

The Issues of Macau Scam in Malaysia: An Analysis from Perspective Maqasid Syariah

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Abstract

The phenomenon of cybercrime fraud that occurs in Malaysia has now become a hot topic of discussion. The Macau Scam is one of the online fraud syndicates happening in our nation right now. This is because it can be said that every day, there are victims who are involved in the modus operandi of this fraud syndicate. Due to the frequency of people who are too easily deceived by this syndicate's modus operandi, Macau Scam every day becomes headlines in the newspaper. This causes people to be upset as fraud can happen to anyone if the public is not exposed or is not aware of this matter. There are various awareness campaigns that have been carried out by the authorities to reduce the risk of victim involvement in this fraud syndicate but there are still many more involved and show no reduction. Losing property because of being a victim of "scammers" who roam the internet, indirectly it has harmed modern society, especially Muslims today. This effort needs to be reviewed based on the syariah framework so that improvements can be made to reduce problems related to the cybercrime fraud. Therefore, this study will focus on the Macau Scam issue from the perspective of *Maqasid Al-Syariah*. The researcher uses a qualitative approach, which means that all information and data are obtained from reading articles, journals, newspapers, and many others. As a result of document analysis, the researcher found that in the context of the principles of *Maqasid Al-Syariah*, this Macau Scam clearly violates several main principles, namely *Hifz Al-Mal*, *Hifz Al-Nafs*, *Hifz Al-Din* and *Hifz Al-Aql*. Islam strictly prohibits all forms of fraud and dishonesty, as mentioned in Surah Al-Baqarah verse 282.

Keywords: Fraud, Macau, Malaysia, Involvement, Maqasid Al-Syariah

Introduction

There is no doubting that technological advancement is advancing quickly in this era of globalization along with the growth of the globe. Many things have changed because of the speed of the digital age, particularly in terms of people's living arrangements and styles¹⁶¹⁷. The emergence of the internet as a communication tool in cyberspace has offered an easy and fast way to spread information, concepts, ideologies, and propaganda regardless of time or place. Since most of this information can only be obtained with the fingertips, which are increasingly used by users, it is easy to get all this information¹⁶¹⁸.

The use of the internet as a communication tool and as a platform for information retrieval and delivery were currently being misused by some irresponsible parties as a medium to commit fraudulent activities, damage or modify programs, steal personal information, hacking, scamming and so many others, which is a concern when personal information is stolen by criminals thus putting internet users in danger. For example, the cyber-crime that is plaguing our country right now is related to Macau Scam's issue, which is getting more and more coverage. Macau Scam is a telecommunications fraud crime originating from Taiwan and China's syndicates. The perpetrators used local and international lines, mostly from Hong Kong, to deceive the victims into handing over large sums of money and leaving thousands of victims in a state of disarray and destruction to face the future¹⁶¹⁹. From January to October 2020, 5218 Macau Scam instances have been reported. Of those cases, 1420 have resulted in charges, while 2676 have resulted in arrests by the Royal Malaysian Police (RMP)¹⁶²⁰.

According to Izz Laily Hussein on 25 June 2022 in Berita Harian stated that a total of 71,833 commercial crime cases were recorded where the results of the investigation showed that a total loss of more than RM5.2 billion throughout 2020 to May 2019 was recorded where 48,850 cases or 68 percent of the total involved is a commercial crime involving online fraud and the Macau Scam is no exception¹⁶²¹. In addition, the results of data collection by the Royal Malaysian Police (PDRM) recorded that the most popular scam in Malaysia that resulted in a loss of RM321.1 million, with an increase in cases of 7,734 compared to 6,416 in 2022 is from the Macau fraud modus operandi¹⁶²². If it is not stopped from the ground up, this directly affects people and has negative impacts on their lives, families, communities, and ultimately

¹⁶¹⁷ Amirah Madidah Adnan, N. A. (2020). Definisi 'Penipuan' Dalam Pembelian Dalam Talian: Analisis Terhadap Peruntukan Undang-Undang Di Malaysia. *International Journal of Law, Government and Communication*. p. 111-129.

