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Artificial Intelligence and Islamic Jurisprudence: Ethical Challenges and Fiqhi Responses



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Abstract

This article examines the ethical and jurisprudential implications of artificial intelligence within the framework of Islamic law. It argues that AI is not merely a technical innovation but a moral, legal, and social phenomenon that affects religious authority, finance, medicine, privacy, family life, governance, and human accountability. Drawing upon the principles of *usul al-fiqh*, *ijtihad*, *qiyas*, *maslahah*, *sadd al-dhara'i*, legal maxims, and *maqasid al-Shariah*, the study highlights the capacity of Islamic jurisprudence to respond to emerging technologies without abandoning its revelatory foundations. The article shows that AI can serve beneficial purposes, such as improving healthcare, supporting Islamic finance, organizing religious knowledge, enhancing education, and strengthening governance. However, it also creates serious risks, including algorithmic bias, surveillance, misinformation, deepfakes, unreliable AI-generated fatwas, financial uncertainty, medical liability, and erosion of human moral agency. The study emphasizes that machines cannot possess *taklif*, *niyyah*, or moral responsibility; therefore, accountability must remain with developers, users, institutions, regulators, and qualified human experts. It further proposes that AI governance in Muslim societies should be grounded in transparency, human oversight, Shariah review, privacy protection, fairness, harm prevention, and public welfare. By comparing global AI ethics with Islamic jurisprudence, the article demonstrates both convergence and distinction: while both frameworks value justice and accountability, Islamic law grounds these values in divine guidance and *maqasid*. The article concludes that AI should remain a servant of ethical human responsibility, not a replacement for moral judgment. Future research should develop practical *fiqhi* models for AI liability, fatwa assistance, bioethics, and digital family ethics.

Key words: Artificial Intelligence; Islamic Jurisprudence; Maqasid al-Shariah; AI Ethics; Fiqhi Responses

1: Conceptual Foundations of Artificial Intelligence and Islamic Jurisprudence

1.1 Defining Artificial Intelligence in the Contemporary Digital Context

Artificial Intelligence has become one of the most influential technologies of the contemporary age, reshaping human interaction, legal reasoning, education, medicine, finance, governance, and even religious discourse. At its simplest level, AI refers to computer-based systems that can process data, identify patterns, generate outputs, and perform tasks that normally require human-like reasoning, prediction, classification, or decision-making. The updated OECD understanding of AI describes an AI system as a machine-based system that, for explicit or implicit objectives, infers from input how to generate outputs such as predictions, content, recommendations, or decisions that may influence physical or virtual environments.¹ This definition is significant because it does not reduce AI to a single machine or software tool; rather, it presents AI as a system that interacts with data, objectives, human users, and social consequences. In contemporary society, AI is not limited to robots or visible machines. It exists in search

¹ OECD, Explanatory Memorandum on the Updated OECD Definition of an AI System (Paris: OECD Publishing, 2024).

engines, recommendation systems, biometric identification, medical diagnosis, financial risk assessment, automated translation, surveillance tools, educational software, legal analytics, and generative language models. These systems may appear neutral because they are technical in form, but their design, training data, objectives, and deployment often carry ethical and legal implications. For example, an AI system used in finance may affect access to loans; an AI tool used in medicine may influence diagnosis; an AI platform used in social media may shape public opinion; and an AI model used for religious questions may influence how people understand Islamic law. Therefore, AI is not merely a technological issue; it is also a moral, legal, social, and epistemological issue. Classical AI scholarship often explains artificial intelligence as the study and design of agents that perceive their environment and act in ways that increase the chance of achieving certain goals. Russell and Norvig describe AI through multiple approaches, including systems that think like humans, act like humans, think rationally, or act rationally.² This broader understanding is important for Islamic jurisprudence because AI is not only about mechanical automation; it also concerns decision-making, reasoning, prediction, and authority. When AI begins to assist or replace human judgment in sensitive matters, Muslim jurists must ask whether such systems preserve justice, accountability, human dignity, and moral responsibility.

1.2 Understanding Islamic Jurisprudence, Fiqh, and Usul al-Fiqh

Islamic jurisprudence is the human scholarly effort to understand and apply the divine guidance found in the Qur'an and Sunnah. It is important to distinguish between Shariah and fiqh. Shariah refers to the divine path and normative guidance revealed by Allah, while fiqh refers to human understanding of that guidance in specific legal, social, and practical situations. This distinction is essential because fiqh involves interpretation, reasoning, disagreement, context, and application. Therefore, when new technologies such as AI appear, Islamic jurisprudence is not silent; rather, it engages them through established methods of legal reasoning. Usul al-fiqh, or the principles of Islamic jurisprudence, provides the methodological foundation through which jurists derive rulings from the Qur'an, Sunnah, ijma', qiyas, and other recognized legal tools. Kamali explains usul al-fiqh as the science that studies the sources of Islamic law, the methods of legal deduction, and the principles by which rulings are derived.³ This means that Islamic jurisprudence is not a random collection of opinions. It is a disciplined intellectual tradition with rules of interpretation, hierarchy of evidence, and concern for moral objectives. In relation to AI, this methodological discipline is especially important because artificial intelligence raises complex questions that cannot be answered by emotional reaction or superficial analogy. For example, if an AI system gives a religious answer, the juristic question is not only whether the answer is linguistically correct. The deeper questions are: Who is responsible for that answer? Does the system understand legal context? Can it distinguish between a general rule and a specific fatwa? Can it evaluate necessity, custom, harm, public welfare, intention, and legal exceptions? Can it know when to remain silent? These questions show why fiqh cannot be replaced by machine output. AI may assist research, organize information, compare opinions, or identify relevant texts, but legal authority in Islam

² Stuart Russell and Peter Norvig, *Artificial Intelligence: A Modern Approach*, 4th ed. (Hoboken, NJ: Pearson, 2021).

³ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003).

remains tied to qualified human scholarship, moral responsibility, and accountability before Allah and society.

1.3 The Need for Fiqhi Engagement with Emerging Technologies

The need for Islamic jurisprudence to engage with AI arises from the fact that technology is no longer external to human moral life. AI affects privacy, employment, education, medical treatment, financial transactions, family relations, public security, and religious knowledge. If fiqh does not address these issues, Muslim societies may either reject useful technology without sufficient reason or adopt harmful technologies without ethical control. Both extremes are problematic. The proper fiqhi approach is neither blind rejection nor blind acceptance, but principled evaluation based on evidence, objectives, consequences, and moral responsibility. Islamic legal history shows that jurists have always dealt with new realities. They developed principles such as *ijtihad*, *qiyas*, *maslahah*, *istihsan*, *'urf*, *sadd al-dhara'i*, and *darurah* to respond to changing circumstances. These principles allow Islamic law to remain faithful to revelation while also capable of addressing new problems. Hallaq notes that Islamic legal theory developed a sophisticated structure of reasoning through which jurists connected revealed texts with practical realities.⁴ This historical flexibility is directly relevant to AI. The rise of artificial intelligence does not require abandoning Islamic law; rather, it requires reviving serious legal reasoning within the framework of Islamic principles. AI also challenges the concept of human moral agency. In Islam, human beings are accountable because they possess intention, consciousness, choice, and moral responsibility. Machines do not possess *taklif* in the Islamic legal sense. They may perform tasks, but they are not morally accountable persons. Therefore, when AI causes harm, spreads misinformation, violates privacy, or produces a wrong religious answer, responsibility must be traced to human actors: developers, users, institutions, regulators, or those who deploy the system. This point is central to any Islamic model of AI ethics. Another reason for fiqhi engagement is the protection of *maqasid al-Shariah*. AI may support the preservation of life through medical diagnosis, the preservation of intellect through education, the preservation of property through fraud detection, and the preservation of religion through access to Islamic resources. However, the same technology may also threaten life through autonomous weapons, intellect through misinformation, property through algorithmic fraud, religion through unreliable fatwas, and dignity through surveillance or deepfakes. Therefore, Islamic jurisprudence must evaluate AI not only by its technical efficiency but also by its moral consequences. In short, the conceptual foundation of this topic requires understanding both AI and Islamic jurisprudence as dynamic systems of action and judgment. AI is a powerful tool that can generate benefits and harms depending on its design and use. Islamic jurisprudence is a principled legal tradition capable of evaluating new realities through revelation, reason, objectives, and ethical accountability. The meeting point between the two is not merely technological curiosity; it is a serious moral and legal necessity. Muslim scholars, technologists, policymakers, and institutions must therefore work together to develop fiqhi responses that protect human dignity, promote justice, prevent harm, and ensure that artificial intelligence remains a servant of ethical life rather than a force that controls it.

⁴ Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh* (Cambridge: Cambridge University Press, 1997)

2: Historical Flexibility of Islamic Law in Responding to New Technologies

2.1 Ijtihad as a Mechanism of Legal Adaptation

Islamic law has never been a static or frozen legal tradition. Although its primary sources, the Qur'an and Sunnah, are divinely authoritative and permanent, the application of their principles to changing human circumstances has always required scholarly reasoning. This process is known as *ijtihad*, which refers to the disciplined intellectual effort of qualified jurists to derive legal rulings for issues that are not explicitly addressed in the foundational texts. The importance of *ijtihad* becomes especially clear in relation to emerging technologies, because new tools often create situations that did not exist in earlier legal discussions. Artificial intelligence is one such development. It raises questions about decision-making, liability, privacy, religious authority, financial transactions, and human dignity in ways that require renewed juristic attention. The historical role of *ijtihad* shows that Islamic jurisprudence is capable of responding to new realities without abandoning its core principles. Muslim jurists in earlier centuries addressed new commercial practices, medical procedures, agricultural arrangements, political structures, and social customs through careful legal reasoning. They did not assume that every new matter was automatically prohibited, nor did they accept every innovation without evaluation. Instead, they examined the nature of the act, its consequences, its relation to established legal principles, and its impact on public welfare. This balanced method is highly relevant to AI. A *fiqhi* response to AI should not begin with fear or fascination, but with structured analysis: What is the function of the AI system? What benefits does it provide? What harms may it produce? Who controls it? Who is accountable for its outcomes? Does it protect or violate the objectives of Shariah?

