

The Right to Disconnect in Digital Workplaces: Maqāṣid al-Syarī'ah and Ijārah Perspectives

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Abstract

Digital communication has become ubiquitous in contemporary professional life, systematically dissolving the boundary between work and private spheres and producing documented harms, including cognitive burnout, psychosocial fatigue, and digital enslavement. To address this structural exploitation, this study offers an original contribution by assessing the “Right to Disconnect” through the lens of Islamic labor law. Adopting a normative-doctrinal legal methodology, the study examines digital overwork using the Ijārah ‘alā al-A’māl contract (service lease), Maqāṣid al-Syarī'ah (objectives of Islamic law), and the Sadd al-Ẓarā’i’ maxim. The findings establish that managerial expectations of digital availability beyond contracted hours without equivalent compensation (ujrah al-miṣl) constitute Garar (uncertainty) and Ẓulm (injustice), thereby invalidating the principle of Ma’lūmiyyah in Islamic contract law. Furthermore, a worker’s refusal to respond outside formal hours cannot be classified as Nusyūz (insubordination), but constitutes a legitimate jurisprudential rejection of exploitation. The study concludes that institutionalizing the Right to Disconnect is a binding legal obligation (wajib li ghairihi) under Islamic economic law, and must be incorporated into Syarī'ah-compliant employment contracts (‘Aqd) and institutional standard operating procedures.

Keywords: Digital Workplace; Ijārah; Islamic Labor Law; Maqāṣid al-Syarī'ah; Right to Disconnect.

Abstrak

Komunikasi digital telah menjadi hal yang lazim dalam kehidupan profesional kontemporer, yang secara sistematis mengikis batas antara pekerjaan dan kehidupan pribadi, sehingga menimbulkan dampak nyata berupa kelelahan kognitif, stres psikososial, dan perbudakan digital. Untuk mengatasi eksploitasi

struktural ini, penelitian ini menawarkan kontribusi orisinal dengan mengkaji "Hak untuk Memutus Koneksi" melalui lensa hukum ketenagakerjaan Islam. Dengan mengadopsi metodologi hukum normatif-doktrinal, penelitian ini menganalisis kerja digital berlebihan menggunakan akad Ijārah ‘alā al-A’māl (sewa jasa), Maqāṣid al-Syarī’ah (tujuan hukum Islam), dan maksim Sadd al-Ẓarā’i’. Temuan penelitian membuktikan bahwa ekspektasi manajerial atas ketersediaan digital di luar jam kontrak tanpa kompensasi setara (ujrah al-miṣl) mengandung unsur Garar (ketidakpastian) dan Ẓulm (ketidakadilan), yang secara sah membatalkan asas Ma’lūmiyyah dalam hukum kontrak Islam. Lebih jauh, penolakan pekerja untuk merespons di luar jam formal tidak dapat dikualifikasikan sebagai Nusyūz (pembangkangan), melainkan merupakan penolakan yurisprudensial yang sah terhadap Ẓulm. Penelitian ini menyimpulkan bahwa pelebagaan Hak untuk Memutus Koneksi merupakan kewajiban hukum yang mengikat (wajib li ghairihi) menurut hukum ekonomi Islam, dan harus diintegrasikan ke dalam perjanjian kerja (‘Aqd) dan prosedur operasi standar yang sesuai dengan Syarī’ah.

Kata Kunci: Hak untuk Tidak Terhubung; Hukum Ketenagakerjaan Islam; Ijārah; Maqāṣid Asy-Syarī’ah; Tempat Kerja Digital.

A. Introduction

Human Resource Management or HRM system in the current world has undergone a very radical transformation due to the penetration of information and communication technology (ICT) in every sphere of work. The ubiquitous spread of work-oriented ICT has made possible the rise of an "always-on culture", a sociological effect which destroys this border between working and private life on a systematic basis. The lack of clear boundaries gives rise to boundary stress and work-family conflict, which further build cognitive fatigue leading to burnout-like cognitive fatigue inversely during their multiple operation contexts such as COVID-19 pandemic and post-pandemic.¹ The leaky boundaries and invasion of private spheres characterizing millions of workers worldwide.²

¹ Karen Feery and Edel Conway, "The Impact of Work-Related Technology and Boundary Management on Work-Family Conflict and Enrichment During COVID-19," *The Irish Journal of Management* 42, no. 1 (2023): 67–85, <https://doi.org/10.2478/ijm-2023-0009>; Chima Mordi et al., "Exploring the Impact of Technostress on the Work-Life Boundary of UK Academics During the Coronavirus Pandemic," *Information Technology and People* 39, no. 1 (2025): 501–20, <https://doi.org/10.1108/itp-08-2022-0581>.

² Janghee Cho et al., "Topophilia, Placemaking, and Boundary Work," *Proceedings of the Acm on Human-Computer Interaction* 6, no. GROUP (2022): 1–33, <https://doi.org/10.1145/3492843>; Sarah Diefenbach, "Social Norms in Digital Spaces: Conflict Reports and Implications for Technology Design in the Teleworking Context," *Zeitschrift Für Arbeitswissenschaft* 77, no. 1 (2022): 56–77, <https://doi.org/10.1007/s41449-022-00332-8>; Ash Watson et al., "The COVID Digital Home Assemblage: Transforming the Home Into a Work Space During the Crisis," *Convergence the International Journal of Research Into New Media Technologies* 27, no. 5 (2021): 1207–21, <https://doi.org/10.1177/13548565211030848>.

has been intensified by boundary permeability, in combination with domestic workspaces becoming redefined as values-confirming extensions of the office. At the same time, digital engagement off the job checking emails or instant messages on your phone during rest periods has been found to directly correlate with decreases in quality of life and increases in both physical fatigue and mental fatigue³

The post-pandemic trajectories of the pervasive adoption of telework systems show that there are highly variable and paradoxical mental health implications. Yet, technologically-intensive remote work is also brutally effective and may put workers' well-being at risk of burnout,⁴ although simultaneous studies confirm that creating boundary-management resources for organizations can enhance job satisfaction.⁵ Yet the connectivity paradox remains, with digital tools that should liberate workers instead binding them through expectations of responsiveness across formal working hours.⁶ This condition leads to a phenomenon termed in the literature "digital enslavement," where algorithmic management and cultural imperatives of continuous connectedness monetize cognitive labor problem-solving as well as attending to communications that often goes unpaid and is formally not acknowledged as working time.⁷ This cognitive labor outside of working hours

³ Ibrahim A. Elshaer et al., "Work-Related Mobile Internet Usage During Off-Job Time and Quality of Life: The Role of Work Family Conflict and Off-Job Control," *International Journal of Innovative Research and Scientific Studies* 7, no. 3 (2024): 1268–79, <https://doi.org/10.53894/ijirss.v7i3.3232>; Peiqi Xu, "Impact of Digital Technology on Employee Wellbeing in the Context of Teleworking During COVID-19," *Advances in Economics Management and Political Sciences* 33, no. 1 (2023): 219–24, <https://doi.org/10.54254/2754-1169/33/20231643>.

