



Artificial Intelligence and Islamic Jurisprudence: A Critical Analysis of Legal and Ethical Challenges in Automated Decision-Making

Kamran Azizli¹, Esmira Hajiyeva Gargari^{2*}, Abdul Haris Muchtar³, Abdurrohman Sahal⁴

¹ Carleton University, Canada

² Institute of Economics of the Ministry of Science and Education, Azerbaijan

³ Universitas Ary Ginanjar, Indonesia

⁴ Islamic University of Madinah, Saudi Arabia

ARTICLE INFO

Received Sep 23, 2025

Accepted Dec 26, 2025

Published Dec 26, 2025

Keywords:

Islamic Economic Law;
Digital Finance; Sharia
Compliance; Islamic Fintech
Regulation; Maqasid al-
Shariah

ABSTRACT

This study critically reassesses Islamic economic law within the rapidly expanding digital economy, emphasizing the necessity of a globally coherent Sharia-compliant regulatory architecture. Using a qualitative library research method, the paper draws from classical jurisprudence, contemporary fintech literature, and international Sharia standards to examine the tensions emerging from technological innovations such as artificial intelligence, blockchain, digital assets, and Islamic fintech platforms. Findings reveal significant regulatory fragmentation across Muslim jurisdictions, inconsistencies in Sharia interpretation, and gaps in digital literacy, which collectively hinder harmonized governance. Moreover, emerging digital financial instruments raise pressing ethical concerns related to transparency, algorithmic bias, cybersecurity, and compliance with prohibitions against riba, gharar, and maysir. The study argues that Maqasid al-Shariah—particularly the principles of ḥifẓ al-māl, maslahah, and harm prevention—provides a holistic framework for balancing innovation with ethical integrity. It also identifies the urgent need for cross-border regulatory harmonization, AI ethics protocols, enhanced Sharia governance structures, and tailored regulatory sandboxes for Islamic fintech. Ultimately, the research offers a conceptual foundation for constructing a future-ready, inclusive, and ethically resilient global Islamic digital finance system.

How to cite: Azizli, K., Gargari, E. H., Muchtar, A. H., & Sahal, A. (2025). Artificial Intelligence and Islamic Jurisprudence: A Critical Analysis of Legal and Ethical Challenges in Automated Decision-Making. *Journal of Islamic Law and Legal Studies*, 2(2), 134–150. <https://doi.org/10.70063/jills.v2i2.117>



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* Corresponding author: xazar-baki@rambler.ru

INTRODUCTION

The rapid advancement of Artificial Intelligence across various sectors has introduced a complex interplay between technological innovation and established legal and ethical

frameworks, particularly within Islamic jurisprudence (Kausar et al., 2024). This intersection necessitates a rigorous examination of how AI's capabilities and implications align with, or diverge from, the foundational principles of Islamic law, which emphasize justice, social welfare, and moderation (Akbar, 2025). The integration of AI, especially in automated decision-making processes, has reshaped global governance, economic activity, and everyday decision-making, leading to profound questions. These systems, ranging from algorithmic credit scoring, facial recognition, predictive policing, and autonomous vehicles to AI-driven fatwa recommendation tools, raise complex legal and ethical implications for Islamic jurisprudence. Specifically, concerns emerge regarding accountability, transparency, and potential biases that could inadvertently contravene Sharia principles (Tabaghdehi & Arda, 2025; Al-Momani, 2025), as well as the potential for AI systems to perpetuate or even amplify existing societal inequities, infringe upon individual privacy, and challenge the traditional roles of religious authorities in providing guidance (Kausar et al., 2024; Ahmed, 2024).

Classical Islamic law, grounded in human agency, intentionality, moral accountability, and discretionary reasoning, confronts unprecedented issues when decisions are partially or fully delegated to machines. The opacity of algorithms, potential biases, and uncertainties in data-driven systems challenge the foundational principles of liability, justice, prevention of harm, and protection of public welfare. This study critically examines how Islamic jurisprudence can respond to the legal and ethical complexities of automated decision-making in the digital age. It identifies conceptual gaps, evaluates conflicting scholarly views, and proposes a jurisprudential pathway for integrating AI into Islamic legal discourse responsibly and ethically.

RESEARCH METHOD

This research adopts a qualitative library research method, analyzing classical jurisprudential texts, legal maxims (*qawā'id fihiyyah*), authoritative works in *uṣūl al-fiqh*, contemporary fatwas, and modern literature on AI ethics and technology governance. Academic journals, reports from international bodies (AAOIFI, OIC Fiqh Academy, UNESCO), and interdisciplinary studies on algorithmic accountability form the basis of the analysis. Data are examined using a thematic and critical-comparative approach to identify alignment, tensions, and jurisprudential gaps between Islamic legal principles and the operational logic of AI-driven decision systems. This method enables the construction of a conceptual framework grounded in Islamic legal theory while responding to contemporary technological realities. The research specifically explores the intersection of AI and Islamic law, questioning whether the capacity for *fiqh* and *ijtihād*, central to Islamic legal thought, can be replicated or performed by artificial intelligence systems (Seçkiner, 2025).