Ijtihad also protects Islamic law from becoming disconnected from lived reality. If jurists refuse to engage new technologies, Muslim societies may become dependent on external ethical frameworks that may not fully reflect Islamic values. At the same time, if scholars issue quick rulings without understanding the technology, the result may be legally weak and socially ineffective. Therefore, contemporary *ijtihad* on AI must involve both Islamic legal scholars and technical experts. The jurist provides the normative framework, while the technologist explains how the system functions, what data it uses, and what risks it creates. This collaboration is necessary because Islamic rulings must be based on accurate understanding of reality before legal judgment is formed. Kamali emphasizes that *ijtihad* is not arbitrary opinion but a disciplined method rooted in sources, principles, and legal competence.⁵

2.2 Qiyas, Maslahah, Istihsan, and Sadd al-Dhara'i in Technological Issues

Islamic jurisprudence contains several legal tools that help jurists respond to new issues. One of the most important is *qiyas*, or analogical reasoning. Through *qiyas*, a new case is compared with an established case because both share an effective legal cause. In AI-related questions, *qiyas* may help jurists compare new digital practices with earlier legal categories. For example, algorithmic fraud may be analyzed in relation to deception in trade; unauthorized data extraction may be compared with violation of privacy or unlawful taking of property; and AI-generated misinformation may be examined in light of false testimony, slander, or public harm. However, *qiyas* must be

⁵ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003).

used carefully because AI is not always identical to earlier cases. The analogy must be based on a real shared legal cause, not on superficial similarity. Another important principle is *maslahah*, or public welfare. This principle allows jurists to consider the benefits and harms of new practices in light of the higher objectives of Shariah. AI may serve public welfare when used in medical diagnosis, disaster prediction, education, accessibility tools, fraud detection, or administrative efficiency. At the same time, it may harm public welfare when used for mass surveillance, algorithmic discrimination, deepfake production, manipulation, unjust profiling, or autonomous weapons. A maqasid-based approach would therefore evaluate AI according to whether it protects religion, life, intellect, lineage, property, and human dignity. Al-Shatibi's theory of maqasid provides a strong basis for such evaluation because it connects legal rulings with the preservation of essential human interests.⁶

Istihsan, often translated as juristic preference, may also be relevant in technological matters. It allows jurists to depart from a strict analogy when that analogy would lead to hardship, injustice, or an outcome contrary to the deeper purposes of the law. In AI governance, a rigid analogy may sometimes be insufficient. For example, if a digital platform technically resembles ordinary communication, it may still require special regulation because its scale, speed, and influence are far greater than normal conversation. Similarly, an AI financial tool may resemble ordinary agency or automation, but its complexity and risk may require additional safeguards. *Istihsan* can help jurists avoid overly mechanical reasoning and instead reach rulings that better serve justice and welfare. *Sadd al-dhara'i*, or blocking the means to harm, is another highly relevant principle. Some technologies may be permissible in themselves but become prohibited or restricted because they are likely to lead to serious harm. AI facial recognition, for example, may be useful for security or identification, but if used without safeguards it may lead to surveillance, discrimination, and violation of privacy. Generative AI may be useful for education and research, but if used to create fake evidence, defamatory images, or false religious rulings, it becomes a source of harm. Ibn al-Qayyim discusses the importance of considering consequences and preventing harmful means in legal reasoning, which is directly relevant to modern technological ethics.⁷

2.3 Classical Legal Reasoning and Contemporary Digital Transformation

The classical tradition of Islamic legal reasoning provides a valuable foundation for addressing digital transformation. Although earlier jurists did not discuss artificial intelligence in modern terms, they developed methods for dealing with uncertainty, custom, harm, benefit, intention, liability, and public order. These are precisely the categories needed for AI ethics today. AI systems create uncertainty because their outputs may be probabilistic, opaque, or dependent on complex data patterns. They involve custom because their social acceptance and use vary across communities. They raise questions of harm because biased or unsafe systems can damage individuals and societies. They involve intention because human actors design, deploy, and use these systems for specific purposes. They raise liability because harm caused by AI must be legally attributed to responsible human parties. The flexibility of Islamic law can also

⁶ Al-Shātibī, Abū Ishāq Ibrāhīm ibn Mūsā. *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*. Beirut: Dār al-Ma'rifah.

⁷ Ibn al-Qayyim al-Jawziyyah. *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn*. Beirut: Dār al-Kutub al-'Ilmiyyah.

be seen in its recognition of *'urf*, or custom, as a factor in legal judgment when it does not contradict clear texts. In digital life, custom plays a major role. Online transactions, electronic signatures, digital records, remote work, virtual education, and automated services have become normal parts of social and economic life. Islamic jurisprudence can recognize such practices when they fulfill the requirements of consent, clarity, fairness, and lawful purpose. This approach prevents *fiqh* from becoming detached from social reality while also preventing custom from overriding moral limits. Contemporary digital transformation requires a renewed relationship between tradition and innovation. Islamic jurisprudence should not merely react to AI after harms occur; it should contribute proactively to ethical design, governance, and regulation. This means developing Shariah-based guidelines for transparency, accountability, data protection, human oversight, fairness, and prevention of harm. Hallaq's study of Islamic legal theory shows that juristic reasoning historically involved a dynamic relationship between revealed sources and changing social circumstances.⁸ This dynamism can guide Muslim scholars today as they respond to AI. At the same time, flexibility does not mean unrestricted permissibility. Islamic law is adaptable because it is principled, not because it is vague. It can accommodate new technologies when they serve lawful purposes and protect human welfare, but it can also restrict or prohibit technologies that produce injustice, deception, exploitation, or moral corruption. Yusuf al-Qaradawi's discussion of contemporary *ijtihad* highlights the need to combine fidelity to Islamic sources with awareness of modern realities.⁹ This balanced approach is essential for AI. Muslim societies need neither technological isolation nor ethical surrender. They need principled engagement rooted in *ijtihad*, *maqasid*, accountability, and public welfare. Thus, the historical flexibility of Islamic law provides a strong foundation for responding to artificial intelligence. Through *ijtihad*, *qiyas*, *maslahah*, *istihsan*, *sadd al-dhara'i*, and *'urf*, Islamic jurisprudence can evaluate AI in a nuanced and responsible way. These tools allow jurists to distinguish between beneficial and harmful uses, between assistance and replacement, between innovation and moral danger. In this sense, AI is not merely a challenge to Islamic law; it is also an opportunity to revive the intellectual depth and ethical relevance of the *fihi* tradition in the modern world.

3: Maqasid al-Shariah as an Ethical Framework for Artificial Intelligence

3.1 Protection of Religion, Life, Intellect, Lineage, and Property

The *maqasid al-Shariah* provide one of the most comprehensive ethical frameworks for evaluating artificial intelligence from an Islamic jurisprudential perspective. Literally, *maqasid* refers to the higher objectives, purposes, or intents of Islamic law. In classical Islamic legal theory, these objectives are usually connected with the preservation of essential human interests, especially religion, life, intellect, lineage, and property. These five necessities do not represent narrow legal categories only; rather, they express a broad vision of human welfare, moral order, and social protection. When applied to AI, the *maqasid* framework helps Muslim jurists and policymakers move beyond a simple question of whether a tool is technically permissible. It asks a deeper

⁸ Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh* (Cambridge: Cambridge University Press, 1997).

⁹ Al-Qaradāwī, Yūsuf. *Al-Ijtihād al-Mu'āṣir Bayna al-Indibāṭ wa al-Infirāṭ*. Cairo: Dār al-Tawzī' wa al-Nashr al-Islāmiyyah, 1994.

question: does this technology protect or harm the essential interests that Shariah seeks to preserve? The protection of religion requires that AI should not distort religious knowledge, produce false fatwas, misrepresent Qur'anic or Hadith texts, or replace qualified scholarly judgment with unreliable machine output. AI may be beneficial when it assists in indexing Islamic texts, translating resources, supporting research, or making authentic knowledge more accessible. However, it becomes problematic when it generates religious answers without proper verification, context, or scholarly accountability. In this sense, AI can serve religious knowledge, but it cannot become an independent religious authority. The protection of life is also central. AI has potential benefits in healthcare, emergency response, disease prediction, medical imaging, and public safety. These uses may strongly support the maqasid objective of preserving human life. At the same time, AI may threaten life when used in autonomous weapons, unsafe medical systems, biased healthcare triage, or careless automation of critical decisions. A maqasid-based approach would therefore permit and encourage AI applications that save lives, while restricting those that expose human beings to unjustified risk. The protection of intellect is equally important. AI can assist education, research, language learning, and knowledge organization. Yet it may also weaken intellectual integrity through misinformation, plagiarism, overdependence, manipulation, and algorithmic control of attention. The intellect in Islamic thought is not merely a technical reasoning tool; it is a moral faculty through which human beings recognize truth, responsibility, and accountability. Therefore, AI systems should be designed and used in ways that strengthen human understanding rather than replace human reflection. Al-Shatibi's theory of maqasid emphasizes that Shariah aims at securing human welfare and preventing harm in both worldly and religious life.¹⁰ This principle directly supports a careful evaluation of AI according to its consequences for human flourishing. The protection of lineage and family also has relevance in the AI age. Deepfakes, synthetic images, virtual relationships, AI companions, and digital manipulation may threaten family stability, personal honor, privacy, and trust. Islamic jurisprudence cannot ignore these developments because social morality and family structure are among the core areas protected by Shariah. Similarly, the protection of property includes digital assets, financial data, intellectual work, online transactions, and algorithmic decision-making in markets. AI-based fraud, identity theft, unfair pricing, and manipulative financial systems must therefore be examined through fiqh principles of justice, consent, transparency, and liability.

3.2 Human Dignity, Public Welfare, and Harm Prevention

A maqasid-based approach to AI must also place human dignity at the center of ethical evaluation. Human beings are not merely data points, consumers, users, or subjects of prediction. In Islamic moral thought, the human person possesses dignity, accountability, and spiritual significance. Therefore, AI systems that reduce people to behavioral profiles, manipulate their choices, exploit their weaknesses, or deny them fair treatment conflict with the ethical spirit of Shariah. AI governance in Muslim societies should therefore protect people from digital humiliation, surveillance abuse, discriminatory scoring, and unauthorized exposure of private information. Public welfare, or *maslahah*, is another essential concept in evaluating AI. Some AI applications clearly serve public welfare, such as improving medical diagnosis,

¹⁰ Al-Shātibī, Abū Ishāq Ibrāhīm ibn Mūsā. *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*. Beirut: Dār al-Ma'rifah.

detecting financial fraud, supporting accessibility for disabled persons, assisting disaster management, and enhancing public administration. Yet public welfare cannot be defined only by efficiency or profit. A system may be efficient but unjust; profitable but exploitative; convenient but harmful to privacy. Islamic jurisprudence requires that benefit must be real, lawful, and balanced against possible harm. Ibn Ashur emphasized that the objectives of Shariah are connected with order, welfare, justice, and the preservation of human society.¹¹ This insight is especially useful for AI because technology often produces both benefits and risks at the same time.

Harm prevention is one of the most practical principles for AI ethics. The legal maxim “harm must be removed” can guide regulation of dangerous AI applications. If an AI system causes discrimination, spreads false information, violates confidentiality, or produces unsafe decisions, then a Muslim ethical framework cannot justify its use merely because it is advanced or popular. Harm must be identified, reduced, and where necessary prevented through regulation. This may include transparency requirements, human oversight, data protection, accountability mechanisms, audit systems, and restrictions on high-risk applications.

The maqasid approach also avoids two extremes. The first extreme is technological rejectionism, which treats every new technology as morally suspicious simply because it is new. The second extreme is technological surrender, which accepts every innovation because it appears useful or modern. Maqasid al-Shariah offers a balanced path: technology is assessed according to its purposes, methods, consequences, and relation to human welfare. If AI protects life, knowledge, justice, and lawful benefit, it may be encouraged. If it causes oppression, deception, dependency, or moral corruption, it must be restricted or prohibited.

3.3 Applying Maqasid to AI Governance and Regulation

The application of maqasid al-Shariah to AI governance requires institutional, scholarly, and technical collaboration. Jurists alone cannot regulate AI without understanding its technical structure, and technologists alone cannot determine its moral legitimacy without ethical and legal guidance. Therefore, Muslim societies need interdisciplinary councils that include scholars of fiqh, experts in AI, ethicists, data scientists, legal specialists, medical professionals, economists, and policymakers. Such bodies can examine AI systems according to both technical function and Shariah-based ethical objectives. Jasser Auda’s systems approach to maqasid is particularly relevant here because it presents Islamic law as a dynamic and multi-dimensional system concerned with openness, purposefulness, interrelatedness, and human development.¹² This approach can help contemporary jurists avoid narrow legal formalism when dealing with AI. For example, a narrow approach may ask only whether an AI tool directly violates a specific text. A maqasid-based systems approach asks broader questions: What social effects does the tool produce? Does it increase justice or inequality? Does it protect or weaken human agency? Does it preserve dignity, privacy, and accountability? Does it benefit the public or concentrate power in the hands of a few corporations or states?

