' Ulum al-Din* 26, no. 1 (June 2024): 119–31. https://doi.org/10.21580/ihya.26.1.20248.

Tariq, Urwa. "Digital Dissemination of Islam among Dubai Expatriates, UAE: A Mixed-Methods Study." *Journal of Arab & Muslim Media Research* 16, no. 1 (April 2023): 75–96. https://doi.org/10.1386/jammr_00057_1.

Thommandru, Abhishek, and Varda Mone. "Datafication of Mourning: Emotional Labour, Memory Politics, and Ethical Innovation in Digital Grief Technologies." *Journal of Responsible Technology* 25 (March 2026): 100159. https://doi.org/10.1016/j.jrt.2026.100159.

"World Report 2019: United Arab Emirates | Human Rights Watch." December 17, 2018. https://www.hrw.org/world-report/2019/country-chapters/united-arab-emirates.