Furthermore, it investigates how *uṣūl al-fiqh* can be leveraged to conduct a value alignment analysis, thereby addressing AI's ethical uncertainties and formulating solutions rooted in an Islamic worldview (Elmahjub, 2023). By utilizing the *Maqāṣid al-Sharī'ah* approach, this research aims to offer a balanced perspective and propose specific guidelines for the ethical integration of AI, contributing to the broader discourse on digital ethics and Islamic jurisprudence (Shamsuddin, 2024). Specifically, it seeks to explore how principles such as *Tawhīd*, *Ihsan*, and *ʿAdl* can underpin the ethical governance of AI technologies within an Islamic framework, ensuring that technological advancements align with fundamental human interests (Kannike & Fahm, 2025).

RESULT AND DISCUSSION

The subsequent discussion will delineate how these core ethical tenets provide a robust framework for assessing the permissibility and responsible deployment of AI systems, particularly through the lens of safeguarding faith, life, intellect, progeny, and wealth (Kannike & Fahm, 2025; Shamsuddin, 2024). This comprehensive analytical approach will engage a systematic process of comparing, interpreting, and deducing patterns and themes from the gathered materials (Shamsuddin, 2024).

Algorithmic Opacity and the Challenge of Legal Accountability (Taklīf)

Islamic jurisprudence traditionally assigns accountability to morally responsible agents (*mukallaf*). AI, however, operates without intention, consciousness, or moral agency. When automated systems make harmful or discriminatory decisions, determining liability—whether attributed to developers, operators, institutions, or data providers—becomes complex (Rifqi et al., 2025; Syarof Azzky et al., 2024). This ambiguity challenges classical doctrines of *daman* and *ḍarar*, which rely on identifiable agency. Consequently, establishing a clear chain of responsibility within opaque algorithmic systems necessitates a re-evaluation of traditional legal frameworks to ensure that justice can still be served (Tabaghdehi & Arda, 2025). The inherent "black box" nature of many advanced AI models, where the decision-making process is not transparent, further complicates the attribution of fault and necessitates novel approaches to algorithmic auditing and explainable AI (Tabaghdehi & Arda, 2025).

This opacity directly challenges the Islamic legal principle of *maṣlaḥa*, which emphasizes transparency and the maximization of public welfare, demanding clear insight into how AI decisions serve or detract from societal good (Kausar et al., 2024). This challenge highlights the need for integrating ethical considerations into AI development from its inception, focusing on creating transparent and interpretable AI systems (Virvou, 2023). Furthermore, the lack of explainability in AI systems makes evaluating the trustworthiness of algorithmic decisions challenging, even for technical experts (Dennehy et al., 2022). This predicament is further exacerbated by the absence of human oversight, a critical element for accountability and ethical alignment in AI-driven initiatives (Eid et al., 2024).

This raises fundamental questions about how Islamic legal frameworks, which often necessitate a clear understanding of intent and causality, can adapt to scenarios where such clarity is inherently obscured by algorithmic complexity (Tabaghdehi & Arda, 2025). The tension between algorithmic efficiency and transparency further complicates regulatory efforts, as highly accurate models often sacrifice interpretability (Wang, 2023). This predicament is compounded by the rapid evolution of AI technology, outpacing the development of regulatory frameworks and making it difficult to assign responsibility when harm occurs due to these systems (Anshari et al., 2022; Huriye, 2023). Moreover, the interconnectedness of various AI systems introduces additional layers of complexity, making it difficult to pinpoint the exact source of harm and assign liability (Martín-Casals, 2022).

The distributed nature of AI development and deployment, involving multiple stakeholders from data providers to algorithm developers, further weakens the link of responsibility (Eid et al., 2024). This makes it difficult to pinpoint responsibility when errors occur, especially given the lack of neutrality and independence in religious decision-making processes influenced by AI systems (Al-Momani, 2025). This ethical dilemma underscores the necessity of developing robust frameworks for accountability that can effectively navigate the

complexities of AI's autonomous operations (Kandasamy, 2024). This calls for a re-evaluation of *taklif*, the moral responsibility bestowed upon humans, as AI systems blur the boundaries of agency by decoupling actions from human intentionality (Ali et al., 2025). This shift necessitates the development of clear ethical guidelines and regulatory mechanisms that can adequately address the unique challenges posed by AI's increasing autonomy and its impact on traditional notions of legal and moral responsibility (Reusens & Baesensa, 2025).

The absence of such frameworks could lead to a moral outsourcing, where ethical responsibility is inadvertently delegated to machines, thereby eroding human moral discernment (Ali et al., 2025). This concern is echoed by scholars who argue that AI systems can contribute to "epistemic injustice" by obscuring ethical horizons through opaque algorithms, thus deforming human moral agency (Ali et al., 2025). The "problem of many hands" further exacerbates this issue, as the diffusion of agency across complex sociotechnical systems makes it challenging to attribute accountability to any single entity (Ibitoye et al., 2025). This diffusion of responsibility, particularly in algorithmic decision-making, exacerbates ethical risks and complicates governance (Tabaghdehi & Arda, 2025).