AI governance based on maqasid should include several practical principles. First, transparency is necessary because people affected by AI decisions should know when

¹¹ Muhammad al-Tahir Ibn Ashur, *Treatise on Maqasid al-Shari‘ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006).

¹² Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008).

and how automated systems influence their lives. Second, accountability is essential because machines cannot be morally responsible in the Islamic legal sense; responsibility belongs to human developers, institutions, users, and regulators. Third, fairness must be ensured so that AI does not reinforce racial, economic, gender-based, religious, or social discrimination. Fourth, privacy must be protected because unauthorized exposure of personal information violates human dignity and social trust. Fifth, human oversight must remain central, especially in religious, medical, legal, military, and financial decisions. Global AI ethics discussions also emphasize values such as transparency, justice, privacy, accountability, and human oversight. UNESCO's Recommendation on the Ethics of Artificial Intelligence highlights human rights, fairness, explainability, accountability, and protection from harm as core concerns of AI governance.¹³ These concerns overlap significantly with *maqasid al-Shariah*, although the Islamic framework grounds them in divine guidance, moral accountability, and the higher purposes of *Shariah*. This overlap shows that Islamic jurisprudence can contribute meaningfully to global AI ethics rather than merely borrowing from secular models. In conclusion, *maqasid al-Shariah* offers a powerful ethical framework for artificial intelligence because it connects law with purpose, technology with morality, and innovation with human welfare. It enables Muslim scholars to evaluate AI not only by asking whether it is new, useful, or profitable, but whether it protects religion, life, intellect, family, property, dignity, justice, and public welfare. A *maqasid*-based AI ethics model can guide Muslim societies toward responsible innovation, allowing beneficial technologies while resisting those that undermine human dignity and moral order.

4: Ethical Challenges of AI in Islamic Perspective

4.1 Algorithmic Bias, Injustice, and Discrimination

Artificial intelligence is often presented as a neutral and objective technology, but in reality AI systems are shaped by human choices, training data, institutional priorities, social assumptions, and economic interests. If the data used to train an AI system contains social prejudice, historical inequality, racial bias, gender imbalance, religious stereotyping, or class-based exclusion, the system may reproduce and even intensify these injustices. From an Islamic perspective, this is a serious ethical problem because justice is not a secondary value in *Shariah*; it is one of the central foundations of social life, governance, legal judgment, and human interaction. Any technology that produces unfair treatment, denies people equal dignity, or strengthens discrimination must therefore be examined critically through *fiqhi* and ethical principles. Algorithmic bias can appear in many forms. In financial systems, AI may deny loans to certain groups because past data reflects economic inequality. In recruitment systems, AI may favor applicants from particular educational backgrounds, regions, languages, or social classes. In policing and security systems, AI may wrongly identify certain communities as high-risk because of biased historical data. In social media, AI may amplify hate speech, religious prejudice, or sensational content because such material increases engagement. In all these cases, the machine does not appear to “intend” injustice, but injustice may still occur through the system's design and use. Islamic jurisprudence cannot ignore such harm simply because it comes through a technical system rather than a human judge. The Islamic principle of justice requires that decisions affecting human beings must be fair, transparent, and accountable. The Qur'anic command to

¹³ UNESCO, Recommendation on the Ethics of Artificial Intelligence (Paris: UNESCO, 2021).

uphold justice even against oneself, relatives, or powerful interests shows that justice must not be sacrificed for convenience or institutional benefit. In the context of AI, this means that Muslim societies should not accept algorithmic decision-making without auditing its effects. If an AI system harms the poor, misrepresents minorities, discriminates against women, or targets religious communities unfairly, then its use becomes ethically questionable. Scholars of AI ethics have also emphasized that algorithmic systems can create hidden forms of discrimination when they are deployed without transparency and social accountability.¹⁴

4.2 Privacy, Surveillance, and Digital Intrusion

Privacy is another major ethical challenge raised by artificial intelligence. Modern AI systems often depend on massive amounts of data, including personal information, location history, biometric records, conversations, images, financial behavior, medical history, online searches, and social media activity. This data may be collected directly, inferred indirectly, or extracted without meaningful consent. From an Islamic perspective, privacy is connected with human dignity, trust, personal honor, and protection from unjust suspicion. The moral life of society requires that individuals should not be constantly watched, exposed, profiled, or manipulated. Islamic teachings strongly discourage spying, suspicion, and violation of personal boundaries. This ethical foundation is directly relevant to AI-based surveillance. Facial recognition systems, predictive policing, workplace monitoring, automated profiling, and mass data collection may all become tools of control if not regulated properly. A technology that begins as a tool for security may gradually become a mechanism of domination, especially when people do not know how their data is collected, who controls it, and how it is used against them. In such cases, privacy is not only an individual concern; it becomes a matter of public justice and social trust. AI-driven surveillance can also affect religious freedom and minority rights. If religious gatherings, online discussions, mosque activities, charitable giving, or Islamic educational content are monitored through biased security frameworks, then Muslim communities may face unjust suspicion. Similarly, in Muslim-majority societies, AI surveillance may be misused against political opponents, sectarian minorities, activists, journalists, or ordinary citizens. A *fiqhi* approach must therefore ask not only whether surveillance is technically useful, but whether it is necessary, proportionate, lawful, transparent, and protected from abuse. The ethical problem becomes more serious when surveillance is combined with predictive analytics. AI may not only record what people do; it may predict what they might do. This creates the risk of punishing people based on probability rather than proven action. In Islamic jurisprudence, legal responsibility is connected with actual conduct, intention, evidence, and accountability. Treating people as guilty because an algorithm assigns them a risk score can violate principles of justice and due process. Shoshana Zuboff has shown how modern digital systems can transform human experience into data for prediction and control, creating new forms of power over individuals and societies.¹⁵ This concern is highly relevant to Islamic ethics because uncontrolled data extraction threatens human autonomy, dignity, and moral agency.

¹⁴ Brent Mittelstadt, Patrick Allo, Mariarosaria Taddeo, Sandra Wachter, and Luciano Floridi, "The Ethics of Algorithms: Mapping the Debate," *Big Data & Society* 3, no. 2 (2016): 1–21.

¹⁵ Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (New York: PublicAffairs, 2019).

4.3 Autonomy, Manipulation, and Human Moral Agency

A third major ethical challenge of AI concerns human autonomy and moral agency. In Islamic thought, human beings are morally accountable because they possess reason, intention, choice, and responsibility. AI systems may assist human decision-making, but they should not undermine the human capacity to reflect, choose, and act responsibly. When algorithms shape what people see, what they buy, whom they trust, how they vote, what they believe, and even how they understand religion, they begin to influence moral agency at a deep level. This influence may be subtle, but it can be powerful. Recommendation systems, targeted advertising, persuasive technologies, and generative AI tools can manipulate human behavior by exploiting emotions, weaknesses, fears, desires, and social pressures. For example, an AI system may push addictive content to increase screen time, promote consumerism, spread political propaganda, or normalize morally harmful behavior. In religious contexts, AI may generate confident but inaccurate answers that influence people who lack the scholarly ability to evaluate them. This creates a danger of misplaced trust. People may assume that machine-generated language is reliable because it sounds fluent, organized, or authoritative, even when it contains serious errors. From a *fiqhi* perspective, this raises questions about deception, consent, responsibility, and harm. If a person is manipulated into making a financial decision, adopting a false belief, violating privacy, or engaging in immoral behavior, then the ethical problem is not limited to the user's individual weakness. The system's design may also be morally responsible. Islamic law recognizes that means leading to harm may themselves require restriction. Therefore, AI systems designed to exploit attention, manipulate emotions, or mislead users should be regulated according to the principles of harm prevention and public welfare. Human moral agency must remain central in any Islamic model of AI ethics. Machines do not possess conscience, *taqwa*, moral intention, or accountability before Allah. They can process language, predict patterns, and generate outputs, but they cannot replace human moral judgment. This is especially important in areas such as *fatwa*, medical decisions, legal judgments, education, and family matters. AI may provide assistance, but final responsibility must remain with qualified human actors. Luciano Floridi argues that AI ethics must address responsibility, explainability, human oversight, and the relationship between artificial agents and human decision-making.¹⁶ These concerns strongly overlap with Islamic jurisprudential principles, especially accountability, intention, harm prevention, and protection of human dignity. In conclusion, the ethical challenges of AI from an Islamic perspective are not limited to technical errors. They include deeper questions of justice, privacy, surveillance, manipulation, discrimination, accountability, and human agency. Islamic jurisprudence must therefore develop a principled response that neither rejects AI entirely nor accepts it uncritically. The guiding standard should be whether AI serves justice, protects dignity, preserves moral responsibility, prevents harm, and supports the higher objectives of *Shariah*. If AI is governed by these principles, it can become a beneficial tool. If it is left to profit, power, and uncontrolled automation, it may become a source of serious ethical and social harm.

5: Artificial Intelligence, Fatwa Production, and Religious Authority

¹⁶ Luciano Floridi, *The Ethics of Artificial Intelligence: Principles, Challenges, and Opportunities* (Oxford: Oxford University Press, 2023).

5.1 AI-Generated Fatwas and the Limits of Machine Reasoning

Artificial intelligence has begun to affect the way Muslims access religious knowledge. Many users now ask AI tools questions about prayer, fasting, marriage, inheritance, finance, halal and haram issues, and contemporary moral problems. At one level, this may appear useful because AI can quickly retrieve information, summarize opinions, translate texts, and provide access to large bodies of Islamic literature. However, the production of a *fatwa* is not merely the delivery of information. A fatwa is a juristic response to a real question, issued through qualified understanding of the Qur'an, Sunnah, legal maxims, juristic disagreement, social context, custom, necessity, intention, and consequences. Therefore, AI-generated answers cannot automatically be treated as valid fatwas. In Islamic jurisprudence, the mufti is not simply a transmitter of texts. The mufti must understand the question, the condition of the questioner, the legal context, the relevant evidences, and the possible consequences of the answer. Classical and contemporary scholars have emphasized that fatwa requires knowledge, piety, caution, and responsibility. Yusuf al-Qaradawi explains that fatwa must remain disciplined by Shariah evidence, legal competence, awareness of reality, and avoidance of both excessive strictness and careless leniency.¹⁷ This principle is highly relevant to AI because a machine may produce fluent language without possessing legal responsibility, spiritual caution, or awareness of the moral burden attached to religious guidance.

AI systems may assist the fatwa process, but they cannot replace the mufti. They may help scholars search for relevant texts, compare legal opinions, organize references, identify previous fatwas, or translate classical material. Yet they cannot independently perform *ijtihad* in the full Islamic sense because they do not possess moral agency, intention, accountability, or religious consciousness. A fatwa is not only a technical conclusion; it is a responsible legal communication between a qualified scholar, the questioner, the evidence, and Allah. AI may simulate reasoning, but it does not bear religious responsibility.