⁴ Phillip Dangaiso et al., "More Pay and Benefits or Better Work-Life Balance? Post Pandemic Perspectives on Employee Centricity Among University Frontline Staff," *Journal on Efficiency and Responsibility in Education and Science* 17, no. 2 (2024): 151–63, <https://doi.org/10.7160/eriesj.2024.170205>; Elshaer et al., "Work-Related Mobile Internet Usage During Off-Job Time and Quality of Life: The Role of Work Family Conflict and Off-Job Control"; Tobias M. Härtel et al., "Associations Between the Implementation of Telework Strategies and Job Performance: Moderating Influences of Boundary Management Preferences and Telework Experience," *Frontiers in Psychology* 14 (2023), <https://doi.org/10.3389/fpsyg.2023.1099138>; Celestine C. Onah and Francis O. Chikeleze, "Information and Communication Technology (ICT) as a Panacea for Overcoming the Challenges of COVID-19 Pandemic: A Study of Academic Staff Performance in Tertiary Institutions in Enugu State, Nigeria," *Sage Open* 14, no. 2 (2024), <https://doi.org/10.1177/21582440241256341>; Watson et al., "The COVID Digital Home Assemblage: Transforming the Home Into a Work Space During the Crisis."

⁵ Neve Abgeller et al., "Responsible Autonomy: The Interplay of Autonomy, Control and Trust for Knowledge Professionals Working Remotely During COVID-19," *Economic and Industrial Democracy* 45, no. 1 (2022): 57–82, <https://doi.org/10.1177/0143831x221140156>; Sumit Kumar, "Employee Engagement During Remote Work," *International Journal of Scientific Research in Engineering and Management* 09, no. 06 (2025): 1–9, <https://doi.org/10.55041/ijserem50504>; Onah and Chikeleze, "Information and Communication Technology (ICT) as a Panacea for Overcoming the Challenges of COVID-19 Pandemic: A Study of Academic Staff Performance in Tertiary Institutions in Enugu State, Nigeria."

⁶ Meraiah Foley et al., "'Everything Now, All the Time': The Connectivity Paradox and Gender Equality in the Legal Profession," *New Technology Work and Employment* 39, no. 3 (2024): 362–81, <https://doi.org/10.1111/ntwe.12300>.

⁷ Glauco Cioffi et al., "Digital Stress-Preventive Management Competencies: Definition, Identification and Tool Development for Research and Practice," *International Journal of Environmental Research and Public Health* 22, no. 2 (2025): 267, <https://doi.org/10.3390/ijerph22020267>; Niki Georgiadou, "Measurement of

leads to a “shadow wage,” whereby the worker pays the welfare costs without an equal overtimepayment⁸

Following the intensification of this cognitive recomposition, several secular jurisdictions around the world including France, Spain, Italy and Australia as well as the European Union more generally have started to develop regulatory frameworks termed as Right to Disconnect that guardians workers' right to recoup.⁹ These secular measures-legislative set forth in the earlier sections-are focused on boundary-management policies and support of autonomy.¹⁰ Yet all existing secular regulatory frames calibrate almost exclusively how to prevent the overflow of leisure time and psychological well-being, playing little attention to theological duties. This shortcoming has also been addressed by the cross-cultural discourses which have claimed that it is deprived of the foundations

Working Time in Telecommuting,” *International Journal of Management Technology* 10, no. 1 (2023): 59–69, <https://doi.org/10.37745/ijmt.2013/vol10n15969>; Yoon-Soo Jang et al., “Association Between Receiving Work Communications Outside of Work Hours via Telecommunication Devices and Work-Related Headaches and Eyestrain: A Cross-Sectional Analysis of the 6th Korean Working Conditions Survey,” *Annals of Occupational and Environmental Medicine* 35, no. 1 (2023), <https://doi.org/10.35371/aoem.2023.35.e50>.

⁸ Mariek V Abeele and Minh H. Nguyen, “Digital Media as Ambiguous Goods: Examining the Digital Well-Being Experiences and Disconnection Practices of Belgian Adults,” *European Journal of Communication* 39, no. 2 (2023): 122–44, <https://doi.org/10.1177/02673231231201487>; Woosung Choi et al., “The Dark Side of Mobile Work During Non-Work Hours: Moderated Mediation Model of Presenteeism Through Conservation of Resources Lens,” *Frontiers in Public Health* 12 (2024), <https://doi.org/10.3389/fpubh.2024.1186327>; Assel Kaishatayeva et al., “Right to Disconnect: Complexities of Legalization (In the Context of International Regulatory Experience),” *Journal of Law and Sustainable Development* 12, no. 2 (2024): e3089, <https://doi.org/10.55908/sdgs.v12i2.3089>; Hon. A. Searle, “The Pace of Change - The Breakneck Speed of Industrial Relations Law Reform Since 2022,” *Journal of Industrial Relations* 66, no. 5 (2024): 759–73, <https://doi.org/10.1177/00221856241298059>; Marta Urbane, *The Future of the Employee’s Right to Disconnect in the European Union and Latvia*, 2022, <https://doi.org/10.54941/ahfe1002285>; Eduardo E. T. Visconti, “El Derecho a La Desconexión Digital En El Ámbito Laboral,” *Pertsonak Eta Antolakunde Publikoak Kudeatzeko Euskal Aldizkaria / Revista Vasca De Gestión De Personas Y Organizaciones Públicas*, no. 17 (2019): 150–61, <https://doi.org/10.47623/ivap-rvgp.17.2019.08>.

⁹ Gunn Enli, “Regulatory Barriers in the Attention Economy: Lack of Support, Trust, and Measures,” *Media Culture & Society* 47, no. 8 (2025): 1636–52, <https://doi.org/10.1177/01634437251350008>; Emmanuel Jossierand and Martijn Boersma, “Australia’s Right to Disconnect From Work: Beyond Rhetoric and Towards Implementation,” *Journal of Industrial Relations* 66, no. 5 (2024): 703–20, <https://doi.org/10.1177/00221856241290625>; Kaishatayeva et al., “Right to Disconnect: Complexities of Legalization (In the Context of International Regulatory Experience)”; George Y. Wong et al., “Exploring the Consequence Of Information Communication Technology-Enabled Work During Non-Working Hours: A Stress Perspective,” *Information Technology and People* 37, no. 1 (2023): 285–307, <https://doi.org/10.1108/itp-01-2022-0046>; Beata Woźniak-Jęchorek et al., “Industry 4.0: A Bibliometric Analysis of Social Partners’ Public Messages in France and Germany,” *The Economic and Labour Relations Review* 35, no. 1 (2024): 79–102, <https://doi.org/10.1017/elr.2023.52>; Rong Yao, “Active Disconnection: Self-Reflection on Non-Use of Information and Communication Technologies,” *Advances in Journalism and Communication* 11, no. 01 (2023): 26–49, <https://doi.org/10.4236/ajc.2023.111003>.