¹⁶¹⁸ Yusof, N. S. (2022). Memahami Jenayah Siber Dan Keselamatan Siber Di Malaysia: Suatu Pemerhatian Terhadap Pandangan Sarjana Dan Intelektual. *Asian Journal of Environment, History and Heritage*. p. 11-26.

¹⁶¹⁹ Siti Farhana Sheikh Yahya. 2020. "Macau Scam: All you need to know". *Astro Awani*. 12 October. <<https://www.astroawani.com/berita-malaysia/macau-scam-all-you-need-to-know-263044>>.

¹⁶²⁰ Ismail, N., Ramlee, Z., & Abas, A. (2022). The Legal Proof Of Macau Scam In Malaysia. *Malaysian Journal of Syariah and Law* | مجلة الشريعة والقانون بماليزيا | 10(1), 23–33. www.mjsl.usim.edu.my.

¹⁶²¹ Izz Laily Hussein. 2022. 71,833 kes jenayah komersial dilapor babitkan kerugian RM5.2 bilion [METROTV]. *MyMetro*. 25 Jun. < <https://www.hmetro.com.my/mutakhir/2022/06/855524/71833-kes-jenayah-komersial-dilapor-babitkan-kerugian-rm52-bilion-metrotv>>.

¹⁶²² Siti Murni. 2023. Ini 3 Online Scam Paling Popular Di Malaysia, Ramai Yang Kecundang. *TRPbmt*. 2 Ogos. < <https://www.therakyatpost.com/trpbm/viral/2023/08/02/ini-3-online-scam-paling-popular-di-malaysia-ramai-yang-kecundang/>>.

the entire nation.

To curb this Macau Scam problem on a national and international level, numerous regulations and strategies have been put into effect. Islam has already been used as an efficient spiritual control method to address this digitization problem through the understanding of *Maqasid Al-Syariah* (Islamic Objectives) and its 5 tenets. Managing the area and context of social media should be done in accordance with *Maqasid Al-Syariah*. Therefore, this study was conducted by the researcher to identify the Macau Scam issue from the perspective of *Maqasid Al-Syariah*. Islam forbids every type of fraud and deception, and it is clearly stated in Surah Al-Baqarah verse 282. The above verse gives a clear message from Allah s.w.t regarding the prohibition of fraud and generally explains the meaning of fraud that consumes or obtains illegal profits from other parties.

Understanding Macau Scam Issues

The Macau Scam syndicate in Malaysia uses a variety of methods to defraud its victims, including lottery fraud, kidnapping, and impersonation (spoofing), which involves claiming to be police officers, representatives of national or commercial banks, or other government institutions. Spoofing is a technique where the caller communicates using a voice platform via internet protocol (VoIP), allowing the caller to put any phone number to trick the recipient into thinking the caller is from the phone number displayed on the screen of the phone¹⁶²³. For instance, the scammer's phone number will be posted as the authority if they want to pretend to be the court. This demonstrates how this software can change an individual's position as an online fraudster to match the preferences of the fraud syndicate¹⁶²⁴. Therefore, it can be understood that the following is one of the modus operandi that is often used by perpetrator to intimidate a victim into falling for a lie.

Macau Scam According To the Perspective of Islamic Criminal Law

Islamic Syarīah has outlined a complete guide in every aspect of human life including on the criminal aspect. In Islamic criminal law, Fiqh Crime has provided a general guide to deal with Muslims' criminal acts. As we all know, the Macau Scam issue is also included in criminal offenses on the Islamic side. Cyber-crime in society's reality nowadays exists in various forms, whether it involves property, dignity, or religion. However, due to the multiple crime condition, not all cyber-crimes can be categorized as hudud, qisās and ta'zīr (severe) cases. In the context of discussions on cyber-crime, any act that can be categorized as hudud, qisās and ta'zīr which is a serious case is included in the classification of jarīmāh¹⁶²⁵.

¹⁶²³Suhana Mohamed. 2020. "Jangan mudah terjerat helah Macau Scam". *BH Online*. 11 Oktober. < <https://www.bharian.com.my/kolumnis/2020/10/740641/jangan-mudah-terjerat-helah-macau-scam> >.