5.2 The Role of Muftis, Scholars, and Institutional Oversight

The role of qualified scholars becomes even more important in the age of AI. When religious information becomes easily available online, users may confuse access with authority. A person may assume that if an AI answer contains Arabic terms, Qur'anic verses, Hadith references, or scholarly names, then the answer must be reliable. This assumption is dangerous. Religious authority in Islam is not based on confident language but on verified knowledge, scholarly training, methodological discipline, and accountability. Khaled Abou El Fadl argues that speaking in the name of God requires moral responsibility, interpretive humility, and resistance to authoritarian misuse of religious texts.¹⁸ AI-generated religious answers must therefore be placed under human scholarly supervision so that religious language is not detached from ethical accountability. Institutional oversight is necessary because individual users may not be able to evaluate AI outputs. Fatwa councils, Shariah boards, Islamic universities, and research institutions should develop clear guidelines for the use of AI in religious guidance. These guidelines may include verification of sources, disclosure that an answer is AI-assisted, mandatory review by qualified scholars, prohibition of

¹⁷ Al-Qaradāwī, Yūsuf. *Al-Fatwā Bayna al-Indibāt wa al-Tasayyub*. Cairo: Dār al-Ṣaḥwah, 1988.

¹⁸ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: Oneworld Publications, 2001).

independent AI fatwas in sensitive matters, and protection against fabricated references. AI tools used in Islamic institutions should also be trained or configured carefully, because general-purpose models may mix Sunni and Shi'i views, minority opinions, weak reports, cultural practices, or unverified internet content without proper distinction. The need for institutional control is especially strong in areas where wrong fatwas can cause serious harm. Questions related to divorce, inheritance, medical treatment, financial contracts, criminal matters, family disputes, sectarian issues, or takfir cannot be left to unverified machine responses. Even human scholars are careful in such matters because a mistaken answer may damage families, property rights, religious practice, or social peace. Therefore, AI should be used as a research assistant, not as an autonomous mufti. Another important issue is context. A valid answer in one school of law, country, legal system, or social situation may not be appropriate in another. The mufti must understand local custom, legal necessity, public welfare, and the condition of the questioner. AI may fail to identify these contextual elements unless carefully guided. Mohammad Hashim Kamali notes that Islamic legal reasoning requires attention to sources, objectives, public interest, and interpretive method.¹⁹ This means that AI outputs must be evaluated through recognized juristic principles, not accepted simply because they appear organized or persuasive.

5.3 Risks of Misinterpretation, Hallucination, and Legal Error

One of the greatest risks in AI-based religious guidance is hallucination. Generative AI systems may produce references, quotations, names of books, Hadith numbers, or legal claims that sound authentic but are incorrect or fabricated. In ordinary writing, such an error may be embarrassing; in religious guidance, it can be morally and legally dangerous. A fabricated Hadith reference, a misquoted jurist, or a false claim about consensus may mislead believers and distort Islamic law. Therefore, every AI-generated religious answer must be checked against reliable sources before it is used. AI may also misinterpret texts by ignoring genre, context, authenticity, legal disagreement, abrogation, specification, generality, and the difference between moral advice and legal ruling. Islamic jurisprudence has developed detailed methods for interpreting texts. A Qur'anic verse may be general or specific; a Hadith may be authentic, weak, contextual, or interpreted differently by jurists; a ruling may change due to necessity, custom, or public welfare. AI systems often lack reliable awareness of these distinctions unless they are guided by expert-reviewed databases and human oversight.

Research on large language models has shown that such systems generate language by learning statistical patterns from large datasets, but this does not guarantee truth, understanding, or responsible judgment. Bender and her coauthors warn that large language models may produce fluent text while reproducing bias, misinformation, and unsupported claims.²⁰ This warning is especially important in the field of fatwa, where fluency must never be mistaken for scholarship. A well-written answer may still be legally wrong, ethically harmful, or based on unreliable information. From a fiqhi perspective, the safest approach is to classify AI as a tool of assistance rather than a source of independent religious authority. AI may help collect data, summarize views,

¹⁹ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008).

²⁰ Emily M. Bender, Timnit Gebru, Angelina McMillan-Major, and Shmargaret Shmitchell, "On the Dangers of Stochastic Parrots: Can Language Models Be Too Big?" in *Proceedings of the 2021 ACM Conference on Fairness, Accountability, and Transparency* (New York: Association for Computing Machinery, 2021), 610–623.

and support scholarly research, but the final legal ruling must remain with qualified human scholars and institutions. In addition, users should be clearly informed that AI-generated religious answers are not final fatwas. They should consult qualified scholars for personal, sensitive, or legally significant matters. In conclusion, AI has great potential to support Islamic scholarship, but it also poses serious risks to fatwa production and religious authority. The central issue is not whether AI can generate religious language, but whether it can responsibly interpret divine guidance, understand human context, verify evidence, and bear accountability. From an Islamic jurisprudential perspective, these functions remain tied to qualified human scholarship. Therefore, AI should serve the mufti, not replace the mufti; assist Islamic learning, not control it; and support religious institutions, not undermine them.

6: AI in Islamic Finance and Commercial Transactions

6.1 Automated Trading, Smart Contracts, and Shariah Compliance

Artificial intelligence has significantly transformed modern finance by enabling automated trading, risk assessment, credit scoring, fraud detection, robo-advisory services, algorithmic investment, and smart contract execution. In Islamic finance, these developments create both opportunities and challenges. On the one hand, AI can improve efficiency, reduce administrative cost, detect suspicious transactions, support Shariah screening, and help Islamic financial institutions analyze large volumes of market data. On the other hand, AI can also increase uncertainty, conceal prohibited elements, intensify speculative behavior, and create accountability problems when financial decisions are made through complex automated systems. Therefore, Islamic jurisprudence must evaluate AI-based financial technologies not only in terms of profit and efficiency but also in terms of Shariah compliance, transparency, fairness, and protection from harm. Islamic commercial law is built upon several foundational principles, including the prohibition of *riba* ‘avoidance of excessive *gharar*, prohibition of *maysir*, fulfillment of contracts, transparency in exchange, fairness between parties, and protection of property rights. These principles remain relevant even when transactions are conducted through digital platforms or AI systems. A transaction does not become Shariah-compliant merely because it is technologically advanced. If an AI-based financial product involves interest, excessive uncertainty, gambling-like speculation, deception, or unjust exploitation, it remains problematic from a fiqhi perspective. Mufti Muhammad Taqi Usmani explains that Islamic finance is not merely a technical replacement of interest-based finance; rather, it must be rooted in real trade, risk-sharing, asset-backing, and moral responsibility.²¹ Automated trading raises particular concerns. AI systems can buy and sell financial assets within milliseconds, using predictive models and market signals that ordinary investors may not understand. If such trading is based on real assets, lawful commodities, valid ownership, and transparent risk, it may be examined within permissible commercial categories. However, if it becomes purely speculative, detached from real economic activity, or dependent on uncertainty and manipulation, then it may conflict with Islamic commercial ethics. The fiqhi question is not only whether the platform is digital but whether the substance of the transaction fulfills the conditions of lawful trade. Smart contracts also require careful fiqhi evaluation. A smart contract is a self-executing digital agreement in which terms are automatically enforced through code. In Islamic

²¹ Muhammad Taqi Usmani, *An Introduction to Islamic Finance* (The Hague: Kluwer Law International, 2002).

law, contracts require consent, clarity, lawful subject matter, capacity of parties, and absence of prohibited elements. If a smart contract fulfills these requirements, it may support Islamic finance by reducing disputes and ensuring timely execution. However, if the code executes unjust terms, fails to allow necessary human review, or contains hidden conditions, it may create harm. Therefore, Shariah compliance must include both the written contract and the coded mechanism through which the contract operates.

6.2 Riba, Gharar, Maysir, and Algorithmic Risk

The most serious concern in AI-based financial systems is the possibility that prohibited elements may become hidden behind technical complexity. *Riba* may appear in digital lending platforms, automated credit systems, interest-bearing investment products, or algorithmic financing models. If AI is used to calculate, disguise, or optimize interest-based returns, then the technology becomes a means of facilitating a prohibited transaction. Islamic finance must therefore ensure that AI tools do not simply repackage conventional interest-based finance in Islamic terminology. *Gharar*, or excessive uncertainty, is also highly relevant. AI systems often depend on probabilistic predictions, risk models, and future-oriented assumptions. Not every uncertainty is prohibited in Islamic law, because ordinary business always includes some level of risk. The prohibited form is excessive uncertainty that causes dispute, deception, or unjust gain. In AI-driven finance, excessive *gharar* may occur when customers do not understand how risks are calculated, how their data is used, how prices are determined, or how automated decisions are made. If a financial product is too opaque for meaningful consent, then transparency becomes a Shariah issue, not merely a technical preference. *Maysir*, or gambling, may also arise in algorithmic trading and speculative platforms. Some AI-based investment tools may encourage users to treat financial markets like games of chance, especially when predictions, leverage, rapid trading, and behavioral nudges are combined. Islamic finance seeks to connect profit with real economic activity, lawful risk, and productive exchange. When AI promotes reckless speculation, addictive trading behavior, or profit without meaningful ownership and responsibility, it may move toward *maysir*-like conduct. El-Gamal argues that Islamic finance must be evaluated not only by legal form but also by economic substance and ethical purpose.²² This observation is particularly important for AI-driven finance, where formal compliance can sometimes hide problematic substance. Algorithmic risk also creates questions of liability. If an AI system makes a harmful financial decision, who is responsible? The developer who designed the model, the institution that deployed it, the Shariah board that approved the product, or the user who accepted the risk? Islamic jurisprudence cannot assign responsibility to the machine itself because the machine is not a morally accountable person. Responsibility must be traced to human actors and institutions. This means that Islamic financial institutions must ensure proper governance, auditability, human oversight, and clear accountability structures before deploying AI in financial decisions.

6.3 Fiqhi Responses to FinTech and AI-Based Financial Systems

A responsible fiqhi response to AI in Islamic finance should begin with the principle that technology is a tool, not an independent moral authority. AI may be used for lawful

²² Mahmoud A. El-Gamal, *Islamic Finance: Law, Economics, and Practice* (Cambridge: Cambridge University Press, 2006).

financial purposes if it supports transparency, fairness, risk management, and Shariah compliance. It may help Islamic banks screen investments, monitor contracts, detect fraud, verify halal business activities, and improve customer service. However, its permissibility depends on purpose, structure, process, and consequences. If the system facilitates prohibited transactions or causes injustice, then it must be restricted or redesigned. Shariah boards and Islamic financial institutions should develop specific AI governance frameworks. These frameworks should require explainability, data protection, independent Shariah audit, human review of high-risk decisions, and continuous monitoring of algorithmic outcomes. AI systems should not be allowed to make final decisions in sensitive financial matters without human oversight, especially where customers' property, debt, investment, or contractual rights are affected. The *fiqhi* principle of preventing harm requires institutions to identify risks before they damage individuals or markets. Another important response is interdisciplinary collaboration. Scholars of Islamic law must work with economists, data scientists, software engineers, legal experts, and financial regulators. A mufti or Shariah board cannot properly evaluate an AI financial product without understanding how the algorithm works, what data it uses, what assumptions it makes, and what risks it creates. Similarly, technologists cannot determine Shariah compliance without understanding Islamic commercial law. Obaidullah emphasizes that Islamic financial services must be grounded in Shariah principles while also addressing the practical realities of modern financial markets. This balance is necessary in the AI age. Islamic finance should also avoid becoming merely a digital imitation of conventional finance. If AI is used only to increase profit, automate debt, or compete with conventional products without moral distinction, then Islamic finance loses its ethical identity. The real purpose of Islamic finance is to promote justice, lawful trade, transparency, risk-sharing, social welfare, and protection from exploitation. AI should serve these objectives rather than undermine them.²³ In conclusion, AI in Islamic finance presents both promise and danger. It can strengthen Shariah compliance, improve efficiency, and protect financial systems from fraud. Yet it can also conceal *riba*, intensify *gharar*, encourage *maysir*, weaken transparency, and create serious accountability gaps. A *fiqhi* response must therefore be principled, cautious, and forward-looking. Islamic finance should welcome beneficial AI tools, but only under strong Shariah governance, ethical regulation, human oversight, and clear liability structures. In this way, artificial intelligence can become a servant of Islamic financial ethics rather than a force that transforms finance into opaque and automated exploitation.