¹⁰ Härtel et al., “Associations Between the Implementation of Telework Strategies and Job Performance: Moderating Influences of Boundary Management Preferences and Telework Experience”; Josep Lladós-Masllorens and Mar S. i. Bosch, “Exploring Incentives and Reticences to Implement Telework in Small Companies,” *Oñati Socio-Legal Series* 13, no. 6 (2023): 1876–902, <https://doi.org/10.35295/osls.iisl.1781>.

rooted in preserving the values and aspirations of Islamic law (Maqāṣid al-Syarī'ah), ignoring to retain protection for workers' religious worship obligations.¹¹

Islamic commercial law essentially governs equitable working hours and employee well-being through a normative framework that is deeply embedded in Maqāṣid al-Syarī'ah and public interest (maṣlaḥah). Maqāṣid is the higher purpose of the classical Islamic Law epistemology of Al-Syātibī, which categorizes five ḍarūriyyāt (essential needs) upon which all other laws are based religion, life, intellect, lineage and wealth that according to Ahmad (2016).¹² Recently, scholarship has reframed Maqāṣid as a vibrant, systems-based approach to onboarding modern employment's contracting and ethical governance processes in which their economic actions must facilitate social justice.¹³ Digitally, Ḥifẓ al-Nafs (preservation of life) requires physical protection against cumulative fatigue associated with the conditions of work, and Ḥifẓ al-'Aql (preservation of intellect) prevents cognitive overload and depression due to exploitation after-hours. The pressure to operate autonomously in accordance with work directives without sufficient recovery time makes it a direct threat to workers' sanity, making the impetus for transparency of contract clauses necessary.¹⁴

¹¹ Fabienne Darling-Wolf, "Digital (Dis)Connection, Agency, and Imagination in a French Rural Community," *Social Media + Society* 11, no. 1 (2025), <https://doi.org/10.1177/20563051241311962>; María O. M. Rodríguez, "El Trabajo a Distancia Como Mecanismo 'Estrella' En Época De Pandemia: Posibles Riesgos Laborales Derivados De Su Mala Implantación," *Revista Latinoamericana De Derecho Social*, ahead of print, 2022, <https://doi.org/10.22201/ij.24487899e.2022.35e.16942>; Daniel S. B. Vintimilla and Enrique E. Pozo-Cabrera, "Afectación Del Derecho Al Descanso Producto De La Hiperconectividad Laboral," *Ciencia Digital* 7, no. 4 (2023): 6–25, <https://doi.org/10.33262/cienciadigital.v7i4.2702>; Aina W Dahlan et al., "Analysis of the Book Madkhal Ila Fiqh Al-Mihan: Towards the Development of a Model of Employment Jurisprudence in Malaysia," *Revista De Gestão Social E Ambiental* 18, no. 6 (2024): e05859, <https://doi.org/10.24857/rgsa.v18n6-057>; Tika Widiastuti et al., "Mitigating the Impact of Covid-19: Social Safety Net From Islamic Perspective," *International Journal of Ethics and Systems* 40, no. 1 (2022): 212–28, <https://doi.org/10.1108/ijoes-12-2021-0240>.

¹² Muhammad M. Ahmad, "Eco-Literacy Fiqh Al-Bi'ah Dalam Hukum Nasional," *Al-Jinayah Jurnal Hukum Pidana Islam* 2, no. 1 (2016): 237–56, <https://doi.org/10.15642/aj.2016.2.1.237-256>.

¹³ Intan A'thirah Binti Mohd A'kashalf et al., "Islamic Finance Practice: Expanding Beyond Syari'ah Compliance – Challenges and Opportunities," *International Journal of Research and Innovation in Social Science* VIII, no. X (2024): 2522–30, <https://doi.org/10.47772/ijriss.2024.8100210>; Muhammad K. Khuluq and Asmuni Asmuni, "Ḥifẓ Al-Bi'ah as Part of Maqāṣid Al-Shari'ah and Its Relevance in the Context of Global Climate Change," *Indonesian Journal of Interdisciplinary Islamic Studies* 7, no. 2 (2025), <https://doi.org/10.20885/ijis.vol7.iss2.art3>; Mohammad Ridwan, "Analisis Maqāṣid Al-Tasarrufat Al-Maliyyah Muhammad Al-Tahir Ibn Ashur Terhadap Akad Al-Ijārah Al-Muntahiyah Bi Al-Tamlik (Studi Pada Pt. Bri Syari'ah KCP Ponorogo)," *Journal of Islamic Economics (Joie)* 1, no. 2 (2021), <https://doi.org/10.21154/joie.v1i2.3594>; Fatimah Tuzzahroh and Sugiyarti F. Laela, "Syari'ah Audit and Syari'ah Compliance of Islamic Financial Institutions: A Bibliometric Analysis," *Jurnal Ekonomi Syari'ah Teori Dan Terapan* 9, no. 6 (2022): 815–33, <https://doi.org/10.20473/vol9iss20226pp815-833>; Wahyu Syarvina and Chuzaimah Batubara, "Syari'ah Compliance in Achieving Green Banking: The Role of Ḥifẓ Al-Din and Ḥifẓ Al-Bi'ah," *Share Jurnal Ekonomi Dan Keuangan Islam* 14, no. 1 (2025): 397–423, <https://doi.org/10.22373/share.v14i1.26986>.

¹⁴ A'kashalf et al., "Islamic Finance Practice: Expanding Beyond Syari'ah Compliance – Challenges and Opportunities"; Muhammad M Ahmad, "Eco-Literacy Fiqh Al-Bi'ah Dalam Hukum Nasional," *Al-Jinayah Jurnal Hukum Pidana Islam* 2, no. 1 (2016): 237–56, <https://doi.org/10.15642/aj.2016.2.1.237-256>; A. N. S.

This doctrinal exploration of the Right to Disconnect is underpinned essentially by the architecture of Ijārah ‘alā al-A’māl (service/labor lease) contract. Islamic contract law requires an absolute condition of Ma’lūmiyyah (certainty) on the time dimension (al-waqt) and the workload dimension (al-‘amal) to insulate the contract against elements of Garar (excessive uncertainty).¹⁵ This also correlates to the absence of working time boundaries, by always being connected to the digital world is different from Syari’ah purposes which main objectives are creating justice.¹⁶ Any such one-sided distortion of the limitations of al-‘amal by distancing oneself from physical addressability after work hours in digital otherness is an unregulated extension of al-‘amal. When not compensated, this becomes Zūlm (injustice or exploitation) where the energy, intellect of the worker is consumed unlawfully. Fully standby conditions on workers outside working hours without clear compensation are navigated in practice as Garar to Zūlm.¹⁷ Thus, modern governance demands enforcement and compliance mechanisms to preserve maṣlaḥah in order to remove these factors.¹⁸

The principle of safeguarding workers' rights is also reinforced by the universal fiqh precept that there must be no harm nor reciprocity of harm (la ḍarara wa la ḍirār). This maxim serves as a theoretical basis to reduce the risk and restrict the power of employer (Musta’jir) absolute.¹⁹ In principle, the Ijārah contract does not pass on the ownership of an

Humaira and Bukhari Ali, “The System of Part-Time Job Salary Under Islamic Economic Law and the Government Regulation,” *Jurista Jurnal Hukum Dan Keadilan* 9, no. 1 (2025): 381–403, <https://doi.org/10.22373/jurista.v9i1.265>; Khuluq and Asmuni, “Ḥifẓ Al-Bi’ah as Part of Maqāṣid Al-Shari’ah and Its Relevance in the Context of Global Climate Change”; Tuzzahroh and Laela, “Syari’ah Audit and Syari’ah Compliance of Islamic Financial Institutions: A Bibliometric Analysis.”