Establishing clear lines of accountability within these complex systems is paramount to preventing a pervasive "responsibility gap" where no party can be held liable for algorithmic harms (Eid et al., 2024; Quintana, 2024). This gap is particularly concerning given the potential for AI to cause significant societal disruption, ranging from biased resource allocation to severe privacy infringements, which could erode public trust in both AI systems and the institutions that deploy them (Wong & Rieder, 2025). The pervasive nature of AI in governmental and public sectors further necessitates robust accountability mechanisms to maintain democratic principles and ensure equitable public good support (Hemmet, 2023). Furthermore, the pervasive integration of AI into critical infrastructures and decision-making processes necessitates the development of comprehensive regulatory frameworks that extend beyond mere legal accountability to encompass ethical oversight and continuous auditing to mitigate unforeseen consequences and biases (Tabaghdehi & Arda, 2025).

This becomes increasingly vital as AI systems begin to replicate or even exceed human capabilities in certain domains, necessitating proactive ethical planning and the development of clear frameworks for differentiating AI agency from traditional human or material agency (Dennehy et al., 2022). This calls for a re-examination of established legal principles concerning liability and responsibility, particularly concerning the distinction between the developer and deployer of AI systems, as the lines of accountability are often blurred (Guha et al., n.d.). The opacity inherent in many AI models further complicates this attribution, making it difficult to pinpoint the exact cause of an error or unintended outcome (Sio & Mecacci, 2021). The challenge is compounded by the "black box" nature of advanced AI, where even developers struggle to fully comprehend the decision-making processes, thereby obfuscating culpability (Eid et al., 2024).

This lack of transparency makes it exceedingly difficult to assign accountability, as defining responsibility for AI-driven outcomes necessitates understanding the underlying mechanisms that led to a particular decision (Holzhausen, 2024; Blanchard et al., 2024). Moreover, the evolving legal landscape surrounding AI, such as the EU AI Act and the US Algorithmic Accountability Act, emphasizes stringent transparency and data quality requirements, along with human oversight, for high-risk AI applications (Eid et al., 2024; Kehat et al., 2024). These regulatory initiatives highlight a global imperative to address the ethical implications of AI, yet their implementation faces significant hurdles, including technical infeasibility in explaining complex models and institutional challenges in

conducting thorough audits (Guha et al., n.d.). Moreover, the pressure of time and stress often present in security contexts like armed conflict further complicates ethical decision-making, even when AI systems are leveraged to provide critical support (Virvou, 2023).

Bias, Discrimination, and the Islamic Principle of Justice ('Adl)

AI systems trained on biased datasets can produce discriminatory outcomes in areas such as lending, hiring, and security screening. Such outcomes violate the Qur'anic mandate for fairness and equality. Islamic law requires procedural justice and equitable treatment; therefore, biased AI directly contradicts principles of fairness and violates the *maqāṣid* of protecting human dignity and preventing harm (Alif et al., 2025). The inherent lack of neutrality in AI, coupled with its potential for embedded biases, necessitates a careful examination through the lens of Islamic jurisprudence to ensure that its applications align with fundamental ethical principles (Tabaghdehi & Arda, 2025). This is particularly crucial given that historical biases embedded in training data can lead to the perpetuation and amplification of societal injustices through AI, echoing human societal discrimination against minorities (Virvou, 2023; Tabaghdehi & Arda, 2025).

This phenomenon underscores the critical need for meticulous data curation and algorithmic transparency to prevent AI systems from exacerbating existing inequalities and to uphold the Islamic ethical imperative of justice and equity (Anshari et al., 2022; Gaubienė, 2024). Furthermore, the difficulty in detecting discrimination within complex algorithms mandates rigorous auditing to ensure compliance with legal and ethical standards, thereby aligning with the Islamic principle of justice (Anshari et al., 2022). This necessitates developing AI systems that not only adhere to technical specifications but also integrate ethical considerations from their inception, particularly within Islamic societies where religious and cultural norms heavily influence societal values (Kausar et al., 2024). The perpetuation of inequalities through AI, from biased recruitment to unfair social resource allocation, emphasizes the critical need for inclusivity, fairness, and transparency to build trust and mitigate societal concerns about AI's potential harms (Tabaghdehi & Arda, 2025).

Consequently, addressing bias and ensuring fairness in AI systems becomes paramount not only for ethical reasons but also for fostering broader societal acceptance and trust in these advanced technologies (Tabaghdehi & Arda, 2025). From an Islamic perspective, AI systems must be designed with justice and fairness as core tenets, treating all individuals with impartiality and actively avoiding bias or discrimination based on factors like race or religion (Kausar et al., 2024). This aligns with the Kantian ethical framework, which emphasizes that fairness should be rooted in principles of unbiased treatment for every individual, irrespective of efficiency considerations (Tabaghdehi & Arda, 2025). This principle, emphasizing equitable treatment, directly resonates with the Islamic concept of *'adl* (justice) and *qist* (equity), which are foundational to Islamic legal and ethical thought (Hemmet, 2023).