7: AI, Medical Ethics, and Bioethical Fiqh

7.1 AI-Assisted Diagnosis and Treatment Decisions

Artificial intelligence has become one of the most significant developments in contemporary healthcare. It is now used in medical imaging, disease prediction, clinical decision support, drug discovery, patient monitoring, hospital administration, and public health planning. In many cases, AI can identify patterns that may be difficult for human clinicians to detect quickly, especially when large volumes of medical data are involved. From an Islamic jurisprudential perspective, this potential benefit is important because the preservation of life, *hifz al-nafs*, is one of the major objectives of Shariah. If AI helps doctors detect disease earlier, reduce diagnostic errors, improve

²³ Mohammed Obaidullah, *Islamic Financial Services* (Jeddah: Islamic Economics Research Centre, King Abdulaziz University, 2005)

treatment planning, and save lives, then its use may fall within the broader Islamic encouragement of seeking treatment and preventing harm. However, AI-assisted diagnosis cannot be evaluated only through the lens of efficiency. Healthcare is not merely a technical field; it is a moral trust involving human vulnerability, dignity, consent, confidentiality, and accountability. The World Health Organization has emphasized that AI for health must be governed by ethics and human rights, including transparency, accountability, inclusiveness, equity, and protection from harm.²⁴ These concerns strongly overlap with Islamic bioethical principles. In Islam, medical treatment is not simply a service transaction; it is connected with *amanah*, mercy, preservation of life, and the duty to avoid harm. AI-assisted diagnosis also raises the problem of reliability. A medical AI system may perform well in one population but poorly in another if the training data is limited, biased, or not representative. For example, a diagnostic model trained mainly on data from one region may not work equally well for patients from different ethnic, genetic, environmental, or socioeconomic backgrounds. From a fiqhi perspective, using such a tool without proper validation may violate the principle of preventing harm. Medical decisions must be based on trustworthy evidence, and the patient should not become an experiment without proper safeguards. Therefore, AI in diagnosis should be treated as an assistive tool, not as an independent physician. The final clinical decision should remain under qualified human medical supervision. This is consistent with both modern medical ethics and Islamic jurisprudence. A machine may produce a recommendation, but it does not possess moral responsibility, compassion, intention, or legal accountability. A physician, hospital, developer, or healthcare institution must remain responsible for how AI is used. Reporting frameworks such as CONSORT-AI were developed because clinical trials involving AI interventions require clear reporting of AI-specific factors, including how the system is used and evaluated.²⁵

7.2 Accountability in Medical Errors Caused by AI Systems

One of the most complex fiqhi questions in AI-based healthcare is liability. If an AI system gives a wrong diagnosis, recommends an unsafe treatment, or fails to detect a serious condition, who is responsible? Is it the doctor who relied on the system, the hospital that purchased it, the company that developed it, the data team that trained it, or the regulator that approved it? Islamic jurisprudence cannot assign legal or moral responsibility to the machine itself because AI is not a morally accountable person. It does not possess *niyyah*, consciousness, legal capacity, or responsibility before Allah. Therefore, responsibility must be traced to human actors and institutions. In classical fiqh, liability is often connected with harm, causation, negligence, professional responsibility, and compensation. These principles can be applied to AI healthcare. If a physician blindly follows an AI recommendation without professional judgment, the physician may share responsibility. If a hospital deploys an unsafe AI system without proper testing, the institution may be liable. If a company hides known limitations or markets an unreliable system as clinically superior, the developer may bear responsibility. If regulators fail to require proper evaluation, broader institutional accountability may arise. This layered model of responsibility is more suitable than

²⁴ World Health Organization, Ethics and Governance of Artificial Intelligence for Health: WHO Guidance (Geneva: World Health Organization, 2021).

²⁵ Xiaoxuan Liu et al., "Reporting Guidelines for Clinical Trial Reports for Interventions Involving Artificial Intelligence: The CONSORT-AI Extension," *Nature Medicine* 26 (2020): 1364–1374.

blaming one actor alone. Islamic law also recognizes that harm must be removed and that no one should cause harm or reciprocate harm. In medical AI, this means that systems should be tested, monitored, audited, and updated. A tool that was accurate at the time of approval may become unsafe if medical knowledge changes, patient populations differ, or the system begins to produce biased outcomes. Therefore, AI governance in healthcare must include continuous monitoring. The principle of *la darar wa la dirar* supports a precautionary approach where high-risk medical technologies require strong safeguards before and after deployment. Modern biomedical ethics also emphasizes beneficence, non-maleficence, autonomy, and justice. Beauchamp and Childress identify these four principles as central to biomedical ethics, and they remain highly relevant to AI-assisted healthcare.²⁶ In an Islamic framework, these principles can be integrated with maqasid al-Shariah. Beneficence supports medical benefit, non-maleficence supports harm prevention, autonomy supports meaningful patient consent within moral limits, and justice supports fair access and non-discrimination. AI healthcare must therefore be judged by whether it truly serves patients rather than merely reducing cost or increasing institutional efficiency.

7.3 Preserving Life, Consent, and Patient Confidentiality

Consent is a major issue in AI-based medicine. Patients should know when AI is being used in their diagnosis, treatment planning, monitoring, or data analysis, especially when the system significantly influences clinical decisions. Consent must be meaningful, not merely a formal signature. If a patient does not understand how AI affects their treatment, what data is used, what risks exist, and whether a human physician will review the decision, then consent may be ethically weak. From an Islamic perspective, consent is connected with dignity, trust, and protection from deception. A patient should not be treated as a data object or passive subject of automated decision-making. Patient confidentiality is equally important. AI systems often require large medical datasets, including personal records, images, genetic information, laboratory results, medication history, and behavioral data. If this information is exposed, sold, misused, or inadequately protected, serious harm may occur. Islamic ethics places strong emphasis on privacy and protection of personal honor. Medical confidentiality is especially sensitive because patients disclose information to physicians in a state of vulnerability and trust. Contemporary scholarship on Islamic medical confidentiality shows that privacy and confidential information have strong roots in Islamic ethical reasoning.²⁷ AI also raises questions about equity in healthcare. If advanced AI systems are available only to wealthy hospitals or privileged populations, they may widen health inequality. A maqasid-based approach requires that life-saving technologies should be directed toward public welfare, not only private profit. Muslim societies should therefore consider how AI can improve healthcare access for rural communities, poor patients, disabled persons, and underserved populations. Islamic bioethics emphasizes the preservation of life and public welfare while balancing individual autonomy, family interests, and social

²⁶ Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 8th ed. (New York: Oxford University Press, 2019).

²⁷ Syed M. Muhsin, "Medical Confidentiality Ethics: The Genesis of an Islamic Jurisprudential Perspective," *Journal of Religion and Health* 60 (2021): 4097–4111.

responsibility.²⁸ At the same time, preserving life does not justify every technological intervention without limits. AI should not be used in ways that violate dignity, erase human compassion, or reduce medical care to automated calculation. The physician-patient relationship has a moral dimension that machines cannot replace. Patients need explanation, reassurance, empathy, and spiritual sensitivity, especially in serious illness. AI may assist diagnosis, but it cannot perform the full moral role of a caring physician. In conclusion, AI in medicine can serve the Islamic objective of preserving life when it improves diagnosis, supports treatment, reduces error, and expands healthcare access. Yet it also creates serious bioethical concerns related to reliability, consent, confidentiality, bias, liability, and human dignity. A fiqhi response should therefore permit beneficial medical AI under strict conditions: clinical validation, human oversight, transparency, patient consent, data protection, fairness, and clear accountability. In this way, AI can become a supportive instrument of healing rather than an uncontrolled system that weakens trust, responsibility, and the ethical foundations of medical care.

8: AI, Family Law, and Social Morality

8.1 AI Companions, Virtual Relationships, and Moral Boundaries

Artificial intelligence is no longer limited to technical, financial, or medical fields; it is increasingly entering the intimate spaces of human life. AI companions, chatbots, virtual partners, emotional support systems, and simulated personalities are now being used by many people for conversation, entertainment, emotional attachment, and even romantic interaction. From an Islamic jurisprudential perspective, this development raises serious questions about family law, moral responsibility, emotional boundaries, modesty, and the preservation of human relationships. Islam does not reject technology merely because it is new, but it evaluates every technology according to its purpose, use, consequences, and impact on human dignity and moral order. AI companionship may provide some limited benefit, especially for people experiencing loneliness, disability, or emotional distress. A carefully designed tool may help users organize routines, learn communication skills, or receive non-clinical support. However, when AI companions begin to replace real human relationships, encourage emotional dependency, simulate romantic intimacy, or normalize morally problematic behavior, the issue becomes much more serious. Islamic family law is not only concerned with legal marriage contracts; it also seeks to protect modesty, emotional sincerity, lineage, family stability, and social trust. A virtual relationship that imitates intimacy without responsibility may weaken these values. The Islamic moral framework places strong emphasis on chastity, modesty, and protection of the family system. The Qur'an commands believers to lower their gaze and guard their modesty, which indicates that moral discipline is not limited to physical encounters only but also includes desire, imagination, and social conduct.²⁹ In the digital age, this principle can be extended to virtual spaces where images, messages, simulations, and AI-generated interactions may provoke desires or create unhealthy emotional attachments. A fiqhi response must therefore consider whether AI companions remain within lawful assistance or cross into morally harmful intimacy. A further concern is emotional deception. AI systems may be

²⁸ Muhammad Zulfadli Alfahmi, "A Maqasid Al-Shariah-Based Islamic Bioethics Approach," *BMC Medical Ethics* 23 (2022).

²⁹ The Qur'an, al-Nur 24:30–31.

designed to appear caring, loyal, or affectionate, even though they do not possess consciousness, sincerity, or moral commitment. This can create a false sense of companionship. Sherry Turkle argues that digital technologies can create the illusion of connection while weakening real human relationships.³⁰ Her concern is relevant to Islamic social ethics because the family system depends on genuine responsibility, compassion, patience, sacrifice, and mutual rights. A machine may simulate affection, but it cannot fulfill the moral duties of a spouse, parent, child, or friend.