¹⁵ Mohammad H. Kamali, “Ethics and Finance: Perspectives of the Shari’ah and Its Higher Objectives (Maqāṣid),” *Icr Journal* 3, no. 4 (2012): 618–36, <https://doi.org/10.52282/icr.v3i4.508>; Miti Yarmunida, “Dimensi Syari’ah Compliance Pada Operasional Bank Syari’ah,” *Al-Intaj Jurnal Ekonomi Dan Perbankan Syari’ah* 4, no. 1 (2018), <https://doi.org/10.29300/aij.v4i1.1206>.

¹⁶ Tuzzahroh and Laela, “Syari’ah Audit and Syari’ah Compliance of Islamic Financial Institutions: A Bibliometric Analysis”; St H. Umar, “Combined Assurance Strategy in Syari’ah Audit for Detecting Ḥifẓ Al-Mal Violations in Islamic Financing,” *Journal of Economic Education and Entrepreneurship Studies* 6, no. 3 (2025): 307–23, <https://doi.org/10.62794/je3s.v6i3.10458>.

¹⁷ A’kashalf et al., “Islamic Finance Practice: Expanding Beyond Syari’ah Compliance – Challenges and Opportunities”; Azmuddin Razali and Mohammad A. W. Harun, “Moratorium in Islamic Hire Purchase Financing: A Syari’ah Perspective,” *The Journal of Muamalat and Islamic Finance Research*, 2021, 13–29, <https://doi.org/10.33102/jmifr.v18i2.367>; Syarvina and Batubara, “Syari’ah Compliance in Achieving Green Banking: The Role of Ḥifẓ Al-Din and Ḥifẓ Al-Bi’ah.”

¹⁸ Mohammad R. Khandker, “ইসলামী ব্যাংকিং ও অর্থায়নে দারুহাহ ও হাজাহ নীতির প্রয়োগ: একটি পর্যালোচনা|Application of Darūrah and Ḥājah Principle in Islamic Banking and Finance: A Review,” *ইসলামী আইন ও বিচার | Islami Ain O Bichar* 21, no. 81 (2025): 9–36, <https://doi.org/10.58666/iab.v21i81.292>; Wali Saputra, “Internal Control and Risk-Based Audit Approaches in Waqf Institutions: A Systematic Review From Islamic Perspectives,” *Journal of Literature Review* 1, no. 2 (2025): 850–62, <https://doi.org/10.63822/v3x02s50>; Nano Suyatna, “Ai-Driven Syari’ah Compliance Detection and Real-Time Monitoring in Islamic Finance Accounting Information Systems,” *Akurasi Jurnal Studi Akuntansi Dan Keuangan* 8, no. 2 (2025): 351–76, <https://doi.org/10.29303/akurasi.v8i2.807>.

¹⁹ Khairil I. Ismail et al., “The Importance of Fatigue Management for Healthcare Workers From Islamic Perspective,” *International Journal of Human and Health Sciences (Ijhhs)*, 2019, 37,

individual's cognitive capabilities over to a corporate institution; it merely rents out certain services within contracted parameters.²⁰ Thus, managerial behaviors that put workers at risk of extreme psychosocial stress caused by expectations for late night responsiveness are defined as a harmful (*ḍarar*) action that must be avoided. Moreover, this principle also forbids *ḍirār* (the exchange of harm), manifesting threats of disciplinary sanctions for employees who disconnect beyond operational hours.²¹

Based on these systemic problems, literature gaps and strong jurisprudential frameworks, this thesis aims to reframe the paradigm of "working hours" and test the legality of the Right to Disconnect through embedded doctrinal lenses diverse by *Ijārah 'alā al-A'māl* contract and *Maqāṣid al-Syarī'ah*. Crucially, this research illustrates that by the virtue of *Garar* and *Zulm* whereby present managerial expectations ensure that individuals are on standby outside formal working hours with no analogous assurances of financial recompense a substantive equity is invalidated. Moreover, the embedding of cutting off digital connection to society is known it a principle and binding duty in contemporary *Fiqh Mu'āmalah* (problems relations). It serves as a legal umbrella (*Sadd al-Ẓarī'ah*) for the psychological integrity (*al-Nafs*), cognitive integrity (*al-'Aql*) from chronic fatigue, family institutional tranquility (*al-Nasl*), and the worship obligations (*al-Dīn*) of the workers.

B. Research Methods

This study adopts a normative-doctrinal legal methodology to bridge contemporary digital HRM practices and classical *fiqh*. The approach integrates doctrinal legal sources with normative reasoning on public interest (*maṣlaḥah*) and the protective objectives of Islamic law (*maqāṣid*), which has proved adequate for assessing remote work scheduling fairness.²² This normative-doctrinal approach is organized by systematic stages. First, identifying the normative objectives (*maqāṣid* and *maṣlaḥah*) mapping core purposes of Islam to domains of equitable working conditions and cognitive health.²³ Second,

<https://doi.org/10.31344/ijhhs.v0i0.155>; Nor M. Mohamad and Azhan T. Arizan, "[Application of the Fiqh Method 'No Harm to Oneself and Not Harmful to Others' (*La Darar Wa La Dirar*) in Dealing With the Pandemic Issue of Covid-19 in Malaysia]," *Malaysian Journal of Islamic Studies (Mjis)* 5, no. 1 (2021): 153–66, <https://doi.org/10.37231/mjis.2021.5.1.157>; Sahid Wahid et al., "The Logic of Impairment in Islamic Law: Philosophical Perspective as a Foundation for Ethics Education," *Journal of Education Review Provision* 4, no. 3 (2024): 25–28, <https://doi.org/10.55885/jerp.v4i3.462>.

²⁰ Humaira and Ali, "The System of Part-Time Job Salary Under Islamic Economic Law and the Government Regulation."

²¹ Nurul M. Jannah, "Perlindungan Driver Terhadap Kebijakan Fitur Hemat Ojek Online Di Kota Medan Perspektif Al-Maṣlaḥah," *Borneo Journal of Islamic Studies* 6, no. 1 (2025): 170–83, <https://doi.org/10.37567/borneo.v6i1.4455>; Mohamad and Arizan, "[Application of the Fiqh Method 'No Harm to Oneself and Not Harmful to Others' (*La Darar Wa La Dirar*) in Dealing With the Pandemic Issue of Covid-19 in Malaysia]."

²² Widiastuti et al., "Mitigating the Impact of Covid-19: Social Safety Net From Islamic Perspective"; Fauzie Senoaji et al., "Analysis of the Influence of Organizational Climate on Productivity of Syari'ah Private Banking Employees in Indonesia," *Jemsi (Jurnal Ekonomi Manajemen Dan Akuntansi)* 9, no. 6 (2023): 2338–42, <https://doi.org/10.35870/jemsi.v9i6.1633>.