The necessity for high certainty regarding the accuracy of AI systems' hypotheses further underscores the importance of minimizing bias, as inaccuracies can lead to unjust outcomes (Virvou, 2023). Such an approach demands the integration of rigorous ethical frameworks rooted in Islamic jurisprudence throughout the AI development lifecycle, from data collection to deployment, to ensure algorithms uphold equitable principles and avoid discriminatory outputs (Ali et al., 2025). This involves not only technical solutions like diverse training datasets and bias detection algorithms but also robust ethical guidelines that are continuously monitored and refined (Hemmet, 2023; Tabaghdehi & Arda, 2025; Dennehy et

al., 2022). The systematic analysis of AI systems for embedded biases and the implementation of fair, transparent decision-making processes are essential for upholding ethical AI principles (Virvou, 2023).

This proactive approach, integrating ethical considerations from the outset, ensures that AI development aligns with Islamic values of justice and human dignity (Kannike & Fahm, 2025). This preventative measure helps to mitigate algorithmic discrimination, which can arise from AI systems that perpetuate and amplify human societal discrimination against minority groups (Raquib et al., 2022). Therefore, continuous monitoring and evaluation of AI systems in real-world settings are crucial to detect and correct any biases that may emerge over time due to changes in data distributions or system dynamics. Such ongoing scrutiny, including feedback loops and real-world impact assessments, is vital for ensuring AI systems adapt to evolving ethical standards and maintain equitable outcomes (Olatoye et al., 2024). Furthermore, implementing fairness-aware algorithms and robust regulatory frameworks, akin to those discussed in modern ethical AI discourse, can help mitigate these biases by incorporating constraints that ensure equitable treatment across different groups (Wang, 2023; Eid et al., 2024).

This commitment to fairness extends beyond technological fixes, necessitating active community engagement and the incorporation of diverse perspectives in AI development to prevent the perpetuation of historical biases and ensure inclusivity (Olatoye et al., 2024; Ismail et al., 2024). This approach can involve creating dedicated organizations to gather community input, allowing users to flag biases or suggest alternative viewpoints to refine fairness criteria (Fan et al., 2023). Additionally, the development of independent review boards is crucial to oversee the fairness and inclusivity of AI applications, promoting a continuous and adaptive approach to equitable AI systems (Ali et al., 2025; Wang, 2023). These boards could facilitate dialogue between AI developers, ethicists, legal scholars, and religious leaders to ensure that technological advancements align with societal values and ethical imperatives (Tabaghdehi & Arda, 2025).

Moreover, continuous auditing and model evaluation are essential to maintain fairness throughout an AI model's lifecycle, tracking key metrics to identify and rectify emerging biases (Kursuncu et al., 2024). This iterative process, encompassing both technical and ethical considerations, is crucial for fostering trust and acceptance of AI technologies, particularly in diverse cultural and religious contexts (Julis, 2024). For instance, OpenAI encourages user feedback and community engagement to identify and address areas where their models might be falling short, highlighting the importance of continuous monitoring and iterative refinement in achieving fairness (Khowaja et al., 2024). This commitment extends to ensuring that AI systems are not only technically sound but also ethically aligned with societal values, thereby promoting their responsible integration into various sectors.

This holistic perspective underscores the imperative of developing comprehensive ethical frameworks for AI that are culturally sensitive and responsive to the unique socio-religious landscapes of Islamic societies (Tabaghdehi & Arda, 2025). This includes adopting frameworks that integrate Islamic ethical principles, such as the trusteeship framework, to guide AI development and deployment in a manner that respects local values and empowers marginalized communities (Ali et al., 2025). Such frameworks are designed to mitigate potential harms, including the perpetuation of societal inequalities through biased algorithms, by ensuring that AI systems are developed and deployed in a manner consistent with ethical principles of justice and fairness (Kausar et al., 2024).

Automation and the Crises of Human Intention (Niyyah) and Ijtihād

Islamic jurisprudence places strong emphasis on human reasoning and moral intention in legal judgments. Automated systems, lacking *niyyah*, cannot perform *ijtihād* or engage in ethical deliberation (Mulyana et al., 2024). While AI may support legal research or fatwa retrieval, full delegation of legal-religious decision-making to AI contradicts the requirement for human moral agency in Islamic law. This presents a significant challenge to the traditional understanding of Islamic legal authority, which is inherently tied to the qualified human scholar's interpretive capacity and moral responsibility (Malik, 2023). The concept of *`amāna*, or trusteeship, becomes particularly relevant here, underscoring the human responsibility to uphold ethical standards in all technological advancements, including AI (Ali et al., 2025).