8.2 Deepfakes, Reputation, and Protection of Honor

Deepfake technology represents one of the most serious AI-related threats to family life and social morality. AI can now generate realistic images, voices, videos, and fabricated scenes in which a person appears to say or do something they never did. This creates major risks for reputation, privacy, marriage, family honor, political trust, and social stability. In Islamic ethics, protecting human honor is a major moral concern. False accusation, slander, spying, humiliation, and spreading indecency are strongly condemned. Therefore, deepfakes are not merely technical fabrications; they may become instruments of oppression, defamation, blackmail, and moral corruption. The Qur'an warns against spreading indecency among believers and describes such conduct as a grave moral offense.³¹ This principle is highly relevant to AI-generated explicit images, fake scandals, and reputation-damaging content. A deepfake may destroy a person's marriage, damage family trust, affect inheritance disputes, harm professional life, or cause psychological trauma. Women, public figures, religious leaders, and vulnerable individuals may be especially targeted. From a fiqhi perspective, the production and circulation of such material may involve several prohibited elements: lying, slander, violation of privacy, harm, deception, and spreading immorality.

Deepfakes also create legal evidentiary problems. Islamic family law often depends on testimony, documentation, confession, communication records, and reliable evidence. If AI can fabricate convincing audio or video, then courts, families, and religious institutions must be more cautious in accepting digital evidence. A video clip can no longer be treated as automatically reliable without verification. This requires new fiqhi and legal standards for digital evidence, forensic authentication, burden of proof, and protection against false accusation. Chesney and Citron describe deepfakes as a major challenge to privacy, democracy, national security, and trust because synthetic media can be used to deceive the public and harm individuals.³² In Islamic jurisprudence, this problem is even more sensitive when it affects personal honor and family stability. A false image or fabricated recording may lead to divorce, violence, social boycott, or unjust suspicion. Therefore, Muslim societies need strict ethical and legal responses to deepfake abuse, including criminalization of malicious fabrication, rapid removal mechanisms, digital verification systems, and strong penalties for reputational harm.

8.3 Digital Parenting, Child Protection, and Islamic Social Ethics

AI also affects family law and social morality through its impact on children and parenting. Children now interact with AI-powered educational platforms, recommendation systems, games, chatbots, smart toys, social media filters, and

³⁰ Sherry Turkle, *Alone Together: Why We Expect More from Technology and Less from Each Other* (New York: Basic Books, 2011).

³¹ The Qur'an, al-Nur 24:19.

³² Robert Chesney and Danielle Keats Citron, "Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security," *California Law Review* 107, no. 6 (2019): 1753–1820.

content-generation tools. These technologies can support learning, creativity, language development, and access to knowledge. However, they can also expose children to harmful content, addictive design, manipulation, privacy violations, commercial exploitation, and inappropriate relationships with digital systems. Islamic social ethics places responsibility on parents and society to protect children's faith, intellect, character, dignity, and emotional well-being. Digital parenting in the AI age requires more than limiting screen time. Parents must understand how algorithms influence children's behavior, attention, values, and worldview. Recommendation systems may expose children to content that gradually shapes their desires, language, beliefs, and social expectations. AI chatbots may answer sensitive questions without parental guidance or moral context. Generative tools may help with learning, but they may also encourage plagiarism, dependency, or exposure to unsuitable material. Therefore, Islamic parenting must include digital literacy, ethical supervision, and open communication. The protection of children also relates to privacy. Many AI systems collect children's data, including voice, location, images, learning patterns, preferences, and behavioral information. Children often cannot provide meaningful consent, and parents may not fully understand the risks. A maqasid-based approach would treat children's data as a trust that must be protected from exploitation. AI systems designed for children should therefore be safe, transparent, age-appropriate, and free from manipulative commercial practices. Islamic family ethics also requires preserving the role of parents, teachers, and moral mentors. AI can assist education, but it should not replace human tarbiyah. A child needs love, discipline, religious formation, ethical modeling, emotional security, and human guidance. Machines may provide information, but they cannot provide spiritual upbringing. Therefore, Muslim families and institutions should use AI selectively and responsibly, ensuring that technology supports rather than weakens Islamic character formation. In conclusion, AI creates new challenges for family law and social morality by entering emotional life, reputation, privacy, parenting, and child development. AI companions may blur moral boundaries; deepfakes may destroy honor and trust; and algorithmic platforms may shape children's values without proper guidance. Islamic jurisprudence must respond through principles of modesty, protection of honor, prevention of harm, preservation of family, and safeguarding children. The goal is not to reject all digital tools, but to ensure that AI remains within ethical boundaries and serves human relationships rather than replacing, corrupting, or manipulating them.

9: Legal Liability and Accountability in AI Systems

9.1 Who Is Responsible: Developer, User, Institution, or Machine?

Legal liability is one of the most difficult questions raised by artificial intelligence because AI systems often operate through complex chains of design, data, deployment, and use. When an AI system produces harm, the responsible party may not be immediately clear. For example, if an AI-based medical tool gives a wrong diagnosis, if an autonomous vehicle causes an accident, if a financial algorithm denies lawful access to credit, or if an AI fatwa system gives a misleading religious answer, responsibility cannot be placed on the machine itself in the moral sense. The system may generate an output, but it does not possess consciousness, intention, legal personality, or moral accountability. Therefore, from an Islamic jurisprudential perspective, the central question is not whether the machine is guilty, but which human actors caused, enabled, approved, or failed to prevent the harm. Modern legal

scholarship has also struggled with this issue. Ryan Abbott argues that artificial intelligence challenges traditional legal categories because AI can perform tasks that were previously associated with human judgment, creativity, and decision-making.³³ However, Islamic jurisprudence provides a useful foundation for addressing this challenge because it connects liability with causation, negligence, direct action, indirect action, benefit, control, and harm. A developer may be responsible if the system is designed negligently or trained on unsafe data. A company may be responsible if it deploys a system without proper testing. A user may be responsible if he knowingly misuses the system. A regulatory institution may share responsibility if it permits high-risk systems without safeguards. The machine itself cannot be treated as a morally accountable person because accountability in Islamic law is tied to *taklif*, which requires reason, capacity, and moral agency. AI does not have *niyyah*, conscience, belief, or responsibility before Allah. It may imitate human language and decision-making, but imitation is not accountability. Therefore, assigning blame to the machine would be a way of hiding human responsibility. This is especially dangerous because corporations, institutions, or governments may use AI complexity to avoid liability. A Shariah-based approach must reject this evasion and insist that responsibility remains with accountable human agents.

9.2 Fiqhi Principles of Liability, Harm, and Compensation

Islamic jurisprudence contains several principles that can guide liability in AI systems. One of the most important is the principle that harm must be removed. If an AI system causes harm to life, property, reputation, privacy, religion, family, or public welfare, then Islamic law requires that the harm be stopped and, where possible, compensated. Liability is not limited to intentional harm; negligence, carelessness, unsafe design, and failure to prevent foreseeable harm may also create responsibility. This is highly relevant to AI because many harms arise not from direct intention but from poor design, biased data, inadequate testing, or lack of human oversight. Classical fiqh distinguishes between direct causation and indirect causation. A person who directly causes harm may be liable even if he did not intend the harm, while indirect causation may require additional analysis of negligence, foreseeability, and control. AI complicates this distinction because the harmful output may pass through several layers: data collection, model training, algorithmic design, institutional deployment, user instruction, and automated execution. A fiqhi model must therefore examine the whole chain of causation. The party with the greatest control, knowledge, and capacity to prevent harm should bear responsibility according to the nature of the case. Peter Asaro notes that robotics and autonomous systems create accountability gaps when no single human actor appears to control the final action.³⁴ This problem is even stronger in advanced AI systems that learn from large datasets and generate outputs in ways that are not fully predictable. Islamic jurisprudence can respond by refusing to allow uncertainty to erase liability. If a person or institution benefits from deploying a risky system, then it must also carry responsibility for its foreseeable harms. This principle protects society from a situation in which profit is privatized but harm is shifted onto victims. The fiqhi

³³ Ryan Abbott, *The Reasonable Robot: Artificial Intelligence and the Law* (Cambridge: Cambridge University Press, 2020).

³⁴ Peter M. Asaro, "A Body to Kick, but Still No Soul to Damn: Legal Perspectives on Robotics," in *Robot Ethics: The Ethical and Social Implications of Robotics*, ed. Patrick Lin, Keith Abney, and George A. Bekey (Cambridge, MA: MIT Press, 2012), 169–186.

concept of *daman*, or liability/guarantee, is especially important here. It requires compensation for wrongful harm to persons, property, or rights. Wahbah al-Zuhayli's discussion of liability in Islamic law shows that responsibility may arise from direct action, causation, negligence, breach of trust, or violation of legal duty.³⁵ This framework can be applied to AI by asking: Who created the risk? Who controlled the system? Who had the duty of care? Who failed to verify safety? Who benefited from deployment? Who had the ability to stop the harm? These questions help develop a fair distribution of responsibility.

9.3 Toward a Shariah-Based Accountability Model for AI

A Shariah-based accountability model for AI should begin with the principle that technology must remain under human moral supervision. AI systems should not be placed in positions where they make final decisions affecting life, religion, property, honor, or legal rights without human review. This does not mean that AI cannot assist in decision-making. It means that final accountability must remain with qualified and responsible human actors. In medical, financial, legal, military, and religious contexts, human oversight is not optional; it is a requirement of justice and responsibility. The first element of such a model is transparency. People affected by AI decisions should know when AI is being used, what type of decision it influences, and whether a human reviewer is available. Lack of transparency can create injustice because affected individuals may not know how to challenge harmful outcomes. The second element is explainability. While not every technical detail can be explained to ordinary users, institutions must be able to provide meaningful reasons for decisions that affect rights, access, reputation, or welfare. The European Commission's Ethics Guidelines for Trustworthy AI emphasize human agency, technical robustness, privacy, transparency, diversity, fairness, societal well-being, and accountability.³⁶ These principles can be integrated into an Islamic framework when grounded in *maqasid al-Shariah* and *fiqhi* rules of harm prevention. The third element is pre-deployment assessment. Before an AI system is used in sensitive areas, it should be evaluated for accuracy, bias, privacy risk, security, and possible harm. This is similar to the *fiqhi* requirement of understanding the reality of a matter before issuing judgment. A ruling or policy based on an inaccurate understanding of the technology will be weak. Therefore, Muslim legal institutions should require technical audits, Shariah review, and ethical risk assessment before approving AI systems in finance, healthcare, education, legal administration, or religious guidance. The fourth element is post-deployment accountability. AI systems may change in performance over time because data changes, users change, and social conditions change. A system that appears safe at first may later produce harmful or biased outcomes. Therefore, accountability must continue after deployment through monitoring, complaint mechanisms, periodic review, and compensation procedures. Victims of AI harm should have access to remedy. In Islamic law, the removal of harm is not merely theoretical; it requires practical correction. The fifth element is prevention of harmful means. Ibn Nujaym records legal maxims such as "harm must be removed," which have become foundational in Islamic legal

³⁵ Al-Zuhayli, Wahbah. *Naẓariyyat al-Ḍamān aw Ahkām al-Mas'ūliyyah al-Madaniyyah wa al-Jinā'iyah fī al-Fiqh al-Islāmī: Dirāsah Muqāranah*. Damascus: Dār al-Fikr. -

³⁶ European Commission High-Level Expert Group on Artificial Intelligence, *Ethics Guidelines for Trustworthy AI* (Brussels: European Commission, 2019).

reasoning.³⁷ Applied to AI, this means that even a technically permissible system may be restricted if it predictably leads to serious harm. For example, deepfake tools, automated religious ruling systems, manipulative advertising engines, or discriminatory surveillance platforms may require strict regulation or prohibition because their harmful consequences outweigh their benefits. In conclusion, AI accountability must be built on the principle that machines cannot carry moral responsibility in place of human beings. Islamic jurisprudence provides strong tools for addressing this issue through concepts of *taklif*, *daman*, causation, negligence, harm prevention, compensation, and public welfare. A Shariah-based model should assign responsibility to developers, deployers, institutions, users, and regulators according to their role in creating or preventing harm. Such a model would protect human dignity, prevent corporate or institutional evasion, and ensure that artificial intelligence remains subject to justice rather than becoming a shield behind which human actors escape accountability.