²³ Widiastuti et al., "Mitigating the Impact of Covid-19: Social Safety Net From Islamic Perspective."

performing a doctrinal analysis of the texts about the Islamic Labor law e.g., Madkhal ila Fiqh al-Mihan discourse Dahlan et al., (2024) to elicit principles on worship accommodation and humane labor, as well as use case precedents of its application in Muslim-majority countries.²⁴ Third, the design of an HRM policy architecture, which integrates governance of Syari'ah to ensure that autonomy and flexible scheduling does not exceeds maqāṣid so as not to violate religious duties and workers' safety²⁵.

C. Result and Discussion

The Illusion of Flexibility: Digital Enslavement and the Panopticon in Modern HRM

The large-scale shift to remote collaboration and digitally mediated communication has rebuilt the modern work paradigm as a state of constant visibility. Still, hardware and software alike have ceased to be merely neutral tools instant messaging apps, emails, video conferences, even platform-based observation have morphed into a “digital panopticon.” The panopticon that figure of Benthamite-Foucauldian imagination, in which generalised surveillance induces self-discipline is reincarnated today (and recently) at the digital workplace in the form of networked visibility. Such monitoring reaches outside the confines of a traditional office, goes beyond working hours, and intrusively enters the private domains of workers when these tools are accessed from worker-owned devices or accounts.²⁶ Theoretically, such networked visibility is made possible by the present-day technological capabilities that exist to produce an endless managerial gaze that controls worker practices across the brains and severances of time and space.

Recent job performance records provide empirical support that daily digital platforms permit round-the-clock manager access. The use of institutional accounts (e.g., WeChat or WhatsApp) for private purposes and vice versa has been normalized, so that employees are expected to reply at all hours late at night on weekends or holidays. Such practice more closely restructures workers' loyalties among the private and organizational domain, where paternalistic speech often propagates submission as a form of care or commitment, and thus become an interpersonal apparatus of normative authority.²⁷ Also, the burgeoning literature on Algorithmic Management (ALMA) highlights that digital systems not only monitor but also govern schedules, assess performance and order

²⁴ Aina W. Dahlan et al., “Analysis of the Book Madkhal Ila Fiqh Al-Mihan: Towards the Development of a Model of Employment Jurisprudence in Malaysia,” *Revista De Gestão Social E Ambiental* 18, no. 6 (2024): e05859, <https://doi.org/10.24857/rgsa.v18n6-057>.

²⁵ Senoaji et al., “Analysis of the Influence of Organizational Climate on Productivity of Syari'ah Private Banking Employees in Indonesia.”; Maren Deepwell, *Leading Virtual Teams. Field Notes From a CEO*, 2022, <https://doi.org/10.25304/alt.2022.01>.

²⁶ Jamileh Kadivar, “Government Surveillance and Counter-Surveillance on Social and Mobile Media: The Case of Iran (2009),” *M/C Journal* 18, no. 2 (2015), <https://doi.org/10.5204/mcj.956>.

²⁷ Mei-I. Cheng, “There's No Way Out... This Phenomenon Is Everywhere”: *Early-Career, Non-Managerial Chinese Women's Experiences of Workplace Cyberbullying*, 2026, <https://doi.org/10.20944/preprints202602.0580.v1>.

subordinate activities. ALMA systematically raises job demands more stringent deadlines and unpaid waiting times and lowers worker autonomy.²⁸

This kind of normative control happens not only in media, but also manifests as an embodied experience of surveillance. Different ethnographic studies of surveillance-based workspaces whether through material architecture, like glass-walled offices, or through an atmosphere of authority created by digital reporting routines show that managerial monitoring can structure workers' beliefs, norms and emotional states. This reinforces that surveillance should not be thought of as an independent technical object but is contextually located, and deliberated by workers in terms of how they curate the image that they present.²⁹ When this panoptic logic is married to devices where we do remote work it creates what's called "cognitive working hours."

Cognitive working hours refer to periods in which employees, though not formally on duty, must remain on standby, monitor notifications, and supply knowledge-based labour beyond contracted hours. The intensity of digital surveillance combined with these availability norms elevates psychosocial risk burnout, sleep disruption, and reduced well-being particularly where workers have no co-design role in algorithmic systems.³⁰ These cognitive working hours are often informally recognized nor compensated, leaving workers in a cognitive slavery state.

Deconstructing "Working Hours" and Standby in the *Ijārah 'alā al-A'māl* Contract

Assessing the phenomenon of digital panopticon and cognitive working hours requires proper doctrinal analysis based on advances in Islamic Economic Law, especially using Islamic *Ijārah 'alā al-A'māl* (lease of services/labor) contract framework. A key tenet of *Ijārah* is that the service or labor provided should be equivalent to the remuneration or reward offered, resting upon certainty (*Ma'lūmiyyah*). An Islamic employment contract is only valid if both time (*al-waqt*) and workload (*al-'amal*) are clear. The lack of clear boundary of when one must come and go in service to corporate interests leads to too much uncertainty (*Garar*).³¹

²⁸ Mairi Bowdler, "Algorithmic Management and Psychosocial Risks at Work: An Emerging Occupational Safety and Health Challenge," *Scandinavian Journal of Work Environment & Health* 52, no. 1 (2025): 1–5, <https://doi.org/10.5271/sjweh.4270>.

²⁹ Lachezar Ivanov, "Cognitive and Emotional Experiences of Working in a Glass Office: A Case Study on Normative Control," *European Journal of Management Issues* 25, no. 2 (2017): 80–84, <https://doi.org/10.15421/191711>; Christine Teague et al., "An Ambience of Power? Challenges Inherent in the Role of the Public Transport Transit Officer," *M/C Journal* 13, no. 2 (2010), <https://doi.org/10.5204/mcj.227>.

³⁰ Bowdler, "Algorithmic Management and Psychosocial Risks at Work: An Emerging Occupational Safety and Health Challenge"; Cheng, "There's No Way Out... This Phenomenon Is Everywhere": *Early-Career, Non-Managerial Chinese Women's Experiences of Workplace Cyberbullying*.

³¹ Safna Delfira, "An Analysis of Employment Relations in the Saree Chips Home Industry: Based on the Concept of *Ijārah 'Ala Al-'Amal*," *Maqasidi Jurnal Syari'ah Dan Hukum*, 2025, 304–14, <https://doi.org/10.47498/maqasidi.v5i2.5979>; Soraya Devy and Nila V Rahmi, "The Provision of Wages to Laundry Labourers Seen From the Concept of *Ijārah Bil 'Amal* Contract," *JJHK* 3, no. 1 (2019): 21–41, <https://doi.org/10.22373/jurista.v3i1.37>.

Yet in a context of constant digital connectivity, managerial demands on workers to be always available beyond formally agreed hours effectively amount to an uninvited extension of al-'amal. The Islamic labor jurisprudence makes it very clear that remuneration must match with the work and chores. This in itself imposes unpaid waiting times or cognitive standby that coerces workers into work without due recompense (ujrah al-miśl) and thus violates the integrity of the contract.³² This manifests doctrinally; the disparity between the labor taken in, and the lack of recompense leads to *Zulm* (exploitation or injustice) against the worker. Without this full-time standby specifically written and compensated in the first rate, such practice can be seen as an unreasonable burden which puts off the substantive justice of the *Ijārah* contract³³

This problem raised an important jurisprudence issue: If a Muslim employee who has crossed the hours or time of work, ignore the orders given by their company, whether such act is *Nusyūz* (disobedience) or not? So, for transposing *Nusyūz*'s terminology into the language of modern labour law to call workers "disobedient" when they are defending their rest time is a categorical fallacy.