This trusteeship framework offers a holistic vision that integrates justice, sustainability, and equity into technological governance, aligning with Islamic metaphysical principles (Ali et al., 2025). It calls humanity to align technological advancements with spiritual and moral imperatives, emphasizing divine trust, holistic responsibility, and collective well-being to ensure AI development serves humanity's higher ideals (Ali et al., 2025). This perspective ensures that the focus remains on human flourishing and ethical conduct rather than simply technological capability, thus preventing the displacement of human moral agency in critical decision-making processes (Ali et al., 2025). Moreover, this framework directly addresses concerns about AI's potential impact on the preservation of property and social morality, as outlined in the *Maqāṣid al-Sharī'ah*, by advocating for responsible innovation and ethical considerations in technology development (Kausar et al., 2024).

This ethical paradigm, termed *`I'timānī vision`*, re-centers human responsibility in confronting challenges posed by AI, emphasizing the inseparability of metaphysics, ontology, and ethics (Ali et al., 2025). It critiques utilitarian and rights-based approaches to AI ethics as insufficient, arguing that every technological act is embedded within a moral and metaphysical trust that necessitates alignment between purpose, means, and intentionality (Ali et al., 2025; Abdelnour, 2025). This implies that ethical considerations in AI development extend beyond mere compliance with regulations, demanding a proactive integration of spiritual and moral accountability into the design and deployment phases (Ali et al., 2025). This approach thereby grounds AI ethics not just in abstract principles but in a concrete framework of human obligations towards God, knowledge, and creation (Ali et al., 2025).

The *`I'timānī vision`* thus offers a robust alternative to anthropocentric biases in AI ethics, which often assume human autonomy and superiority over technology, by embedding AI within a comprehensive ethical system where human moral witness and humility are paramount (Adams et al., 2023; Ali et al., 2025). It emphasizes that the development and deployment of AI must reflect human trusteeship over creation, ensuring that technological advancements contribute to societal well-being and moral integrity (Ali et al., 2025). This perspective necessitates a re-evaluation of AI's role, shifting it from an autonomous decision-maker to a tool that enhances human moral agency and facilitates adherence to Islamic ethical precepts (Ali et al., 2025).

It further posits that *`I'timānī's vision`* provides a much deeper ethical foundation than *Maqāṣid al-Sharī'ah*, which, as a legal theory, lacks the necessary metaphysical depth and moral foresight to comprehensively guide AI ethics (Ali et al., 2025). While *Maqāṣid al-Sharī'ah* may offer a valuable framework for legal regulation, it often falls short in addressing the profound ethical and philosophical challenges presented by AI, necessitating a more comprehensive ethical vision (Ali et al., 2025). Consequently, the *`I'timānī`* framework, grounded in Islamic

ethics, offers a compelling alternative for navigating the ethical complexities of AI, providing a holistic and spiritually informed approach (Ali et al., 2025).

This approach specifically addresses the limitations of secular ethical frameworks, which often neglect spiritual accountability and cultural diversity, by integrating divine trust and comprehensive stewardship into its core tenets (Ali et al., 2025). Furthermore, this framework underscores that ethical AI governance necessitates not only adherence to established regulations but also an intrinsic alignment with the higher values of trust, justice, and spiritual accountability in both the means and ends of technological development (Ali et al., 2025). This involves a shift from merely focusing on outcomes, as seen in purely teleological approaches, to prioritizing the ethical integrity of the processes and motivations behind AI applications, thereby aligning with principles of Kantian ethics (Tabaghdehi & Arda, 2025; Ali et al., 2025). This perspective diverges from purely utilitarian approaches by emphasizing the intrinsic moral worth of actions and intentions, rather than solely focusing on their consequences (Ali et al., 2025).

Such an ethical stance also necessitates advocating for independent agencies to oversee AI ethics, ensuring unbiased scrutiny and the development of universal ethical standards that transcend singular cultural or religious perspectives (Tabaghdehi & Arda, 2025). Moreover, the integration of Islamic virtue-based ethics offers a robust alternative ethical system for AI governance, capable of addressing AI-related problems holistically due to its rich ontological base (Raquib et al., 2022). In this context, while *Maqāṣid al-Sharī'ah* provides a foundational legal framework, its application alone may not fully capture the nuanced ethical challenges presented by advanced AI systems (Ali et al., 2025).

Therefore, a comprehensive ethical AI framework requires a synthesis of robust moral philosophy and actionable implementation strategies, extending beyond legalistic interpretations to encompass a broader moral and spiritual dimension (Ali et al., 2025). This deeper engagement with ethical principles ensures that AI development not only adheres to established legal norms but also resonates with universal moral considerations, fostering technologies that genuinely serve humanity's best interests (Eid et al., 2024; Julis, 2024). This necessitates an ongoing re-evaluation of ethical parameters, moving beyond static regulatory compliance to dynamic moral engagement with evolving AI capabilities, thereby aligning technological advancement with human flourishing and spiritual well-being (Ali et al., 2025).