¹⁶²⁴Rosman Shamsudin. 2020. "Kes penipuan atas talian di Tapah babitkan kerugian lebih RM2 juta". *myMetro*. 30 Disember. < <https://www.hmetro.com.my/mutakhir/2020/12/658375/kes-penipuan-atas-talian-di-tapah-babitkan-kerugian-lebih-rm2-juta> >.

¹⁶²⁵ Muhamad Asyraf Ahmad Termimi, Muhammad Ikhlas Rosele, Khairul Azhar Meerangani, Syamsul Azizul Marinsah & Mohd Anuar Ramli. 2013. "Jenayah Siber: Pengelasan Di Antara Al-Jaraim Dan Al-Jina'i Menurut Sistem Perundangan Islam". *International Seminar on Islamic Jurisprudence in Contemporary Society*. p. 545.

For example, in crimes of hacking involving the transfer of money or property, this act is categorized as the offense of stealing enshrined in hudud offenses. If it cannot be convicted of hudud offense, it will be subject to severe ta'zīr punishment. However, it is different from hacking, which is breaking into electronic or computer banking accounts with the excuse of obtaining the victim's personal information or testing their skills in information and communication technology (ICT). For such acts, it only involves losses that do not have elements of theft as well as loss of property to the victim, then it is classified as a crime that will be punished with light ta'zīr¹⁶²⁶. Based on the above statement, it can be understood that Macau Scam's issue is included in the classification of jarīmāh because it involves the illegal transfer of money or property. So, something related to the transfer of money or property will be severely punished.

As we all already know, Islam has explained in detail about all the laws in its sources such as Al-Quran, Hadith, Ijmā and Qiyās. Thus, these four primary sources become the premise of every problem that occurs even involving new cyber-crime issues. There are many verses of the Qur'an that discuss on human personality and behavior. Cyber-crime happens when people forget God's law, follow lust, and are influenced by the devil's call¹⁶²⁷.

Concept of Maqasid Al-Syariah

Maqasid Al-Syariah is formed from two words which are *maqasid* and *syariah*. From a linguistic perspective, *maqasid* is the plural form of *maqsad* and *maqsid*, which are derived from the term *qasada*, which indicates moving in a specific way. The word "syariah" is derived from the word "syara" which denotes a doctrine, method, religion, or law¹⁶²⁸.

Maqasid Al-Syariah means the purpose, result or purpose required by *syariah* through the sources of evidence through al-Quran and al-Sunnah. In general, *maqasid* can be defined as:

جلب المصالح ودرء المفساد وإزالة المضرة

*Meaning: creating good and rejecting bad and eliminating harm*¹⁶²⁹.

Maqasid Al-Syariah was revealed by Allah to protect the welfare of mankind. Scholars have categorized *maqasid syariah* into three maslahahs, namely:

¹⁶²⁶ Muhamad Asyraf Ahmad Termimi, Muhammad Ikhlas Rosele, Khairul Azhar Meerangani, Syamsul Azizul Marinsah & Mohd Anuar Ramli. 2013. "Jenayah Siber: Pengelasan Di Antara Al-Jaraim Dan Al-Jina'i Menurut Sistem Perundangan Islam". *International Seminar on Islamic Jurisprudence in Contemporary Society*. p. 548.

¹⁶²⁷ Tamrin Amboala, Ainnur Hafizah Anuar Mokhtar, Mohd Zulkifli Muhammad & Nasrul Hisyam Nor Muhamad. 2014. "Undang-Undang Siber Dari Perspektif Islam". *Jurnal Teknologi*. pp. 126-127.

¹⁶²⁸ Ahmad Mukhtar 'Umar. 2008. *Kitab Mu'jam Al-Lughatu Al-'Arabiyyah Al-Mu'asirah*. Kaherah: 'Alam Al-Kutub, 1189.

¹⁶²⁹ Ust. Rosli bin Mokhtar & Ust. Mohd Fikri bin Che Hussain. 2007. *Maqasid Al-Syariah Hikmah Di Sebalik Pensyariatan*. Karya Bestari Sdn Bhd. p. 31.