Managerial power under *Ijārah* is not unqualified; it is constitutionally constrained by the terms of the contract and customary practice. This is further supported by the most basic of Islamic legal maxims: "*Al-ma'roof 'urfan ka al-mashrut shartan*" (What is customary is a condition as though it were stipulated). Since working hours are regularly formalized and laid down in contracts, any management directive demanding labor beyond these stated hours without agreement would be void in law.

Moreover, in an Islamic state, authority is limited by the rule that "*Tasarruf al-imam 'ala al-ra'iyah manutun bi al-maṣlaḥah*" (The actions of a commander over his subjects depend upon the public interest/welfare). Burnout-inducing demand for cognitive availability erodes this *maṣlaḥah*. So, a worker disengaging is not insubordination (*Nusyūz*), but enforcing contractual boundaries and rejecting *Zulm*.³⁴

In addition, modern labor law debates addressing *Syari'ah* tend to concentrate on procedural justice. If the managerial instruction is invalid, unreasonable or beyond the bounds of contract clauses, any disciplinary action would be unenforceable. Sanctioning or terminating the employment of an employee who refused to reply to communication outside working hours must then be considered a breach of distributive and procedural justice by the corporation, rather than a worker's transgression.³⁵ Thus, the ignorance of

³² Bowdler, "Algorithmic Management and Psychosocial Risks at Work: An Emerging Occupational Safety and Health Challenge"; Delfira, "An Analysis of Employment Relations in the Saree Chips Home Industry: Based on the Concept of *Ijārah 'Ala Al-'Amal*."

³³ Devy and Rahmi, "The Provision of Wages to Laundry Labourers Seen From the Concept of *Ijārah Bil 'Amal* Contract."

³⁴ M. E. Manamela, "The Contest Between Religious Interests and Business Interests – TFD Network Africa (Pty) LTD v Faris (2019) 40 ILJ 326 (LAC)," *Obiter* 41, no. 4 (2021): 961–73, <https://doi.org/10.17159/obiter.v41i4.10498>; Delfira, "An Analysis of Employment Relations in the Saree Chips Home Industry: Based on the Concept of *Ijārah 'Ala Al-'Amal*."

³⁵ Philippa Collins and Gabrielle Golding, "An Implied Term of Procedural Fairness During Disciplinary Processes: Into Contracts of Employment and Beyond?," *Industrial Law Journal* 53, no. 2 (2023): 125–56, <https://doi.org/10.1093/inclaw/dwad030>.

full-time instructions cannot be categorized as a moral sin or Nusyūz, instead it is a right of an employee which jurisprudentially withstands against *Zulm* (exploitation) (*Zulm*).³⁶

The Right to Disconnect as an Instrument of *Maqāṣid al-Syarī'ah* and *Sadd al-Ẓarā'i'*

That the digital panopticon requires regulations limiting its reach is not merely a secular labor issue, but one which has deep ontological roots in *Maqāṣid al-Syarī'ah* (the first objectives of Islamic law). The *maqāṣid* theoretically and ethically broadens the scene to include all social and commercial contracts, determining that they must be directed towards preserving one of five essential needs; religion (*din*), life (*nafs*), intellect (*aql*), lineage (*nasl*) or wealth (*mal*). This equilibrium represents the basis of the RTD as a *Syarī'ah* protective tool.

Firstly, ubiquitous access to digital connectively and the resultant cognitive overload (burnout) is a direct threat on *Ḥifẓ al-Nafs* (preservation of life and physical health) and *Ḥifẓ al-'Aql* (preservation of intellectual function). Based on *maqāṣid*-oriented literature, the protection of *nafs* must oblige institutions to pull workers away from methodological harm such as the risk of cardiovascular disorders, eyestrain, and depression due to a lack of recovery time.³⁷ *Ḥifẓ al-'Aql*, at the same time, requires irrational endurance. Perpetual cognitive load and sleep deprivation effectively diminishes the ability to discretionary decision-making, sense, and equilibrium organisms prized in Islam for their preconditions of *taklif*.³⁸ As a consequence, to maintain sanity³⁹ the right thing (*fardu*) is to cut digital connection after working hours.

Final, the encroachment of management into private time shatters *Ḥifẓ al-Nasl* (family and lineage) and *Ḥifẓ al-Dīn* (religion and worship). In Islam, the basic block of social stability is family. The domestic sphere is degraded when parents' time and attention are usurped by unpaid digital standby obligations. The functions of child-rearing, moral education of children and marital harmony are sacrificed, which directly goes against the objectives of *Ḥifẓ al-Nasl*.⁴⁰ In the realm of *Ḥifẓ al-Dīn*, limitless work eats away at the

³⁶ Manamela, "The Contest Between Religious Interests and Business Interests – TFD Network Africa (Pty) LTD v Faris (2019) 40 ILJ 326 (LAC)."

³⁷ Muhammad N. Rizqi, "The Maqasidi Interpretation Approach to Realising Work-Life Balance for Family Welfare," *Zad Al-Mufassirin* 7, no. 2 (2025): 260–80, <https://doi.org/10.55759/zam.v7i2.260>; Aniqoh Aniqoh, "Hadith of Gratitude and Mental Health: A Conceptual Analysis in the Works of Al-Ghazali," *Jurnal Ushuluddin* 33, no. 2 (2025): 454, <https://doi.org/10.24014/jush.v33i2.37895>; Toija Cinque, "A Study in Anxiety of the Dark," *M/C Journal* 24, no. 2 (2021), <https://doi.org/10.5204/mcj.2759>.

³⁸ Muhammad A. Rahmadi, "Theory of Mind on Ghazali and Ibn Qayyim Al Jauzi Perspective: Analysis Model on Islamic Psychology," *Psychosophia Journal of Psychology Religion and Humanity* 4, no. 2 (2022): 80–93, <https://doi.org/10.32923/psc.v4i2.2500>.

³⁹ Sri A. Lubis, "The Qualification of Jarimah Ta'zir for Child Exploitation: A Case Study of Forced Labor at the Muara Parlampungan Gold Mine," *Sign Jurnal Hukum* 7, no. 2 (2025): 708–26, <https://doi.org/10.37276/sjh.v7i2.524>.