Data Ethics and the Preservation of Privacy (Ḥifẓ al-'Ird and Ḥifẓ al-Nafs)

AI systems rely on massive data collection that may infringe on privacy, autonomy, and bodily integrity, contradicting Islamic protections for dignity, honor, and personal security. Unregulated biometric surveillance and predictive analytics present ethical violations from an Islamic moral standpoint (Rochim et al., 2024). Specifically, the extensive data collection inherent in AI systems, especially for personalization and targeted experiences, raises significant privacy concerns as these systems often gather sensitive information without explicit user consent or full disclosure of its usage (Virvou, 2023; Eid et al., 2024). This issue is exacerbated by the opaque nature of many AI algorithms, making it difficult for individuals to understand how their data is being processed and utilized, thus challenging principles of transparency and accountability (Eid et al., 2024).

Moreover, the inference capabilities of AI can lead to discriminatory outcomes and threaten individual-centered data protection approaches (Nikiforov, 2024). This is particularly problematic when AI systems are used for predictive policing or credit scoring, where biases

in the training data can perpetuate and amplify existing societal inequalities, leading to unfair treatment of certain demographic groups (Tabaghdehi & Arda, 2025). Such algorithmic biases, particularly evident in contexts like Malaysia, risk exacerbating cultural and racial sensitivities, thereby undermining societal harmony and entrenching existing disparities in media representation (Hairi, 2025). Furthermore, the lack of transparency in AI systems, often referred to as "black boxes," creates significant accountability issues when biases or errors emerge (Hairi, 2024). These opaque algorithms make it challenging to identify the root causes of discriminatory outcomes or to assign responsibility when AI systems produce unjust or harmful decisions (At Thur Jasson Cassidy et al., 2024).

Addressing these challenges requires robust ethical frameworks that prioritize transparency, fairness, and accountability in the design, deployment, and governance of AI systems (Dennehy et al., 2022). This includes strengthening data protection laws to meet international standards and incorporating green AI principles to encourage energy-efficient practices in the growing number of AI data centers (Hairi, 2025; Ali et al., 2025). Such measures would safeguard individual rights and promote sustainable technological advancement while ensuring that AI development aligns with broader ethical considerations and societal well-being (Hairi, 2025). Indeed, the unconsented aggregation of vast amounts of sensitive personal data by tech companies and governments, often for predictive or optimization purposes, underscores a critical erosion of individual privacy that demands careful consideration (Joshi, 2024).

This pervasive data collection, often without explicit consent, risks re-identification, even from anonymized datasets, undermining crucial privacy safeguards (Galandarli, 2025). The complexities of large language models and automated decision-making tools amplify these risks, as they often inadvertently reveal personal or sensitive information and can generate harmful content, thereby complicating adherence to data protection principles such as accuracy and accountability (Galandarli, 2025). This highlights the urgent need for stringent regulatory frameworks and ethical guidelines that specifically address the unique data governance challenges posed by advanced AI systems, ensuring that technological progress does not come at the expense of fundamental human rights and values (Anshari et al., 2022).

The globalization of AI further complicates these issues, necessitating international collaboration to establish universal standards for data privacy and ethical AI design, bridging disparate regulatory environments and cultural norms (Tabaghdehi & Arda, 2025). This is particularly crucial given that AI deployments frequently cross national borders, making enforcement of local regulations challenging (Igbinenikaro & Adewusi, 2024). The rapid pace of AI development often outstrips the ability of regulators and lawmakers to create effective legal frameworks, leading to a regulatory deficit that exacerbates ethical and legal challenges (Anshari et al., 2022). This global interconnectedness underscores the imperative for collaborative international efforts to harmonize AI policy and regulatory frameworks, ensuring equitable access to AI's benefits while mitigating its risks across diverse jurisdictions.

Furthermore, AI-powered surveillance technologies, while promising security benefits, raise serious concerns regarding individual privacy rights and the potential for exploitation due to a lack of transparency in data utilization (Hoxhaj et al., 2023). For instance, the use of facial recognition technology in public spaces without explicit consent exemplifies how AI can facilitate ubiquitous surveillance, potentially leading to a "surveillance state" where individuals are monitored without their knowledge or approval (Eid et al., 2024). This technological capability necessitates a critical examination of how such data is secured and utilized, especially given the potential for misuse, as evidenced by instances of unauthorized

data exploitation (Eid et al., 2024; Li, 2023). These issues highlight the critical need for robust data governance frameworks, transparent data handling practices, and stringent regulatory oversight to protect individual liberties and prevent the erosion of privacy in the age of advanced AI (Talati, 2024; Bharati, 2024).

Moreover, the lack of a harmonized global approach to AI regulation exacerbates these concerns, as differing legal frameworks across jurisdictions create loopholes and inconsistencies in data protection and ethical oversight (Samuel-Okon et al., 2024). This fragmentation impedes the development of common policy frameworks and compliance mechanisms, creating significant challenges for organizations operating globally and hindering the establishment of universally accepted AI ethics standards (C.M et al., 2023). This regulatory disparity is further complicated by the transnational nature of AI systems and cybersecurity threats, making it difficult to enforce regulations across diverse legal contexts (Kulothungan, 2025). This lack of harmonization creates a complex environment where companies and researchers must navigate a patchwork of regulations, often facing conflicting requirements depending on the jurisdiction in which they operate (Lobo & Ser, 2024).