1. Ad-Daruriyyah (necessities)

This masalah is the main of *maqasid al-syariah* where it preserves five things namely Hifz ad- Din (protecting religion), Hifz an-Nafs (protecting soul), Hifz al-Aql (Protecting intellect), Hifz an-Nasl (protecting lineage) and Hifz al-Mal (protecting property). The maintenance of these five is considered important in human life as a society because without them, human life will face difficulties both in this world and in the afterlife. Actions that violate these five points are considered *mafsadah*¹⁶³⁰. These five preservations have the following meanings:

i. Preservation of Religion (Hifz ad- Din): Preserving religion means saving the faith of a Muslim from things that confuse or weaken his beliefs and behavior. In the context of society, preserving religion means defending the country and Islamic sovereignty as well as preserving Islamic education and learning for the future of the Muslim community. As Muslims, it is obligatory for us to put religious care at the top.¹⁶³¹

ii. Preservation of life (Hifz an-Nafs): Preserving life is by preserving dignity, fraternity and social equality, justice, safety of life, wealth and dignity, good governance, reducing the poverty rate and meeting the needs of employment, equitable distribution of income and wealth, marriage and stable family life, social cohesion, and a reduction in the number of crimes as well as peace and stability. Islam forbids the shedding of blood in an unrighteous manner. If life is not preserved, then the country will face destruction and order will also be lost¹⁶³².

iii. Preservation of intellect (Hifz al-Aql): Preservation of intellect means providing protection to the human intellect from anything that will damage it¹⁶³³. Disruption to reason will cause greater disruption to society¹⁶³⁴. Emphasizes faith because reason can only be directed by faith, and unguided reason will only lead to deception. Therefore, reason must be preserved by human beings with pure values and beneficial things¹⁶³⁵.

iv. Preservation of lineage (Hifz an-Nasl): The concept of hifz Al-nasl involves the protection and preservation of offspring. It is important to ensure the formation of a healthy, productive, and effective Muslim society¹⁶³⁶. Prohibition of adultery and celebrating marriage is one of the aspects of preserving the lineage. This is to ensure the birth of a legitimate child through marriage. Descendants need to be preserved to maintain the social system in Islamic society. If not maintained, it will destroy the sacred bloodline and damage the dignity of

¹⁶³⁰ JAKIM. 2015. *Indeks Syariah Malaysia, Model Tadbir Urus Berteraskan Maqasid Syariah*. Putrajaya: Jabatan Kemajuan Islam Malaysia. p. 15-24.

¹⁶³¹ Ibn ‘Ashur, Muhammad Al-Tahir. 2004. *Maqasid Al-Shari‘ah Al-Islamiyyah*. Qatar: Wazarat Al-Awqaf Wa Shu’un Islamiyyah.

¹⁶³² JAKIM. 2015. *Indeks Syariah Malaysia, Model Tadbir Urus Berteraskan Maqasid Syariah*. Putrajaya: Jabatan Kemajuan Islam Malaysia. p. 15-24.

¹⁶³³ Ibn ‘Ashur, Muhammad Al-Tahir. 2004. *Maqasid Al-Shari‘ah Al-Islamiyyah*. Qatar: Wazarat Al-Awqaf Wa Shu’un Islamiyyah.

¹⁶³⁴ JAKIM. 2015. *Indeks Syariah Malaysia, Model Tadbir Urus Berteraskan Maqasid Syariah*. Putrajaya: Jabatan Kemajuan Islam Malaysia. p. 15-24.

¹⁶³⁵ Chapra. 2008. *The Islamic Vision of Development in the Light of the Maqasid al-Syariah*. Jeddah, Kingdom of Saudi Arabia: Islamic Research and Training Institute.

¹⁶³⁶ Chapra. 2008. *The Islamic Vision of Development in the Light of the Maqasid al-Syariah*. Jeddah, Kingdom of Saudi Arabia: Islamic Research and Training Institute.

religion, nation, and country¹⁶³⁷.

v. Preservation of Property (Hifz al-Mal): Hifz Al-mal means protecting community property from destruction and from transferring property to unauthorized hands in an illegal way. Prohibition of bribery, usury, fraud, unbalanced monopolies, and all forms of misappropriation is an aspect of property preservation¹⁶³⁸. Highlighting the significance of encouraging an equitable distribution of income and wealth for the creation and growth of wealth. This will allow all communities to enjoy their rights and prevent anyone from abusing their rights in the wrong way¹⁶³⁹.