⁴⁰ K. M. A. F. Ikhsan, "Navigating Family Responsibilities: A Maqāṣid Syarī'ah Framework for the Sandwich Generation," *Jurnal Al-Hakim Jurnal Ilmiah Mahasiswa Studi Syarī'ah Hukum Dan Filantropi*, 2025, 23–38, <https://doi.org/10.22515/jurnalalhakim.v7i1.11271>; Parvin Nasirova, "A View of the Family in Ibn

mental and temporal space required for acts of worship (the five pray times, fasting or dhikr). To enter into a contract with defective values that systematically deprives the solemnity of worship and time dedicated to God.⁴¹

To prevent this catastrophe, the Right to Disconnect can be implemented as *Sadd al-Ẓarā'i'* (blockages that direct towards harm or seven maqāṣid pillars). *Sadd al-Ẓarā'i'* in Ushul Fiqh is a preventive doctrine that closes the proximate causes of an evil before it occurs (Hassan et al., 2008). Since it is empirical and medical fact that 24/7 connectivity to work is the best and main route for exploitation, depression, and hence degradation of a family institution, closing this conduit through institutionalization of a freedom to turn off your work communication device becomes legal obligation (*wajib li ghairihi*). Far from being a luxury of sloth, the RTD serves as a shroud of jurisprudential protection against the portals of evils that exist at modern workplace relations⁴²

Figure 1 synthesizes the interplay between the threats of digital panopticon, vulnerabilities of Maqāṣid pillars and restoration of *Ijārah* balance through RTD.

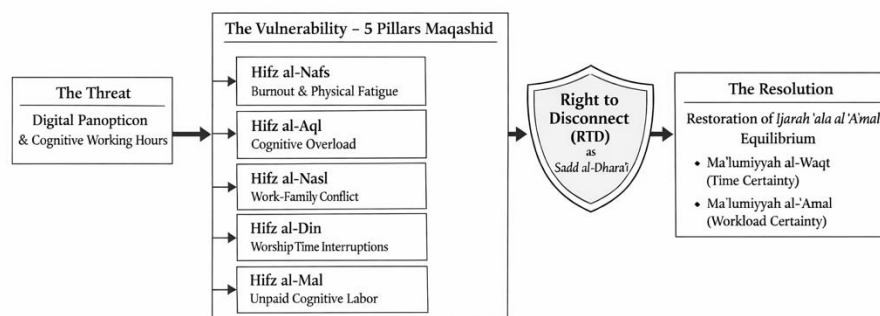


Figure 1. Conceptual Framework of the Right to Disconnect as *Sadd al-Ẓarā'i'* in Syari'ah Human Resource Management (Source: developed by the author based on a synthesis of the reviewed literature, 2026)

As illustrated in Figure 1, the framework operates along three interrelated axes. The first axis depicts the source of harm, namely the digital panopticon and algorithmic management which produce cognitive working hours, unpaid standby, and erosion of boundary between work and private life. The second axis maps these harms onto the five

Sina's Philosophy," *Metafizika Journal* 8, no. 8 (2025): 342–59, <https://doi.org/10.33864/2617-751x.2025.v8.i8.342-359>.

⁴¹ Didin Chonyta and Mohammad Jainuri, "Integrasi Maqāṣid Klasik Dan Kontemporer Dalam Pelayanan Haji Untuk Lansia, Difabel, Dan Jemaah Risiko Tinggi: Studi Maqāṣid Perspektif Ibn 'Ashūr Dan Jasser Auda," *Imtiyaz Jurnal Ilmu Keislaman* 9, no. 3 (2025): 521–36, <https://doi.org/10.46773/imtiyaz.v9i3.2370>.

⁴² Idris Idris, "Bullying Dalam Perspektif Nilai Fundamental Tafsir Maqashidi: Analisis Maqāṣid Syari'ah Dalam Rangka Hifdz Aql Dan Hifdz Nafs," *Ar-Rosyad Jurnal Keislaman Dan Sosial Humaniora* 3, no. 1 (2024): 22–38, <https://doi.org/10.55148/arrosyad.v3i1.1438>; Agus Miswanto, "Gaya Hidup Halal Dalam Perspektif Maqāṣid Syari'ah: Membangun Kesejahteraan Holistik," *International Journal Mathla'ul Anwar of Halal Issues* 5, no. 2 (2025): 57–67, <https://doi.org/10.30653/ijma.202552.148>; Moh. H. Affan and Asep Awaludin, "The Concept of 'Humanity' in the Perspective of Maqāṣid Al-Shari'ah," *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum* 8, no. 1 (2023), <https://doi.org/10.22515/alakhkam.v8i1.5895>.

pillars of Maqāsid al-Sharī'ah Ḥifẓ al-Dīn, al-Nafs, al-'Aql, al-Nasl, and al-Māl showing how perpetual connectivity simultaneously threatens worship, physical health, intellectual integrity, family stability, and economic justice. The third axis presents the Right to Disconnect as a Sadd al-Ẓarā'i' instrument that closes the proximate causes of harm and restores the Ma'lūmiyyah of the Ijārah contract. The arrows in the framework therefore should not be read as merely descriptive; they articulate a normative-jurisprudential chain in which doctrinal protection (RTD) is positioned as the corrective mechanism that re-establishes the contractual equivalence between al-waqt (time), al-'amal (workload), and ujah (wage). This logic provides the bridge to the policy implications elaborated in the following subsection.

Formulating Islamic Labor Law Policies for Comprehensive Syarī'ah Compliance

Such consilience of the above doctrinal arguments into practice will require a complete overhaul of SOPs and ('Aqd) for employment across all business entities, universities or financial institutions with Syarī'ah brands or labels. This redefinition of governance must be guided by the foundations of justice or Adalah that structurally encompasses procedural and distributive justice. Procedural justice provides an objective space from which the worker can disengage without fear of punishment, and distributive justice guarantees that no cognitive time of the worker is consumed by the corporation free of penalty⁴³

Moreover, the application of surveillance technology and Algorithmic Management (ALMA) to Islamic HRM needs to be governed by a multi-stakeholder ethical governance models. Syarī'ah Supervisory Board (DPS) can no longer restrict its scope of jurisdiction merely to the permissibility (halal nature) of financial products, but also expand its audit on fairness in treating the institutions' human capital.⁴⁴ These specific legal terms should be added to the current Syarī'ah contract ('Aqd) on employment, in order to implement true protection of digital disconnection and restoring the justice of Ijārah.

The Right to Disconnect and Defined Disconnection Window Clause (first). The contract should explicitly entitle the worker to an unfettered right to disconnect from all work communications at defined non-working times. Institutions are barred from scaring workers into responding to emails or messaging applications, except under emergency conditions threatening life, property or the public order of a finely defined nature in

⁴³ Julie Cloutier and Lars Vilhuber, "Procedural Justice Criteria in Salary Determination," *Journal of Managerial Psychology* 23, no. 6 (2008): 713–40, <https://doi.org/10.1108/02683940810894765>; Gomaa Agag, "E-Commerce Ethics and Its Impact on Buyer Repurchase Intentions and Loyalty: An Empirical Study of Small and Medium Egyptian Businesses," *Journal of Business Ethics* 154, no. 2 (2017): 389–410, <https://doi.org/10.1007/s10551-017-3452-3>; Ira M. Sari et al., "Influence of Workload and Compensation on Employee Performance at PT PLN (Persero) Unit Induk Pembangunan Sumatera Bagian Selatan," *International Research Journal of Management It and Social Sciences* 11, no. 1 (2023): 15–22, <https://doi.org/10.21744/irjmis.v11n1.2395>.