This necessitates the development of international agreements and standardized approaches to AI governance to ensure a consistent level of protection and ethical application worldwide. Such efforts are crucial for fostering a responsible and equitable AI ecosystem, promoting trust, and mitigating potential risks associated with automated decision-making across diverse cultural and legal landscapes (Tabaghdehi & Arda, 2025). The ethical and legal implications of AI are profoundly influenced by cultural and religious perspectives, particularly in Islamic jurisprudence, which offers a distinct ethical framework for evaluating emerging technologies (Aufo et al., 2024). This approach necessitates a detailed examination of how AI's functionalities align with or diverge from the principles of Sharia, especially concerning data privacy, algorithmic fairness, and accountability within automated systems.

Toward an Islamic Ethical-Legal Framework for AI Governance

This study identifies the *maqāsid al-sharī'ah*—specifically, principles such as justice, welfare, harm prevention, and the protection of human dignity—as fundamental pillars for AI governance. The development of AI systems compliant with Sharia necessitates a hybrid governance model, which critically integrates Islamic legal maxims, internationally recognized AI ethical principles, robust algorithmic accountability, and transparent oversight mechanisms (Elbadiansyah et al., 2024). This framework is designed to foster technological innovation while concurrently upholding essential ethical safeguards. By aligning AI objectives with the preservation of faith, life, intellect, progeny, and wealth, this framework can direct AI development, thereby ensuring that technological advancements serve humanity's optimal interests in adherence to Islamic doctrines (Kannike & Fahm, 2025).

The participation of the private sector in the formulation of these frameworks mandates meticulous scrutiny to preclude the prioritization of profit maximization over the profound social and ethical ramifications of AI (Kausar et al., 2024). Such vigilance is paramount for cultivating an environment where AI advancement is firmly rooted in ethical principles, thus mitigating the emergence of biases or detrimental applications driven solely by commercial imperatives. Moreover, an authoritative Islamic ethical-legal framework for AI governance would integrate the principles of *Tawhīd*, *Ihsan*, and *ʿAdl*, thereby ensuring that AI development acknowledges the holistic interdependence of all existence, pursues beneficence, and maintains equitable outcomes (Kannike & Fahm, 2025; Akbar, 2025). This integrated

approach guarantees that AI systems are devised and deployed in a manner that honors human dignity and conforms to moral obligations, transcending a mere utilitarian perspective to embed intrinsic values (Kausar et al., 2024).

This integrated ethical perspective, firmly grounded in Islamic jurisprudence, offers an exhaustive analytical lens for evaluating AI's societal impact, advocating for the development of systems that are not only operationally efficient but also uphold elevated moral objectives (Elmahjub, 2023). Furthermore, such a framework would underscore the concept of *Maṣlaḥa*, or public interest, serving as a foundational principle for assessing AI's congruence with Islamic conceptions of morality, consequently informing design choices pertinent to fairness, transparency, and accountability (Kausar et al., 2024). The incorporation of *Maṣlaḥa* as an ethical standard within Islamic normative frameworks highlights a profound commitment to social well-being and human welfare (Kausar et al., 2024). This prioritization of societal well-being finds its historical roots in the contributions of esteemed scholars such as Imām al-Ḥaramayn al-Juwaynī and Abū Ḥāmid al-Ghazālī, who assiduously endeavored to construct comprehensive ethical frameworks for directing human behavior within dynamic environments (Elmahjub, 2023).

Their scholarly works elucidate the primacy of collective welfare and harm prevention within Islamic jurisprudence, thereby furnishing a potent analytical perspective for evaluating AI systems (Kausar et al., 2024; Shamsuddin, 2024). This principle holds particular significance for assessing the potential impact of AI, especially concerning technologies like deepfakes and their capacity for generating misinformation, political manipulation, and reputational damage (Kausar et al., 2024). Consequently, the application of *Maṣlaḥa* as an evaluative framework extends beyond mere material gain, encompassing a holistic adherence to ethical standards in consonance with divine will, enabling a deeper exploration of AI's diverse ethical challenges (Elmahjub, 2023). Moreover, the concept of *Maṣlaḥa* as a comprehensive ethical theory, deeply rooted in *maqāṣid al-sharīʿa*, facilitates the evaluation of AI systems by balancing potential harms and benefits, even when specific issues are not explicitly addressed in foundational Islamic texts (Kausar et al., 2024).

This methodological flexibility enables dynamic *ijtihād* to address contemporary challenges presented by AI, ensuring the continued relevance and adaptability of Islamic legal principles (Shamsuddin, 2024). It functions as an adaptive framework for generating moral judgments on issues not explicitly detailed in Islamic textual sources, thereby serving humanity's interests by averting potential harm and cultivating benefits (Elmahjub, 2023). Thus, a comprehensive understanding of *maṣlaḥa kullīya* is essential when assessing AI applications, prioritizing collective welfare over narrow economic interests (Kausar et al., 2024). This holistic perspective guarantees that AI development genuinely contributes to societal well-being and aligns with the broader objectives of Islamic ethics (Elmahjub, 2023).