2. Al-Hajjiyyah (complements)

In the absence of this masalah, life would not be affected, but it would present some challenges for people's day-to-day activities. This *Maqasid Al-Hajjiyyah*'s goal is to solve an issue that humans need to make their lives easier and prevent sufferings and difficulties from occurring while performing their duties. Although its absence does not interfere with human life, its presence helps facilitate human affairs¹⁶⁴⁰.

3. Al-Tahsiniyyah (embellishments)

Maslahah is necessary for perfection to preserve the honor of human life, which includes the honor of upholding moral principles and appropriate social mores, as well as avoiding problematic situations when possible. Even though it is essential for society to function properly, it will not significantly affect how people live their lives if it is not present¹⁶⁴¹.

Overall, *maqasid al-syariah* plays an important role to the lives of all Muslims, both for pleasure in this world and in the hereafter. All parties must recognize that the fundamental purpose of *maqasid* is to safeguard society for the benefit of Muslims. The government is also encouraged to apply the concept of *maqasid al-syariah* in setting every policy and law so that the country is not only based on western principles but also on Islamic standards¹⁶⁴².

Macau Scam Prevention Approach According to *Maqasid Al-Syariah*

The fundamental element to help launch a government's governance through the function of individual formation to create a flawless nation is the principle of *maqasid al-syariah*. The

¹⁶³⁷ JAKIM. 2015. *Indeks Syariah Malaysia, Model Tadbir Urus Berteraskan Maqasid Syariah*. Putrajaya: Jabatan Kemajuan Islam Malaysia. p. 15-24.

¹⁶³⁸ Ibn 'Ashur, Muhammad Al-Tahir. 2004. *Maqasid Al-Shari'ah Al-Islamiyyah*. Qatar: Wazarat Al-Awqaf Wa Shu'un Islamiyyah.

¹⁶³⁹ Chapra. 2008. *The Islamic Vision of Development in the Light of the Maqasid al-Syariah*. Jeddah, Kingdom of Saudi Arabia: Islamic Research and Training Institute.

¹⁶⁴⁰ JAKIM. 2015. *Indeks Syariah Malaysia, Model Tadbir Urus Berteraskan Maqasid Syariah*. Putrajaya: Jabatan Kemajuan Islam Malaysia. p. 15-24.

¹⁶⁴¹ JAKIM. 2015. *Indeks Syariah Malaysia, Model Tadbir Urus Berteraskan Maqasid Syariah*. Putrajaya: Jabatan Kemajuan Islam Malaysia. p. 15-24.

¹⁶⁴² Azman Ab Rahmani, Nur Wahida Lokman, Lutfi Mohamed Zaini, Syed Mohd Najib Syed Omariv & Setiyawan Gunardiv. 2022. "An Approach In Dealing With Corruption According To Maqasid Syariah". *Al-Qanatir: International Journal of Islamic Studies*. Vol. 26. No. 2. pp. 12-23.

well-being of individuals and society will be guaranteed if the three *maqasid al-syariah* namely *maslahah daruriyat* (basic needs), *maslahah hajiyyat* (additional needs) and *maslahah tahsiniyyat* (complementary) are fulfilled in a balanced way¹⁶⁴³.

One of the important components in *maqasid al-syariah* is *hifz Al-nafs* (preservation of life) where this component is closely related to the preservation of dignity, fraternity, social equality, justice, spiritual and moral improvement, safety of life, property and honor, freedom, education, good government, reducing poverty and meeting job needs. No matter the circumstance difficult or simple, affluent, or poor, leader or follower, Muslim or non-Muslim, every human being is responsible for protecting their life¹⁶⁴⁴. Being someone who can be trusted, responsible and avoiding fraudulent practices (Macau Scam) is also an aspect of life preservation. Preservation of life is not only focused on killing or things that can take life but also related to a person's integrity. To prevent the demise of family institutions and the national economy, this is critical.