⁴⁴ Verma Prikshat et al., "A Multi-Stakeholder Ethical Framework for AI-Augmented HRM," *International Journal of Manpower* 43, no. 1 (2022): 226–50, <https://doi.org/10.1108/ijm-03-2021-0118>.

advance. This clause effectively utilizes *Sadd al-Ẓarāʾiʿ* to preserve the human mind as well as intellect from the evils of cognitive fatigue.

Secondly, the Standby Compensation Clause (*Ujrah al-miṣl*). In the event that, in this specific operational nature of the institution, an on-call obligation is required outside of formal working hours, the institution will pay to the worker at a fair market rate or adjusted separately within the contract for an on-call allowance. This standby needs to have a specific time limit (ceiling). The abolishment of unpaid waiting times is an application of the implementation of the fair remuneration principle in *Ijārah* which forbids corporations from unlawfully consuming the sweat of laborers.⁴⁵

Third, The Privacy and Data Minimization Provision. As the digital panopticon often intrudes into private spaces (through workers' personal phones), *Syari'ah* contracts must ensure that work-related communications via personal devices (i.e. private WhatsApp numbers) can only ever happen with explicit consent. The corporation's monitoring should be reasonable, limited to work and preserve human dignity as required by *maqāṣid* ⁴⁶

Fourth, The Religious Accommodation and Conflict Resolution Clause. Scheduling policies must not disadvantage the worker's career, needing to accommodate for prayer times, Ramadan fasting, and other worship obligations. This is the meaning of *Ḥifẓ al-Dīn*. Moreover, in order to ensure procedural justice, there should be a transparent grievance process when it comes to violations of RTD rights by an employer, as well as a prohibition on managerial reprisals against workers exercising their right to disconnect.⁴⁷

Situated against the existing scholarship, these findings extend the discourse on the Right to Disconnect in three substantive directions. First, secular regulatory studies such as Josserand and Boersma's analysis of the Australian Fair Work amendment, Kaishatayeva et al.'s comparative review of European jurisdictions, and Visconti's assessment of the Spanish framework ground RTD primarily in occupational health and privacy rationales. The present study reframes that protection on a deontological foundation: cognitive standby outside contracted hours is not only a wellbeing risk but a contractual defect (*Garar*) and a substantive injustice (*Zulm*) that vitiates the *Ma'lūmiyyah* of *Ijārah 'alā al-A'māl*. Second, while studies on Islamic labor jurisprudence (e.g., Dahlan et al., 2024; Delfira, 2025; Humaira and Ali, 2025) discuss fairness of wages, working conditions, or part-time

⁴⁵ Anggit A. Permana and Iwan, "Analisis Maqāṣid Syari'ah Terhadap Hukum Mengambil Upah Dari Penyedia Donor Darah: Studi Kasus Kota Tebing Tinggi," *Reslaj Religion Education Social Laa Roiba Journal* 7, no. 1 (2025), <https://doi.org/10.47467/reslaj.v7i1.6768>; Miswanto, "Gaya Hidup Halal Dalam Perspektif Maqāṣid Syari'ah: Membangun Kesejahteraan Holistik."

⁴⁶ Miftahul Huda and Syaufi Hayatunnisa, "The Health Level of Islamic Commercial Banks in Indonesia: The Camel Approach Analysis," *Epibaf* 11, no. 1 (2024): 381–95, <https://doi.org/10.33102/435njh07>; Cheryl Green and Ada D. Luong, "Bullied: Exploring the Concepts of Territorialism and Groupthink Involvement in Workplace Bullying," *Nursing Open* 10, no. 10 (2023): 6777–81, <https://doi.org/10.1002/nop2.1938>.

⁴⁷ Luru T. Tuñ, "Nursing Governance and Clinical Error Control," *International Journal of Pharmaceutical and Healthcare Marketing* 9, no. 2 (2015): 136–57, <https://doi.org/10.1108/ijphm-02-2014-0014>; Collins and Golding, "An Implied Term of Procedural Fairness During Disciplinary Processes: Into Contracts of Employment and Beyond?"

arrangements, none has yet operationalised digital disconnection as a binding obligation derived simultaneously from *Maqāṣid*, *Sadd al-Ẓarā'i*, and the maxim of harm-elimination. The triangulation of these three doctrinal instruments is therefore the original jurisprudential contribution offered here. Third, in contrast to ethical-AI HRM frameworks that propose external audit mechanisms (e.g., Prikshat et al., 2022), this study locates accountability within the 'Aqd itself through clauses on disconnection, standby compensation (*ujrah al-miṣl*), data minimization, and worship accommodation thus closing the gap between *Syari'ah* compliance as product permissibility and *Syari'ah* compliance as substantive treatment of human capital.

As such the Right to Disconnect can no longer be seen as a negotiable privilege it represents an inalienable ethic of labor law, which must be brought into being if there is any hope for legitimacy and justice within the modern Islamic economy. Incorporating this instrument into the *Syari'ah* SOPs and 'Aqd architecture is a tangible effort towards achieving comprehensive *Syari'ah* Compliance a compliance that goes beyond purifying corporate capital flow and assets from elements of usury (*riba*) to liberate the bodies, minds, and souls of its workers from the threat of digital enslavement.

D. Conclusion

This study concludes that the always-on digital connectivity culture in modern HRM produces a fundamental legal flaw. Managerial demands for worker availability beyond formal hours without equivalent compensation (*ujrah al-miṣl*) bilaterally erodes the *Ma'lūmiyyah* principle concerning time limitations (*al-waqt*) and workload scope (*al-'amal*). This diminished certainty in contract execution is the affirmation of surging *Garar* and *Zulm* into the corporeality of *Ijārah 'alā al-A'māl* contract. Therefore, a worker's reluctance or refusal to respond to work instructions that exceed contractual time limits cannot be simplistically reduced or classified as *Nusyūz* (disciplinary disobedience) but must be seen as an appropriate jurisprudential justification for rejecting relational injustice.

In this regard, as an original contribution to the discourse and development of contemporary Islamic Economic Law, This Article argues that the Right to Disconnect has applications that go well beyond those of a mere instrument of protection under secular labor law. The institutionalization of the freedom to withdraw digital connectivity is an operative expression of *Sadd al-Ẓarā'i* (blocking the means to harm) and the maxim of harm abolition (*La ḍarara wa la ḍirār*) within Islamic jurisprudence ecosystem. The operationalization of this right is a pure jurisprudential obligation that acts categorically to maintain the quintessence of *Maqāṣid al-Shari'ah*; which in particular protects reason and cognitive stability from excessive fatigue (*Ḥifẓ al-'Aql* and *Ḥifẓ al-Nafs*), returning the prerogative of private space and family harmony (*Ḥifẓ al-Nasl*), as well as ensuring uninterrupted solemnity and time for worship obligations (*Ḥifẓ al-Dīn*).

These findings call on *Syari'ah*-compliant business entities, universities, and financial institutions to redefine their SOPs and employment contracts by embedding digital disconnection immunity, fair standby compensation, and worship-time protection within an ethical governance framework. Given the normative-doctrinal scope of this study,

future research is encouraged to undertake socio-legal and empirical investigations of the Syari'ah-based Right to Disconnect clause in specific sectors (e.g., Islamic banking and the gig economy) within Muslim-majority legal ecosystems.

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