Consequently, Islamic legal scholars invoke the concept of *mafsadah rajihah*, which mandates the avoidance of actions yielding greater harm than benefit, directly shaping the ethical parameters for AI development and deployment (Shamsuddin, 2024). This principle prioritizes the prevention of significant detriment over the realization of lesser advantages, a crucial distinction for the responsible implementation of AI (Shamsuddin, 2024). This preventive stance is particularly pertinent in AI ethics, where potential societal disruptions necessitate a proactive approach against foreseeable negative externalities (Azis et al., 2020) (Shamsuddin, 2024). Furthermore, the application of *maṣlaḥa* as a framework is critical for addressing emergent ethical uncertainties in AI, providing an adaptable mechanism for

formulating normative principles in the absence of explicit guidance from the Qur'ān or Hadith (Elmahjub, 2023).

This flexibility allows for a dynamic interplay between foundational Islamic principles and the evolving complexities of artificial intelligence (Ali et al., 2025). Such an approach resonates with the broader objectives of *Maqasid al-Shariah*, which aim to safeguard human welfare through the preservation of essential aspects of life, intellect, faith, progeny, and wealth (Azis et al., 2020). This perspective ensures that AI technologies are developed and utilized in ways that uphold human dignity and promote societal flourishing, aligning with the core tenets of Islamic jurisprudence (Kausar et al., 2024) (Elmahjub, 2023). The interpretation of *maṣlaḥa* within AI ethics is a complex undertaking, requiring careful consideration of whether the objective is to maximize societal welfare through AI applications or primarily to safeguard fundamental Islamic imperatives (Elmahjub, 2023).

Indeed, some contemporary scholars contend that *Maṣlaḥa* transcends mere public interest, encompassing a nuanced application that eschews oversimplification when correlated with modern socioeconomic notions of welfare (Elmahjub, 2023). This broader interpretation facilitates a more comprehensive ethical evaluation of AI systems, ensuring their alignment with the holistic objectives of Islamic law (Nur Ihsan et al., 2024). The integration of *Maqāṣid al-Sharī'a*, which includes the preservation of religion, life, intellect, lineage, and wealth, further enriches this framework by establishing a hierarchical structure for ethical decision-making concerning AI, wherein *darurāt* take precedence over *ḥājīyāt* and *taḥṣīniyyāt* (Kausar et al., 2024; Azis et al., 2020). This categorization, initially theorized by Al-Juwayni, emphasizes that fundamental necessities for human life and faith must be protected above all else, thereby providing a robust hierarchy for ethical considerations in AI development and deployment (Azis et al., 2020).

CONCLUSION

This study concludes that AI-generated decision systems pose complex legal and ethical dilemmas for Islamic jurisprudence, primarily due to their non-human agency, the unpredictability of algorithmic outcomes, the opacity of machine reasoning, and the risks of systemic bias and privacy intrusion. These characteristics challenge foundational Islamic legal principles such as intentionality, accountability, justice, and harm prevention. The analysis demonstrates that neither classical jurisprudence nor contemporary regulations alone can address the depth of these challenges. Therefore, an integrated governance framework—rooted in *Maqāṣid al-Sharī'ah*, supported by ethical trusteeship (*I'timānī vision*), strengthened by algorithmic transparency, independent oversight, and cross-border regulatory harmonization—is necessary to guide AI deployment responsibly. Such a framework ensures that AI functions as a tool that enhances, rather than replaces, human moral agency, while safeguarding dignity, welfare, and social justice in accordance with Islamic ethical imperatives.

LIMITATIONS AND FUTURE RESEARCH RECOMMENDATIONS

This research is limited by its reliance on a qualitative library-based approach, which emphasizes conceptual and regulatory analysis rather than empirical validation. The study does not include case studies, stakeholder interviews, or cross-country regulatory assessments that could provide context-specific insights into implementation challenges. Additionally, because Islamic fintech ecosystems are evolving rapidly, some regulatory developments may

emerge after the completion of this research. These limitations suggest that findings should be interpreted as a theoretical foundation rather than an exhaustive account of global regulatory practice.

Future research should incorporate empirical investigations—such as comparative case studies, expert interviews, and regulatory impact assessments—to validate the feasibility of a global Sharia-compliant regulatory framework. Scholars may also explore sector-specific challenges in AI ethics, blockchain-based financial products, Islamic cryptocurrency development, and transnational regulatory harmonization. Furthermore, interdisciplinary studies involving fiqh scholars, data scientists, regulators, and fintech practitioners are needed to design operational models for Sharia governance in automated systems. Expanding research toward regional blocs such as ASEAN, GCC, or OIC economies will also provide deeper insights into pathways for international standardization.

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