10: AI Governance, Regulation, and Islamic Legal Institutions

10.1 The Role of Fatwa Councils and Shariah Boards

Artificial intelligence cannot be governed only through technical standards or market interests; it requires moral, legal, and institutional supervision. From an Islamic jurisprudential perspective, AI governance must involve qualified religious scholars, fatwa councils, Shariah boards, legal experts, policymakers, and technology specialists. This is because AI affects areas that are directly connected with Islamic law, such as religious authority, finance, medicine, privacy, family life, commercial transactions, education, and public justice. If Muslim societies adopt AI without a clear Islamic ethical and legal framework, they may become dependent on external models of regulation that do not fully reflect the values of Shariah. At the same time, if Islamic institutions avoid AI completely, they may fail to guide Muslim communities in one of the most important technological transformations of the modern age.

Fatwa councils and Shariah boards have an important role in this process. Their task should not be limited to issuing isolated rulings after problems occur. Rather, they should participate in proactive governance by developing principles, reviewing AI applications, identifying risks, and advising institutions before AI systems are widely deployed. For example, a Shariah board in Islamic finance should examine whether an AI-based product involves *riba*, *gharar*, *maysir*, deception, or unjust risk. A fatwa council dealing with religious AI tools should determine whether such tools are only assisting research or wrongly presenting themselves as independent authorities. Similarly, Islamic medical ethics bodies should review AI systems used in healthcare to ensure consent, confidentiality, human oversight, and protection of life. AI governance must be based on risk awareness. Not every AI system carries the same level of moral or legal danger. A simple AI tool used for spelling correction or document organization is very different from an AI system used for issuing religious answers, diagnosing patients, managing financial contracts, identifying citizens through facial recognition, or supporting military decisions. Therefore, Islamic legal institutions should classify AI applications according to their level of risk. Low-risk tools may require basic ethical guidance, while high-risk systems should require strict review,

³⁷ Ibn Nujaym. *Al-Ashbāh wa al-Nazā'ir*. Beirut: Dār al-Kutub al-‘Ilmiyyah. Qā’idah: *Al-Ḍarar Yuzāl* (Harm Must Be Removed).

transparency, human supervision, and accountability. The National Institute of Standards and Technology emphasizes that AI risk management should include validity, reliability, safety, security, accountability, transparency, explainability, privacy, and fairness.³⁸ These principles can be adopted within an Islamic framework when connected with maqasid al-Shariah and fiqhi rules of harm prevention.

10.2 Need for Interdisciplinary Collaboration between Scholars and Technologists

One of the major weaknesses in contemporary discussions of AI and Islamic jurisprudence is the gap between religious scholarship and technical expertise. Many scholars understand Islamic law deeply but may not understand how AI systems are trained, how data is processed, how algorithms produce outputs, or how bias enters automated decision-making. On the other hand, many technologists understand AI architecture but may not understand Shariah principles, maqasid, legal maxims, fatwa methodology, or Islamic moral philosophy. If these two groups work separately, the result may be either technically unrealistic fatwas or ethically weak technological designs. Therefore, interdisciplinary collaboration is not optional; it is necessary. A proper Islamic AI governance model should create structured cooperation between scholars of fiqh, usul al-fiqh, maqasid al-Shariah, computer scientists, data scientists, cybersecurity experts, physicians, economists, lawyers, sociologists, and regulators. Each discipline contributes something essential. The jurist identifies the moral and legal framework. The technologist explains the system's design and limitations. The legal expert connects the issue with state regulation. The ethicist studies social consequences. The sociologist examines community impact. The regulator ensures enforcement. Without such collaboration, Islamic responses to AI may remain theoretical and disconnected from actual technological practice. This interdisciplinary approach is also required because AI systems are often opaque. A scholar cannot judge an AI system properly merely by reading its marketing description. He must know what data it uses, whether the data includes bias, whether outputs are explainable, whether users can challenge decisions, whether human oversight exists, and whether the system can be audited. Similarly, a Shariah board reviewing an AI financial product must understand not only the contract wording but also the algorithmic mechanism behind pricing, execution, risk calculation, and customer profiling. If the code performs something different from the written contract, then Shariah compliance may be compromised. The OECD AI principles emphasize inclusive growth, human-centered values, transparency, robustness, security, safety, and accountability.³⁹ These values overlap with Islamic concerns such as justice, dignity, amanah, maslahah, and prevention of harm. However, the Islamic contribution is distinctive because it roots these values in divine accountability and the higher objectives of Shariah. Therefore, Muslim scholars should not merely copy global AI ethics frameworks. They should study them critically, benefit from their useful insights, and then develop models that are faithful to Islamic legal and moral principles.

10.3 Policy Guidelines for Ethical AI in Muslim Societies

Muslim societies need clear policy guidelines for ethical AI. These guidelines should be practical enough for institutions and principled enough to reflect Islamic

³⁸ National Institute of Standards and Technology, Artificial Intelligence Risk Management Framework (AI RMF 1.0) (Gaithersburg, MD: NIST, 2023).

³⁹ Organisation for Economic Co-operation and Development, OECD Principles on Artificial Intelligence (Paris: OECD, 2019).

jurisprudence. The first guideline is transparency. Users should know when AI is being used, especially in sensitive areas such as fatwa, finance, health, education, law, and security. Hidden automation can deceive users and weaken accountability. The second guideline is human oversight. AI should not make final decisions in matters affecting religion, life, property, honor, family, or legal rights without qualified human supervision. This is necessary because machines do not possess moral agency or legal responsibility in the Islamic sense. The third guideline is Shariah review for high-risk AI applications. Just as Islamic financial products are reviewed by Shariah boards, AI products used in Islamic finance, religious education, halal certification, medical ethics, family services, or legal administration should also be reviewed by qualified bodies. This review should include both fiqhi analysis and technical audit. The fourth guideline is data protection. Since AI depends heavily on data, Muslim societies must protect personal information, medical records, financial data, children's data, and religious identity from misuse. Privacy is not only a legal right but also an Islamic ethical value connected with human dignity. The fifth guideline is fairness and non-discrimination. AI systems should be tested for bias before and after deployment. If an algorithm disadvantages certain groups unjustly, then it violates the Islamic principle of justice. The sixth guideline is accountability and remedy. People harmed by AI should have a clear path to complaint, review, correction, and compensation. Institutions should not be allowed to hide behind technical complexity. The seventh guideline is public welfare. AI should be directed toward solving real social problems, such as healthcare access, education, poverty reduction, disability support, fraud prevention, and administrative justice, rather than merely increasing profit or surveillance power. Islamic legal institutions should also develop training programs for scholars and students. Future muftis and Shariah researchers need basic literacy in AI, data ethics, digital evidence, cybersecurity, and technological risk. At the same time, Muslim technologists should receive training in Islamic ethics, maqasid al-Shariah, and legal maxims. This mutual education can create a new generation capable of dealing with AI responsibly. AAOIFI's governance framework in Islamic finance shows the importance of institutional Shariah supervision, review, and compliance structures in modern financial practice.⁴⁰ Although AI governance is broader than Islamic finance, the same institutional logic can be extended: complex modern systems require organized Shariah oversight, documentation, audit, and accountability. Muslim societies should therefore establish AI ethics committees within universities, hospitals, banks, courts, government departments, and religious institutions. In conclusion, AI governance in Muslim societies must be rooted in maqasid al-Shariah, institutional responsibility, technical understanding, and public welfare. Fatwa councils and Shariah boards should not remain passive observers; they should become active participants in shaping ethical AI. Scholars and technologists must work together so that rulings are technically informed and technologies are morally guided. Through transparency, human oversight, Shariah review, data protection, fairness, accountability, and social benefit, Muslim societies can develop AI systems that serve humanity while remaining faithful to Islamic legal and ethical principles.

11: Comparative Analysis of Global AI Ethics and Islamic Jurisprudence

⁴⁰ Accounting and Auditing Organization for Islamic Financial Institutions, Governance Standards for Islamic Financial Institutions (Manama: AAOIFI, latest consolidated edition).

11.1 Convergences between Global AI Ethics and Islamic Values

A comparative analysis of global AI ethics and Islamic jurisprudence reveals that there are many areas of convergence between contemporary ethical frameworks and Islamic legal-moral principles. Most global AI ethics documents emphasize values such as transparency, accountability, fairness, privacy, human dignity, safety, explainability, non-discrimination, and human oversight. These values are not foreign to Islamic jurisprudence; rather, they correspond closely with core Islamic principles such as *'adl* justice, *amanah* trust, *maslahah* public welfare, *hurmah* human dignity, *daman* liability, and the prevention of harm. Therefore, Islamic jurisprudence can participate meaningfully in global AI ethics because it already possesses a rich moral vocabulary for evaluating human action, institutional responsibility, and social consequences. One major point of convergence is justice. Global AI ethics warns that algorithmic systems may produce bias, discrimination, and social exclusion. Islamic law similarly treats justice as a foundational duty, not merely as a policy preference. If an AI system harms certain communities, disadvantages the poor, misrepresents religious minorities, or creates unequal access to services, then both global AI ethics and Islamic jurisprudence would consider such outcomes unacceptable. The difference lies mainly in the grounding of the value: global ethics often grounds justice in human rights, democratic values, or social contract theory, while Islamic jurisprudence grounds justice in divine command, moral accountability, and the objectives of Shariah.

Another point of convergence is accountability. Contemporary AI ethics literature often criticizes the “accountability gap,” where harm occurs but no responsible actor is clearly identified. Islamic jurisprudence addresses this concern through principles of liability, causation, negligence, trust, and compensation. In both frameworks, it is not acceptable for institutions to hide behind technical complexity. If AI affects human life, property, dignity, religion, or legal rights, then responsible human actors must remain answerable. Jobin, Ienca, and Vayena’s review of global AI ethics guidelines shows that transparency, justice, non-maleficence, responsibility, and privacy are among the most frequently repeated ethical principles in international AI discourse.⁴¹ These values strongly overlap with the maqasid-based Islamic approach discussed in this article.