A cyber-criminal who is a scammer has violated a person's personal rights, as there are many verses in the Qurān that mention personal rights, beliefs and theft that can be used as a reference¹⁶⁴⁵. Among them are on personal rights in a context involving residence, as Allah said:

In surah An-Nur verse 27

{ يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَىٰ أَهْلِهَا ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ لَعَلَّكُمْ
تَذَكَّرُونَ }

(24:27) *O you who have believed, do not enter houses other than your own houses until you ascertain welcome and greet their inhabitants. That is best for you; perhaps you will be reminded.* (An-Nur, verse 27).

Based on the verse, it describes the ways and manners of the rules of pilgrimage to other people's homes to avoid unwanted things from happening. This shows that Islam recognizes individuals' personal rights, as no one can encroach on others' right without first asking permission¹⁶⁴⁶.

¹⁶⁴³ Azman Ab Rahmani, Nur Wahida Lokman, Lutfi Mohamed Zaini, Syed Mohd Najib Syed Omariv & Setiyawan Gunardiv. 2022. "An Approach In Dealing With Corruption According To Maqasid Syariah". *Al-Qanatir: International Journal of Islamic Studies*. Vol. 26. No. 2. pp. 19.

¹⁶⁴⁴ Azman Ab Rahmani, Nur Wahida Lokman, Lutfi Mohamed Zaini, Syed Mohd Najib Syed Omariv & Setiyawan Gunardiv. 2022. "An Approach In Dealing With Corruption According To Maqasid Syariah". *Al-Qanatir: International Journal of Islamic Studies*. Vol. 26. No. 2. p. 19.

¹⁶⁴⁵ Tamrin Amboala, Ainnur Hafizah Anuar Mokhtar, Mohd Zulkifli Muhammad & Nasrul Hisyam Nor Muhamad. 2014. "Undang-Undang Siber Dari Perspektif Islam". *Jurnal Teknologi*. p. 126-127.

¹⁶⁴⁶ Tamrin Amboala, Ainnur Hafizah Anuar Mokhtar, Mohd Zulkifli Muhammad & Nasrul Hisyam Nor Muhamad. 2014. "Undang-Undang Siber Dari Perspektif Islam". *Jurnal Teknologi*. p. 126.

Allah also mentions in surah Al-Baqarah verse 188.

{ وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبُطْلِ وَتُدْءُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ }

Do not eat up each other's property by false means, nor approach with it the authorities to eat up a portion of the property of the people sinfully, while you know (that you are unjust in doing so). (Al-Baqarah, verse 188).

The verses above give explicit instructions from Allah S.W.T. about the prohibition of fraud and broadly define the term, which is defined as unjustly consuming or gaining from another party. Therefore, all actions leading to such an action are regarded as fraud. Islam forbids all forms of dishonesty and fraud, including deception in business dealings and other interpersonal interactions. Includes financial reporting fraud and manipulation, as these lead to misleading information being provided and damages for other parties. This demonstrates how frequently the Holy Quran makes explicit the need of having high morals and how firmly it condemns acts that cause harm to others, including fraud. Islamic teachings known as sunnah. The *verse "la dharar wa la dhirar"* emphasises how Islam is against acts that could injure others and forbids both inflicting harm on others and inflicting it in return¹⁶⁴⁷. So that, it can be understood that in Islam, property acquired in a way that does not comply with sharīah such as ribā, gharār (unclear sale and purchase), gambling, fraud, robbery, confiscation, corruption, smuggling, entertainment that does not comply syarā and similar like that are haram and should not be used for personal gain and interest.

The phrase "Maqasid al-Syariah" refers to Islamic teaching since it literally means "Maqasid" as the goals and "Syariah" as Islamic law, both of which are founded on and derived from the Holy Quran (the words of Allah S.W.T) and Sunnah (hadith from the Prophet Muhammad S.A.W). Fairness between people and the environment's flora and fauna has always been a central theme of Islamic doctrine¹⁶⁴⁸.

The Qur'an mentions in Surah An-Anfal verses 27:

{ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أُمَّتِكُمْ وَأَنْتُمْ تَعْلَمُونَ }

*"O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence]"*¹⁶⁴⁹.

This verse from the Quran makes it abundantly obvious that Islam's teachings place a strong

¹⁶⁴⁷ Nur Kamaliah Azis, Marziana Madah Marzuki & Wan Zurina Nik Abdul Majid. 2020. "Fraud Prevention in Malaysia: Maqasid al-Shariah Perspective". *Global Business and Management Research: An International Journal*. Vol. 12, No. 2. p. 110.

¹⁶⁴⁸ Nur Kamaliah Azis, Marziana Madah Marzuki & Wan Zurina Nik Abdul Majid. 2020. "Fraud Prevention in Malaysia: Maqasid al-Shariah Perspective". *Global Business and Management Research: An International Journal*. Vol. 12, No. 2. p. 110.

¹⁶⁴⁹ n.a. n.d. "Surah Al-Anfal Ayat 27 (8:27 Quran) With Tafsir". < <https://myislam.org/surah-al-anfal/ayat-27/>>.

emphasis on upholding moral principles and refraining from abusing positions of power. In the context of this research, the scammer should not abuse their knowledge of cybertechnology for their own advantage or to cause harm to others, such as by defrauding people of their money, as this is immoral and goes against Islamic teaching.

The *maqasid* hifz Al-mal (property preservation) approach is also an important aspect of scam prevention. Al Juwaini and Al-Ghazali (2006) explain that this preservation is a safeguard for people's property, while Al-Shatibi claims in the book "Imam Al Shatibi's Theory of the Higher Objectives and Intents of Islamic Law" (2006) that it is a prohibition against injustice, depriving orphans of their property rights, waste, envy, and using incorrect measures and weights. Islam has outlined its principle of *al-adl wal ihsan* in the preservation of property¹⁶⁵⁰.

In addition, there is a ban on consuming property or taking over people's rights in the wrong way through non-syarīe means. Consumption and misuse of property in an inappropriate manner include obtaining property through illegal practices such as usury, gambling, deceiving, stealing, seizing and extortion without rights. For example, stealing someone's personal information and data without permission. As prophet Muhammad S.A.W said which means, "It is forbidden to take the property of Muslims without permission" (al-Baihaqi, 1994).

In surah An-Nisā verse 29, Allah forbids stealing. As Allah mention:

{ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ ۖ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۖ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا }

O believers! Do not devour one another's wealth illegally, but rather trade by mutual consent. And do not kill each other or yourselves. Surely Allah is ever Merciful to you. (An-Nisā, verse 29).

As we all know, stealing is categorized as a great sin. Allah SWT curses the perpetrator. As mentioned in the hadith narrated by Abu Hurairah RA, the Prophet Muhammad S.A.W said:

لَعَنَ اللَّهُ السَّارِقَ يَسْرِقُ الْبَيْضَةَ فَتُقَطَّعُ يَدُهُ، وَيَسْرِقُ الْحَبْلَ فَتُقَطَّعُ يَدُهُ

"Allah curses the thief who steals an egg and had his hand cut off, and who steals a rope and has his hand cut off". (HR. Bukhari no. 6285).

Therefore, the perpetrator, namely the thief, must be punished by the party with having the authority (legitimate government), whether the perpetrator is male or female, the perpetrator

¹⁶⁵⁰ Azman Ab Rahmani, Nur Wahida Lokman, Lutfi Mohamed Zaini, Syed Mohd Najib Syed Omariv & Setiyawan Gunardiv. 2022. "An Approach In Dealing With Corruption According To Maqasid Syariah". *Al-Qanatr: International Journal of Islamic Studies*. Vol. 26. No. 2. p.20.

will be punished by the punishment of the hand's amputation¹⁶⁵¹.