11.2 Differences between Secular Ethical Models and Shariah-Based Normativity

Despite these convergences, Islamic jurisprudence is not identical to secular AI ethics. The most important difference lies in the source of normativity. Many global AI ethics frameworks are based on human rights language, professional responsibility, institutional trust, public safety, or democratic governance. These frameworks are valuable, but they often remain limited to worldly consequences and human consensus. Islamic jurisprudence, by contrast, connects ethics with revelation, accountability before Allah, the moral purpose of human life, and the higher objectives of Shariah. Therefore, in an Islamic framework, AI is not evaluated only by whether it is efficient, lawful, profitable, or socially acceptable; it is evaluated by whether it protects moral responsibility, human dignity, public welfare, and obedience to divine guidance. A second difference concerns the understanding of the human being. In many secular models, the human person is mainly described in terms of rights, autonomy, rational choice, and social participation. Islamic thought accepts the importance of human

⁴¹Anna Jobin, Marcello Ienca, and Effy Vayena, “The Global Landscape of AI Ethics Guidelines,” *Nature Machine Intelligence* 1 (2019): 389–399.

dignity and responsibility, but it also views the human being as a morally accountable servant of Allah. This means that human autonomy is not absolute. A person's freedom is meaningful, but it is guided by moral limits, obligations, and accountability. In AI ethics, this distinction matters greatly. For example, a secular framework may regulate manipulative AI mainly because it violates consent or autonomy, while an Islamic framework would also ask whether it corrupts character, weakens modesty, spreads falsehood, or leads to sinful behavior. A third difference concerns moral limits. Some AI applications may be accepted in secular markets if they are consensual, profitable, and legally regulated, even if they raise moral concerns from an Islamic perspective. Examples may include AI-generated indecent content, virtual romantic relationships, gambling-like trading platforms, manipulative advertising, or tools that normalize immoral conduct. Islamic jurisprudence would evaluate these issues through the principles of halal and haram, protection of modesty, prevention of harm, and preservation of family and social morality. Thus, Islamic AI ethics is not merely a copy of global AI ethics with Islamic terminology added to it; it is a distinct normative framework with its own theological, legal, and moral foundations. The IEEE's *Ethically Aligned Design* emphasizes that autonomous and intelligent systems should prioritize human well-being, accountability, transparency, and awareness of misuse.⁴² These principles are valuable and can be used in Muslim contexts. However, Islamic jurisprudence would add that human well-being must be understood through Shariah-based moral objectives, not only through technological convenience or individual preference. In this way, Islamic jurisprudence can benefit from global AI ethics while also offering a deeper moral grounding.

11.3 Possibilities for an Islamic Contribution to Global AI Governance

Islamic jurisprudence can make several important contributions to global AI governance. First, it can contribute a purpose-based ethical framework through maqasid al-Shariah. Many AI ethics frameworks list principles, but they sometimes struggle to prioritize them when values conflict. For example, privacy may conflict with security, innovation may conflict with safety, and efficiency may conflict with fairness. Maqasid al-Shariah provides a structured way to evaluate such conflicts by asking which essential interests are protected or harmed. This can help policymakers move from abstract ethical language to practical moral judgment.

Second, Islamic jurisprudence can contribute a strong theory of responsibility. Since AI systems do not possess moral agency, responsibility must remain with human beings and institutions. Islamic legal concepts such as *taklif*, *daman*, *amanah*, *ta'addi*, *taqsir*, and harm removal can help develop accountability models for AI. These concepts prevent corporations, states, or developers from transferring blame to machines. They also support compensation for victims and preventive regulation before harm spreads. Third, Islamic jurisprudence can contribute a balanced approach to innovation. It does not reject technology simply because it is new, nor does it accept technology simply because it is powerful. Instead, it evaluates tools according to purpose, means, consequences, necessity, public welfare, and moral limits. This balance is highly needed in global AI governance, where societies are often divided between technological enthusiasm and technological fear. Fourth, Islamic ethics can broaden global AI discussions by including spiritual, family, communal, and moral dimensions

⁴² IEEE, *Ethically Aligned Design: A Vision for Prioritizing Human Well-Being with Autonomous and Intelligent Systems*, 1st ed. (Piscataway, NJ: IEEE, 2019).

that are sometimes underdeveloped in secular frameworks. Issues such as religious authority, modesty, family stability, halal finance, human dignity before God, and moral accountability are especially important for Muslim societies but can also enrich global debates. Mohammad Hashim Kamali emphasizes that Islamic law seeks moderation, balance, justice, and the realization of human welfare within the guidance of Shariah.⁴³ These values can help shape an AI governance model that is neither rigid nor permissive, but principled and humane. In conclusion, global AI ethics and Islamic jurisprudence share many concerns, including fairness, accountability, transparency, privacy, safety, and human dignity. However, Islamic jurisprudence offers a distinctive contribution by grounding these concerns in revelation, maqasid al-Shariah, moral accountability, and a holistic understanding of human welfare. The future of AI governance should therefore not be dominated by a single secular or corporate model. It should include diverse moral traditions, including Islamic jurisprudence, so that artificial intelligence serves human dignity, justice, and ethical life across different civilizations.

12: Conclusion, Recommendations, and Future Research Directions

12.1 Major Findings on AI and Fiqhi Responses

This article has examined artificial intelligence through the lens of Islamic jurisprudence, ethical responsibility, and contemporary technological transformation. The central finding is that AI is not merely a technical tool; it is a moral, legal, social, and religious challenge that requires serious fiqhi engagement. Artificial intelligence affects religious authority, finance, medicine, privacy, family life, public governance, liability, and human dignity. Therefore, Islamic jurisprudence cannot remain silent or reactive. It must offer a principled framework rooted in the Qur'an, Sunnah, *usul al-fiqh*, *maqasid al-Shariah*, legal maxims, and contemporary expert knowledge. The first major finding is that Islamic law possesses strong internal tools for responding to AI. Concepts such as *ijtihad*, *qiyas*, *maslahah*, *istihsan*, *sadd al-dhara'i*, *'urf*, *daman*, and *maqasid al-Shariah* allow jurists to evaluate new technological realities without abandoning the foundations of Shariah. AI does not require a break from Islamic legal tradition; rather, it requires a revival of disciplined legal reasoning. The challenge is not that Islamic jurisprudence lacks principles, but that scholars, institutions, and policymakers must apply these principles carefully to complex digital realities. The second major finding is that AI should be understood as morally dependent on human actors. Machines do not possess *taklif*, intention, conscience, or accountability before Allah. Therefore, when AI produces harm, responsibility must be traced to developers, users, companies, institutions, regulators, and those who deploy the technology. This principle is especially important in fatwa production, medical diagnosis, financial transactions, surveillance, and legal decision-making. AI may assist human judgment, but it cannot replace qualified human responsibility. The third finding is that *maqasid al-Shariah* provide a strong ethical framework for AI governance. If AI protects religion, life, intellect, lineage, property, dignity, justice, and public welfare, it may be encouraged under proper safeguards. If it threatens these objectives through bias, deception, surveillance, manipulation, misinformation, or moral corruption, it must be restricted or prohibited. UNESCO's Recommendation on AI ethics also emphasizes human rights, transparency, fairness, and human oversight, which shows meaningful

⁴³ Mohammad Hashim Kamali, *The Middle Path of Moderation in Islam: The Qur'anic Principle of Wasatiyyah* (Oxford: Oxford University Press, 2015).

overlap between global AI ethics and maqasid-based concerns.⁴⁴

12.2 Practical Recommendations for Scholars, Policymakers, and Developers

The first recommendation is that Muslim scholars should not treat AI as a marginal issue. AI is already shaping religious learning, finance, healthcare, education, social morality, and public decision-making. Therefore, fatwa councils, Islamic universities, Shariah boards, and research institutions should create specialized committees for AI ethics and Islamic jurisprudence. These committees should include scholars of fiqh, *usul al-fiqh*, maqasid, computer science, law, medicine, finance, sociology, and public policy. The second recommendation is that AI should be classified according to risk. Low-risk AI tools, such as grammar correction or simple data organization, may require basic ethical guidance. Medium-risk tools, such as educational platforms or customer service systems, may require transparency and review. High-risk tools, such as AI fatwa systems, medical diagnosis tools, financial decision engines, surveillance platforms, and legal decision systems, must require strict Shariah review, technical auditing, human oversight, and accountability mechanisms. NIST describes its AI Risk Management Framework as a tool to manage risks to individuals, organizations, and society, which can be adapted within Muslim contexts through maqasid and fiqhi principles.⁴⁵ The third recommendation is that AI-generated fatwas should not be accepted as independent legal rulings. AI may support Islamic research, source retrieval, translation, and comparison of juristic views, but final fatwa authority must remain with qualified scholars and recognized institutions. AI-generated religious content should include clear warnings that it is not a substitute for a mufti, especially in matters of marriage, divorce, inheritance, finance, medical ethics, and personal obligations. The fourth recommendation is that Muslim developers should design AI according to Islamic ethical values. This means protecting privacy, preventing harm, avoiding deception, reducing bias, ensuring fairness, and preserving human dignity. Developers should not assume that a product is acceptable simply because it is profitable or popular. In an Islamic framework, innovation must remain connected to moral responsibility. AI systems should be explainable, auditable, and subject to human review, especially when they affect rights, religion, life, wealth, or reputation. The fifth recommendation is that Muslim governments and institutions should develop regulatory policies for AI. These policies should include data protection, child safety, protection from deepfakes, prohibition of harmful surveillance, rules for AI in finance, safeguards for medical AI, and accountability for institutional misuse. OECD AI Principles promote trustworthy AI that respects human rights and democratic values, and Muslim societies can engage such global frameworks while grounding their own models in Shariah-based ethics.

12.3 Future Research on AI, Ijtihad, and Islamic Legal Theory

Future research should focus on developing a detailed fiqhi methodology for AI. One important area is the relationship between AI and *ijtihad*. Scholars need to examine whether AI can assist juristic reasoning, how far such assistance may go, and what limits must be maintained. AI may help organize legal texts, identify patterns in fatwa

⁴⁴ UNESCO, Recommendation on the Ethics of Artificial Intelligence (Paris: UNESCO, 2021).

⁴⁵ National Institute of Standards and Technology, Artificial Intelligence Risk Management Framework (AI RMF 1.0) (Gaithersburg, MD: NIST, 2023).

collections, and compare views across madhahib, but it cannot perform ijtiḥad as a morally accountable jurist. This distinction needs deeper theoretical development. A second research area is AI and maqasid al-Shariah. Future studies should develop maqasid-based indicators for AI evaluation. For example, researchers can create frameworks to measure how an AI system affects religion, life, intellect, family, property, privacy, dignity, justice, and public welfare. Jasser Auda's systems approach to maqasid can be especially useful here because it encourages multidimensional and purpose-based legal analysis rather than narrow literalism.⁴⁶ A third research area is AI liability in Islamic law. Scholars should study how classical rules of *daman*, *ta'addi*, *taqsir*, causation, negligence, and compensation can apply to AI harms. This is especially necessary for autonomous vehicles, medical AI, financial algorithms, surveillance systems, and generative AI. The question of responsibility must be developed in a way that prevents corporations and institutions from hiding behind machine complexity. A fourth research area is Islamic digital family ethics. AI companions, virtual relationships, deepfakes, child data, and algorithmic influence on youth require detailed study. These issues affect modesty, family stability, honor, privacy, and moral upbringing. Islamic family law must therefore expand its engagement with digital life. In conclusion, artificial intelligence is one of the most important contemporary challenges facing Islamic jurisprudence. It offers real benefits, but it also creates serious ethical risks. A balanced fiqhi response should neither reject AI blindly nor accept it uncritically. Instead, it should evaluate AI through Shariah sources, maqasid, public welfare, harm prevention, accountability, and human dignity. If guided properly, AI can serve knowledge, health, finance, education, and social benefit. If left uncontrolled, it can damage religion, privacy, family, justice, and moral agency. The future task of Islamic jurisprudence is therefore to ensure that artificial intelligence remains a tool under ethical human responsibility, not a force that replaces moral judgment and divine accountability.

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⁴⁶ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008)

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