There are five goals of syarīa which are (maqasīd al-syārīyyāh) legislated hudud and qīsās punishment that is to preserve religion, preserve life, preserving the intellect, preserving the offspring, and protecting universal human property¹⁶⁵². What is meant by maintaining property (Hifz al-Mal) is to protect the wealth of society from destruction and from the transfer of property to other's hands in an illegal way including a ban on injustice, denying rights and so on many others (Jakim, 2016). For example, an officer who abuses his power to deceive and take property illegally in his possession is punished with ta'zīr. This is because some elements in the crime of theft could not be fulfilled and cannot convict the offender with the punishment of amputation. Therefore, the offense of breach of trust will be summed up under the punishment of ta'zīr which is under the government's power to hold and impose punishment under the offense committed by the criminal.

In conclusion, cyber-crime (Macau Scam) is a current issue that needs to be discussed in detail as considering all aspects related to the crime. There are several criminal elements of stealing in Islamic law, namely that the first to take a property silently, meaning that the thing stolen is property. In contrast, the property belongs to someone else and has the intention to steal. Each of these stealing elements has its conditions. Therefore, if these elements and conditions are required, it is considered to have fulfilled the elements of stealing. When convicted of an offense, it should be punished by amputation of hand. However, if there is syubhāh in fulfilling every element or condition of the criminal law of stealing then the hudud punishment of amputation of hand will be dropped and replaced with the punishment of ta'zīr which is under the jurisdiction of the government to enact such a law¹⁶⁵³. This is because the crime of stealing according to the Islamic legal system is the act of transferring property that does not belong to the ownership of a person from the place of storage and within the intention to own. Actions that require all the elements in that definition can be convicted of theft and sentenced to hudud¹⁶⁵⁴.

Conclusion

The Macau Scam issue is a form of cyber-crime that occurs in our country, and it is a new form of challenge in dealing with it from continuing to spread. Therefore, all parties must play their respective roles and work together to ensure that financial fraud does not continue to increase. Therefore, the involvement of the government, police and other authorities is expected to curb this issue from spreading further. In the aspect of Islamic law, although the

¹⁶⁵¹ Iskandar Alukal L.C. 8 April 2020. "Dosa Mencuri dan Hukumannya". <<https://hukumpolitiksyariah.com/2020/04/08/dosa-mencuri-dan-hukumnya/>>.

¹⁶⁵² Nazura Abdul Manap & Jasri Jamal. 2003. "Jenayah Komputer: Perbandingan Menurut Akta Jenayah Komputer 1997 dan Prinsip Undang-undang Jenayah Islam". *Jurnal Undang-undang dan Masyarakat* 7. p. 27.

¹⁶⁵³ Nazura Abdul Manap & Jasri Jamal. 2003. "Jenayah Komputer: Perbandingan Menurut Akta Jenayah Komputer 1997 dan Prinsip Undang-undang Jenayah Islam". *Jurnal Undang-undang dan Masyarakat* 7. p. 33.

¹⁶⁵⁴ Muhamad Asyraf Ahmad Termimi & Rushdi Ramli. 2017. "Jenayah Siber Kehartaan Di Malaysia Menurut Hukum Islam: Analisis Isu Terpilih (Wealth Cybercrime in Malaysia from Islamic Law Perspective: Selected Issues Analysis)". *Online Journal Research in Islamic Studies*. Vol. 4 No. 3. p. 40.

crime of stealing is categorized as one of the crimes of hudud, qāsās, and ta'zīr but cyber-crime related to this property needs to be detailed in each of element to ensure that it complies with the main requirements of the Islamīc law. However, for offenses whose punishment is not stated in the Islamīc law is included in the violations of ta'zīr, which is under the government's jurisdiction to make regulations together with the punishment.

Maqasid Al-Syariah with its five holistic structures which include guardians of religion (hifz al-din), soul (hifz al-nafs), intellect (hifz al-'aql), property (hifz al-mal) and offspring (hifz al-nasl) is seen as having great potential to be used as a guide when dealing with this issue to achieve good in this world and in the hereafter. To prevent the negative impact of the Macau Scam issues from continuing to spread, guidelines for its use based on the *maqasid al-syariah* based on al-Quran and al-Sunnah are urgently needed. Islam places great emphasis on human development and preserving its benefits through the right way and message. With *Maqasid Al-Syariah* as a foundation, the prevention framework would undoubtedly be ethically sound, which would help to develop the appropriate culture for protecting the organization from fraudulent actions.

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